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Presidential Documents

Title 3—

The President

Proclamation 8788 of March 26, 2012

To Modify Duty-Free Treatment Under the Generalized System of Preferences and For Other Purposes

By the President of the United States of America

A Proclamation

1. Section 502(b)(2)(E) of the Trade Act of 1974, as amended (the ''1974 Act'') (19 U.S.C. 2462(b)(2)(E)), provides that the President shall not designate any country a beneficiary developing country under the Generalized System of Preferences (GSP) if such country fails to act in good faith in recognizing as binding or in enforcing arbitral awards in favor of United States citizens or a corporation, partnership, or association that is 50 percent or more beneficially owned by United States citizens, which have been made by arbitrators appointed for each case or by permanent arbitral bodies to which the parties involved have submitted their dispute. Section 502(d)(2) (19 U.S.C. 2462(d)(2)) provides that, after complying with the requirements of section 502(f)(2) (19 U.S.C. 2462(f)(2)), the President shall withdraw or suspend the designation of any country as a beneficiary developing country if, after such designation, the President determines that as the result of changed circumstances such country would be barred from designation as a beneficiary developing country under section 502(b)(2). Section 502(f)(2) requires the President to notify the Congress and the country concerned at least 60 days before terminating the country's designation as a beneficiary developing country for purposes of the GSP.

2. Having considered the factors set forth in section 502(b)(2)(E) of the 1974 Act, I have determined pursuant to section 502(d) that it is appropriate to suspend Argentina's designation as a GSP beneficiary developing country because it has not acted in good faith in enforcing arbitral awards in favor of United States citizens or a corporation, partnership, or association that is 50 percent or more beneficially owned by United States citizens, and I will so notify the Congress. In order to reflect the suspension of Argentina's status as a beneficiary developing country under the GSP, I have determined that it is appropriate to modify general note 4(a) of the Harmonized Tariff Schedule of the United States (HTS).

3. Pursuant to section 502(a) of the 1974 Act (19 U.S.C. 2462(a)), the President is authorized to designate countries as beneficiary developing countries and to designate any beneficiary developing country as a least-developed beneficiary developing country, for purposes of the GSP. Section 502(f)(1)(A) (19 U.S.C. 2462(f)(1)(A)) requires the President to notify the Congress before designating any country as a beneficiary developing country. Section 502(f)(1)(B) (19 U.S.C. 2462(f)(1)(B)) requires the President to notify the Congress at least 60 days before designating any country as a least-developed beneficiary country.

4. Pursuant to section 502(a)(1) of the 1974 Act, having considered the factors set forth in section 502(c) (19 U.S.C. 2462(c)), I have determined that the Republic of South Sudan should be designated as a beneficiary developing country under the GSP, and I will so notify the Congress.

5. Pursuant to section 502(a)(2) of the 1974 Act, having considered the factors set forth in section 502(c), I have determined that the Republic

of South Sudan should also be designated as a least-developed beneficiary developing country for purposes of the GSP, and I will so notify the Congress.

6. Section 203(o) of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (the ''CAFTA-DR Implementation Act'') (19 U.S.C. 4033(o)) authorizes the President to proclaim as part of the HTS the provisions set out in Annex 4.1 of the Dominican Republic-Central America-United States Free Trade Agreement (CAFTA-DR).

7. Appendix 4.1-B of Annex 4.1 of the CAFTA-DR provides that ''[f]or purposes of determining whether a good of chapter 62 of the Harmonized System is originating, materials used in the production of such a good that are produced in Canada or Mexico and that would be originating under this Agreement if produced in the territory of a Party shall be considered as having been produced in the territory of a Party.'' For the Dominican Republic, this rule entered into effect only with regard to Mexico. Furthermore, under the terms of Appendix 4.1-B, for operations performed in the Dominican Republic, this rule would no longer apply to Mexican-produced materials 5 years from the date CAFTA-DR enters into force, unless within that 5-year period, the Dominican Republic concludes a free trade agreement with Mexico and provides written notification to the United States and other Parties to the CAFTA-DR that the Dominican Republic and Mexico have taken actions necessary to provide reciprocal application of the rule. The 5-year period expired on March 1, 2012, and the Dominican Republic has not concluded a free trade agreement with Mexico. Accordingly, the rule set out in Appendix 4.1-B to Annex 4.1 of the CAFTA-DR, no longer applies to operations performed in the Dominican Republic, and the HTS must be modified to implement this provision of Annex 4.1.

8. Section 3 of the Haiti Economic Lift Program Act of 2010, Public Law 111–171, amended section 213(b) of the Caribbean Basin Economic Recovery Act, as amended (19 U.S.C. 2703(b)), to extend the duration of duty-free treatment for certain apparel articles qualifying as the product of a beneficiary country under the Caribbean Basin Trade Partnership Act until September 30, 2020. A modification to the HTS needs to be made to reflect this amendment.

9. Presidential Proclamation 8771 of December 29, 2011, modified the HTS to conform it to the International Convention on the Harmonized Commodity Description and Coding System (the ''Convention''). Technical corrections to the HTS are necessary to ensure conformity with the Convention.

10. Presidential Proclamation 8783 of March 6, 2012, authorized the United States Trade Representative 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 made by the Committee for the Implementation of Textile Agreements (CITA) to the list of fabrics, yarns, or fibers in Annex 4-B-1 of the United States-Korea Free Trade Agreement. That authorization erroneously referred to paragraph (6), and instead should refer to paragraph (5) of that proclamation.

11. Section 604 of the 1974 Act (19 U.S.C. 2483) authorizes the President to embody in the HTS the substance of the relevant provisions of that Act, and of other Acts affecting import treatment, and actions 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 title V and section 604 of the 1974 Act, section 203(o) of the CAFTA-DR Implementation Act, and section 301 of title 3, United States Code, do proclaim that:

(1) The designation of Argentina as a beneficiary developing country under the GSP is suspended on the date that is 60 days after the date this proclamation is published in the *Federal Register*.

(2) In order to reflect the suspension of Argentina's designation as a beneficiary developing country under the GSP, general note 4 of the HTS is modified as set forth in section A of the Annex to this proclamation, effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date that is 60 days after the date this proclamation is published in the *Federal Register*.

(3) The Republic of South Sudan is designated as a beneficiary developing country for purposes of the GSP, effective on the date that is 20 days after the date of this proclamation.

(4) In order to reflect this designation in the HTS, general note 4(a) to the HTS is modified by adding in alphabetical order ''South Sudan'' to the list entitled, ''Independent Countries,'' effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date that is 20 days after the date of this proclamation.

(5) The Republic of South Sudan is designated as a least-developed beneficiary developing country for purposes of the GSP, effective 60 days after the date this proclamation is published in the *Federal Register*.

(6) In order to reflect this designation in the HTS, general note 4(b)(i) is modified by adding in alphabetical order ''South Sudan,'' effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date that is 60 days after the date this proclamation is published in the *Federal Register*.

(7) In order to implement Appendix 4.1-B to Annex 4.1 of the CAFTA-DR, with respect to operations performed in the Dominican Republic, the HTS is modified as set forth in section B of the Annex to this proclamation.

(8) The modifications to the HTS set forth in section B of the Annex to this proclamation shall be effective with respect to goods entered or withdrawn from warehouse for consumption on or after March 1, 2012.

(9) In order to implement section 3 of the Haiti Economic Lift Program Act of 2010, the HTS is modified as set forth in section C of the Annex to this proclamation.

(10) The modification to the HTS set forth in section C of the Annex to this proclamation shall be effective with respect to goods entered or withdrawn from warehouse for consumption, on or after May 24, 2010.

(11) In order to make the technical corrections to the HTS necessary to conform to the Convention, the HTS is modified as set forth in section D of the Annex to this proclamation.

(12) The modifications to the HTS set forth in section D of the Annex to this proclamation shall be effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after February 3, 2012.

(13) Paragraph (9) of Presidential Proclamation 8783 is amended to provide that the United States Trade Representative 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 (5) of Presidential Proclamation 8783 by the CITA to the list of fabrics, yarns, or fibers in Annex 4-B-1 of the United States-Korea Free Trade Agreement.

(14) Any 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 twenty-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.

Billing code 3295–F2–P

ANNEX

TO MODIFY THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES

Section A. Effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after the date that is 60 days after the date this proclamation is published in the *Federal Register*–

1. General note 4(a) to the Harmonized Tariff Schedule of the United States (HTS) is modified by deleting from the enumeration of independent countries the name "Argentina".

2. General note 4(d) to the HTS is modified--
   A. by striking the following subheadings and the country set out opposite them:

0202.30.10	Argentina	2918.22.50	Argentina	4107.11.80	Argentina
0404.90.10	Argentina	2929.10.15	Argentina	4201.00.60	Argentina
0703.20.00	Argentina	2932.99.90	Argentina	4303.10.00	Argentina
0711.20.18	Argentina	2933.49.30	Argentina	7007.11.00	Argentina
1007.10.00	Argentina	2933.99.55	Argentina	7114.11.60	Argentina
1007.90.00	Argentina	3209.90.00	Argentina	7315.90.00	Argentina
1202.20.40	Argentina	3301.19.10	Argentina	7409.11.50	Argentina
1202.30.40	Argentina	3307.20.00	Argentina	7409.21.00	Argentina
1202.42.40	Argentina	3307.49.00	Argentina	7901.11.00	Argentina
1702.60.22	Argentina	3504.00.50	Argentina	8207.20.00	Argentina
1901.20.45	Argentina	3506.99.00	Argentina	8409.91.99	Argentina
2007.99.48	Argentina	3701.10.00	Argentina	8477.51.00	Argentina
2008.30.37	Argentina	3702.10.00	Argentina	8480.30.00	Argentina
2305.00.00	Argentina	3706.10.30	Argentina	8481.30.20	Argentina
2805.40.00	Argentina	3707.90.32	Argentina	8481.80.30	Argentina
2813.90.50	Argentina	3901.90.90	Argentina	8481.80.90	Argentina
2832.30.10	Argentina	3902.10.00	Argentina	8481.90.30	Argentina
2839.90.50	Argentina	3902.20.50	Argentina	8503.00.65	Argentina
2841.30.00	Argentina	3902.90.00	Argentina	8523.29.50	Argentina
2841.50.91	Argentina	3903.90.50	Argentina	8536.90.80	Argentina
2849.10.00	Argentina	3904.40.00	Argentina	8538.90.80	Argentina
2850.00.50	Argentina	3906.10.00	Argentina	8708.50.65	Argentina
2905.12.00	Argentina	3906.90.50	Argentina	8708.50.91	Argentina
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2905.22.50	Argentina	3907.70.00	Argentina	8708.91.75	Argentina
2906.19.30	Argentina	3907.99.01	Argentina	8708.92.75	Argentina
2914.12.00	Argentina	3909.10.00	Argentina	8708.99.81	Argentina
2914.13.00	Argentina	3909.50.50	Argentina	8716.90.50	Argentina
2915.70.01	Argentina	3913.90.20	Argentina	9003.90.00	Argentina
2917.14.50	Argentina	3921.90.50	Argentina	9113.10.00	Argentina
2918.21.50	Argentina	3923.90.00	Argentina	9113.20.60	Argentina

B. by deleting the country "Argentina" set out opposite the following HTS subheadings:

1602.50.09	2918.22.10	6910.90.00
1701.13.10	3301.90.10	7202.21.50
1701.14.10	3824.90.41	7202.30.00
1702.30.22	3826.00.10	7901.12.50
2008.50.20	3907.60.00	8409.91.50
2306.30.00	4011.10.10	8409.99.91
2843.30.00		

3. The following HTS subheadings are modified by deleting from the rates of duty 1-special subcolumn, from the parenthetical expression following the duty rate of "Free", the symbol "A*" and by inserting in lieu thereof "A":

0202.30.10	2841.50.91	3307.20.00	3909.10.00	8481.80.30
0404.90.10	2849.10.00	3307.49.00	3909.50.50	8481.80.90
0703.20.00	2850.00.50	3504.00.50	3913.90.20	8481.90.30
0711.20.18	2905.12.00	3506.99.00	3921.90.50	8503.00.65
1007.10.00	2905.13.00	3701.10.00	3923.90.00	8523.29.50
1007.90.00	2905.22.50	3702.10.00	4107.11.80	8536.90.80
1202.20.40	2906.19.30	3706.10.30	4201.00.60	8538.90.80
1202.30.40	2914.12.00	3707.90.32	4303.10.00	8708.50.65
1202.42.40	2914.13.00	3901.90.90	7007.11.00	8708.50.91
1702.60.22	2915.70.01	3902.10.00	7114.11.60	8708.70.60
1901.20.45	2917.14.50	3902.20.50	7315.90.00	8708.91.75
2007.99.48	2918.21.50	3902.90.00	7409.11.50	8708.92.75
2008.30.37	2918.22.50	3903.90.50	7409.21.00	8708.99.81
2305.00.00	2929.10.15	3904.40.00	7901.11.00	8716.90.50
2805.40.00	2932.99.90	3906.10.00	8207.20.00	9003.90.00
2813.90.50	2933.49.30	3906.90.50	8409.91.99	9113.10.00
2832.30.10	2933.99.55	3907.30.00	8477.51.00	9113.20.60
2839.90.50	3209.90.00	3907.70.00	8480.30.00	
2841.30.00	3301.19.10	3907.99.01	8481.30.20	

Section B. Effective with respect to goods of a party to the Agreement, as defined in general note 29(a) to the HTS, entered, or withdrawn from warehouse for consumption, on or after March 1, 2012, the HTS is hereby modified as follows:

U.S. note 21 to subchapter XXII of chapter 98 is modified–

(A) by inserting in subdivision (a) of such note before the language "in aggregate quantities" the expression ", other than Dominican Republic,"; and

(B) by inserting in subdivision (b) of such note before the language "of originating goods" the expression ", other than Dominican Republic,".

Section C. Effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after May 24, 2010, general note 17(f)(I) to the HTS is modified by deleting "2008 " and by inserting in lieu thereof "2020 ".

Section D. Effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after February 3, 2012, the HTS is modified as follows:

(A) general note 4(d) is modified by deleting "1202.20.40 Argentina"

(B) the article description of subheading 9608.50.00 is modified by deleting the phrase "9608.31, 9608.39" and inserting in lieu thereof "9608.30,";

(C) the article description of subheading 9608.99.40 is modified by deleting the phrase "9608.10, 9608.31 and 9608.39" and inserting in lieu thereof "9608.10 and 9608.30 "; and

(D) the article description for subheading 9504.50.00 is modified by adding at the thereof ", and parts and accessories thereof".

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Rules and Regulations

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DEPARTMENT OF STATE

22 CFR Parts 22 and 42

[Public Notice 7835]

RIN 1400–AD06

Schedule of Fees for Consular Services, Department of State and Overseas Embassies and Consulates

AGENCY: Bureau of Consular Affairs, Department of State.

ACTION: Interim final rule.

SUMMARY: This rule amends the Schedule of Fees for consular services (Schedule) for nonimmigrant visa application processing fees, border crossing card application processing fees and immigrant visa application processing fees. The rule increases from $140 to $160 the fee charged for the processing of an application for most non-petition-based nonimmigrant visas (Machine-Readable Visas or MRVs) and Border Crossing Cards (BCCs) for Mexican citizens age 15 and over. The rule also provides amended application processing fees for certain categories of petition-based nonimmigrant visas and treaty trader and investor visas (all of which are also MRVs), as well as amended tiered application processing fees for immigrant visas. Finally, the rule increases from $14 to $15 the BCC fee charged to Mexican citizen minors who apply in Mexico, and whose parent or guardian already has a BCC or is applying for one, based on a Congressionally mandated surcharge that took effect since the last adjustment to the Schedule of Fees. The Department of State is adjusting the fees to ensure that sufficient resources are available to meet the costs of providing consular services in light of the recent fee review's findings that the U.S. government is not fully covering its costs for the processing of these visas under the current fee structure.

DATES: This interim final rule becomes effective April 13, 2012. Written comments must be received on or before May 29, 2012.

ADDRESSES: Interested parties may contact the Department by any of the following methods:

- Persons with access to the Internet may view this notice and submit comments by going to the *regulations.gov* Web site at: *http://www.regulations.gov* and searching on the RIN number, 1400–AD06.
- Mail (paper, disk, or CD–ROM): U.S. Department of State, Office of the Comptroller, Bureau of Consular Affairs, Suite H1004, 2401 E Street NW., Washington, DC 20520.
- *Email: fees@state.gov.* You must include the RIN *(*1400–AD06*)* in the subject line of your message.
- All comments should include the commenter's name, the organization the commenter represents, if applicable, and the commenter's address. If the Department is unable to read your comment for any reason, and cannot contact you for clarification, the Department may not be able to consider your comment.

FOR FURTHER INFORMATION CONTACT: Special Assistant, Office of the Comptroller, Bureau of Consular Affairs, Department of State; phone: 202–663–1576, telefax: 202–663–2526; email: *fees@state.gov.*

SUPPLEMENTARY INFORMATION:

Background

The interim final rule makes changes to the Schedule of Fees for consular services of the Department of State's Bureau of Consular Affairs. The Department sets and collects its fees based on the concept of full cost recovery. The Department completed its most recent review of current consular fees and will implement several changes to the Schedule of Fees based on the new fees calculated by the Cost of Service Model (CoSM). Please note that certain ''no fee'' consular services are included in the Schedule of Fees so that members of the public will be aware of significant consular services provided by the Department at no charge to the recipient of the service.

What is the authority for this action?

The Department of State derives the general authority to set fees based on the cost of the consular services it provides, and to charge those fees, from the general user charges statute, 31 U.S.C. 9701. *See, e.g.,* 31 U.S.C. 9701(b)(2)(A) (''The head of each agency * * * may prescribe regulations establishing the charge for a service or thing of value provided by the agency * * * based on * * * the costs to the government.''). As implemented through Executive Order 10718 of June 27, 1957, 22 U.S.C. 4219 further authorizes the Department to establish fees to be charged for official services provided by U.S. embassies and consulates. Other authorities allow the Department to charge fees for consular services, but not to determine the amount of such fees, as the amount is statutorily determined.

Several statutes address specific fees relating to nonimmigrant visas. For instance, 8 U.S.C. 1351 establishes reciprocity as the basic principle for setting the nonimmigrant visa issuance fee. In addition to the reciprocity issuance fee, section 140(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, Public Law 103–236, 108 Stat. 382, as amended, reproduced at 8 U.S.C. 1351 (note), establishes a cost-based application processing fee for MRVs and BCCs. Such fees remain available to the Department until expended. 8 U.S.C. 1351 (note), 1713(d). Furthermore, section 239 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 requires the Secretary of State to collect a $1 surcharge (the ''Wilberforce surcharge'') on all MRVs and BCCs in addition to the application processing fee; this surcharge must be deposited into the general fund of the Treasury and goes to support anti-trafficking programs. *See* Public Law 110–457, 122 Stat. 5044, Title II, section 239, reproduced at 8 U.S.C. 1351 (note). In addition to the $1 Wilberforce surcharge already included in all nonimmigrant visa application processing fees for MRVs and BCCs, section 501 of the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008, requires the Secretary of State to collect an additional $1 surcharge (the ''HIV/AIDS/TB/Malaria surcharge'') on all MRVs and BCCs in addition to the application processing fee; this surcharge must be deposited into the Treasury and goes to support programs

to combat HIV/AIDS, tuberculosis, and malaria. *See* Public Law 110–293, 122 Stat. 2968, Title V, section 501, reproduced at 8 U.S.C. 1351 (note).

Additionally, several statutes address fees for immigrant visa processing. For example, section 636 of the Omnibus Consolidated Appropriations Act of 1997 authorizes the Secretary of State to collect and retain a ''Diversity Immigrant Lottery Fee.'' *See* Public Law 104–208, 110 Stat. 3009–703, div. C, Title VI, section 636, reproduced at 8 U.S.C. 1153 (note). Under this fee authority, the Secretary of State may establish and retain a fee to recover the costs of ''allocating visas'' described in section 203(c) of the Immigration and Nationality Act (INA) [8 U.S.C. 1153], i.e., running the diversity visa lottery pursuant to INA section 204(a)(1)(I) [8 U.S.C. 1154(a)(1)(I)], and to recover the costs of ''processing applications'' for diversity immigrant visas submitted by selectees of the lottery. *See* Public Law 104–208, 110 Stat. 3009–703, div. C, Title VI, section 636, reproduced at 8 U.S.C. 1153 (note). Accordingly, the ''diversity visa lottery fee,'' charged to those persons selected by the lottery who subsequently apply for a diversity immigrant visa, incorporates all the costs to the Department of administering the diversity visa lottery program and processing the resulting diversity immigrant visa applications.

Another statute authorizes the Department to collect and retain a surcharge on immigrant visas to help pay for efforts to enhance border security. *See* 8 U.S.C. 1714. While this immigrant visa surcharge was originally frozen statutorily at $45, subsequent legislation authorized the Department to amend these amounts administratively, provided the resulting surcharge is ''reasonably related to the costs of providing services in connection with the activity or item for which the surcharges are charged.'' Department of State Authorities Act of 2006, Public Law 109–472, 120 Stat. 3554, section 6, reproduced at 8 U.S.C. 1714 (note).

Certain people are exempted by law or regulation from paying specific fees or are expressly made subject to special fee charges by law. These are noted in the text below. They include, for instance, several exemptions from the nonimmigrant visa application processing fee for certain individuals who engage in charitable activities or who qualify for diplomatic visas. *See* 8 U.S.C. 1351; 22 CFR 41.107(c). The costs for these no-fee nonimmigrant visas are currently being recouped in the MRV fee which is based on the costs and volumes for all nonimmigrant visas, both fee and no-fee. Certain Iraqi and Afghan nationals are similarly exempt from paying an immigrant visa application processing fee. *See* National Defense Authorization Act for Fiscal Year 2008, Public Law 110–181, 122 Stat. 3, div. A, Title XII, section 1244(d), reproduced at 8 U.S.C. 1157 (note); Omnibus Appropriations Act, 2009, Public Law 111–8, 123 Stat. 524, div. F, Title VI, section 602(b)(4), reproduced at 8 U.S.C. 1101 (note). The cost of immigrant visas for Iraqi and Afghan nationals is currently not recouped anywhere in the present fee schedule.

While for most consular fees, the funds collected must be deposited into the Treasury, various statutes permit the Department to retain the fee revenue it collects. Among these are the following: (1) The MRV and BCC fees, *see* Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, Public Law 103–236, 112 Stat. 2681–50, Title I, section 140(a)(2), reproduced at 8 U.S.C. 1351 (note); (2) the immigrant visa security surcharge, *see* 8 U.S.C. 1714; (3) the diversity visa lottery fee, *see* Omnibus Consolidated Appropriations Act, 1997, Public Law 104–208, div. C, Title VI, section 636, reproduced at 8 U.S.C. 1153 (note); (4) the fee for an affidavit of support, *see* Consolidated Appropriations Act, 2000, Public Law 106–113, 113 Stat. 1501, div. A, Title II, section 232(a), reproduced at 8 U.S.C. 1183a (note); and (5) the fee to process requests from participants in the Department's Exchange Visitor Program for a waiver of the two-year home-residence requirement, *see* 22 U.S.C. 1475e. The Department also has available one-third of total annual revenue collected from fraud prevention and detection fees charged to applicants for H- and L-category visas to pay for H and L visa fraud prevention and detection related activities. 8 U.S.C. 1184(c)(12), 1356(v)(2)(A).

The Department last changed MRV and BCC fees in an interim final rule dated May 20, 2010. *See* Department of State Schedule of Fees for Consular Services, Department of State and Overseas Embassies and Consulates, 22 CFR part 22 [75 FR 28188 (Public Notice 7018)]. This rule changed the non-petition-based nonimmigrant visa (MRV) fee and BCC fee for Mexican citizens age 15 and over from $131 to $140, the BCC fee for BCCs issued to certain Mexican citizen minors from $13 to $14, the E visa fee from $131 to $390, the K visa fee from $131 to $350 and the H, L, O, P, Q and R visa fee from $131 to $150. Those changes to the Schedule went into effect June 4, 2010. The final rule was published on December 6, 2011 (76 FR 76032).

The Department last changed immigrant visa fees in an interim final rule dated June 28, 2010. *See* Department of State Schedule of Fees for Consular Services, Department of State and Overseas Embassies and Consulates, 22 CFR part 22 [75 FR 36522 (Public Notice 7068)]. A final rule regarding those fees was published on February 2, 2012. *See* 77 FR 5177. This rule established a tiered application processing fee for immigrant visas, based on the cost to the U.S. government of processing that particular category of visa. Those changes to the Schedule went into effect July 13, 2010.

Some fees in the Schedule, including Items 20(a) and (b), 31(a) and (b) and 35(c), are set by the Department of Homeland Security (DHS). These DHS fees were most recently updated by that agency on November 23, 2010, and are subject to change in the future. *See* 75 FR 58962. The Department lists these DHS fees in the Department Schedule of Fees for cashiering purposes only. The Department has no authority to set DHS fees, which are listed at 8 CFR 103.7(b)(1).

Why is the department raising the nonimmigrant visa and immigrant visa fees at this time?

Consistent with OMB Circular A–25 guidelines, the Department recently completed a fee review using its activity-based Cost of Service Model. This review was conducted from August 2010 through December 2011 and provides the basis for updating the Schedule. The results of that review are outlined in this rule.

Similar to the 2009 fee review, upon which the current Schedule is based, costs are generated by an activity-based cost model that takes into account all costs to the U.S. government. Unlike a typical accounting system, which accounts for only traditional general-ledger-type costs such as salaries, supplies, travel and other business expenses, activity-based cost models measure the costs of activities, or processes, and then provide an additional view of costs by the products and services produced by an organization through the identification of the key cost drivers of the activities. Below is a description of Activity-Based Costing from the Supplemental Notice of Proposed Rulemaking published on March 24, 2010, 75 FR 14111.

Activity-Based Costing Generally

OMB Circular A–25 states that it is the objective of the United States Government to ''(a) ensure that each service, sale, or use of Government goods or resources provided by an

agency to specific recipients be self-sustaining; [and] (b) promote efficient allocation of the Nation's resources by establishing charges for special benefits provided to the recipient that are at least as great as costs to the Government of providing the special benefits * * *.'' OMB Circular A–25,] 5(a)–(b); see also 31 U.S.C. 9701(b)(2)(A) (agency ''may prescribe regulations establishing the charge for a service or thing of value provided by the agency * * * based on * * * the costs to the Government * * *.''). To set prices that are ''self-sustaining,'' the Department must determine the true cost of providing consular services. Following guidance provided in Statement 4 of OMB's Statement of Federal Accounting Standards (SFFAS), available at *http://www.fasab.gov/pdffiles/sffas-4.pdf,* the Department chose to develop and use an activity-based costing (ABC) model to determine the true cost of the services listed in its Schedule of Fees, both those whose fee the Department proposes to change, as well as those whose fee will remain unchanged from prior years. The Department refers to the specific ABC model that underpins the proposed fees in the above-referenced rules as the ''Cost of Service Model'' or ''CoSM.''

The Government Accountability Office (GAO) defines activity-based costing as a ''set of accounting methods used to identify and describe costs and required resources for activities within processes.'' Because an organization can use the same staff and resources (computer equipment, production facilities, etc.) to produce multiple products or services, ABC models seek to precisely identify and assign costs to processes and activities and then to individual products and services through the identification of key cost drivers referred to as ''resource drivers'' and ''activity drivers.''

Example: Imagine a government agency that has a single facility it uses to prepare and issue a single product—a driver's license. In this simple scenario, every cost associated with that facility (the salaries of employees, the electricity to power the computer terminals, the cost of a blank driver's license, etc.) can be attributed directly to the cost of producing that single item. If that agency wants to ensure that it is charging a ''self-sustaining'' price for driver's licenses, it only has to divide its total costs for a given time period by an estimate of the number of driver's licenses to be produced during that same time period.

However, if that agency issues multiple products (driver's licenses, non-driver ID cards, etc.), has employees that work on other activities besides licenses (for example, accepting payment for traffic tickets), and operates out of multiple facilities it shares with other agencies, it becomes much more complex for the agency to determine exactly how much it costs to produce any single product. In those instances, the agency would need to know what percent of time its employees spend on each service and how much of its overhead (rent, utilities, facilities maintenance, etc.) are consumed in delivering each service to determine the cost of producing each of its various products—the driver's license, the non-driver ID card, etc. Using an ABC model would allow the agency to develop those costs.

Components of Activity-Based Costing

As noted in SFFAS Statement 4, ''activity-based costing has gained broad acceptance by manufacturing and service industries as an effective managerial tool.'' SSFAS Statement 4,] 147. There are no ''off-the-shelf'' ABC models that allow the Department (or any other entity) to simply populate a few data points and generate an answer. ABC models require financial and accounting analysis and modeling skills combined with a detailed understanding of all the organization's business processes, which, in an entity the size of the Department's Bureau of Consular Affairs, are exceedingly complex. More specifically, ABC models require an organization to:

- Identify all of the activities that are required to produce a particular product or service (''activities'');
- Identify all of the resources consumed (costs) in the course of producing that product or service (''resources'');
- Measure the quantity of resources consumed (''resource driver''); and
- Measure the frequency and intensity of demand placed on activities to produce services (''activity driver'').
- For more information, SFFAS Statement 4 provides a detailed discussion of the use of cost accounting by the U.S. Government.

Although the Department has used a sophisticated and detailed ABC model to set fees for a number of years, in its October 10, 2007, report ''Transparent Cost Estimates Needed to Support Passport Execution Fee Decisions,'' available at *http://www.gao.gov/products/GAO-08-63,* the GAO asked the Department to expand the sophistication of its cost model by identifying even more discrete activities and modeling a broader array of products and services. To provide this additional detail, the Department launched a multi-year plan to refine the CoSM with the help of a team of experienced outside consultants led by The QED Group, LLC, and including Booz Allen Hamilton, Inc. as a subcontractor. The consultant team was made up of experts in cost modeling capable of providing an objective, outside assessment of costs.

For additional details on an activity-based cost model, see the Supplemental Notice of Proposed Rulemaking published on March 24, 2010, 75 FR 14111.

Although much of the modeling methodology has remained the same between fee reviews, the methodology for capturing Department historical support costs and projected costs has been updated to reflect the change in the Department's workload. In order to accurately account for the costs associated with rapidly growing demand in locations such as China and Brazil, the current fee review also incorporates five years of projected costs rather than only two years, included in the 2009 fee review. By using five years of projected costs, the Department better captures the long-term costs of large investments. The new fees represent a weighted average of the annual costs by service for fiscal years 2012–2015. Costs for individual fiscal years were weighted by the projected workload volume for that year. These weighted costs by fiscal year were then added together to generate a single cost per service upon which the fees are determined.

Some of the long-term costs mentioned above include, but are not limited to, Consular Adjudicator Limited Non-career Appointment (LNAs) program costs, consular Locally Employed Staff costs, overseas facility-related costs, better-defined Global Support Strategy (GSS) costs, and more transparent consular-related International Cooperative Administrative Support Services (ICASS) costs. The Department will also add approximately 100 new American consular positions to increase visa-adjudication capacity in China and Brazil in 2012–13. Included in that number will be Mandarin and Portuguese-speaking adjudicators hired in the Consular Adjudicator LNA Program. The Consular Adjudicator LNA Program is a new program to increase the number of visa adjudicators by hiring persons who already have foreign language skills. The first group of 19 LNAs will arrive in China and Brazil in early spring 2012, with a second group to follow in summer 2012. Additional Locally Employed Staff will be hired at posts in China and Brazil to support the additional adjudicators. These new personnel add to the Department's salary, benefits, and overseas support services (e.g. office space, housing, security, and information technology) costs.

In addition to adding personnel in these countries, the Department will also be improving the physical plant for visa applicants and staff. To improve operational efficiency in Missions China and Brazil, the Department plans to expand or remodel existing consular facilities in China and Brazil.

Better defined and increased costs are reflected in the CoSM for the worldwide deployment of both the GSS and ICASS. GSS is a consolidated global contract for purchasing services associated with visa processing such as appointment scheduling, fee collection, offsite data collection, and delivery services. The GSS contract replaces, over a three-year period and through multiple task orders, the current patchwork of user-pays service agreements with a consistent, transparent, and more secure approach to facilitating applicants through the visa process. ICASS is the system by which administrative costs are allocated and paid by various U.S. government agencies to support their U.S. personnel stationed at embassies and consulates around the world. ICASS services include, but are not limited to, such items as computer support, security screening, medical assistance, and accounting services. In addition to the change in support cost and projected cost methodology, the CoSM now breaks out services performed on behalf of other government agencies to provide greater transparency into Department costs. All of the components referenced above have been updated and included in the CoSM to ensure the Department is fully covering its costs. The fees amended in this rule will cover the Department's costs associated with processing the estimated 10.5 million nonimmigrant visas and one million immigrant visas projected for Fiscal Year 2012.

Nonimmigrant Visa Application and Border Crossing Card Processing Fees

The Department has determined, based on the CoSM, that the fee for non-petition-based MRV (except E category) and BCC applications, with the exception of the statutorily set $15 BCC fee for certain Mexican citizen minors, is going from $140 to $160. This fee adequately accounts for the average cost to the U.S. government of accepting, processing, adjudicating, and issuing a non-petition-based MRV application. The CoSM arrived at the $160 figure by taking into account historical and five years of projected costs of worldwide nonimmigrant visa operations, visa workload, and other related costs. This $160 fee will allow the U.S. government to recover the full cost of processing these visa applications during the anticipated period of this new Schedule, and to comply with its statutory obligation to collect the $1 Wilberforce Act surcharge and $1 HIV/AIDS/TB/Malaria surcharge. Those surcharges do not off-set the cost of processing MRVs and BCCs and are in addition to the cost-based fees charged for MRVs and BCCs. The Department rounded to the nearest $10 (up and down) to make it easier for U.S. embassies and consulates to convert to foreign currencies, which are commonly used to pay these fees.

For all applicants other than those Mexican citizen minors who qualify for the reduced fee BCC, the BCC fee is being raised to $160 because the document has almost identical processing procedures and is the functional equivalent of the MRV that all other nonimmigrant visa applicants receive.

This cost also includes the unrecovered costs of processing BCCs for certain Mexican citizen minors. That application processing fee is statutorily frozen at $13, even though such BCCs cost the Department the same amount to process as all other MRVs and BCCs—that is, significantly more than $13. *See* Omnibus Consolidated and Emergency Supplemental Appropriations Act of 1999, Public Law 105–277, 112 Stat. 2681–50, div. A, Title IV, section 410, reproduced at 8 U.S.C. 1351 (note). Adding the $1 Wilberforce surcharge and the $1 HIV/AIDS/TB/Malaria surcharge brings the total fee for certain Mexican citizen minor BCCs to $15. The Department's costs beyond $13 must, by statute, be recovered by charging more for all MRVs, as well as all BCCs not meeting the requirements for the reduced fee. *See* Omnibus Consolidated and Emergency Supplemental Appropriations Act of 1999, Public Law 105–277, 112 Stat. 2681–50, div. A, Title IV, section 410(a)(3), reproduced at 8 U.S.C. 1351 (note) (requiring that the Department ''shall set the amount of the fee [for processing MRVs and all other BCCs] at a level that will ensure the full recovery by the Department * * * of the costs of processing'' all MRVs and BCCs, including reduced cost BCCs for qualifying Mexican citizen minors).

The cost to the Department to accept, adjudicate and issue each of the different MRV categories varies. The effort related to some categories such as: E (treaty-traders or treaty-investors); H (temporary workers and trainees); K (fiancé(e)s and certain spouses of U.S. citizens); L (intra-company transferee); O (aliens with extraordinary ability); P (athletes, artists, and entertainers); Q (cultural exchange visitors); and R (aliens in religious occupations) is appreciably higher. Each of those visa categories requires a review of extensive documentation and a more in-depth applicant interview than BCCs and other categories of MRVs. As in the previous fee rule, the Department has again concluded that it is more equitable to those applying for BCCs and other categories of MRVs, for which such extensive review is not necessary, to continue collecting separate fees that more accurately reflect the cost of processing each type of visa. *See* 74 FR 66076 (Public Notice 6851). Therefore, this rule amends the following fees for those categories to correspond to projected cost figures for that visa category, as determined by the CoSM and incorporating the $1 Wilberforce surcharge and $1 HIV/AIDS/TB/Malaria surcharge (discussed above in greater detail):

H, L, O, P, Q and R: increasing from $150 to $190
E: decreasing from $390 to $270
K: decreasing from $350 to $240

Again, the Department rounded these fees to the nearest $10 for the ease of converting to foreign currencies, which are most often used to pay the fee.

Immigrant Visa Application Processing Fees

In addition to the nonimmigrant fee modifications referenced above, the Department is adjusting the four-tiered immigrant visa application processing fees based on CoSM calculation for each discrete category of immigrant visa, as applications for certain categories cost more to process than others. Accordingly, the application processing fee for a Family-Based Visa (immediate relative and family preference, processed on the basis of an I–130, I–600 or I–800 petition) will be decreasing from $330 to $230. The application processing fee for an Employment-Based Visa (processed on the basis of an I–140 petition) will be decreasing from $720 to $405. Other Immigrant Visa applications (including for I–360 self-petitioners, special immigrant visa applicants and all others) will have a fee of $220, formerly $305. As noted above, certain qualifying Iraqi and Afghan Special Immigrant Visa applicants are statutorily exempt from paying an application processing fee. National Defense Authorization Act for Fiscal Year 2008, Public Law 110–181, div. A, Title XII, section 1244(d), reproduced at 8 U.S.C. 1157 (note); Omnibus Appropriations Act, 2009, Public Law 111–8, div. F, Title VI, section 602(b)(4), reproduced at 8 U.S.C. 1101 (note). Please note that the Immigrant Visa Security Surcharge of $75 is embedded in the immigrant visa application

processing fee and will no longer be charged as a standalone fee or set forth as a separate fee on the Schedule.

Immigrant Visa Security Surcharge

The Department is increasing the Immigrant Visa Security Surcharge, which is applicable to all applicants except those persons who are statutorily exempted from paying fees, from $74 to $75 for ease of converting to foreign currencies. The Immigrant Visa Security Surcharge covers security costs as determined by the CoSM to be associated with providing enhanced border security. *See* 8 U.S.C. 1714 and Department of State Authorities Act of 2006, Public Law 109–472, 120 Stat. 3554, section 6, reproduced at 8 U.S.C. 1714 (note). Please note that the Immigrant Visa Security Surcharge of $75 is embedded in the aforementioned immigrant visa application processing fee and will no longer be charged as a standalone fee or set forth as a separate fee on the Schedule.

Diversity Visa Lottery Fee

The Department is decreasing the fee paid by Diversity Visa Lottery selectees who apply for immigrant visas from $440 to $330 based on CoSM calculations for a FY 2012 workload projection of approximately 100,000 applications. The Department has authority to collect and retain a fee, known as the ''Diversity Visa Lottery fee,'' to recover (a) the costs of allocating diversity immigrant visas described in INA section 203(c) [8 U.S.C. 1153], through the diversity visa lottery program, set forth in INA § 204(a)(1)(I) [8 U.S.C. 1154(a)(1)(I)], and (b) the costs of processing all applications for diversity immigrant visas (i.e., ''Diversity Visas'') submitted by selectees of the diversity visa lottery. Omnibus Consolidated Appropriations Act of 1997, Public Law 104–208, 110 Stat. 3009–703, div. C, Title VI, section 636, reproduced at 8 U.S.C. 1153 (note). The Department collects this fee only from those persons who, having been selected through the lottery process, are applying for a Diversity Visa. The Diversity Visa Lottery fee encompasses the costs of processing the immigrant visa application and the embedded immigrant visa security surcharge. Accordingly, the Department does not charge the separate Other Immigrant Visa Application Processing Fee or Immigrant Visa Security Surcharge to Diversity Visa applicants.

Thus, 22 CFR 42.33(i) is amended to provide that the consular officer must collect from each person who is selected by the Diversity Visa Lottery program and who applies for a Diversity Visa the Diversity Visa Lottery fee as prescribed by the Secretary of State and set forth in the Schedule of Fees found at 22 CFR 22.1.

Determining Returning Resident Status

The CoSM found that determining the status of people who claim to be lawful permanent residents of the United States, but do not have documentation to prove this fact, has become less costly due to advances in automation making it easier to verify U.S. immigration status. As such, the Department will lower the fee from $380 to $275.

Transportation Letter for Lawful Permanent Residents of the United States

The Department is removing the issuance of Transportation Letters for Lawful Permanent Residents from the Schedule. The Department is working with DHS on procedures and fees relating to this service.

When will the Department of State implement this interim final rule?

The Department intends to implement this interim final rule, and initiate collection of the fees set forth herein, effective April 13, 2012.

Regulatory Findings

Administrative Procedure Act

The Department is publishing this rule as an interim final rule, with a 60-day provision for post-promulgation comments and with an effective date less than 30 days from the date of publication, based on the ''good cause'' exceptions set forth at 5 U.S.C. 553(b)(3)(B) and 553(d)(3). Delaying implementation of this rule would be contrary to the public interest because the fees in this rule fund consular services that are critical to national security, including screening visa applicants. In addition, the Department will not be able to sustain the anticipated growth in consular overseas operations if these fees are not effective within 15 days of publication.

Regulatory Flexibility Act

The Department has reviewed this rule and, by approving it, certifies that it will not have a significant economic impact on a substantial number of small entities as defined in 5 U.S.C. 601(6). This rule adjusts the application processing fees for nonimmigrant and immigrant visas. Although the issuance of some of these visas is contingent upon approval by DHS of a petition filed by a United States company with DHS, and these companies pay a fee to DHS to cover the processing of the petition, the visa itself is sought and paid for by an individual foreign national overseas who seeks to come to the United States. The amount of the petition fees that are paid by small entities to DHS is not controlled by the amount of the visa fees paid by individuals to the Department of State. While small entities may cover or reimburse employees for application processing fees, the exact number of such entities that do so is unknown. The adjustment in petition fees accounts for only seven percent of the total nonimmigrant workload expected in FY 2012; therefore, the $40 increase in the application processing fee for Employment-Based nonimmigrant visas is not likely to have a significant economic impact on the small entities that choose to reimburse the applicant for the visa fee.

Additionally, the Department of State does not track applications for Employment-Based visas by the size and nature of the petitioning businesses, and therefore cannot identify the share of this impact on the small businesses versus large businesses. However, the estimated impact of the decrease in the application processing fee for the 27,149 total Employment-Based visa applications expected to be processed by the Department of State annually in FY 2012 is approximately $8.5 million dollars. (**Note:** DHS processes domestic adjustment of status applications for approximately 90 percent of all Employment-Based immigrants; cases processed domestically do not pay Department of State fees.) Since this impact is well below the $100 million threshold and only a portion of these 27,179 applications would impact small businesses, the State Department believes this rule does not have a significant impact on a substantial number of small entities.

Unfunded Mandates Act of 1995

This rule will not result in the expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1501–1504.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is a major rule as defined by section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. *See* 5 U.S.C. 804(2) Pursuant to 5 U.S.C. 808(2), it is effective 15 days after the date of publication.

Executive Order 12866

This rule is considered by the Department of State to be an economically significant regulatory action under Executive Order 12866, section 3(f), Regulatory Planning and Review. Accordingly, this rule has been submitted to OMB for review.

This rule is necessary in light of the Department of State's CoSM finding that the cost of processing nonimmigrant visas has increased since the fee was last amended in 2010. The Department is setting the nonimmigrant visa fees in accordance with 31 U.S.C. 9701 and other applicable legal authority, as described in detail above. *See, e.g.,* 31 U.S.C. 9701(b)(2)(A) (''The head of each agency * * * may prescribe regulations establishing the charge for a service or thing of value provided by the agency * * * based on * * * the costs to the government.''). This regulation sets the fees for nonimmigrant visas at the amount required to recover the costs associated with providing this service to foreign nationals.

Details of the proposed fee changes are as follows:

Item No.	Proposed fee	Current fee	Change in fee	Percentage increase	Estimated annual number of applications [1]	Estimated change in annual fees collected [2]
Schedule of Fees for Consular Services						
* *	*	*	*		*	*
Nonimmigrant Visa Services						
21. Nonimmigrant Visa Application and Border Crossing Card Processing Fees (per person):						
(a) Non-petition-based nonimmigrant visa (except E category)	$160	$140	$20	14	8,844,709	$176,894,180
(b) H, L, O, P, Q and R category nonimmigrant visa	190	150	40	27	757,954	30,318,160
(c) E category nonimmigrant visa	270	390	(120)	−31	50,954	−6,114,480
(d) K category nonimmigrant visa	240	350	(110)	−31	53,418	−5,875,980
(e) Border crossing card—age 15 and over (10-year validity)	160	140	20	14	585,065	11,701,294
(f) Border crossing card—under age 15; for Mexican citizens if parent or guardian has or is applying for a border crossing card (valid for 10 years or until the applicant reaches age 15, whichever is earlier)	15	14	1	7	238,971	238,971
Immigrant and Special Visa Services						
32. Immigrant Visa Application Processing Fee (per person)						
(a) Immediate relative and family preference applications	230	330	(100)	−30	925,450	−92,545,000
(b) Employment-based applications	405	720	(315)	−44	27,149	−8,551,935
(c) Other immigrant visa applications (including I–360 self-petitioners and special immigrant visa applicants)	220	305	(85)	−28	139	−11,815
33. Diversity Visa Lottery fee (per person applying as a result of the lottery program)	330	440	(110)	−25	100,173	−11,019,030
35. Special Visa Services:						
(a) Determining Returning Resident Status	275	380	(105)	−28	2,099	−220,395
Total						948,139,701
* *	*	*	*		*	*

[1] Based on projected FY 2012 workload.
[2] Using projected FY 2012 workload to generate projections.

Historically, nonimmigrant visa workload has increased year to year at approximately 11 percent. The Department anticipates that with the current state of the global economy, demand will be approximately 10.5 million in Fiscal Year 2012. With regard to the economic impact as a whole, the more than 93 percent of nonimmigrant visa applications that are not petition-based are sought by and paid for entirely by foreign national applicants. The revenue increases resulting from those fees should not be considered to have a direct cost impact on the domestic economy.

With regard to immigrant visas, many categories are numerically capped by law; these caps limit workload and keep current demand fairly stable. In FY 2011, the Department issued 10.8 percent of all available immigrant visas in Employment-Based categories (capped at 140,000 including adjustments of status processed domestically by the DHS). In FY 2011, the Department issued 96.8 percent of

the immigrant visas available under the Diversity Visa program (capped at 50,000 including adjustments of status processed domestically by DHS). Also in FY 2011, the Department issued 87.3 percent of the immigrant visas available for Family-Preference categories (capped at 226,000 including adjustments of status processed domestically by DHS). When fewer visas were issued than were available under the numerical cap, it was generally due to administrative processing issues rather than lack of demand. There are nearly 4.7 million applicants currently awaiting numerically controlled visas, sufficient to fill more than 12 years' workload at the current annual caps and this does not take into account applicants who would be adjusting status in the United States. It is reasonable to expect that the immigrant visa workload for FY 2012 and FY 2013 will remain about the same as FY 2011. Please note that these estimates do not take into account variables that the Department cannot predict at this time, such as legislative changes.

Executive Order 13563

The Department of State has considered this rule in light of Executive Order 13563, dated January 18, 2011, and affirms that this regulation is consistent with the guidance therein.

Executive Orders 12372 and 13132

This regulation will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to require consultations or warrant the preparation of a federalism summary impact statement. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on federal programs and activities do not apply to this regulation.

Executive Order 13175

The Department has determined that this rulemaking will not have tribal implications, will not impose substantial direct compliance costs on Indian tribal governments, and will not preempt tribal law. Accordingly, the requirements of section 5 of Executive Order 13175 do not apply to this rulemaking.

Paperwork Reduction Act

This rule does not impose any new reporting or recordkeeping requirements.

List of Subjects

22 CFR Part 22

Passports and visas.

22 CFR Part 42

Immigration, Passports and visas.

Accordingly, for the reasons stated in the preamble, 22 CFR parts 22 and 42 are amended as follows:

PART 22—SCHEDULE OF FEES FOR CONSULAR SERVICES—DEPARTMENT OF STATE AND FOREIGN SERVICE

■ 1. The authority citation for part 22 continues to read as follows:

Authority: 8 U.S.C. 1101 note, 1153 note, 1183a note, 1351, 1351 note, 1714, 1714 note; 10 U.S.C. 2602(c); 11 U.S.C. 1157 note; 22 U.S.C. 214, 214 note, 1475e, 2504(a), 4201, 4206, 4215, 4219, 6551; 31 U.S.C. 9701; Exec. Order 10,718, 22 FR 4632 (1957); Exec. Order 11,295, 31 FR 10603 (1966).

■ 2. Section 22.1 is amended in the table by:

■ a. Adding entry 20 and revising entries 21 through 25 under ''Nonimmigrant Visa Services; and

■ b. Revising entries 31 through 35 under ''Immigrant and Special Visa Services.''

The addition and revisions read as follows:

§ 22.1 Schedule of Fees.

SCHEDULE OF FEES FOR CONSULAR SERVICES

Item No.	Fee
* * * * * * *	
Nonimmigrant Visa Services	
20. Filing Nonimmigrant Visa Petition Based on Blanket L Petition (collected for USCIS and subject to change).	For fee amount, see 8 CFR 103.7(b)(1).
(a) Petition for a nonimmigrant worker (Form I–129)	For fee amount, see 8 CFR 103.7(b)(1).
(b) Nonimmigrant petition based on blanket L petition	For fee amount, see 8 CFR 103.7(b)(1).
21. Nonimmigrant Visa Application and Border Crossing Card Processing Fees (per person):	
(a) Non-petition-based nonimmigrant visa (except E category)	$160.
(b) H, L, O, P, Q and R category nonimmigrant visa	$190.
(c) E category nonimmigrant visa	$270.
(d) K category (fiancé) nonimmigrant visa	$240.
(e) Border crossing card—age 15 and over (10 year validity)	$160.
(f) Border crossing card—under age 15; for Mexican citizens if parent or guardian has or is applying for a border crossing card (valid 10 years or until the applicant reaches age 15, whichever is sooner).	$15.
22. EXEMPTIONS from Nonimmigrant Visa Application Processing Fee:	
(a) Applicants for A, G, C–3, NATO and diplomatic visas as defined in 22 C.F.R. 41.26	NO FEE.
(b) Applicants for J visas participating in official U.S. Government sponsored educational and cultural exchanges.	NO FEE.
(c) Replacement machine-readable visa when the original visa was not properly affixed or needs to be reissued through no fault of the applicant.	NO FEE.
(d) Applicants exempted by international agreement as determined by the Department, including members and staff of an observer mission to United Nations Headquarters recognized by the UN General Assembly, and their immediate families.	NO FEE.
(e) Applicants traveling to provide charitable services as determined by the Department	NO FEE.
(f) U.S. government employees traveling on official business	NO FEE.

SCHEDULE OF FEES FOR CONSULAR SERVICES—Continued

Item No.	Fee
(g) A parent, sibling, spouse, or child of a U.S. government employee killed in the line of duty who is traveling to attend the employee's funeral and/or burial; or a parent, sibling, spouse, son, or daughter of a U.S. government employee critically injured in the line of duty for visitation during emergency treatment and convalescence.	NO FEE.
23. Nonimmigrant Visa Issuance Fee, including Border-Crossing Cards (Reciprocity Fee)	RECIPROCAL.
24. EXEMPTIONS from Nonimmigrant Visa Issuance Fee:	
(a) An official representative of a foreign government or an international or regional organization of which the U.S. is a member; members and staff of an observer mission to United Nations Headquarters recognized by the UN General Assembly; and applicants for diplomatic visas as defined under item 22(a); and their immediate families.	NO FEE.
(b) An applicant transiting to and from the United Nations Headquarters	NO FEE.
(c) An applicant participating in a U.S. government sponsored program	NO FEE.
(d) An applicant traveling to provide charitable services as determined by the Department	NO FEE.
25. Fraud Prevention and Detection Fee for Visa Applicant included in L Blanket Petition (principal applicant only).	$500.
* * * * * * *	
Immigrant and Special Visa Services	
31. Filing Immigrant Visa Petition (collected for USCIS and subject to change):	
(a) Petition to classify status of alien relative for issuance of immigrant Visa	For fee amount, see 8 CFR 103.7(b)(1).
(b) Petition to classify orphan as an immediate relative	For fee amount, see 8 CFR 103.7(b)(1).
32. Immigrant Visa Application Processing Fee (per person):	
(a) Immediate relative and family preference applications	$230.
(b) Employment-based applications	$405.
(c) Other immigrant visa applications (including I–360 self-petitioners and special immigrant visa applicants).	$220.
(d) Certain Iraqi and Afghan special immigrant visa applications	NO FEE.
33. Diversity Visa Lottery Fee (per person applying as a result of the lottery program)	$330.
34. Affidavit of Support Review (only when reviewed domestically)	$88.
35. Special Visa Services:	
(a) Determining Returning Resident Status	$275.
(b) Waiver of two year residency requirement	$215.
(c) Waiver of immigrant visa ineligibility (collected for USCIS and subject to change)	For fee amount, see 8 CFR 103.7(b)(1).
(d) Refugee or significant public benefit parole case processing	NO FEE.
* * * * * * *	

PART 42—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

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

Authority: 8 U.S.C. 1104 and 1182; Pub. L. 105–277; Pub. L. 108–449; 112 Stat. 2681–795 through 2681–801; The Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (done at the Hague, May 29, 1993), S. Treaty Doc. 105–51 (1998), 1870 U.N.T.S. 167 (Reg. No. 31922 (1993)); The Intercountry Adoption Act of 2000, 42 U.S.C. 14901–14954, Pub. L. 106–279.

■ 4. Revise § 42.33(i) to read as follows:

§ 42.33 Diversity immigrants.

* * * * *

(i) *Diversity Visa Lottery fee.* Consular officers shall collect, or ensure the collection of, the Diversity Visa Lottery fee from those persons who apply for a diversity immigrant visa, described in INA 203(c), after being selected by the diversity visa lottery program. The Diversity Visa Lottery fee, as prescribed by the Secretary of State, is set forth in the Schedule of Fees, 22 CFR 22.1.

Dated: March 22, 2012.

Patrick F. Kennedy,

Under Secretary of State for Management, U.S. Department of State.

[FR Doc. 2012–7569 Filed 3–28–12; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF JUSTICE

Office of Justice Programs

28 CFR Part 25

[Docket No. OJP (BJA) 1577]

RIN 1121–AA79

National Motor Vehicle Title Information System (NMVTIS): Technical Corrections

AGENCY: Office of Justice Programs, Justice.

ACTION: Direct final rule.

SUMMARY: The Office of Justice Programs (OJP) is promulgating this direct final rule for its National Motor Vehicle Title Information System Program (NMVTIS) in order to make two technical corrections to the NMVTIS regulations.

DATES: *Effective date:* This direct final rule is effective June 27, 2012 without further action, unless adverse comments are received by the Bureau of Justice Assistance (BJA) by May 29, 2012. If adverse comment is received, BJA will publish a timely withdrawal of the rule in the **Federal Register**.

ADDRESSES: Please address all comments regarding this rule by U.S. mail, to: Todd Brighton, Bureau of Justice Assistance, 810 7th Street NW., Washington, DC 20531; or by telefacsimile to (202) 354–4135. To ensure proper handling, please reference OJP Docket No. 1577 on your correspondence. Comments may also be sent electronically through *http://regulations.gov* using the electronic comment form provided on that site. An electronic copy of this document is also available at the *http://regulations.gov*

Web site. BJA will accept attachments to electronic comments in Microsoft Word, WordPerfect, or Adobe PDF formats only. All electronic comments sent directly to BJA must be received by midnight Eastern Time on the day that the comment period closes. The public's ability to comment through *http://regulations.gov* terminates at midnight Eastern Time on the day that the comment period closes. All comments received *via* U.S. mail, or an express mail carrier, must be postmarked on or before the day that the comment period closes.

FOR FURTHER INFORMATION CONTACT: Todd Brighton, BJA, at 202–616–3879.

SUPPLEMENTARY INFORMATION:

I. Posting of Public Comments

Please note that all comments received are considered part of the public record and made available for public inspection online at *http://www.regulations.gov.* Information made available for public inspection includes personal identifying information (such as your name, address, etc.) voluntarily submitted by the commenter.

If you wish to submit personal identifying information (such as your name, address, etc.) as part of your comment, but do not wish it to be posted online, you must include the phrase ''PERSONAL IDENTIFYING INFORMATION'' in the first paragraph of your comment. You must also locate all the personal identifying information that you do not want posted online in the first paragraph of your comment and identify what information you want the agency to redact. Personal identifying information identified and located as set forth above will be placed in the agency's public docket file, but not posted online.

If you wish to submit confidential business information as part of your comment but do not wish it to be posted online, you must include the phrase ''CONFIDENTIAL BUSINESS INFORMATION'' in the first paragraph of your comment. You must also prominently identify confidential business information to be redacted within the comment. If a comment has so much confidential business information that it cannot be effectively redacted, the agency may choose not to post that comment (or to only partially post that comment) on *http://www.regulations.gov.* Confidential business information identified and located as set forth above will not be placed in the public docket file, nor will it be posted online.

If you wish to inspect the agency's public docket file in person by appointment, please see the **FOR FURTHER INFORMATION CONTACT** paragraph.

II. Background

The National Motor Vehicle Title Information System was established pursuant to 49 U.S.C. 30501–30505. The purposes of the System include reducing fraud in the registering and titling of automobiles and making information available that would restrict the market for stolen automobiles. For further information, see the NMVTIS Web site at *http://www.vehiclehistory.gov.*

BJA is promulgating this direct-final rule to make two technical corrections in the regulations that were promulgated in 2009. 74 FR 5740 (Jan. 30, 2009). Those regulations, because of a typographical error, provided at 28 CFR 25.52 that, for purposes of the program, the term *Motor vehicle* had ''the same meaning given that term in 49 U.S.C. 3102(6).'' There is no section 3102 of title 49. The regulations should have given the section as 30102(6), where a definition of ''motor vehicle'' is contained in title 49.

Similarly, the earlier regulations, at 28 CFR 25.53(f)(2), provided that the fee calculation should be ''based on the Highway Statistics Program of the Federal Highway Administration, U.S. Department of Transportation,'' but indicated that those statistics reported titled vehicles by state. Those statistics report registered vehicles (not titled vehicles) by state. This direct-final rule would correct this description of what information is reported by those statistics, so as to avoid any confusion and reflect that which was intended in the 2009 regulations.

III. Regulatory Requirements

Executive Order 12866 and 13563—Regulatory Planning and Review

This rule, which involves the minor correction of an existing regulation, has been drafted and reviewed in accordance with Executive Order 12866, ''Regulatory Planning and Review'' section 1(b), Principles of Regulation and in accordance with Executive Order 13563 ''Improving Regulation and Regulatory Review'' section 1(b) General Principles of Regulation. OJP has determined that this regulation is not a ''significant regulatory action'' under Executive Order No. 12866.

Cost/Benefit Assessment

Both Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity).

Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This regulation has no cost to state, local, or tribal governments, or to the private sector. It merely clarifies two provisions in the current regulations that clearly are in error and creates no new obligations.

Administrative Procedure Act

BJA's implementation of this rule as a direct-final rule, with provision for post-promulgation public comment, is based on findings of good cause pursuant to the Administrative Procedure Act (5 U.S.C. 553(b)(3)(B)). This minor rule amendment merely makes two technical corrections to the current regulations. BJA believes that the rule is noncontroversial and adverse comments will not be received, although comments on this rule are invited. Accordingly, BJA finds that ''good cause'' exists under 5 U.S.C. 553(b)(3)(B) to make this rule effective 90 days after publication in the **Federal Register**, unless an adverse comment is received within the comment period.

Executive Order 13132—Federalism

This rule, which involves the minor correction of an existing regulation, will not have a substantial direct effect on the states, on the relationship between the national government and the states, or on distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order No. 13132, 64 FR 43255 (Aug. 4, 1999), it is determined that this regulation does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Executive Order 12988—Civil Justice Reform

This rule, which involves the minor correction of an existing regulation, meets the applicable standards set forth in sections 3(a) & (b)(2) of Executive Order No. 12988. Pursuant to section 3(b)(1)(I) of the Executive Order, nothing in this or any previous rule (or in any administrative policy, directive, ruling, notice, guideline, guidance, or writing) directly relating to the Program that is the subject of this rule is intended to create any legal or procedural rights enforceable against the United States, except as the same may

be contained within part 25 of title 28 of the Code of Federal Regulations.

Regulatory Flexibility Act

This rule, which involves the minor correction of an existing regulation, will not have a significant economic impact on a substantial number of small entities. This rule has no new cost to State, local, or tribal governments, or to the private sector. Such costs as the NMVTIS program imposes exist by virtue of the regulations promulgated in 2009 pursuant to notice and comment, which contained an impact analysis. Therefore, an analysis of the impact of this regulation on such entities is not required under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Paperwork Reduction Act of 1995

This rule, which involves the minor correction of an existing regulation, contains no new information collection or record-keeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, *et seq.*).

Unfunded Mandates Reform Act of 1995

This rule, which involves the minor correction of an existing regulation, will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

List of Subjects in 28 CFR Part 25

Crime, Law enforcement, Motor vehicle safety, Motor vehicles, Reporting and recordkeeping requirements, Transportation.

Authority and Issuance

Accordingly, for the reasons set forth in the preamble, Title 28, Part 25, Subpart B of the Code of Federal Regulations is amended as follows:

PART 25—DEPARTMENT OF JUSTICE INFORMATION SYSTEMS

■ 1. The authority citation for 28 CFR Part 25 continues to read as follows:

Authority: Public Law 103–159, 107 Stat. 1536, 49 U.S.C. 30501–30505; Public Law 101–410, 104 Stat. 890, as amended by Public Law 104–134, 110 Stat. 1321.

Subpart B—National Motor Vehicle Title Information System (NMVTIS)

§ 25.52 [Amended]

■ 2. In § 25.52, in the definition of *Motor vehicle,* remove ''3102(6)'' and add in its place ''30102(6)''.

§ 25.53 [Amended]

■ 3. Section 25.53(f)(2) is amended by removing ''titled'' and by adding in its place ''registered''.

Dated: March 21, 2012.

Mary Lou Leary,

Acting Assistant Attorney General.

[FR Doc. 2012–7473 Filed 3–28–12; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF THE INTERIOR

Bureau of Safety and Environmental Enforcement

30 CFR Part 250

[Docket ID BSEE–2012–0003]

RIN 1014–AA01

Production Measurement Documents Incorporated by Reference

AGENCY: Bureau of Safety and Environmental Enforcement (BSEE), Interior.

ACTION: Final rule.

SUMMARY: BSEE is establishing a final rule to incorporate by reference 12 additional production measurement industry standards into the regulations governing oil, gas, and sulphur operations in the Outer Continental Shelf. Incorporation of these production measurement standards provides industry with up-to-date standards for measuring oil and gas production volumes. This rule will result in more accurate and efficient measurement of oil and gas production.

DATES: *Effective Date:* This final rule becomes effective on May 29, 2012. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of May 29, 2012.

FOR FURTHER INFORMATION CONTACT: Wilbon Rhome, Regulations and Standards Branch, at *Wilbon.Rhome@BSEE.gov,* 703–787–1587.

SUPPLEMENTARY INFORMATION: This Final Rule falls under the authority of BSEE and as such, new Regulation Identifier Number (RIN) and Docket ID numbers were assigned to this rulemaking. The new RIN for this Final Rule is 1014–AA01, will replace RIN 1010–AD53 from the proposed rule. The Docket is now BSEE–2012–0003, replacing BOEM–2010–0033.

BSEE uses standards, specifications, and recommended practices developed by standard-setting organizations and the oil and gas industry as a means of establishing requirements for activities in the Outer Continental Shelf (OCS). This practice, known as incorporation by reference, allows BSEE to incorporate the requirements of technical documents into the regulations at 30 CFR 250.198 without increasing the volume of the Code of Federal Regulations (CFR).

The regulations found at 1 CFR part 51 govern how BSEE and other Federal agencies incorporate by reference the requirements found in various documents. Agencies can incorporate by reference only through publication in the **Federal Register**. Agencies must also obtain approval from the Director of the Federal Register for each publication incorporated by reference. Incorporation by reference of a document or publication is limited to the edition of the document or publication cited in the regulations. Accordingly, newer editions, amendments, or revisions to documents already incorporated by reference in regulations are not part of BSEE regulations.

In some cases, BSEE may not agree with a standard or a specific section in a standard. As a result, a standard may not be included in the regulations at all or only a portion may be included.

Why Technical Standards Are Important

Industry standards incorporated in BSEE regulations are invaluable for a variety of reasons. In some instances they enable us to avoid unnecessarily detailed regulations. They have helped us to evolve from a regulatory process that reacts to inadequacies in OCS operations to a more orderly process that recognizes technical innovation and progressive ideas aimed at improving performance, safety, and efficiencies. Industry standards are also important because the law mandates their use by Federal agencies under certain circumstances.

Legal and Policy Mandates

Legal and Policy mandates to Federal agencies, including BSEE, to use industry standards include the following:

- In October 1993, the Office of Management and Budget (OMB) issued a revised Circular A–119 entitled, ''Federal Participation in the Development and Use of Voluntary Standards''. This Circular established the policy for participation by Federal employees in the development of technical standards and the use of voluntary standards by Federal agencies.
- In March 1996, President Clinton codified this OMB policy into Federal

law when he signed the National Technology Transfer and Advancement Act (NTTAA). This Act requires Federal agencies to achieve greater reliance on technical standards developed or adopted by voluntary consensus bodies, that are consistent with the agency's mission, with lessened dependence on in-house regulations.

• A final revision of OMB Circular A–119 was issued effective February 19, 1998. The Circular now directs agencies to use voluntary consensus standards in lieu of government-unique standards except where inconsistent with law or otherwise impractical. The policies in this Circular are intended to reduce to a minimum the reliance by agencies on government-unique standards.

Summary of Documents Incorporated by Reference in This Rule

BSEE is incorporating the requirements found in 12 measurement documents (nine American Petroleum Institute (API) and three American Gas Association (AGA) documents) to add the most current and updated measurement standards to provide industry with up-to-date guidance for measurement technology. The incorporation of these additional standards will promote the use of the best available and most accurate measurement technologies while operating in the OCS.

Measurement documents were chosen for incorporation into the regulations based on the latest technological advances introduced in these standards and highlighted in the synopsis below. BSEE, with the cooperation of independent reviewers from industry and academia, reviewed and commented on the contents of these documents in the course of their development. To ensure as consistent an approach as possible to onshore and offshore oil and gas measurement regulations the Department of the Interior's Gas and Oil Measurement Team (GOMT) reviewed the standards proposed for incorporation in this final rule. The GOMT, composed of BLM and BSEE oil and gas measurement experts, was established in August 2010 to provide technical and regulatory expertise to help ensure that oil and gas produced from Federal and Indian leases are accurately measured and properly reported and to provide greater regulatory consistency within the Department where possible.

Based on its review, BSEE determined that three of the standards in the proposed rule would not be included in this final rule. These standards may be further considered in subsequent rulemakings. The following three API standards are not included in this Final Rule because they are generally not applicable to offshore operations:

• *API MPMS Chapter 2.2E—Petroleum and Liquid Petroleum Products—Calibration of Horizontal Cylindrical Tanks–Part 1: Manual Methods, First Edition, April 2004, ISO 12917–1: 2002 (Identical), Petroleum and liquid petroleum products—Calibration of horizontal cylindrical tanks—Part 1: Manual methods;*

• *API MPMS Chapter 2.2F—Petroleum and Liquid Petroleum Products—Calibration of Horizontal Cylindrical Tanks—Part 2: Internal Electro-optical Distance-Ranging Method, First Edition, April 2004, ISO 12917–2:2002 (Identical), Petroleum and liquid petroleum products—Calibration of horizontal cylindrical tanks—Part 2: Internal electro-optical distance-ranging method;* and

• *API MPMS Chapter 12—Manual of Petroleum Measurement Standards Chapter 12—Calculation of Petroleum Quantities, Section 2—Calculation of Petroleum Quantities Using Dynamic Measurement Methods and Volumetric Correction Factors, Part 5—Calculation of Base Prover Volume by Master Meter Method; First Edition, September 2001; Reaffirmed October 2006.*

BSEE regularly participates in the reviews, revisions, and updates of standards to determine if additional versions should be incorporated into our regulations. Additions may be necessary because of changes in technology, environmental concerns, or operational incidents or trends in industry. Also, BSEE may request that a standard-writing body develop a new standard based on incident analysis or due to the introduction of new exploration or production techniques or new technologies.

BSEE has reviewed the following requirements in the nine documents discussed below and has decided to incorporate the documents into the regulations at 30 CFR part 250 to ensure that industry uses the best available and most accurate measurement technologies. BSEE review shows that using the standards contained in these documents will not impose significant additional costs on the offshore oil and gas industry.

A summary of BSEE's review of the documents is provided below:

• *AGA Report No. 7—Measurement of Natural Gas by Turbine Meters; Revised February 2006:*

This standard applies to the installation, calibration, and operation of axial-flow turbine flow meters for measurement of natural gas, typically 2-inch and larger bore diameter, in which the entire gas stream flows through the meter rotor. Typical applications include measuring single-phase gas flow found in production, process, transmission, storage, distribution, and end-use gas measurement systems.

• *AGA Report No. 9—Measurement of Gas by Multipath Ultrasonic Meters; Second Edition, April 2007:*

This standard describes the optimum conditions and best practices for multipath ultrasonic transit-time flow meters used for the measurement of natural gas. Multipath ultrasonic meters have at least two independent pairs of measuring transducers (acoustic paths). Typical applications include measuring the flow of gas through production facilities, transmission pipelines, storage facilities, distribution systems, and large end-use customer meter sets. BSEE currently requires multipath ultrasonic meters used for gas royalty or allocation measurement to contain at least three independent pairs of measuring transducers, and that requirement remains unchanged.

• *AGA Report No. 10—Speed of Sound in Natural Gas and Other Related Hydrocarbon Gases; January 2003:*

This standard contains information for computation of the speed of sound in natural gas and other related hydrocarbon gases. Procedures are included for computation of several related gas properties, including heat capacity, enthalpy, and the critical flow coefficient for sonic nozzles.

• *API MPMS Chapter 4—Manual of Petroleum Measurement Standards Chapter 4—Proving Systems, Section 8—Operation of Proving Systems; First Edition, November 1995; Reaffirmed March 2007:*

This standard provides information on operating meter provers in single-phase liquid hydrocarbons, though much of the information provided is applicable to other fluids. It is intended for use as a reference manual for operating proving systems.

• *API MPMS Chapter 5—Manual of Petroleum Measurement Standards Chapter 5—Metering, Section 6—Measurement of Liquid Hydrocarbons by Coriolis Meters; First Edition, October 2002; Reaffirmed March 2008:*

This standard is applicable to custody transfer applications for liquid hydrocarbons. Topics covered are:

○ Applicable API standards used in the operation of Coriolis meters;

○ Proving and verification using both mass and volume-based methods; and

○ Installation, operation, and maintenance.

The mass and volume-based calculation procedures for proving and

quantity determination are included in this document. Additionally, the Coriolis meter is capable of simultaneously determining density; however, this document does not address its use as a stand-alone densitometer.

• *API MPMS Chapter 5—Manual of Petroleum Measurement Standards Chapter 5—Metering, Section 8—Measurement of Liquid Hydrocarbons by Ultrasonic Flow Meters Using Transit Time Technology; First Edition, February 2005:*

This standard defines the application criteria for Ultrasonic Flow Meters (UFMs) and addresses the appropriate considerations regarding the liquids to be measured. Also, this document addresses the installation, operation, and maintenance of UFMs in liquid hydrocarbon service. This standard pertains only to spool type, two-or more-path ultrasonic flow meters with permanently affixed transducer assemblies. While this document was specifically written for custody transfer measurement, other acceptable applications may include allocation measurement, check meter measurement, and leak detection measurement.

• *API MPMS Chapter 11—Manual of Petroleum Measurement Standards Chapter 11—Physical Properties Data, Section 1—Temperature and Pressure Volume Correction Factors for Generalized Crude Oils, Refined Products, and Lubricating Oils; May 2004; Addendum 1, September 2007:*

This standard provides the algorithm and implementation procedure for the correction of temperature and pressure effects on density and volume of liquid hydrocarbons which fall within the categories of crude oil, refined products, or lubricating oils. Natural gas liquids and liquid petroleum gases are excluded from this standard. The combination of density and volume correction factors for both temperature and pressure is collectively referred to in this standard as a Correction for Temperature and Pressure of a Liquid. The temperature portion of this correction is termed the Correction for the effect of Temperature on Liquid, also historically known as Volume Correction Factor. The pressure portion is termed the Correction for the effect of Pressure on Liquid.

• *API MPMS Chapter 12—Manual of Petroleum Measurement Standards Chapter 12—Calculation of Petroleum Quantities, Section 2—Calculation of Petroleum Quantities Using Dynamic Measurement Methods and Volumetric Correction Factors, Part 3—Proving Reports; First Edition, October 1998; Reaffirmed 2009:*

This standard provides standardized calculation methods for the determination of meter factors under defined conditions, regardless of the point of origin or destination or units of measure required by governmental customs or statute. The criteria contained here will allow different entities using various computer languages on different computer hardware (or by manual calculations) to arrive at identical results using the same standardized input data. This document also specifies the equations for computing correction factors, including the calculation sequence, discrimination levels, and rules for rounding to be employed in the calculations. No deviations from these specified equations are permitted, since the intent of this document is to establish a rigorous standard.

• *API MPMS Chapter 12—Manual of Petroleum Measurement Standards Chapter 12—Calculation of Petroleum Quantities, Section 2—Calculation of Petroleum Quantities Using Dynamic Measurement Methods and Volumetric Correction Factors, Part 4—Calculation of Base Prover Volumes by the Waterdraw Method; First Edition, December 1997; Reaffirmed 2009:*

This standard provides standardized calculation methods for the quantification of liquids and the determination of base prover volumes under defined conditions, regardless of the point of origin or destination or units of measure required by governmental organizations. The criteria contained in this document allow different individuals, using various computer languages on different computer hardware (or manual calculations), to arrive at identical results using the same standardized input data. Part 4 of this standard discusses the calculation procedures for the waterdraw calibration method. It is important to point out that this publication specifies the equations for computing correction factors, rules for rounding, the sequence of the calculations, and discrimination levels of all numbers to be used in these calculations. No deviations from these specifications are permitted since the intent of this document is to serve as a rigorous standard.

• *API MPMS, Chapter 21—Manual of Petroleum Measurement Standards Chapter 21—Flow Measurement Using Electronic Metering Systems, Section 2—Electronic Liquid Volume Measurement Using Positive Displacement and Turbine Meters; First Edition, June 1998:*

This standard provides guidance for effective utilization of electronic liquid measurement systems for custody transfer measurement of liquid hydrocarbons. The guidance applies to systems using turbine or positive displacement meters. The procedures and techniques discussed in the document are recommended for use with new measurement applications. Liquid measurement using existing equipment and techniques not in compliance with this standard may have a higher uncertainty than liquid measurement based on the recommendations contained in this document.

• *API MPMS Chapter 21—Manual of Petroleum Measurement Standards Chapter 21—Flow Measurement Using Electronic Metering Systems, Addendum to Section 2—Flow Measurement Using Electronic Metering Systems, Inferred Mass; First Edition, August 2000; Reaffirmed February 2006:*

This standard specifically covers inferred mass measurement systems utilizing flow computers as the tertiary flow calculation device and either turbine or displacement-type meters, working with on-line density meters, as the primary measurement devices. The procedures and techniques discussed in this document are required for use with new measurement applications. Liquid measurement using existing equipment and techniques not in compliance with this standard may have a higher uncertainty than liquid measurement based on the recommendations contained in this document.

• *API RP 86, API Recommended Practice for Measurement of Multiphase Flow; First Edition, September 2005:*

This recommended practice addresses how the user measures (multiphase) flow rates of oil, gas, water, and any other fluids that are present in the effluent stream. This recommended practice requires the definition not only of the methodology that is to be employed, but also the provision of evidence that this methodology will produce a quality measurement in the intended environment. It is intended that this recommended practice be used in conjunction with other similar documents to guide the user toward good measurement practice in upstream hydrocarbon production applications. The term ''upstream'' refers to those measurement points prior to, but not including, the custody transfer point.

Comments on the Proposed Rule

On November 26, 2010, the former Bureau of Ocean Energy Management Regulation, and Enforcement (BOEMRE) published a rule proposing to incorporate 15 additional production measurement industry standards into

the regulations governing oil, gas, and sulphur operations in the Outer Continental Shelf (75 FR 72761). The public comment period ended on January 25, 2011. BOEMRE received only two sets of comments on the proposed rule; one set from API, the other set was consolidated comments from the API, International Association of Drilling Contractors, Independent Petroleum Association of America, National Ocean Industries Association, Offshore Operators Committee, and US Oil and Gas Association. Some of the comments raised issues related to another rulemaking; those issues are not included in the discussion of comments on this rulemaking. You may view these comments on BSEE's Web site at: *http://www.BSEE.gov/federalregister/2010.htm.*

Discussion of Comments

Comment: API's standards committees comply with the American National Standards Institute (ANSI)-approved procedures for standards development which, among other things, require API standards to be reviewed every five years. The comment stated that API acknowledges that the proposed rule refers to the latest editions of the API standards listed in the proposed rule. API further commented, ''However, we would like to point out that a number of these standards are under revision, consistent with API's ANSI-approved procedures for standards development. As a result, new or revised editions will likely be published before the end of the year for a number of standards cited in the proposed rule, including:

API MPMS Chapter 4.8 Operation of Proving Systems;

API MPMS Chapter 5.8 Measurement of Liquid Hydrocarbons by Ultrasonic Flow Meters Using Transit Time Technology;

API RP 86 Recommended Practice for Measurement of Multiphase Flow (to be replaced by API MPMS Chapter 20.3 Measurement of Multiphase Flow).''

Response: New or revised editions of the standards cited by API may be considered for possible incorporation either in whole or in part into BSEE's regulations at the appropriate time. Of the documents suggested for incorporation, only the new edition of API MPMS Chapter 5.8 has been published; the other documents are still under development. API MPMS Chapter 5.8 was recently released and BSEE is reviewing to determine if it wants to incorporate it in the future. BSEE will review revised or new standards when they are released and will prepare a Notice of Proposed Rulemaking if it decides to incorporate any or all of these three new editions. However, BSEE does not believe it is in the best interest of either the government or the industry to delay this rulemaking to incorporate the one recently released new standard or to wait for the publication of the other standards. Therefore, BSEE will move forward with the incorporation by reference of 12 additional standards in the form that they existed at the time BSEE completed its review of the standards for purposes of this Final Rule. These standards will result in more accurate and efficient measurement of oil and gas production in the OCS.

Comment: API asked BSEE to clarify the intent of the new 30 CFR 250.198(a)(3), promulgated as part of an Interim Final Rule, Increased Safety Measures for Energy Development on the Outer Continental Shelf, published on October 14, 2010 (75 FR 63346) and requested that BSEE give additional clarification on what is actually intended by the provision presented in that rule at 30 CFR 250.198(a)(3), and what is required.

Response: This comment is beyond the scope of this rulemaking. The revised language was published in another proposed rule and BSEE will address this comment when that final rule is published.

Availability of Incorporated Documents for Public Viewing

When a copyrighted technical industry standard is incorporated by reference into the agency's regulations, BSEE is obligated to observe and protect that copyright. BSEE provides members of the public with Web site addresses where these standards may be accessed for viewing—sometimes for free and sometimes for a fee. The decision to charge a fee is made by the standard-developing organization. API provides free online public access to 160 key industry standards, including a broad range of technical standards. The standards represent almost one-third of all API standards and include all that are safety-related or have been incorporated into Federal regulations, including the standards in this rule, as of the effective date. The newly accessible standards will be available for review online, and hardcopies and printable versions will continue to be available for purchase. BSEE is incorporating both API and AGA standards. The addresses to these Web site locations are:

API Standard/Document Contact IHS at 1–800–854–7179 or 303–397–7956 Local and International, *http://www.global.ihs.com;* and AGA Standard/Document 1–800–699–9277 Toll free in US & Canada *http://www.techstreet.com/contact.tmpl.* You may view or purchase these API documents at: *http://www.api.org/.*

For the convenience of the viewing public who may not wish to purchase or view these final documents online, they may be inspected at the Bureau of Safety and Environmental Enforcement, 381 Elden Street, Room 3313, Herndon, Virginia 20170; phone: 703–787–1587; or 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.*

These documents, now incorporated in the final rule, will continue to be made available to the public for viewing when requested. Specific information on where these documents can be inspected or purchased can be found at 30 CFR 250.198, Documents Incorporated by Reference.

Procedural Matters

Regulatory Planning and Review (Executive Orders 12866 and 13563)

This final rule is not a significant rule as determined by the Office of Management and Budget (OMB) and is not subject to review under E.O. 12866. This final rule:

(1) Will not have an annual effect of $100 million or more on the economy. It will not adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. The primary purpose of this final rule is to add the most current and updated measurement standards so that lessees use new measurement technology. BSEE believes that these additional standards will not result in any significant additional costs. The benefits of the final changes in this rule justify the negligible cost incurred by the offshore oil and gas industry. The cost to the industry in most cases will be minor equipment modification or replacement, some additional training and the purchase price of these documents. Compliance with the standards in the editions of these documents incorporated by reference will assure the use of the best available and most accurate measurement technologies for operations on the OCS.

(2) Will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency because it does not

affect the work of other agencies or hinder other agencies from taking action.

(3) Will not materially alter the budgetary effects or entitlements, grants, user fees, or loan programs or the rights or obligations of their recipients.

(4) Will not raise novel, legal, or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in E.O. 12866.

Executive Order 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. This final rule has been developed in a manner consistent with these requirements.

Regulatory Flexibility Act

The Department of the Interior certifies that this final rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

This final rule will affect lessees and operators of oil and gas leases in the OCS. This includes approximately 130 active Federal oil and gas lessees. Lessees that conduct business under this rule are coded under the Small Business Administration's (SBA) North American Industry Classification System (NAICS) codes 211111, Crude Petroleum and Natural Gas Extraction, and 213111, Drilling Oil and Gas Wells. For these NAICS code classifications, a small company is defined as one with fewer than 500 employees. BSEE estimates that approximately 70 percent of the 130 lessees and operators that explore for and produce oil and gas on the OCS meet the definition of a small company. This rule, which will incorporate 15 additional standards, will not have a significant economic effect on a substantial number of small companies because the newly incorporated standards will not impose significant costs or burdens on any lessees or operators. Therefore, the primary economic effect of this rule on small business will be the nominal cost associated with the purchase of the standards.

Your comments are important. The Small Business and Agriculture Regulatory Enforcement Ombudsman and 10 Regional Fairness Boards were established to receive comments from small businesses about Federal agency enforcement actions. The Ombudsman will annually evaluate the enforcement activities and rate each agency's responsiveness to small business. If you wish to comment on the actions of BSEE, call 1–888–734–3247. You may comment to the Small Business Administration without fear of retaliation. Allegations of discrimination/retaliation filed with the Small Business Administration will be investigated for appropriate action.

Small Business Regulatory Enforcement Fairness Act

The final rule is not a major rule under the Small Business Regulatory Enforcement Fairness Act (5 U.S.C. 801 *et seq.*). This final rule:

a. Will not have an annual effect on the economy of $100 million or more.

b. Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. The cost to comply with the rule will virtually be the same as current requirements.

c. Will not have a significant adverse effect on competition, employment, investment, productivity, innovation, or ability of U.S.-based enterprises to compete with foreign-based enterprises. The requirements will apply to all entities operating on the OCS.

Unfunded Mandates Reform Act of 1995

This final rule will not impose an unfunded mandate on State, local, or tribal governments or the private sector of more than $100 million per year. The final rule will not have a significant or unique effect on State, local, or tribal governments or the private sector. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*) is not required.

Takings Implication Assessment (E.O. 12630)

Under the criteria in E.O. 12630, this final rule does not have significant takings implications. The final rule is not a governmental action capable of interference with constitutionally protected property rights. A Takings Implication Assessment is not required.

Federalism (E.O. 13132)

Under the criteria in E.O. 13132, this final rule does not have federalism implications. This final rule will not substantially and directly affect the relationship between the Federal and State governments. To the extent that State and local governments have a role in OCS activities, this final rule will not affect that role. A Federalism Assessment is not required.

Civil Justice Reform (E.O. 12988)

This rule complies with the requirements of E.O. 12988. Specifically, this rule:

(a) Meets the criteria of section 3(a) requiring that all regulations be reviewed to eliminate errors and ambiguity and be written to minimize litigation; and

(b) Meets the criteria of section 3(b)(2) requiring that all regulations be written in clear language and contain clear legal standards.

Consultation With Indian Tribes (E.O. 13175)

Under the criteria in E.O. 13175, we have evaluated this final rule and determined that it has no potential effects on federally recognized Indian tribes. There are no Indian or tribal lands in the OCS. Nor are tribally owned businesses subject to the regulation.

Paperwork Reduction Act

The final revisions do not contain any information collection subject to the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et. seq.*); therefore, a submission to OMB for review and approval is not required.

National Environmental Policy Act of 1969 (NEPA)

This final rule does not constitute a major Federal action significantly affecting the quality of the human environment. BSEE has analyzed this final rule under the criteria of NEPA and 43 CFR part 46. This final rule meets the criteria set forth in 43 CFR 46.210(i) for a Departmental ''Categorical Exclusion'' in that this final rule is ''* * * of an administrative, financial, legal, technical, or procedural nature * * *.'' This final rule also meets the criteria set forth in 516 Departmental Manual 15.4(C)(1) for a BSEE ''Categorical Exclusion'' in that its impacts are limited to administrative, economic or technological effects. We have also determined that the rule does not involve any of the extraordinary circumstances listed in 43 CFR 46.215 that will require further analysis under NEPA.

Data Quality Act

In developing this rule, BSEE did not conduct or use a study, experiment, or survey requiring peer review under the Data Quality Act (Pub. L. 106–554, app. C § 515, 114 Stat. 2763, 2763A–153–154).

Effects on the Energy Supply (E.O. 13211)

This rule is not a significant energy action under the definition in E.O. 13211. A Statement of Energy Effects is not required.

List of Subjects in 30 CFR Part 250

Continental shelf, Incorporation by reference, Public lands—mineral resources, Reporting and recordkeeping requirements.

Dated: March 16, 2012.

Marcilynn A. Burke,

Acting Assistant Secretary—Land and Minerals Management.

For the reasons stated in the preamble, BSEE proposes to amend 30 CFR part 250 as follows:

PART 250—OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF

■ 1. The authority citation for part 250 continues to read as follows:

Authority: 31 U.S.C. 9701, 43 U.S.C. 1334.

■ 2. Amend § 250.198 by:

■ a. Removing paragraph (h)(75) and redesignating (h)(76) through (h)(80) as (h)(75) through (h)(79); and

■ b. Adding paragraphs (h)(80) through (h)(88) and (l) to read as follows:

§ 250.198 Documents incorporated by reference.

* * * * *

(h) * * *

(80) API Manual of Petroleum Measurement Standards (MPMS) Chapter 4—Proving Systems, Section 8—Operation of Proving Systems; First Edition, reaffirmed March 2007; incorporated by reference at § 250.1202(a)(2), (a)(3), (f)(1), and (g);

(81) API Manual of Petroleum Measurement Standards (MPMS) Chapter 5—Metering, Section 6—Measurement of Liquid Hydrocarbons by Coriolis Meters; First Edition, reaffirmed March 2008; incorporated by reference at § 250.1202(a)(2) and (3);

(82) API Manual of Petroleum Measurement Standards (MPMS) Chapter 5—Metering, Section 8—Measurement of Liquid Hydrocarbons by Ultrasonic Flow Meters Using Transit Time Technology; First Edition, February 2005; incorporated by reference at § 250.1202(a)(2) and (3);

(83) API Manual of Petroleum Measurement Standards (MPMS) Chapter 11—Physical Properties Data, Section 1—Temperature and Pressure Volume Correction Factors for Generalized Crude Oils, Refined Products, and Lubricating Oils; May 2004, (incorporating Addendum 1, September 2007); incorporated by reference at § 250.1202(a)(2), (a)(3), (g), and (l)(4);

(84) API Manual of Petroleum Measurement Standards (MPMS) Chapter 12—Calculation of Petroleum Quantities, Section 2—Calculation of Petroleum Quantities Using Dynamic Measurement Methods and Volumetric Correction Factors, Part 3—Proving Reports; First Edition, reaffirmed 2009; incorporated by reference at § 250.1202(a)(2), (a)(3), and (g);

(85) API Manual of Petroleum Measurement Standards (MPMS) Chapter 12—Calculation of Petroleum Quantities, Section 2—Calculation of Petroleum Quantities Using Dynamic Measurement Methods and Volumetric Correction Factors, Part 4—Calculation of Base Prover Volumes by the Waterdraw Method, First Edition, reaffirmed 2009; incorporated by reference at § 250.1202(a)(2), (a)(3), (f)(1), and (g);

(86) API Manual of Petroleum Measurement Standards (MPMS) Chapter 21—Flow Measurement Using Electronic Metering Systems, Section 2—Electronic Liquid Volume Measurement Using Positive Displacement and Turbine Meters; First Edition, June 1998; incorporated by reference at § 250.1202(a)(2);

(87) API Manual of Petroleum Measurement Standards Chapter 21—Flow Measurement Using Electronic Metering Systems, Addendum to Section 2—Flow Measurement Using Electronic Metering Systems, Inferred Mass; First Edition, reaffirmed February 2006; incorporated by reference at § 250.1202(a)(2);

(88) API RP 86, API Recommended Practice for Measurement of Multiphase Flow; First Edition, September 2005; incorporated by reference at § 250.1202(a)(2), (a)(3), and § 250.1203(b)(2).

* * * * *

(l) American Gas Association (AGA Reports), 400 North Capitol Street, NW., Suite 450, Washington, DC 20001, *http://www.aga.org;* phone: 202–824–7000;

(1) AGA Report No. 7—Measurement of Natural Gas by Turbine Meters; Revised February 2006; incorporated by reference at § 250.1203(b)(2);

(2) AGA Report No. 9—Measurement of Gas by Multipath Ultrasonic Meters; Second Edition, April 2007; incorporated by reference at § 250.1203(b)(2);

(3) AGA Report No. 10—Speed of Sound in Natural Gas and Other Related Hydrocarbon Gases; Copyright 2003; incorporated by reference at § 250.1203(b)(2).

■ 3. In § 250.1202, revise paragraphs (a)(2) and (3), (f)(1), (g) introductory text and (g)(1) through (4), and (l)(4) to read as follows:

§ 250.1202 Liquid hydrocarbon measurement.

* * * * *

(a) * * *

(2) Use measurement equipment and procedures that will accurately measure the liquid hydrocarbons produced from a lease or unit to comply with the following additional API MPMS industry standards or API RP:

(i) API MPMS, Chapter 4, Section 8 (incorporated by reference as specified in § 250.198);

(ii) API MPMS, Chapter 5, Section 6 (incorporated by reference as specified in § 250.198);

(iii) API MPMS, Chapter 5, Section 8 (incorporated by reference as specified in § 250.198);

(iv) API MPMS, Chapter 11, Section 1 (incorporated by reference as specified in § 250.198);

(v) API MPMS Chapter 12, Section 2, Part 3 (incorporated by reference as specified in § 250.198);

(vi) API MPMS Chapter 12, Section 2, Part 4 (incorporated by reference as specified in § 250.198);

(vii) API MPMS, Chapter 21, Section 2 (incorporated by reference as specified in § 250.198);

(viii) API MPMS, Chapter 21, Addendum to Section 2 (incorporated by reference as specified in § 250.198);

(ix) API RP 86 (incorporated by reference as specified in § 250.198);

(3) Use procedures and correction factors according to the applicable chapters of the API MPMS or RP as incorporated by reference in 30 CFR 250.198, including the following additional editions:

(i) API MPMS, Chapter 4, Section 8 (incorporated by reference as specified in § 250.198);

(ii) API MPMS, Chapter 5, Section 6 (incorporated by reference as specified in § 250.198);

(iii) API MPMS, Chapter 5, Section 8 (incorporated by reference as specified in § 250.198);

(iv) API MPMS Chapter 11, Section 1 (incorporated by reference as specified in § 250.198);

(v) API MPMS Chapter 12, Section 2, Part 3 (incorporated by reference as specified in § 250.198);

(vi) API MPMS Chapter 12, Section 2, Part 4 (incorporated by reference as specified in § 250.198);

(vii) API RP 86 (incorporated by reference as specified in § 250.198); when obtaining net standard volume and associated measurement parameters; and

* * * * *

(f) * * *

(1) Calibrate mechanical-displacement provers and tank provers at least once every 5 years according to the API MPMS as incorporated by reference in 30 CFR 250.198, including the following additional editions:

(i) API MPMS, Chapter 4, Section 8 (incorporated by reference as specified in § 250.198);

(ii) API MPMS Chapter 12, Section 2, Part 4 (incorporated by reference as specified in § 250.198);

* * * * *

(g) * * * Calculate the following correction factors using the API MPMS as referenced in 30 CFR 250.198, including the following additional editions:

(1) API MPMS, Chapter 4, Section 8 (incorporated by reference as specified in § 250.198);

(2) API MPMS Chapter 11, Section 1 (incorporated by reference as specified in § 250.198);

(3) API MPMS Chapter 12, Section 2, Part 3 (incorporated by reference as specified in § 250.198);

(4) API MPMS Chapter 12, Section 2, Part 4 (incorporated by reference as specified in § 250.198);

* * * * *

(l) * * *

(4) Obtain the volume and other measurement parameters by using corrections factors and procedures in the API MPMS as incorporated by reference in 30 CFR 250.198, including: API MPMS Chapter 11, Section 1 (incorporated by reference as specified in § 250.198).

■ 4. Revise § 250.1203(b)(2) to read as follows:

§ 250.1203 Gas measurement.

* * * * *

(b) * * *

(2) Design, install, use, maintain, and test measurement equipment and procedures to ensure accurate and verifiable measurement. You must follow the recommendations in API MPMS or RP and AGA as incorporated by reference in 30 CFR 250.198, including the following additional editions:

(i) API RP 86 (incorporated by reference as specified in § 250.198);

(ii) AGA Report No. 7 (incorporated by reference as specified in § 250.198);

(iii) AGA Report No. 9 (incorporated by reference as specified in § 250.198);

(iv) AGA Report No. 10 (incorporated by reference as specified in § 250.198);

* * * * *

[FR Doc. 2012–7324 Filed 3–28–12; 8:45 am]

BILLING CODE 4310–VH–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2011–0818; FRL–9654–1]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Determinations of Clean Data for the 2006 24-Hour Fine Particulate Standard for the Harrisburg-Lebanon-Carlisle-York, Allentown, Johnstown, and Lancaster Nonattainment Areas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is making a final determination regarding the Harrisburg-Lebanon-Carlisle-York, Allentown, Johnstown, and Lancaster nonattainment areas (hereafter referred to as ''Areas'') for the 24-hour 2006 fine particulate matter ($PM_{2.5}$) national ambient air quality standard (NAAQS). EPA is determining that the Areas have clean data for the 24-hour 2006 $PM_{2.5}$ NAAQS. These determinations are based upon complete, quality-assured, quality-controlled, and certified ambient air monitoring data showing that these Areas have monitored attainment of the 24-hour 2006 $PM_{2.5}$ NAAQS based on the 2008–2010 data in EPA's Air Quality System (AQS) database. EPA's determinations relieve these Areas from the requirements to submit an attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning State Implementation Plans (SIPs) related to attainment of the standard for so long as these Areas continue to meet the 24-hour 2006 $PM_{2.5}$ NAAQS.

DATES: *Effective Date:* This final rule is effective on April 30, 2012.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2011–0818. All documents in the docket are listed in the *www.regulations.gov* Web site. Although listed in the electronic docket, some information is not publicly available, i.e., confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

FOR FURTHER INFORMATION CONTACT: Irene Shandruk, (215) 814–2166, or by email at *shandruk.irene@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA.

I. What action is EPA taking?
II. What is the effect of this action?
III. Statutory and Executive Order Reviews

I. What action is EPA taking?

EPA is making final determinations that the Harrisburg-Lebanon-Carlisle-York, Allentown, Johnstown, and Lancaster nonattainment areas have clean data for the 24-hour 2006 $PM_{2.5}$ NAAQS. These determinations are based upon complete, quality-assured, quality-controlled, and certified ambient air monitoring data showing that these Areas have monitored attainment of the 2006 $PM_{2.5}$ NAAQS based on the 2008–2010 monitoring data.

On January 20, 2012 (77 FR 2941), EPA proposed determinations of clean data for the Harrisburg-Lebanon-Carlisle-York, Allentown, Johnstown, and Lancaster nonattainment areas. A discussion of the rationale behind these determinations and the effect of these determinations were included in the notice of proposed rulemaking. EPA received no comments on this notice of proposed rulemaking.

II. What is the effect of this action?

Under the provisions of EPA's $PM_{2.5}$ implementation rule (*See* 40 CFR 51.1004(c)), the requirements for the Harrisburg-Lebanon-Carlisle-York, Allentown, Johnstown, and Lancaster nonattainment areas to submit an attainment demonstration and associated reasonably available control measures (including reasonably available control technology), a reasonable further progress plan, contingency measures, and any other planning SIPs related to attainment of the 2006 $PM_{2.5}$ NAAQS are suspended for so long as the Areas continue to meet the 24-hour 2006 $PM_{2.5}$ NAAQS. If EPA subsequently determines that these Areas violate the 24-hour 2006 $PM_{2.5}$

NAAQS, the basis for the suspension of the specific requirements, set forth at 40 CFR 51.1004(c), would no longer exist and these Areas would thereafter have to address the pertinent requirements.

This action does not constitute a redesignation of these Areas to attainment for the 24-hour 2006 $PM_{2.5}$ NAAQS under section 107(d)(3) of the Clean Air Act (CAA). Further, this action does not involve approving maintenance plans for these Areas as required under section 175A of the CAA, nor does it find that the Areas have met all other requirements for redesignation. Even after these determinations of attainment by EPA, the designation status of these Areas is nonattainment for the 24-hour 2006 $PM_{2.5}$ NAAQS until such time as EPA determines that the Areas meet the CAA requirements for redesignation to attainment and takes action to redesignate these Areas.

III. Statutory and Executive Order Reviews

A. General Requirements

This action makes determinations of attainment based on air quality, and will result in the suspension of certain Federal requirements, and will not impose additional requirements beyond those imposed by state law. For that reason, this action:

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

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

B. Submission to Congress and the Comptroller General

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

C. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 29, 2012. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action.

These clean data determinations for the 24-hour 2006 $PM_{2.5}$ NAAQS for the Harrisburg-Lebanon-Carlisle-York, Allentown, Johnstown, and Lancaster nonattainment areas may not be challenged later in proceedings to enforce its requirements. (*See* section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

Dated: March 19, 2012.

W.C. Early,

Acting Regional Administrator, Region III.

40 CFR Part 52 is amended as follows:

PART 52—[AMENDED]

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

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

Subpart NN—Pennsylvania

■ 2. In § 52.2059, paragraph (e) is added to read as follows:

§ 52.2059 Control strategy: Particulate matter.

* * * * *

(e) *Determination of Clean Data.* EPA has determined, as of March 29, 2012, that based on 2008 to 2010 ambient air quality data, the Harrisburg-Lebanon-Carlisle-York, Allentown, Johnstown, and Lancaster nonattainment areas have attained the 24-hour 2006 $PM_{2.5}$ NAAQS. These determinations, in accordance with 40 CFR 51.1004(c), suspend the requirements for these areas to submit an attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning SIPs related to attainment of the standard for as long as these areas continue to meet the 24-hour 2006 $PM_{2.5}$ NAAQS.

[FR Doc. 2012–7563 Filed 3–28–12; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2005–NM–0006; FRL–9654–2]

Approval and Promulgation of Implementation Plans; New Mexico; Construction Permit Fees

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking a direct final action to approve revisions which repeal and replace existing rules, and revisions to the applicable State Implementation Plan (SIP) for New Mexico submitted by the State of New Mexico on April 11, 2002, and April 25, 2005, which relate to construction permit fee requirement regulations. The repeal and replace and SIP revisions

included in this action would address section 110(a)(2) Clean Air Act (the Act or CAA) requirements related to fees for reviewing and acting on specific air quality construction permit applications received by the New Mexico Environment Department (NMED or Department) and for implementing and enforcing the terms and conditions of the construction permit, excluding any court costs or other costs associated with an enforcement action. EPA has determined that these SIP revisions comply with the Clean Air Act and EPA regulations and are consistent with EPA policies. This action is being taken under section 110 of the Act.

DATES: This direct final rule is effective on May 29, 2012 without further notice, unless EPA receives relevant adverse comment by April 30, 2012. If EPA receives such comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R06–OAR–2005–NM–0006, by one of the following methods:

(1) *www.regulations.gov:* Follow the on-line instructions for submitting comments.

(2) *Email:* Ms. Ashley Mohr at *mohr.ashley@epa.gov.*

(3) *Fax:* Ms. Ashley Mohr, Air Permits Section (6PD–R), at fax number 214–665–6762.

(4) *Mail:* Ms. Ashley Mohr, Air Permits Section (6PD–R), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733.

(5) *Hand or Courier Delivery:* Ms. Ashley Mohr, Air Permits Section (6PD–R), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733. Such deliveries are accepted only between the hours of 8:30 a.m. and 4:30 p.m. weekdays except for legal holidays. Special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R06–OAR–2005–NM–0006. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information the disclosure of which is restricted by statute. Do not submit information through *http://www.regulations.gov* or email, if you believe that it is CBI or otherwise protected from disclosure. The *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means that 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 *http://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, EPA recommends that you include your name and other contact information in the body of your comment along with any disk or CD–ROM submitted. 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 and any form of encryption and should be free of any defects or viruses. For additional information about EPA's public docket, visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

Docket: All documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information the disclosure of which is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at the Air Permits Section (6PD–R), Environmental Protection Agency, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733. The file will be made available by appointment for public inspection in the Region 6 FOIA Review Room between the hours of 8:30 a.m. and 4:30 p.m. weekdays except for legal holidays. Contact the person listed in the **FOR FURTHER INFORMATION CONTACT** paragraph below to make an appointment. If possible, please make the appointment at least two working days in advance of your visit. A 15 cent per page fee will be charged for making photocopies of documents. On the day of the visit, please check in at the EPA Region 6 reception area on the seventh floor at 1445 Ross Avenue, Suite 700, Dallas, Texas.

The State submittal related to this SIP revision, and which is part of the EPA docket, is also available for public inspection at the State Air Agency listed below during official business hours by appointment:

New Mexico Environment Department, Air Quality Bureau, 1190 St. Francis Drive, Santa Fe, New Mexico.

FOR FURTHER INFORMATION CONTACT: If you have questions concerning today's direct final action, please contact Ms. Ashley Mohr (6PD–R), Air Permits Section, Environmental Protection Agency, Region 6, 1445 Ross Avenue (6PD–R), Suite 1200, Dallas, Texas 75202–2733, telephone (214) 665–7289; fax number (214) 665–6762; email address *mohr.ashley@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document the following terms have the meanings described below:

- ''We'', ''us'' and ''our'' refer to EPA.
- ''Act'' and ''CAA'' mean the Clean Air Act.
- ''40 CFR'' means Title 40 of the Code of Federal Regulations—Protection of the Environment.
- ''SIP'' means the State Implementation Plan established under section 110 of the Act.
- ''NSR'' means new source review.
- ''TSD'' means the Technical Support Document for this action.
- ''NAAQS'' means any national ambient air quality standard established under 40 CFR part 50.

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I. What action is EPA taking?

We are taking direct final action to approve revisions to the applicable State Implementation Plan (SIP) for New Mexico submitted by the State of New Mexico on April 11, 2002, and April 25, 2005, which relate to construction permit fee requirement regulations. The April 11, 2002, SIP submittal repealed the existing construction permit fee regulations and adopted replacement construction permit fees (hereafter referred to as ''repeal and replace''), codified in 20.2.75 of the New Mexico Administrative Code (NMAC). The April 25, 2005, SIP submittal amended four sections of the repeal and replace: 20.2.75.5 NMAC, 20.2.75.7 NMAC, 20.2.75.10 NMAC, and 20.2.75.11 NMAC.

We provide the reasoning comprising our evaluation in general terms in this rulemaking but provide a more detailed

evaluation and analysis in the Technical Support Document (TSD) that has been prepared for this rulemaking. The repeal and replace submitted on April 11, 2002, has been determined to be significantly different from the existing version of 20.2.75 NMAC, Construction Permit Fees, which was approved into the New Mexico SIP by EPA on September 26, 1997 (62 FR 50518). Therefore, a direct comparison to the approved New Mexico SIP is impractical, and the technical review of the repeal and replace will be evaluated for approval in this action and used as the baseline SIP for evaluation of the April 25, 2005, revisions.

Our technical analysis of the April 11, 2002, repeal and replace and the April 25, 2005, SIP rule revisions has found that the repeal and replace as a baseline rule, and the subsequent revisions to this rule are consistent with applicable provisions of section 110(a)(2) of the CAA. Therefore, EPA is taking direct final action to approve the fees SIP rules submitted on April 11, 2002, and April 25, 2005.

We are publishing this rule without prior proposal because we view this as a noncontroversial amendment and anticipate no relevant adverse comments. As explained in our technical support document (TSD), we are finding this action noncontroversial because the construction permit fees program is an established permit fees program that New Mexico developed with input from members of the regulated community and public interest groups via a public participation process that was initiated simultaneous to initial rule review and development. However, in the proposed rules section of this **Federal Register** publication, we are publishing a separate document that will serve as the proposal to approve the SIP revision if relevant adverse comments are received. This rule will be effective on May 29, 2012 without further notice unless we receive relevant adverse comment by April 30, 2012. If we receive relevant adverse comments, we will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. We will address all public comments in a subsequent final rule based on the proposed rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so now. Please note that if we receive adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, we may adopt as final those provisions of the rule that are not the subject of an adverse comment.

II. What did New Mexico submit?

A. April 11, 2002 Repeal and Replace SIP Revision Submittal

The Governor of New Mexico submitted on April 11, 2002, a repeal and replacement of the existing version of 20.2.75 NMAC, Construction Permit Fees, which was approved into the New Mexico SIP by EPA on September 26, 1997. This submittal includes the following changes:

- *Repeal and replace of the following sections:* 20.2.75.1 NMAC, Issuing Agency; 20.2.75.2 NMAC, Scope; 20.2.75.3 NMAC, Statutory Authority; 20.2.75.4 NMAC, Duration; 20.2.75.5 NMAC, Effective Date; 20.2.75.6 NMAC, Objective; 20.2.75.7 NMAC, Definitions; 20.2.75.8 NMAC, Amendment and Supersession of Prior Regulations; 20.2.75.9 NMAC, Documents; 20.2.75.10 NMAC, Filing Fee; 20.2.75.11 NMAC, Permit Fee; 20.2.75.12 NMAC, Payment of Fees; and 20.2.75.13 NMAC, Periodic Review.

B. April 25, 2005 SIP Revision Submittal

The Governor of New Mexico submitted on April 25, 2005, a revision to 20.2.75 NMAC, Construction Permit Fees. This submittal includes the following changes:

- *Revisions to the following sections:* 20.2.75.5 NMAC, Effective Date; 20.2.75.7 NMAC, Definitions; 20.2.75.10 NMAC, Filing Fee; and 20.2.75.11 NMAC, Permit Fee.

Table 1 summarizes the changes that are in the repeal and replace submitted April 11, 2002, and the additional SIP revisions submitted April 25, 2005. A summary of EPA's evaluation of each section and the basis for this action is discussed in section III of this preamble. The Technical Support Document (TSD) includes a detailed evaluation of the referenced SIP submittals.

TABLE 1—SUMMARY OF EACH SIP SUBMITTAL THAT IS AFFECTED BY THIS ACTION

Section	Title	Submittal dates	Description of change	Final action
20.2.75 NMAC—Construction Permit Fees				
Issuing Agency				
20.2.75.1 NMAC	Issuing Agency	4/11/2002	Repeal and replace: Information about the issuing agency.	Approval.
Scope				
20.2.75.2 NMAC	Scope	4/11/2002	Repeal and replace: Scope of rule applicability and annual fee payment requirements [1].	Approval.
Statutory Authority				
20.2.75.3 NMAC	Statutory Authority	4/11/2002	Repeal and replace: Fees provisions adopted pursuant to state statutory authority.	Approval.
Duration				
20.2.75.4 NMAC	Duration	4/11/2002	Repeal and replace: Rules to be of permanent duration	Approval.
Effective Date				
20.2.75.5 NMAC	Effective Date	4/11/2002	Repeal and replace: Rules to be effective March 2, 2001.	Approval.

TABLE 1—SUMMARY OF EACH SIP SUBMITTAL THAT IS AFFECTED BY THIS ACTION—Continued

Section	Title	Submittal dates	Description of change	Final action
	.....	4/25/2005	Section revised to include the effective date as March 2, 2001 except where a later date is cited at the end of a specific section.	Approval.
Objective				
20.2.75.6 NMAC	Objective	4/11/2002	Repeal and replace: Establishes objective for fees rules	Approval.
Definitions				
20.2.75.7 NMAC	Definitions	4/11/2002	Repeal and Replace: Provides definitions for the following as used in the fees rules: "Air toxics review",[2] "Applicable regulations".[3] "Fee unit",[4] "Fugitive Emissions Fee Unit". "Revision",[5] "Small business",[6] "Technical review of an existing permit".	Approval.
	.....	4/25/2005	Section revised to include the correction of a typographical error in the definition of "Fee unit".	Approval.
Amendment and Supersession of Prior Regulations				
20.2.75.8 NMAC	Amendment and Supersession of Prior Regulations.	4/11/2002	Repeal and replace: Amendment and supersession of AQCR 700 with Part 75.	Approval.
Documents				
20.2.75.9 NMAC	Documents	4/11/2002	Repeal and replace: Documents cited may be viewed at physical location.	Approval.
Filing Fee				
20.2.75.10 NMAC	Filing Fee	4/11/2002	Repeal and replace: Filing fees established for construction permit applications[7].	Approval.
	.....	4/25/2005	Section revised to include filing fee requirements for filing of a notice of intent.	Approval.
Permit Fee				
20.2.75.11 NMAC	Permit Fee	4/11/2002	Repeal and replace: Complexity point-based permit fee schedule and annual fees established for construction permit applicants[8 9 10].	Approval.
	.....	4/25/2005	Section revised to include complexity points for portable source relocation; increase annual fee amount; and establish requirement to update fee amounts annually based on the Consumer Price Index.	Approval.
Payment of Fees				
20.2.75.12 NMAC	Payment of Fees	4/11/2002	Repeal and replace: Construction permit fee payment requirements for filing fees, permits fees, and annual fees.	Approval.
Periodic Review				
20.2.75.13 NMAC	Periodic Review	4/11/2002	Repeal and replace: Construction permit fees and construction permit program costs will be reviewed annually.	Approval.

[1] The scope provisions submitted on April 11, 2002 as part of the repeal and replace references Operating Permits (20.2.70 NMAC) and Operating Permit Emission Fees (20.2.71 NMAC) related to the Title V program. The Title V program is subject to statutory and regulatory evaluation beyond the statutory scope of this rulemaking. CAA Section 110(a)(2) falls under Title I of the CAA. Any evaluation of the Title V program and related fees must be done pursuant to CAA section 502 through 507 and 40 CFR part 70. Therefore, we are approving the reference to Operating Permits and Operating Permit Emission Fees as part of the permit fee schedule for the purpose of compliance with the fee related requirements of section 110(a)(2), but we are not evaluating or approving into the SIP the underlying and related regulations found in 20.2.70 NMAC and 20.2.71 NMAC through this rulemaking.

[2] "Air toxics review" under the repeal and replace submitted April 11, 2002 references Air Toxics Review (20.2.72.400 NMAC–20.2.72.499 NMAC), which is a permitting program and regulation separate from the fee rules governed by 20.2.75 NMAC. The State Air Toxics program is subject to statutory and regulatory evaluation beyond the statutory scope of this rulemaking. This action is limited to determining whether the New Mexico fee SIP submittals meet the fee related requirements of section 110(a)(2). Therefore, we are approving the reference to Air Toxics Review as part of the permit fee schedule for the purpose of compliance with the fee related requirements of section 110(a)(2), but we are not evaluating or approving into the SIP the underlying and related regulations for Air Toxics Review through this rulemaking.

[3] "Applicable regulations" under the repeal and replace submitted April 11, 2002 references Operating Permits (20.2.70 NMAC), Operating Permit Emissions Fees (20.2.71 NMAC), New Source Performance Standards (NSPS) (20.2.77 NMAC), Emission Standards for Hazardous Air Pollutants (NESHAP) (20.2.78 NMAC), and Maximum Achievable Control Technology Standards for Source Categories of Hazardous Air Pollutants (MACT) (20.2.82 NMAC) (hereafter collectively referred to as Parts 70, 71, 77, 78, and 82), which are regulations separate from the fee rules governed by 20.2.75 NMAC. The regulations included in Parts 70, 71, 77, 78, and 82 are subject to statutory and regulatory evaluation beyond the statutory scope of this rulemaking. This action is limited to determining whether the New Mexico fee SIP submittals meet the fee related requirements of section 110(a)(2). Therefore, we are approving the reference to these regulations as part of the permit fee schedule for the purpose of compliance with the fee related requirements of section 110(a)(2), but we are not evaluating or approving into the SIP the underlying and related regulations for Parts 70, 71, 77, 78, and 82 through this rulemaking.

[4] "Fee unit" under the repeal and replace submitted April 11, 2002 references Exemptions (20.2.72.202 NMAC), which are a permitting program and regulations separate from the fee rules governed by 20.2.75 NMAC. In this rulemaking, we are approving only the reference to Exemptions as part of the fee schedule required by the applicable requirements of section 110(a)(2). However, though we are approving these fee rules and the related references for the purpose of compliance with the fee related requirements of section 110(a)(2), we are not evaluating or approving into the SIP the underlying permitting program or regulations for Exemptions through this rulemaking. New Mexico has submitted these Exemptions in a separate SIP submittal, and we will act upon that submittal in a separate future rulemaking.

[5] "Revision" under the repeal and replace submitted April 11, 2002 references Administrative Revisions as used in 20.2.72 NMAC, which are regulations separate from the fee rules governed by 20.2.75 NMAC. In this rulemaking, we are approving only the reference to Administrative Revisions as part of the fee schedule required by the applicable requirements of section 110(a)(2). However, though we are approving these fee rules and the related references for the purpose of compliance with the fee related requirements of section 110(a)(2), we are not evaluating or approving into the SIP the underlying regulations for Administrative Revisions through this rulemaking. New Mexico has submitted the Administrative Revisions provisions in a separate SIP submittal, and we will act upon that submittal in a separate future rulemaking.

[6] "Small business" under the repeal and replace submitted April 11, 2002 references 20.2.70 NMAC related to the Title V program. The Title V program is subject to statutory and regulatory evaluation beyond the statutory scope of this rulemaking. CAA Section 110(a)(2) falls under Title I of the CAA. Any evaluation of the Title V program must be done pursuant to CAA section 502 through 507 and 40 CFR part 70. Therefore, we are approving the reference to Operating Permits as part of the permit fee schedule for the purpose of compliance with the fee related requirements of section 110(a)(2), but we are not evaluating or approving into the SIP the underlying regulation found in 20.2.70 NMAC through this rulemaking.

[7] The filing fee provisions submitted on April 11, 2002 as part of the repeal and replace includes filing fee requirements in 20.2.75.10(B) NMAC for permit applications filed under the Accelerated Review permit processing program (20.2.72.221 NMAC). New Mexico has withdrawn the provisions contained in 20.2.75.10(B) NMAC from the April 11, 2002 submittal since the underlying Accelerated Review permit processing program is not part of the New Mexico SIP.

[8] The complexity point-based permit fee schedule submitted on April 11, 2002 as part of the repeal and replace includes permit fee requirements in 20.2.75.11(D) NMAC for permit applications filed under the Accelerated Review permit processing program (20.2.72.221 NMAC). New Mexico has withdrawn the provisions contained in 20.2.75.11(D) NMAC from the April 11, 2002 submittal since the underlying Accelerated Review permit processing program is not part of the New Mexico SIP.

[9] The complexity point-based permit fee schedule submitted on April 11, 2002 as part of the repeal and replace includes allotment of points to Air Toxics Review (20.2.72.400 NMAC–20.7.72.499 NMAC), NSPS, and NESHAP/MACT programs for the purpose of calculating a permit fee. Air Toxics Review, NSPS, and NESHAP/MACT programs are subject to statutory and regulatory evaluation beyond the statutory scope of this rulemaking. This action is limited to determining whether the New Mexico fee SIP submittals meet the fee related requirements of section 110(a)(2). Therefore, we are approving the references to Air Toxics Review, NSPS, and NESHAP/MACT programs as part of the permit fee schedule for the purpose of compliance with the fee related requirements of section 110(a)(2), but we are not evaluating or approving into the SIP the underlying and related regulations for Air Toxics Review, NSPS, and NESHAP/MACT programs through this rulemaking.

[10] The complexity point-based permit fee schedule submitted on April 11, 2002 as part of the repeal and replace includes allotment of points to "applicable regulations" as represented by a generic catch-all provision denoted 20.2.X NMAC. (20.2.X NMAC includes those regulations that are applicable to sources as defined in 20.2.75.7(B)). 20.2.X NMAC includes regulations that are separate from the fee rules governed by 20.2.75 NMAC. The regulations, sources, and programs represented by 20.2.X NMAC and as defined by 20.2.75.7(B) may be subject to statutory and regulatory evaluation beyond the statutory scope of this rulemaking. This action is limited to determining whether the New Mexico fee SIP submittals meet the fee related requirements of section 110(a)(2). Therefore, we are approving the reference to 20.2.X NMAC as part of the permit fee schedule for the purpose of compliance with the fee related requirements of section 110(a)(2), but we are not evaluating or approving into the SIP the underlying and related regulations including in 20.2.X NMAC through this rulemaking.

III. EPA's Evaluation

A. What are the requirements for EPA's review of a fees SIP submittal?

The New Mexico EIB adopted and the Governor of New Mexico submitted the April 11, 2002, repeal and replace and the April 15, 2005, SIP revisions pursuant to the applicable provisions of section 110(a)(2) of the CAA related to fees. These federal requirements include permitting fees to cover the cost of reviewing, approving, implementing, and enforcing a permit. In addition to the applicable fee related requirements of section 110(a)(2), EPA's evaluation must consider section 110(l) of the CAA. Section 110(l) of the CAA states that EPA shall not approve a revision of the SIP if it would interfere with any applicable requirement concerning attainment and reasonable further progress or any other applicable requirement of the Act.

B. Do the submitted repeal and replace revisions and subsequent SIP revisions meet the CAA requirements?

Based on EPA's evaluation of the April 11, 2002, and April 25, 2005, SIP submittals, we find these submitted rules and revisions meet the applicable fee related requirements of section 110(a)(2) of the CAA. These rules and revisions are summarized in Table 1 of this rulemaking, and are analyzed with more detail in the TSD. The rules and revisions contained within the Governor of New Mexico's submittals demonstrate compliance with section 110(a)(2) of the Act. For example, the NMED assesses fees when an owner or operator applies for a notice of intent, a permit to construct or modify a source, or a revision to a construction permit. Additionally, annual fees are assessed for sources that have been issued a permit under 20.2.72 NMAC, Construction Permits. These fees are used to cover the costs of NMED's construction permit program, including permit review, issuance, and implementation costs. New Mexico indicated in the April 11, 2002, and April 25, 2005, SIP submittals that the repeal and replace and subsequent revisions to the construction permit fee requirement regulation are necessary for the Department to collect sufficient fees to cover the costs of the construction permit program. The fee schedule adopted by New Mexico and the fee rules and revisions further described and evaluated in this action and TSD, evince a basis for EPA's approval that the submittals meet the requirements of 110(a)(2).

The fee assessment provisions in 20.2.75 NMAC and submitted to EPA are a portion of the regulatory scheme regulating NMED's construction permitting program, and provide for permitting fees to cover the cost of reviewing, approving, implementing, and enforcing a permit under the permitting program. EPA has previously reviewed the New Mexico EIB

regulations for the Nonattainment New Source Review Program, Prevention of Significant Deterioration Permitting, and Minor NSR program, and has approved these programs as being consistent with the federal requirements. EPA approved revisions to the Nonattainment New Source Review Program, the Prevention of Significant Deterioration Program, and the Minor NSR program on September 5, 2007 (72 FR 50879), July 30, 2011 (76 FR 43149), September 26, 1997 (62 FR 50518) respectively. Based on our evaluation of these fee assessment rules and revisions both described in this notice and TSD, EPA finds they meet the fee related requirements of section 110(a)(2) to in part cover costs for these previously approved programs, and thus approves the rules and revisions as explained in Table 1.

Our evaluation of the April 11, 2002, and April 25, 2005, SIP submittals also demonstrates compliance with section 110(l) of the CAA, and further provides basis for approval of these rules and revisions. Pursuant to section 110(l) of the CAA, the repeal and replace included in the April 11, 2002, SIP submittal provides for a broader breadth, application, and stringency of requirements related to fees than the construction permit fees contained in the previously approved SIP, which was approved by EPA on September 26, 1997. Based on EPA's evaluation of these fee assessment provisions submitted, EPA finds the submitted repeal and replace of, and subsequent revisions to, 20.2.75 NMAC establishing fee requirements for permits is consistent section 110(a)(2) of the CAA.

IV. Final Action

EPA is taking direct final action to approve revisions to the New Mexico SIP submitted on April 11, 2002, and April 25, 2005. Specifically, EPA is approving the repeal and replacement of 20.2.75 NMAC submitted on April 11, 2002, and subsequent revisions to sections 20.2.75.5 NMAC, 20.2.75.7 NMAC, 20.2.75.10 NMAC, and 20.2.75.11 NMAC, submitted on April 25, 2005, establishing a revised permit fee schedule to cover the reasonable costs of the New Mexico construction permit program.

EPA is not acting on other severable portions of the April 11, 2002, and April 25, 2005, SIP submittals.[11] Specifically, EPA is not taking action on the revisions submitted on April 11, 2002, to 20.2.72 NMAC, Construction Permits; 20.2.73 NMAC, Notice of Intent and Emissions Inventory Requirements; and 20.2.79 NMAC, Permits—Nonattainment Areas. EPA is also not taking action on the revisions submitted on April 25, 2005, to 20.2.66 NMAC, Cotton Gins; 20.2.72 NMAC, Construction Permits; and 20.2.73 NMAC, Notice of Intent and Emissions Inventory Requirements. These revisions have been or will be addressed by EPA in separate SIP revision reviews and rule actions.

[11] By severable, we mean that the portions of the SIP revisions that address fees can be implemented independently of the remaining portions of the submittal, without affecting the stringency of the submitted rules. In addition, the remaining portions of the submittal are not necessary for approval of the provisions addressing fees.

V. Statutory and Executive Order Reviews

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

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

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 29, 2012. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposed of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: March 16, 2012.

Al Armendariz,

Regional Administrator, EPA Region 6.

40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

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

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

Subpart GG—New Mexico

■ 2. The first table in § 52.1620(c) entitled ''EPA Approved New Mexico Regulations'' is amended by revising the entry for Part 75 to read as follows:

§ 52.1620 Identification of plan.

* * * * *

(c) * * *

EPA APPROVED NEW MEXICO REGULATIONS

State citation	Title/subject	State approval/ effective date	EPA approval date	Comments
New Mexico Administrative Code (NMAC) Title 20—Environment Protection Chapter 2—Air Quality				
*	*	*	*	*
Part 75	Construction Permit Fees.	12/1/2003	3/29/2012 [Insert FR page number where document begins]	NOT in SIP: subsection (B) of 20.2.75.10 and subsection (D) of 20.2.75.11. References to 20.2.70, 20.2.71, 20.2.72.400–20.2.72.499, 20.2.77, 20.2.78, 20.2.82, and 20.2.X are approved for Part 75 only; underlying and related regulations for referred Parts NOT in SIP.
*	*	*	*	*

* * * * *

[FR Doc. 2012–7561 Filed 3–28–12; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

46 CFR Parts 2, 24, 30, 70, 90, 91, and 188

[Docket No. USCG–2011–0363]

RIN 1625–AB71

Seagoing Barges

AGENCY: Coast Guard, DHS.

ACTION: Direct final rule; correction.

SUMMARY: The United States Coast Guard published a direct final rule in the **Federal Register** on December 14, 2011 (76 FR 77712) revising regulations for the inspection and certification of seagoing barges to align with the language of the applicable statues. That document inadvertently transposed the titles of two tables in our amendatory instructions. Additionally, the Coast Guard is republishing the vessel inspection tables that rule amends in their entirety, so that the format of the tables is consistent with current **Federal Register** format requirements.

DATES: Effective April 12, 2012.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Lieutenant Doug Tindall, United States Coast Guard; telephone (202) 372–1411, email *Douglas.Tindall@uscg.mil.* If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION: The direct final rule published December 14, 2011 (76 FR 77712) amends row 4, column 4 of Tables 2.01–7(a), 24.05–1(a), 30.01–5(d), 70.05–1(a), 90.05–1(a), and 188.05–1(a) as republished in this correcting amendment. The Coast Guard is republishing the tables so that the format of the tables conforms to current **Federal Register** requirements. This correcting amendment makes no substantive changes to the tables.

Additionally, this correcting amendment corrects the amendatory instructions of the direct final rule wherein the titles of tables ''24.05–1(a)'' and ''30.01–5(d)'' were mistakenly transposed as ''24.01–5(a)'' and ''30.05–1(d)'' respectively.

List of Subjects

46 CFR Part 2

Marine safety, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 24

Marine safety.

46 CFR Part 30

Cargo vessels, Foreign relations, Hazardous materials transportation, Penalties, Reporting and recordkeeping requirements, Seamen.

46 CFR Part 70

Marine safety, Passenger vessels, Reporting and recordkeeping requirements.

46 CFR Part 90

Cargo vessels, Marine safety.

46 CFR Part 188

Marine safety, Oceanographic research vessels.

Accordingly, 46 CFR parts 2, 24, 30, 70, 90, and 188 are corrected by making the following correcting amendments:

PART 2—VESSEL INSPECTIONS

■ 1. The authority citation for part 2 continues to read as follows:

Authority: 33 U.S.C. 1903; 43 U.S.C. 1333; 46 U.S.C. 2110, 3103, 3205, 3306, 3307, 3703; 46 U.S.C. Chapter 701; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; Department of Homeland Security Delegation No. 0170.1. Subpart 2.45 also issued under the Act Dec. 27, 1950, Ch. 1155, secs. 1, 2, 64 Stat. 1120 (*see* 46 U.S.C. App. Note prec. 1).

■ 2. Revise Table 2.01–7(a) in § 2.01–7(a) to read as follows:

§ 2.01–7 Classes of vessels (including motorboats) examined or inspected and certificated.

(a) * * *

TABLE 2.01–7(a)

Method of propulsion, qualified by size or other limitation[1]	Vessels inspected and certificated under Subchapter D—Tank Vessels[2]	Vessels inspected and certificated under Subchapter H—Passenger Vessels[2 3 4 5] or Subchapter K or T—Small Passenger Vessels[2 3 4]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels[2 5]	Vessels subject to the provisions of Subchapter C—Uninspected Vessels[2 3 6 7 8]	Vessels subject to the provisions of Subchapter U—Oceanographic Vessels[2 3 6 7 9]	Vessels subject to the provisions of Subchapter O—Certain Bulk and Dangerous Cargoes[10]
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
(1) Motor, all vessels except seagoing motor vessels >300 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.[5]	(i) All vessels carrying more than 12 passengers on an international voyage, except recreational vessels not engaged in trade.[7] (ii) All vessels <100 gross tons that— (A) Carry more than 6 passengers-for-hire whether chartered or not, or (B) Carry more than 6 passengers when chartered with the crew provided, or (C) Carry more than 12 passengers when chartered with no crew provided, or (D) Carry at least 1 passenger-for-hire and are submersible vessels.[7] (E) Carry more than 6 passengers and are ferries. (iii) All vessels >100 gross tons that— (A) Carry more than 12 passengers-for-hire whether chartered or not, or (B) Carry more than 12 passengers when chartered with the crew provided, or (C) Carry more than 12 passengers when chartered with no crew provided, or (D) Carry at least 1 passenger-for-hire and are submersible vessels.[7] (E) Carry at least 1 passenger and are ferries. (iv) These regulations do not apply to— (A) Recreational vessels not engaged in trade. (B) Documented cargo or tank vessels issued a permit to carry 16 or fewer persons in addition to the crew. (C) Fishing vessels not engaged in ocean or coastwise service. Such vessels may carry persons on the legitimate business of the vessel[6] in addition to the crew, as restricted by the definition of passenger.[7]	All vessels >15 gross tons carrying freight-for-hire, except those covered by columns 2 and 3. All vessels carrying dangerous cargoes, when required by 46 CFR part 98.	All vessels not covered by columns 2, 3, 4, and 6.	None	All vessels carrying cargoes in bulk that are listed in part 153, table 1, or part 154, table 4, or unlisted cargoes that would otherwise be subject to these parts.[12]

TABLE 2.01–7(a)—Continued

Method of propulsion, qualified by size or other limitation [1]	Vessels inspected and certificated under Subchapter D—Tank Vessels [2]	Vessels inspected and certificated under Subchapter H—Passenger Vessels [2 3 4 5] or Subchapter K or T—Small Passenger Vessels [2 3 4]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels [2 5]	Vessels subject to the provisions of Subchapter C—Uninspected Vessels [2 3 6 7 8]	Vessels subject to the provisions of Subchapter U—Oceanographic Vessels [2 3 6 7 9]	Vessels subject to the provisions of Subchapter O—Certain Bulk and Dangerous Cargoes [10]
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
(2) Motor, seagoing motor vessels ≥300 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.[5]	(i) All vessels carrying more than 12 passengers on an international voyage, except recreational vessels not engaged in trade.[7] (ii) All ferries <100 gross tons carrying more than 6 passengers and all ferries ≥100 gross tons that carry at least 1 passenger. (iii) These regulations do not apply to— (A) Recreational vessels not engaged in trade. (B) Documented cargo or tank vessels issued a permit to carry 16 or fewer persons in addition to the crew. (C) Fishing vessels not engaged in ocean or coastwise service may carry persons on the legitimate business of the vessel [6] in addition to the crew, as restricted by the definition of passenger.[7]	All vessels, including recreational vessels, not engaged in trade. This does not include vessels covered by columns 2 and 3, and vessels engaged in the fishing industry.	All vessels not covered by columns 2, 3, 4, 6, and 7.	All vessels engaged in oceanographic research.	All vessels carrying cargoes in bulk that are listed in part 153, table 1, or part 154, table 4, or unlisted cargoes that would otherwise be subject to these parts.[12]
(3) Non-self-propelled vessels <100 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.[5]	(i) All vessels that— (A) Carry more than 6 passengers-for-hire whether chartered or not, or (B) Carry more than 6 passengers when chartered with the crew provided, or (C) Carry more than 12 passengers when chartered with no crew provided, or (D) Carry at least 1 passenger-for-hire and is a submersible vessel[7] (E) Carry more than 12 passengers on an international voyage. (F) Carry more than 6 passengers and are ferries.	All seagoing barges except those covered by columns 2 and 3.	All barges carrying passengers or passengers-for-hire except those covered by column 3.	None	All tank barges carrying cargoes listed in Table 151.05 of this chapter or unlisted cargoes that would otherwise be subject to part 151.[1 11 12]
(4) Non-self-propelled vessels ≥100 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.[5]	(iii) All vessels that— (A) Carry more than 12 passengers-for-hire whether chartered or not, or (B) Carry more than 12 passengers when chartered with the crew provided, or (C) Carry more than 12 passengers when chartered with no crew provided, or (D) Carry at least 1 passenger-for-hire and is a submersible vessel [7] (E) Carry more than 12 passengers on an international voyage. (F) Carry at least 1 passenger and are ferries.	All manned seagoing barges.	All barges carrying passengers or passengers-for-hire except those covered by columns 3 and 6.	All seagoing barges engaged in oceanographic research.	All tank barges carrying cargoes listed in Table 151.05 of this chapter or unlisted cargoes that would otherwise be subject to part 151 [1 11.12]

TABLE 2.01–7(a)—Continued

Method of propulsion, qualified by size or other limitation[1]	Vessels inspected and certificated under Subchapter D—Tank Vessels[2]	Vessels inspected and certificated under Subchapter H—Passenger Vessels[2 3 4 5] or Subchapter K or T—Small Passenger Vessels[2 3 4]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels[2 5]	Vessels subject to the provisions of Subchapter C—Uninspected Vessels[2 3 6 7 8]	Vessels subject to the provisions of Subchapter U—Oceanographic Vessels[2 3 6 7 9]	Vessels subject to the provisions of Subchapter O—Certain Bulk and Dangerous Cargoes[10]
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
(5) Sail.[13] vessels ≤700 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.[5]	(i) All vessels carrying more than 12 passengers on an international voyage, except recreational vessels not engaged in trade.[7] (ii) All vessels <100 gross tons that— (A) Carry more than 6 passengers-for-hire whether chartered or not, or (B) Carry more than 6 passengers when chartered with the crew provided, or (C) Carry more than 12 passengers when chartered with no crew provided, or (D) Carry at least 1 passenger-for-hire and are submersible vessels.[7] (E) Carry more than 6 passengers and are ferries. (iii) All vessels ≥100 gross tons that— (A) Carry more than 12 passengers-for-hire whether chartered or not, or (B) Carry more than 12 passengers when chartered with the crew provided, or (C) Carry more than 12 passengers when chartered with no crew provided, or (D) Carry at least 1 passenger-for-hire and are submersible vessels[7] (E) Carry at least 1 passenger and are ferries. (iv) These regulations do not apply to— (A) Recreational vehicles not engaged in trade. (B) Documented cargo(or tank vessels issued a permit to carry 16 or fewer persons in addition to the crew. (C) Fishing vessels, not engaged in ocean or coastwise service. Such vessels may carry persons on the legitimate business of the vessel[6] in addition to the crew, as restricted by the definition of passenger.[7]	All vessels carrying dangerous cargoes, when required by 46 CFR part 98.	All vessels not covered by columns 2, 3, 4, and 6.	None	All vessels carrying cargoes in bulk that are listed in part 153, table 1, or part 154, table 4, or unlisted cargoes that would otherwise be subject to these parts.[12]
(6) Sail.[13] vessels >700 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk[5]	(i) All vessels carrying passengers or passengers-for-hire, except recreational vessels.[7] (ii) All ferries that carry at least 1 passenger.	All vessels carrying dangerous cargoes, when required by 46 CFR part 98.	None	None	All vessels carrying cargoes in bulk that are listed in part 153, table 1, or part 154, table 4, or unlisted cargoes that would otherwise be subject to these parts.[12]

TABLE 2.01–7(a)—Continued

Method of propulsion, qualified by size or other limitation [1]	Vessels inspected and certificated under Subchapter D—Tank Vessels [2]	Vessels inspected and certificated under Subchapter H—Passenger Vessels [2 3 4 5] or Subchapter K or T—Small Passenger Vessels [2 3 4]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels [2 5]	Vessels subject to the provisions of Subchapter C—Uninspected Vessels [2 3 6 7 8]	Vessels subject to the provisions of Subchapter U—Oceanographic Vessels [2 3 6 7 9]	Vessels subject to the provisions of Subchapter O—Certain Bulk and Dangerous Cargoes [10]
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
(7) Steam, vessels ≤19.8 meters (65 feet) in length.	All vessels carrying combustible or flammable liquid cargo in bulk.[5]	(i) All vessels carrying more than 12 passengers on an international voyage, except recreational vessels not engaged in trade.[7] (ii) All vessels <100 gross tons that— (A) Carry more than 6 passengers-for-hire whether chartered or not, or (B) Carry more than 6 passengers when chartered with the crew provided, or (C) Carry more than 12 passengers when chartered with no crew provided, or (D) Carry at least 1 passenger-for-hire and are submersible vessels.[7] (E) Carry more than 6 passengers and are ferries. (iii) All vessels ≥100 gross tons that— (A) Carry more than 12 passengers-for-hire whether chartered or not, or (B) Carry more than 12 passengers when chartered with the crew provided, or (C) Carry more than 12 passengers when chartered with no crew provided, or (D) Carry at least 1 passenger-for-hire and are submersible vessels.[7] (E) Carry at least 1 passenger and are ferries. (iv) These regulations do not apply to— (A) Recreational vessels not engaged in trade. (B) Documented cargo or tank vessels issued a permit to carry 16 or fewer persons in addition to the crew. (C) Fishing vessels not engaged in ocean or coastwise service. Such vessels may carry persons on the legitimate business of the vessel[6] in addition to the crew, as restricted by the definition of passenger.[7]	All tugboats and towboats. All vessels carrying dangerous cargoes, when required by 46 CFR part 98.	All vessels not covered by columns 2, 3, 4, and 6.	None	All vessels carrying cargoes in bulk that are listed in part 153, table 1, or part 154, table 4, or unlisted cargoes that would otherwise be subject to these parts.[12]

TABLE 2.01–7(a)—Continued

Method of propulsion, qualified by size or other limitation [1]	Vessels inspected and certificated under Subchapter D—Tank Vessels [2]	Vessels inspected and certificated under Subchapter H—Passenger Vessels [2 3 4 5] or Subchapter K or T—Small Passenger Vessels [2 3 4]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels [2 5]	Vessels subject to the provisions of Subchapter C—Uninspected Vessels [2 3 6 7 8]	Vessels subject to the provisions of Subchapter U—Oceanographic Vessels [2 3 6 7 9]	Vessels subject to the provisions of Subchapter O—Certain Bulk and Dangerous Cargoes [10]
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
(7) Steam, vessels >19.8 meters (65 feet) in length.	All vessels carrying combustible or flammable liquid cargo in bulk.[5]	(i) All vessels carrying more than 12 passengers on an international voyage, except recreational vessels not engaged in trade.[7] (ii) All vessels <100 gross tons that— (A) Carry more than 6 passengers-for-hire whether chartered or not, or (B) Carry more than 6 passengers when chartered with the crew provided, or (C) Carry more than 12 passengers when chartered with no crew provided, or (D) Carry at least 1 passenger-for-hire and are submersible vessels.[7] (E) Carry more than 6 passengers and are ferries. (iii) All vessels ≥100 gross tons that— (A) Carry more than 12 passengers-for-hire whether chartered or not, or (B) Carry more than 12 passengers when chartered with the crew provided, or (C) Carry more than 12 passengers when chartered with no crew provided, or (D) Carry at least 1 passenger-for-hire and are submersible vessels [7] (E) Carry at least 1 passenger and are ferries. (iv) These regulations do not apply to— (A) Recreational vehicles not engaged in trade. (B) Documented cargo or tank vessels issued a permit to carry 16 or fewer persons in addition to the crew. (C) Fishing vessels not engaged in ocean or coastwise service. Such vessels may carry persons on the legitimate business of the vessel [6] in addition to the crew, as restricted by the definition of passenger.[7]	All vessels not covered by columns 2, 3, 6, and 7.	None	All vessels engaged in oceanographic research.	All vessels carrying cargoes in bulk that are listed in part 153, table 1, or part 154, table 4, or unlisted cargoes that would otherwise be subject to these parts.[12]

Key to symbols used in this table: ≤ means less than or equal to; > means greater than; < means less than; and ≥ means greater than or equal to.

Footnotes:

[1] Where length is used in this table, it means the length measured from end to end over the deck, excluding sheer. This expression means a straight line measurement of the overall length from the foremost part of the vessel to the aftermost part of the vessel, measured parallel to the centerline.

[2] Subchapters E (Load Lines), F (Marine Engineering), J (Electrical Engineering), N (Dangerous Cargoes), S (Subdivision and Stability), and W (Lifesaving Appliances and Arrangements) of this chapter may also be applicable under certain conditions. The provisions of 49 CFR parts 171–179 apply whenever packaged hazardous materials are on board vessels (including motorboats), except when specifically exempted by law.

[3] Public nautical schoolships, other than vessels of the Navy and Coast Guard, must meet the requirements of part 167 of subchapter R (Nautical Schools) of this chapter, Civilian nautical schoolships, as defined by 46 U.S.C. 1331, must meet the requirements of subchapter H (Passenger Vessels) and part 168 of subchapter R (Nautical Schools) of this chapter.

[4] Subchapter H (Passenger Vessels) of this chapter covers only those vessels of 100 gross tons or more, subchapter T (Small Passenger Vessels) of this chapter covers only those vessels of less than 100 gross tons, and subchapter K (Small Passenger Vessels) of this chapter covers only those vessels less than 100 gross tons carrying more than 150 passengers or overnight accommodations for more than 49 passengers.

[5] Vessels covered by subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter, where the principal purpose or use of the vessel is not for the carriage of liquid cargo, may be granted a permit to carry a limited amount of flammable or combustible liquid cargo in bulk. The portion of the vessel used for the carriage of the flammable or combustible liquid cargo must meet the requirements of subchapter D (Tank Vessels) in addition to the requirements of subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter.

[6] Any vessel on an international voyage is subject to the requirements of the International Convention for Safety of Life at Sea, 1974 (SOLAS).

[7] The terms ''passenger(s)'' and ''passenger(s)-for-hire'' are as defined in 46 U.S.C. 2101(21) (21a). On oceanographic vessels, scientific personnel onboard shall not be deemed to be passengers nor seamen, but for calculations of lifesaving equipment, etc., must be counted as persons.
[8] Boilers and machinery are subject to examination on vessels over 40 feet in length.
[9] Under 46 U.S.C. 441 an oceanographic research vessel ''* * * being employed exclusively in instruction in oceanography or limnology, or both, or exclusively in oceanographic research, * * *. Under 46 U.S.C. 443, ''an oceanographic research vessel shall not be deemed to be engaged in trade or commerce.'' If or when an oceanographic vessel engages in trade or commerce, such vessel cannot operate under its certificate of inspection as an oceanographic vessel, but shall be inspected and certified for the service in which engaged, and the scientific personnel aboard then become persons employed in the business of the vessel.
[10] Bulk dangerous cargoes are cargoes specified in table 151.01–10(b); in table 1 of part 153, and in table 4 of part 154 of this chapter.
[11] For manned tankbarges, see § 151.01–10(c) of this chapter.
[12] See § 151.01–15, 153.900(d), or 154.30 of this chapter as appropriate.
[13] Sail vessel means a vessel with no auxiliary machinery on board. If the vessel has auxiliary machinery, refer to motor vessels.

PART 24—GENERAL PROVISIONS

■ 3. The authority citation for part 24 continues to read as follows:

Authority: 46 U.S.C. 2113, 3306, 4104, 4302; Pub. L. 103–206; 107 Stat. 2439; E.O. 12234; 45 FR 58801, 3 CFR, 1980 Comp., p. 277; Department of Homeland Security Delegation No. 0170.1.

■ 4. Revise Table 24.05–1(a) of § 24.05–1(a) to read as follows:

§ 24.05–1 Vessels subject to the requirements of this subchapter.

(a) * * *

TABLE 24.05–1(a)

Method of propulsion, qualified by size or other limitation [1]	Vessels inspected and certificated under Subchapter D—Tank Vessels [2]	Vessels inspected and certificated under Subchapter H—Passenger Vessels [2 3 4 5] or Subchapter K or T—Small Passenger Vessels [2 3 4]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels [2 5]	Vessels subject to the provisions of Subchapter C—Uninspected Vessels [2 3 6 7 8]	Vessels subject to the provisions of Subchapter U—Oceanographic Vessels [2 3 6 7 9]	Vessels subject to the provisions of Subchapter O—Certain Bulk and Dangerous Cargoes [10]
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
(1) Motor, all vessels except seagoing motor vessels ≥300 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.[5]	(i) All vessels carrying more than 12 passengers on an international voyage, except recreational vessels not engaged in trade.[7] (ii) All vessels <100 gross tons that— (A) Carry more than 6 passengers-for-hire whether chartered or not, or (B) Carry more than 6 passengers when chartered with the crew provided, or (C) Carry more than 12 passengers when chartered with no crew provided, or (D) Carry at least 1 passenger-for-hire and are submersible vessels.[7] (E) Carry more than 6 passengers and are ferries. (iii) All vessels ≥100 gross tons that— (A) Carry more than 12 passengers-for-hire whether chartered or not, or (B) Carry more than 12 passengers when chartered with the crew provided, or (C) Carry more than 12 passengers when chartered with no crew provided, or (D) Carry at least 1 passenger-for-hire and are submersible vessels.[7] (E) Carry at least 1 passenger and are ferries.	All vessels >15 gross tons carrying freight-for-hire, except those covered by columns 2 and 3. All vessels carrying dangerous cargoes, when required by 46 CFR part 98.	All vessels not covered by columns 2, 3, 4, and 6.	None	All vessels carrying cargoes in bulk that are listed in part 153, table 1, or part 154, table 4, or unlisted cargoes that would otherwise be subject to these parts.[12]

TABLE 24.05–1(a)—Continued

Method of propulsion, qualified by size or other limitation [1]	Vessels inspected and certificated under Subchapter D—Tank Vessels [2]	Vessels inspected and certificated under Subchapter H—Passenger Vessels [2 3 4 5] or Subchapter K or T—Small Passenger Vessels [2 3 4]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels [2 5]	Vessels subject to the provisions of Subchapter C—Uninspected Vessels [2 3 6 7 8]	Vessels subject to the provisions of Subchapter U—Oceanographic Vessels [2 3 6 7 9]	Vessels subject to the provisions of Subchapter O—Certain Bulk and Dangerous Cargoes [10]
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
		(iv) These regulations do not apply to— (A) Recreational vessels not engaged in trade. (B) Documented cargo or tank vessels issued a permit to carry 16 or fewer persons in addition to the crew. (C) Fishing vessels not engaged in ocean or coastwise service. Such vessels may carry persons on the legitimate business of the vessel [6] in addition to the crew, as restricted by the definition of passenger.[7]				
(2) Motor, seagoing motor vessels ≥300 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.[5]	(i) All vessels carrying more than 12 passengers on an international voyage, except recreational vessels not engaged in trade.[7] (ii) All ferries <100 gross tons carrying more than 6 passengers and all ferries ≥100 gross tons that carry at least 1 passenger. (iii) These regulations do not apply to— (A) Recreational vessels not engaged in trade. (B) Documented cargo or tank vessels issued a permit to carry 16 or fewer persons in addition to the crew. (C) Fishing vessels not engaged in ocean or coastwise service may carry persons on the legitimate business of the vessel [6] in addition to the crew, as restricted by the definition of passenger.[7]	All vessels, including recreational vessels, not engaged in trade. This does not include vessels covered by columns 2 and 3, and vessels engaged in the fishing industry.	All vessels not covered by columns 2, 3, 4, 6, and 7.	All vessels engaged in oceanographic research.	All vessels carrying cargoes in bulk that are listed in part 153, table 1, or part 154, table 4, or unlisted cargoes that would otherwise be subject to these parts.[12]
(3) Non-self-propelled vessels <100 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.[5]	(i) All vessels that— (A) Carry more than 6 passengers-for-hire whether chartered or not, or (B) Carry more than 6 passengers when chartered with the crew provided, or (C) Carry more than 12 passengers when chartered with no crew provided, or (D) Carry at least 1 passenger-for-hire and is a submersible vessel.[7] (E) Carry more than 12 passengers on an international voyage. (F) Carry more than 6 passengers and are ferries.	All seagoing barges except those covered by columns 2 and 3.	All barges carrying passengers or passengers-for-hire except those covered by column 3.	None	All tank barges carrying cargoes listed in Table 151.05 of this chapter or unlisted cargoes that would otherwise be subject to part 151.[1 11 12]

TABLE 24.05–1(a)—Continued

Method of propulsion, qualified by size or other limitation [1]	Vessels inspected and certificated under Subchapter D—Tank Vessels [2]	Vessels inspected and certificated under Subchapter H—Passenger Vessels [2 3 4 5] or Subchapter K or T—Small Passenger Vessels [2 3 4]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels [2 5]	Vessels subject to the provisions of Subchapter C—Uninspected Vessels [2 3 6 7 8]	Vessels subject to the provisions of Subchapter U—Oceanographic Vessels [2 3 6 7 9]	Vessels subject to the provisions of Subchapter O—Certain Bulk and Dangerous Cargoes [10]
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
(4) Non-self-propelled vessels ≥100 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.[5]	(iii) All vessels that— (A) Carry more than 12 passengers-for-hire whether chartered or not, or (B) Carry more than 12 passengers when chartered with the crew provided, or (C) Carry more than 12 passengers when chartered with no crew provided, or (D) Carry at least 1 passenger-for-hire and is a submersible vessel.[7] (E) Carry more than 12 passengers on an international voyage. (F) Carry at least 1 passenger and are ferries.	All manned seagoing barges.	All barges carrying passengers or passengers-for-hire except those covered by columns 3 and 6.	All seagoing barges engaged in oceanographic research.	All tank barges carrying cargoes listed in Table 151.05 of this chapter or unlisted cargoes that would otherwise be subject to part 151.[1 11 12]
(5) Sail.[13] vessels ≤700 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.[5]	(i) All vessels carrying more than 12 passengers on an international voyage, except recreational vessels not engaged in trade.[7] (ii) All vessels <100 gross tons that— (A) Carry more than 6 passengers-for-hire whether chartered or not, or (B) Carry more than 6 passengers when chartered with the crew provided, or (C) Carry more than 12 passengers when chartered with no crew provided, or (D) Carry at least 1 passenger-for-hire and are submersible vessels.[7] (E) Carry more than 6 passengers and are ferries. (iii) All vessels ≥100 gross tons that— (A) Carry more than 12 passengers-for-hire whether chartered or not, or (B) Carry more than 12 passengers when chartered with the crew provided, or (C) Carry more than 12 passengers when chartered with no crew provided, or (D) Carry at least 1 passenger-for-hire and are submersible vessels.[7] (E) Carry at least 1 passenger and are ferries.	All vessels carrying dangerous cargoes, when required by 46 CFR part 98.	All vessels not covered by columns 2, 3, 4, and 6.	None	All vessels carrying cargoes in bulk that are listed in part 153, table 1, or part 154, table 4, or unlisted cargoes that would otherwise be subject to these parts.[12]

TABLE 24.05–1(a)—Continued

Method of propulsion, qualified by size or other limitation [1]	Vessels inspected and certificated under Subchapter D—Tank Vessels [2]	Vessels inspected and certificated under Subchapter H—Passenger Vessels [2 3 4 5] or Subchapter K or T—Small Passenger Vessels [2 3 4]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels [2 5]	Vessels subject to the provisions of Subchapter C—Uninspected Vessels [2 3 6 7 8]	Vessels subject to the provisions of Subchapter U—Oceanographic Vessels [2 3 6 7 9]	Vessels subject to the provisions of Subchapter O—Certain Bulk and Dangerous Cargoes [10]
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
		(iv) These regulations do not apply to— (A) Recreational vehicles not engaged in trade. (B) Documented cargo or tank vessels issued a permit to carry 16 or fewer persons in addition to the crew. (C) Fishing vessels, not engaged in ocean or coastwise service. Such vessels may carry persons on the legitimate business of the vessel [6] in addition to the crew, as restricted by the definition of passenger.[7]				
(6) Sail.[13] vessels >700 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.[5]	(i) All vessels carrying passengers or passengers-for-hire, except recreational vessels.[7] (ii) All ferries that carry at least 1 passenger.	All vessels carrying dangerous cargoes, when required by 46 CFR part 98.	None	None	All vessels carrying cargoes in bulk that are listed in part 153, table 1, or part 154, table 4, or unlisted cargoes that would otherwise be subject to these parts.[12]
(7) Steam, vessels ≤19.8 meters (65 feet) in length.	All vessels carrying combustible or flammable liquid cargo in bulk.[5]	(i) All vessels carrying more than 12 passengers on an international voyage, except recreational vessels not engaged in trade.[7] (ii) All vessels <100 gross tons that— (A) Carry more than 6 passengers-for-hire whether chartered or not, or (B) Carry more than 6 passengers when chartered with the crew provided, or (C) Carry more than 12 passengers when chartered with no crew provided, or (D) Carry at least 1 passenger-for-hire and are submersible vessels.[7] (E) Carry more than 6 passengers and are ferries. (iii) All vessels ≥100 gross tons that— (A) Carry more than 12 passengers-for-hire whether chartered or not, or (B) Carry more than 12 passengers when chartered with the crew provided, or (C) Carry more than 12 passengers when chartered with no crew provided, or (D) Carry at least 1 passenger-for-hire and are submersible vessels.[7] (E) Carry at least 1 passenger and are ferries.	All tugboats and towboats. All vessels carrying dangerous cargoes, when required by 46 CFR part 98.	All vessels not covered by columns 2, 3, 4, and 6.	None	All vessels carrying cargoes in bulk that are listed in part 153, table 1, or part 154, table 4, or unlisted cargoes that would otherwise be subject to these parts.[12]

TABLE 24.05–1(a)—Continued

Method of propulsion, qualified by size or other limitation [1]	Vessels inspected and certificated under Subchapter D—Tank Vessels [2]	Vessels inspected and certificated under Subchapter H—Passenger Vessels [2 3 4 5] or Subchapter K or T—Small Passenger Vessels [2 3 4]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels [2 5]	Vessels subject to the provisions of Subchapter C—Uninspected Vessels [2 3 6 7 8]	Vessels subject to the provisions of Subchapter U—Oceanographic Vessels [2 3 6 7 9]	Vessels subject to the provisions of Subchapter O—Certain Bulk and Dangerous Cargoes [10]
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
		(iv) These regulations do not apply to— (A) Recreational vessels not engaged in trade. (B) Documented cargo or tank vessels issued a permit to carry 16 or fewer persons in addition to the crew. (C) Fishing vessels not engaged in ocean or coastwise service. Such vessels may carry persons on the legitimate business of the vessel [6] in addition to the crew, as restricted by the definition of passenger.[7]				
(7) Steam, vessels >19.8 meters (65 feet) in length.	All vessels carrying combustible or flammable liquid cargo in bulk.[5]	(i) All vessels carrying more than 12 passengers on an international voyage, except recreational vessels not engaged in trade.[7] (ii) All vessels <100 gross tons that— (A) Carry more than 6 passengers-for-hire whether chartered or not, or (B) Carry more than 6 passengers when chartered with the crew provided, or (C) Carry more than 12 passengers when chartered with no crew provided, or (D) Carry at least 1 passenger-for-hire and are submersible vessels.[7] (E) Carry more than 6 passengers and are ferries. (iii) All vessels ≥100 gross tons that— (A) Carry more than 12 passengers-for-hire whether chartered or not, or (B) Carry more than 12 passengers when chartered with the crew provided, or (C) Carry more than 12 passengers when chartered with no crew provided, or (D) Carry at least 1 passenger-for-hire and are submersible vessels.[7] (E) Carry at least 1 passenger and are ferries.	All vessels not covered by columns 2, 3, 6, and 7.	None	All vessels engaged in oceanographic research.	All vessels carrying cargoes in bulk that are listed in part 153, table 1, or part 154, table 4, or unlisted cargoes that would otherwise be subject to these parts.[12]

TABLE 24.05–1(a)—Continued

Method of propulsion, qualified by size or other limitation [1]	Vessels inspected and certificated under Subchapter D—Tank Vessels [2]	Vessels inspected and certificated under Subchapter H—Passenger Vessels [2 3 4 5] or Subchapter K or T—Small Passenger Vessels [2 3 4]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels [2 5]	Vessels subject to the provisions of Subchapter C—Uninspected Vessels [2 3 6 7 8]	Vessels subject to the provisions of Subchapter U—Oceanographic Vessels [2 3 6 7 9]	Vessels subject to the provisions of Subchapter O—Certain Bulk and Dangerous Cargoes [10]
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
		(iv) These regulations do not apply to— (A) Recreational vehicles not engaged in trade. (B) Documented cargo or tank vessels issued a permit to carry 16 or fewer persons in addition to the crew. (C) Fishing vessels not engaged in ocean or coastwise service. Such vessels may carry persons on the legitimate business of the vessel [6] in addition to the crew, as restricted by the definition of passenger.[7]				

Key to symbols used in this table: ≤ means less than or equal to; > means greater than; < means less than; and ≥ means greater than or equal to.

Footnotes:

[1] Where length is used in this table, it means the length measured from end to end over the deck, excluding sheer. This expression means a straight line measurement of the overall length from the foremost part of the vessel to the aftermost part of the vessel, measured parallel to the centerline.

[2] Subchapters E (Load Lines), F (Marine Engineering), J (Electrical Engineering), N (Dangerous Cargoes), S (Subdivision and Stability), and W (Lifesaving Appliances and Arrangements) of this chapter may also be applicable under certain conditions. The provisions of 49 CFR parts 171–179 apply whenever packaged hazardous materials are on board vessels (including motorboats), except when specifically exempted by law.

[3] Public nautical schoolships, other than vessels of the Navy and Coast Guard, must meet the requirements of part 167 of subchapter R (Nautical Schools) of this chapter, Civilian nautical schoolships, as defined by 46 U.S.C. 1331, must meet the requirements of subchapter H (Passenger Vessels) and part 168 of subchapter R (Nautical Schools) of this chapter.

[4] Subchapter H (Passenger Vessels) of this chapter covers only those vessels of 100 gross tons or more, subchapter T (Small Passenger Vessels) of this chapter covers only those vessels of less than 100 gross tons, and subchapter K (Small Passenger Vessels) of this chapter covers only those vessels less than 100 gross tons carrying more than 150 passengers or overnight accommodations for more than 49 passengers.

[5] Vessels covered by subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter, where the principal purpose or use of the vessel is not for the carriage of liquid cargo, may be granted a permit to carry a limited amount of flammable or combustible liquid cargo in bulk. The portion of the vessel used for the carriage of the flammable or combustible liquid cargo must meet the requirements of subchapter D (Tank Vessels) in addition to the requirements of subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter.

[6] Any vessel on an international voyage is subject to the requirements of the International Convention for Safety of Life at Sea, 1974 (SOLAS).

[7] The terms ''passenger(s)'' and ''passenger(s)-for-hire'' are as defined in 46 U.S.C. 2101(21)(21a). On oceanographic vessels, scientific personnel onboard shall not be deemed to be passengers nor seamen, but for calculations of lifesaving equipment, etc., must be counted as persons.

[8] Boilers and machinery are subject to examination on vessels over 40 feet in length.

[9] Under 46 U.S.C. 441 an oceanographic research vessel ''* * * being employed exclusively in instruction in oceanography or limnology, or both, or exclusively in oceanographic research, * * * *. Under 46 U.S.C. 443, ''an oceanographic research vessel shall not be deemed to be engaged in trade or commerce.'' If or when an oceanographic vessel engages in trade or commerce, such vessel cannot operate under its certificate of inspection as an oceanographic vessel, but shall be inspected and certified for the service in which engaged, and the scientific personnel aboard then become persons employed in the business of the vessel.

[10] Bulk dangerous cargoes are cargoes specified in table 151.01–10(b); in table 1 of part 153, and in table 4 of part 154 of this chapter.

[11] For manned tankbarges, see § 151.01–10(c) of this chapter.

[12] See § 151.01–15, 153.900(d), or 154.30 of this chapter as appropriate.

[13] Sail vessel means a vessel with no auxiliary machinery on board. If the vessel has auxiliary machinery, refer to motor vessels.

PART 30—GENERAL PROVISIONS

■ 5. The authority citation for part 30 continues to read as follows:

Authority: 46 U.S.C. 2103, 3306, 3703; Pub. L. 103–206, 107 Stat. 2439; 49 U.S.C. 5103, 5106; Department of Homeland Security Delegation No. 0170.1; Section 30.01–2 also issued under the authority of 44 U.S.C. 3507; Section 30.01–05 also issued under the authority of Sec. 4109, Pub. L. 101–380, 104 Stat. 515.

■ 6. Revise Table 30.01–5(d) of § 30.01–5 to read as follows:

§ 30.01–5 Application of regulations—TB/ALL.

* * * * *

TABLE 30.01–5(d)

Method of propulsion, qualified by size or other limitation[1]	Vessels inspected and certificated under Subchapter D—Tank Vessels[2]	Vessels inspected and certificated under Subchapter H—Passenger Vessels[2 3 4 5] or Subchapter K or T—Small Passenger Vessels[2 3 4]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels[2 5]	Vessels subject to the provisions of Subchapter C—Uninspected Vessels[2 3 6 7 8]	Vessels subject to the provisions of Subchapter U—Oceanographic Vessels[2 3 6 7 9]	Vessels subject to the provisions of Subchapter O—Certain Bulk and Dangerous Cargoes[10]
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
(1) Motor, all vessels except seagoing motor vessels ≥300 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.[5]	(i) All vessels carrying more than 12 passengers on an international voyage, except recreational vessels not engaged in trade.[7] (ii) All vessels <100 gross tons that— (A) Carry more than 6 passengers-for-hire whether chartered or not, or (B) Carry more than 6 passengers when chartered with the crew provided, or (C) Carry more than 12 passengers when chartered with no crew provided, or (D) Carry at least 1 passenger-for-hire and are submersible vessels[7] (E) Carry more than 6 passengers and are ferries. (iii) All vessels ≥100 gross tons that— (A) Carry more than 12 passengers-for-hire whether chartered or not, or (B) Carry more than 12 passengers when chartered with the crew provided, or (C) Carry more than 12 passengers when chartered with no crew provided, or (D) Carry at least 1 passenger-for-hire and are submersible vessels.[7] (E) Carry at least 1 passenger and are ferries. (iv) These regulations do not apply to— (A) Recreational vessels not engaged in trade. (B) Documented cargo or tank vessels issued a permit to carry 16 or fewer persons in addition to the crew. (C) Fishing vessels not engaged in ocean or coastwise service. Such vessels may carry persons on the legitimate business of the vessel[6] in addition to the crew, as restricted by the definition of passenger.[7]	All vessels >15 gross tons carrying freight-for-hire, except those covered by columns 2 and 3. All vessels carrying dangerous cargoes, when required by 46 CFR part 98.	All vessels not covered by columns 2, 3, 4, and 6.	None	All vessels carrying cargoes in bulk that are listed in part 153, table 1, or part 154, table 4, or unlisted cargoes that would otherwise be subject to these parts.[12]
(2) Motor, seagoing motor vessels ≥300 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.[5]	(i) All vessels carrying more than 12 passengers on an international voyage, except recreational vessels not engaged in trade.[7] (ii) All ferries <100 gross tons carrying more than 6 passengers and all ferries ≥100 gross tons that carry at least 1 passenger.	All vessels, including recreational vessels, not engaged in trade. This does not include vessels covered by columns 2 and 3, and vessels engaged in the fishing industry.	All vessels not covered by columns 2, 3, 4, 6, and 7.	All vessels engaged in oceanographic research.	All vessels carrying cargoes in bulk that are listed in part 153, table 1, or part 154, table 4, or unlisted cargoes that would otherwise be subject to these parts.[12]

TABLE 30.01–5(d)—Continued

Method of propulsion, qualified by size or other limitation [1]	Vessels inspected and certificated under Subchapter D—Tank Vessels [2]	Vessels inspected and certificated under Subchapter H—Passenger Vessels [2 3 4 5] or Subchapter K or T—Small Passenger Vessels [2 3 4]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels [2 5]	Vessels subject to the provisions of Subchapter C—Uninspected Vessels [2 3 6 7 8]	Vessels subject to the provisions of Subchapter U—Oceanographic Vessels [2 3 6 7 9]	Vessels subject to the provisions of Subchapter O—Certain Bulk and Dangerous Cargoes [10]
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
		(iii) These regulations do not apply to— (A) Recreational vessels not engaged in trade. (B) Documented cargo or tank vessels issued a permit to carry 16 or fewer persons in addition to the crew. (C) Fishing vessels not engaged in ocean or coastwise service may carry persons on the legitimate business of the vessel [6] in addition to the crew, as restricted by the definition of passenger.[7]				
(3) Non-self-propelled vessels <100 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.[5]	(i) All vessels that— (A) Carry more than 6 passengers-for-hire whether chartered or not, or (B) Carry more than 6 passengers when chartered with the crew provided, or (C) Carry more than 12 passengers when chartered with no crew provided, or (D) Carry at least 1 passenger-for-hire and is a submersible vessel.[7] (E) Carry more than 12 passengers on an international voyage. (F) Carry more than 6 passengers and are ferries.	All seagoing barges except those covered by columns 2 and 3.	All barges carrying passengers or passengers-for-hire except those covered by column 3.	None	All tank barges carrying cargoes listed in Table 151.05 of this chapter or unlisted cargoes that would otherwise be subject to part 151.[1 11 12]
(4) Non-self-propelled vessels ≥100 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.[5]	(iii) All vessels that— (A) Carry more than 12 passengers-for-hire whether chartered or not, or (B) Carry more than 12 passengers when chartered with the crew provided, or (C) Carry more than 12 passengers when chartered with no crew provided, or (D) Carry at least 1 passenger-for-hire and is a submersible vessel.[7] (E) Carry more than 12 passengers on an international voyage. (F) Carry at least 1 passenger and are ferries.	All manned seagoing barges.	All barges carrying passengers or passengers-for-hire except those covered by columns 3 and 6.	All seagoing barges engaged in oceanographic research.	All tank barges carrying cargoes listed in Table 151.05 of this chapter or unlisted cargoes that would otherwise be subject to part 151.[1 11 12]

TABLE 30.01–5(d)—Continued

Method of propulsion, qualified by size or other limitation[1]	Vessels inspected and certificated under Subchapter D—Tank Vessels[2]	Vessels inspected and certificated under Subchapter H—Passenger Vessels[2 3 4 5] or Subchapter K or T—Small Passenger Vessels[2 3 4]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels[2 5]	Vessels subject to the provisions of Subchapter C—Uninspected Vessels[2 3 6 7 8]	Vessels subject to the provisions of Subchapter U—Oceanographic Vessels[2 3 6 7 9]	Vessels subject to the provisions of Subchapter O—Certain Bulk and Dangerous Cargoes[10]
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
(5) Sail.[13] vessels ≤700 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.[5]	(i) All vessels carrying more than 12 passengers on an international voyage, except recreational vessels not engaged in trade.[7] (ii) All vessels <100 gross tons that— (A) Carry more than 6 passengers-for-hire whether chartered or not, or (B) Carry more than 6 passengers when chartered with the crew provided, or (C) Carry more than 12 passengers when chartered with no crew provided, or (D) Carry at least 1 passenger-for-hire and are submersible vessels.[7] (E) Carry more than 6 passengers and are ferries. (iii) All vessels ≥100 gross tons that— (A) Carry more than 12 passengers-for-hire whether chartered or not, or (B) Carry more than 12 passengers when chartered with the crew provided, or (C) Carry more than 12 passengers when chartered with no crew provided, or (D) Carry at least 1 passenger-for-hire and are submersible vessels.[7] (E) Carry at least 1 passenger and are ferries. (iv) These regulations do not apply to— (A) Recreational vehicles not engaged in trade. (B) Documented cargo or tank vessels issued a permit to carry 16 or fewer persons in addition to the crew. (C) Fishing vessels, not engaged in ocean or coastwise service. Such vessels may carry persons on the legitimate business of the vessel[6] in addition to the crew, as restricted by the definition of passenger.[7]	All vessels carrying dangerous cargoes, when required by 46 CFR part 98.	All vessels not covered by columns 2, 3, 4, and 6.	None	All vessels carrying cargoes in bulk that are listed in part 153, table 1, or part 154, table 4, or unlisted cargoes that would otherwise be subject to these parts.[12]
(6) Sail.[13] vessels >700 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.[5]	(i) All vessels carrying passengers or passengers-for-hire, except recreational vessels.[7] (ii) All ferries that carry at least 1 passenger.	All vessels carrying dangerous cargoes, when required by 46 CFR part 98.	None	None	All vessels carrying cargoes in bulk that are listed in part 153, table 1, or part 154, table 4, or unlisted cargoes that would otherwise be subject to these parts.[12]

TABLE 30.01–5(d)—Continued

Method of propulsion, qualified by size or other limitation [1]	Vessels inspected and certificated under Subchapter D—Tank Vessels [2]	Vessels inspected and certificated under Subchapter H—Passenger Vessels [2 3 4 5] or Subchapter K or T—Small Passenger Vessels [2 3 4]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels [2 5]	Vessels subject to the provisions of Subchapter C—Uninspected Vessels [2 3 6 7 8]	Vessels subject to the provisions of Subchapter U—Oceanographic Vessels [2 3 6 7 9]	Vessels subject to the provisions of Subchapter O—Certain Bulk and Dangerous Cargoes [10]
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
(7) Steam, vessels ≤19.8 meters (65 feet) in length.	All vessels carrying combustible or flammable liquid cargo in bulk.[5]	(i) All vessels carrying more than 12 passengers on an international voyage, except recreational vessels not engaged in trade.[7] (ii) All vessels <100 gross tons that— (A) Carry more than 6 passengers-for-hire whether chartered or not, or (B) Carry more than 6 passengers when chartered with the crew provided, or (C) Carry more than 12 passengers when chartered with no crew provided, or (D) Carry at least 1 passenger-for-hire and are submersible vessels.[7] (E) Carry more than 6 passengers and are ferries. (iii) All vessels ≥100 gross tons that— (A) Carry more than 12 passengers-for-hire whether chartered or not, or (B) Carry more than 12 passengers when chartered with the crew provided, or (C) Carry more than 12 passengers when chartered with no crew provided, or (D) Carry at least 1 passenger-for-hire and are submersible vessels.[7] (E) Carry at least 1 passenger and are ferries. (iv) These regulations do not apply to— (A) Recreational vessels not engaged in trade. (B) Documented cargo or tank vessels issued a permit to carry 16 or fewer persons in addition to the crew. (C) Fishing vessels not engaged in ocean or coastwise service. Such vessels may carry persons on the legitimate business of the vessel[6] in addition to the crew, as restricted by the definition of passenger.[7]	All tugboats and towboats. All vessels carrying dangerous cargoes, when required by 46 CFR part 98.	All vessels not covered by columns 2, 3, 4, and 6.	None	All vessels carrying cargoes in bulk that are listed in part 153, table 1, or part 154, table 4, or unlisted cargoes that would otherwise be subject to these parts.[12]

TABLE 30.01–5(d)—Continued

Method of propulsion, qualified by size or other limitation [1]	Vessels inspected and certificated under Subchapter D—Tank Vessels [2]	Vessels inspected and certificated under Subchapter H—Passenger Vessels [2 3 4 5] or Subchapter K or T—Small Passenger Vessels [2 3 4]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels [2 5]	Vessels subject to the provisions of Subchapter C—Uninspected Vessels [2 3 6 7 8]	Vessels subject to the provisions of Subchapter U—Oceanographic Vessels [2 3 6 7 9]	Vessels subject to the provisions of Subchapter O—Certain Bulk and Dangerous Cargoes [10]
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
(7) Steam, vessels >19.8 meters (65 feet) in length.	All vessels carrying combustible or flammable liquid cargo in bulk.[5]	(i) All vessels carrying more than 12 passengers on an international voyage, except recreational vessels not engaged in trade.[7] (ii) All vessels <100 gross tons that— (A) Carry more than 6 passengers-for-hire whether chartered or not, or (B) Carry more than 6 passengers when chartered with the crew provided, or (C) Carry more than 12 passengers when chartered with no crew provided, or (D) Carry at least 1 passenger-for-hire and are submersible vessels.[7] (E) Carry more than 6 passengers and are ferries. (iii) All vessels ≥100 gross tons that— (A) Carry more than 12 passengers-for-hire whether chartered or not, or (B) Carry more than 12 passengers when chartered with the crew provided, or (C) Carry more than 12 passengers when chartered with no crew provided, or (D) Carry at least 1 passenger-for-hire and are submersible vessels.[7] (E) Carry at least 1 passenger and are ferries. (iv) These regulations do not apply to— (A) Recreational vehicles not engaged in trade. (B) Documented cargo or tank vessels issued a permit to carry 16 or fewer persons in addition to the crew. (C) Fishing vessels not engaged in ocean or coastwise service. Such vessels may carry persons on the legitimate business of the vessel[6] in addition to the crew, as restricted by the definition of passenger.[7]	All vessels not covered by columns 2, 3, 6, and 7.	None	All vessels engaged in oceanographic research.	All vessels carrying cargoes in bulk that are listed in part 153, table 1, or part 154, table 4, or unlisted cargoes that would otherwise be subject to these parts.[12]

Key to symbols used in this table: ≤ means less than or equal to; > means greater than; < means less than; and ≥ means greater than or equal to.

Footnotes:

[1] Where length is used in this table, it means the length measured from end to end over the deck, excluding sheer. This expression means a straight line measurement of the overall length from the foremost part of the vessel to the aftermost part of the vessel, measured parallel to the centerline.

[2] Subchapters E (Load Lines), F (Marine Engineering), J (Electrical Engineering), N (Dangerous Cargoes), S (Subdivision and Stability), and W (Lifesaving Appliances and Arrangements) of this chapter may also be applicable under certain conditions. The provisions of 49 CFR parts 171–179 apply whenever packaged hazardous materials are on board vessels (including motorboats), except when specifically exempted by law.

[3] Public nautical schoolships, other than vessels of the Navy and Coast Guard, must meet the requirements of part 167 of subchapter R (Nautical Schools) of this chapter, Civilian nautical schoolships, as defined by 46 U.S.C. 1331, must meet the requirements of subchapter H (Passenger Vessels) and part 168 of subchapter R (Nautical Schools) of this chapter.

[4] Subchapter H (Passenger Vessels) of this chapter covers only those vessels of 100 gross tons or more, subchapter T (Small Passenger Vessels) of this chapter covers only those vessels of less than 100 gross tons, and subchapter K (Small Passenger Vessels) of this chapter covers only those vessels less than 100 gross tons carrying more than 150 passengers or overnight accommodations for more than 49 passengers.

[5] Vessels covered by subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter, where the principal purpose or use of the vessel is not for the carriage of liquid cargo, may be granted a permit to carry a limited amount of flammable or combustible liquid cargo in bulk. The portion of the vessel used for the carriage of the flammable or combustible liquid cargo must meet the requirements of subchapter D (Tank Vessels) in addition to the requirements of subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter.

[6] Any vessel on an international voyage is subject to the requirements of the International Convention for Safety of Life at Sea, 1974 (SOLAS).

[7] The terms ''passenger(s)'' and ''passenger(s)-for-hire'' are as defined in 46 U.S.C. 2101(21)(21a). On oceanographic vessels, scientific personnel onboard shall not be deemed to be passengers nor seamen, but for calculations of lifesaving equipment, etc., must be counted as persons.
[8] Boilers and machinery are subject to examination on vessels over 40 feet in length.
[9] Under 46 U.S.C. 441 an oceanographic research vessel ''* * * being employed exclusively in instruction in oceanography or limnology, or both, or exclusively in oceanographic research, * * *. Under 46 U.S.C. 443, ''an oceanographic research vessel shall not be deemed to be engaged in trade or commerce.'' If or when an oceanographic vessel engages in trade or commerce, such vessel cannot operate under its certificate of inspection as an oceanographic vessel, but shall be inspected and certified for the service in which engaged, and the scientific personnel aboard then become persons employed in the business of the vessel.
[10] Bulk dangerous cargoes are cargoes specified in table 151.01–10(b); in table 1 of part 153, and in table 4 of part 154 of this chapter.
[11] For manned tankbarges, see § 151.01–10(c) of this chapter.
[12] See § 151.01–15, 153.900(d), or 154.30 of this chapter as appropriate.
[13] Sail vessel means a vessel with no auxiliary machinery on board. If the vessel has auxiliary machinery, refer to motor vessels.

PART 70—GENERAL PROVISIONS

■ 7. The authority citation for part 70 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703; Pub. L. 103–206, 107 Stat. 2439; 49 U.S.C. 5103, 5106; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; Department of Homeland Security Delegation No. 0170.1; Section 70.01–15 also issued under the authority of 44 U.S.C. 3507.

■ 8. Revise Table 70.05–1(a) of § 70.05–1(a) to read as follows:

§ 70.05–1 United States flag vessels subject to the requirements of this subchapter.

(a) * * *

TABLE 70.05–1(a)

Method of propulsion, qualified by size or other limitation[1]	Vessels inspected and certificated under Subchapter D—Tank Vessels[2]	Vessels inspected and certificated under Subchapter H—Passenger Vessels[2 3 4 5] or Subchapter K or T—Small Passenger Vessels[2 3 4]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels[2 5]	Vessels subject to the provisions of Subchapter C—Uninspected Vessels[2 3 6 7 8]	Vessels subject to the provisions of Subchapter U—Oceanographic Vessels[2 3 6 7 9]	Vessels subject to the provisions of Subchapter O—Certain Bulk and Dangerous Cargoes[10]
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
(1) Motor, all vessels except seagoing motor vessels ≥300 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.[5]	(i) All vessels carrying more than 12 passengers on an international voyage, except recreational vessels not engaged in trade.[7] (ii) All vessels <100 gross tons that— (A) Carry more than 6 passengers-for-hire whether chartered or not, or (B) Carry more than 6 passengers when chartered with the crew provided, or (C) Carry more than 12 passengers when chartered with no crew provided, or (D) Carry at least 1 passenger-for-hire and are submersible vessels.[7] (E) Carry more than 6 passengers and are ferries. (iii) All vessels ≥100 gross tons that— (A) Carry more than 12 passengers-for-hire whether chartered or not, or (B) Carry more than 12 passengers when chartered with the crew provided, or (C) Carry more than 12 passengers when chartered with no crew provided, or (D) Carry at least 1 passenger-for-hire and are submersible vessels.[7] (E) Carry at least 1 passenger and are ferries.	All vessels >15 gross tons carrying freight-for-hire, except those covered by columns 2 and 3. All vessels carrying dangerous cargoes, when required by 46 CFR part 98.	All vessels not covered by columns 2, 3, 4, and 6.	None	All vessels carrying cargoes in bulk that are listed in part 153, table 1, or part 154, table 4, or unlisted cargoes that would otherwise be subject to these parts.[12]

TABLE 70.05–1(a)—Continued

Method of propulsion, qualified by size or other limitation[1]	Vessels inspected and certificated under Subchapter D—Tank Vessels[2]	Vessels inspected and certificated under Subchapter H—Passenger Vessels[2 3 4 5] or Subchapter K or T—Small Passenger Vessels[2 3 4]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels[2 5]	Vessels subject to the provisions of Subchapter C—Uninspected Vessels[2 3 6 7 8]	Vessels subject to the provisions of Subchapter U—Oceanographic Vessels[2 3 6 7 9]	Vessels subject to the provisions of Subchapter O—Certain Bulk and Dangerous Cargoes[10]
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
		(iv) These regulations do not apply to— (A) Recreational vessels not engaged in trade. (B) Documented cargo or tank vessels issued a permit to carry 16 or fewer persons in addition to the crew. (C) Fishing vessels not engaged in ocean or coastwise service. Such vessels may carry persons on the legitimate business of the vessel[6] in addition to the crew, as restricted by the definition of passenger.[7]				
(2) Motor, seagoing motor vessels ≥300 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.[5]	(i) All vessels carrying more than 12 passengers on an international voyage, except recreational vessels not engaged in trade.[7] (ii) All ferries <100 gross tons carrying more than 6 passengers and all ferries ≥100 gross tons that carry at least 1 passenger. (iii) These regulations do not apply to— (A) Recreational vessels not engaged in trade. (B) Documented cargo or tank vessels issued a permit to carry 16 or fewer persons in addition to the crew. (C) Fishing vessels not engaged in ocean or coastwise service may carry persons on the legitimate business of the vessel[6] in addition to the crew, as restricted by the definition of passenger.[7]	All vessels, including recreational vessels, not engaged in trade. This does not include vessels covered by columns 2 and 3, and vessels engaged in the fishing industry.	All vessels not covered by columns 2, 3, 4, 6, and 7.	All vessels engaged in oceanographic research.	All vessels carrying cargoes in bulk that are listed in part 153, table 1, or part 154, table 4, or unlisted cargoes that would otherwise be subject to these parts.[12]
(3) Non-self-propelled vessels <100 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.[5]	(i) All vessels that— (A) Carry more than 6 passengers-for-hire whether chartered or not, or (B) Carry more than 6 passengers when chartered with the crew provided, or (C) Carry more than 12 passengers when chartered with no crew provided, or (D) Carry at least 1 passenger-for-hire and is a submersible vessel.[7] (E) Carry more than 12 passengers on an international voyage. (F) Carry more than 6 passengers and are ferries.	All seagoing barges except those covered by columns 2 and 3.	All barges carrying passengers or passengers-for-hire except those covered by column 3.	None	All tank barges carrying cargoes listed in Table 151.05 of this chapter or unlisted cargoes that would otherwise be subject to part 151.[1 11 12]

TABLE 70.05–1(a)—Continued

Method of propulsion, qualified by size or other limitation [1]	Vessels inspected and certificated under Subchapter D—Tank Vessels [2]	Vessels inspected and certificated under Subchapter H—Passenger Vessels [2 3 4 5] or Subchapter K or T—Small Passenger Vessels [2 3 4]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels [2 5]	Vessels subject to the provisions of Subchapter C—Uninspected Vessels [2 3 6 7 8]	Vessels subject to the provisions of Subchapter U—Oceanographic Vessels [2 3 6 7 9]	Vessels subject to the provisions of Subchapter O—Certain Bulk and Dangerous Cargoes [10]
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
(4) Non-self-propelled vessels ≥100 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.[5]	(iii) All vessels that— (A) Carry more than 12 passengers-for-hire whether chartered or not, or (B) Carry more than 12 passengers when chartered with the crew provided, or (C) Carry more than 12 passengers when chartered with no crew provided, or (D) Carry at least 1 passenger-for-hire and is a submersible vessel.[7] (E) Carry more than 12 passengers on an international voyage. (F) Carry at least 1 passenger and are ferries.	All manned seagoing barges.	All barges carrying passengers or passengers-for-hire except those covered by columns 3 and 6.	All seagoing barges engaged in oceanographic research.	All tank barges carrying cargoes listed in Table 151.05 of this chapter or unlisted cargoes that would otherwise be subject to part 151.[1 11 12]
(5) Sail.[13] vessels ≤700 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.[5]	(i) All vessels carrying more than 12 passengers on an international voyage, except recreational vessels not engaged in trade.[7] (ii) All vessels <100 gross tons that— (A) Carry more than 6 passengers-for-hire whether chartered or not, or (B) Carry more than 6 passengers when chartered with the crew provided, or (C) Carry more than 12 passengers when chartered with no crew provided, or (D) Carry at least 1 passenger-for-hire and are submersible vessels.[7] (E) Carry more than 6 passengers and are ferries. (iii) All vessels ≥100 gross tons that— (A) Carry more than 12 passengers-for-hire whether chartered or not, or (B) Carry more than 12 passengers when chartered with the crew provided, or (C) Carry more than 12 passengers when chartered with no crew provided, or (D) Carry at least 1 passenger-for-hire and are submersible vessels.[7] (E) Carry at least 1 passenger and are ferries.	All vessels carrying dangerous cargoes, when required by 46 CFR part 98.	All vessels not covered by columns 2, 3, 4, and 6.	None	All vessels carrying cargoes in bulk that are listed in part 153, table 1, or part 154, table 4, or unlisted cargoes that would otherwise be subject to these parts.[12]

TABLE 70.05–1(a)—Continued

Method of propulsion, qualified by size or other limitation[1]	Vessels inspected and certificated under Subchapter D—Tank Vessels[2]	Vessels inspected and certificated under Subchapter H—Passenger Vessels[2 3 4 5] or Subchapter K or T—Small Passenger Vessels[2 3 4]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels[2 5]	Vessels subject to the provisions of Subchapter C—Uninspected Vessels[2 3 6 7 8]	Vessels subject to the provisions of Subchapter U—Oceanographic Vessels[2 3 6 7 9]	Vessels subject to the provisions of Subchapter O—Certain Bulk and Dangerous Cargoes[10]
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
		(iv) These regulations do not apply to— (A) Recreational vehicles not engaged in trade. (B) Documented cargo or tank vessels issued a permit to carry 16 or fewer persons in addition to the crew. (C) Fishing vessels, not engaged in ocean or coastwise service. Such vessels may carry persons on the legitimate business of the vessel[6] in addition to the crew, as restricted by the definition of passenger.[7]				
(6) Sail.[13] vessels >700 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.[5]	(i) All vessels carrying passengers or passengers-for-hire, except recreational vessels.[7] (ii) All ferries that carry at least 1 passenger.	All vessels carrying dangerous cargoes, when required by 46 CFR part 98.	None	None	All vessels carrying cargoes in bulk that are listed in part 153, table 1, or part 154, table 4, or unlisted cargoes that would otherwise be subject to these parts.[12]
(7) Steam, vessels ≤19.8 meters (65 feet) in length.	All vessels carrying combustible or flammable liquid cargo in bulk.[5]	(i) All vessels carrying more than 12 passengers on an international voyage, except recreational vessels not engaged in trade.[7] (ii) All vessels <100 gross tons that— (A) Carry more than 6 passengers-for-hire whether chartered or not, or (B) Carry more than 6 passengers when chartered with the crew provided, or (C) Carry more than 12 passengers when chartered with no crew provided, or (D) Carry at least 1 passenger-for-hire and are submersible vessels.[7] (E) Carry more than 6 passengers and are ferries.	All tugboats and towboats. All vessels carrying dangerous cargoes, when required by 46 CFR part 98.	All vessels not covered by columns 2, 3, 4, and 6.	None	All vessels carrying cargoes in bulk that are listed in part 153, table 1, or part 154, table 4, or unlisted cargoes that would otherwise be subject to these parts.[12]

TABLE 70.05–1(a)—Continued

Method of propulsion, qualified by size or other limitation[1]	Vessels inspected and certificated under Subchapter D—Tank Vessels[2]	Vessels inspected and certificated under Subchapter H—Passenger Vessels[2 3 4 5] or Subchapter K or T—Small Passenger Vessels[2 3 4]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels[2 5]	Vessels subject to the provisions of Subchapter C—Uninspected Vessels[2 3 6 7 8]	Vessels subject to the provisions of Subchapter U—Oceanographic Vessels[2 3 6 7 9]	Vessels subject to the provisions of Subchapter O—Certain Bulk and Dangerous Cargoes[10]
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
		(iii) All vessels ≥100 gross tons that— (A) Carry more than 12 passengers-for-hire whether chartered or not, or (B) Carry more than 12 passengers when chartered with the crew provided, or (C) Carry more than 12 passengers when chartered with no crew provided, or (D) Carry at least 1 passenger-for-hire and are submersible vessels.[7] (E) Carry at least 1 passenger and are ferries. (iv) These regulations do not apply to— (A) Recreational vessels not engaged in trade. (B) Documented cargo or tank vessels issued a permit to carry 16 or fewer persons in addition to the crew. (C) Fishing vessels not engaged in ocean or coastwise service. Such vessels may carry persons on the legitimate business of the vessel[6] in addition to the crew, as restricted by the definition of passenger.[7]				
(7) Steam, vessels >19.8 meters (65 feet) in length.	All vessels carrying combustible or flammable liquid cargo in bulk.[5]	(i) All vessels carrying more than 12 passengers on an international voyage, except recreational vessels not engaged in trade.[7] (ii) All vessels <100 gross tons that— (A) Carry more than 6 passengers-for-hire whether chartered or not, or (B) Carry more than 6 passengers when chartered with the crew provided, or (C) Carry more than 12 passengers when chartered with no crew provided, or (D) Carry at least 1 passenger-for-hire and are submersible vessels.[7] (E) Carry more than 6 passengers and are ferries.	All vessels not covered by columns 2, 3, 6, and 7.	None	All vessels engaged in oceanographic research.	All vessels carrying cargoes in bulk that are listed in part 153, table 1, or part 154, table 4, or unlisted cargoes that would otherwise be subject to these parts.[12]

TABLE 70.05–1(a)—Continued

Method of propulsion, qualified by size or other limitation [1]	Vessels inspected and certificated under Subchapter D—Tank Vessels [2]	Vessels inspected and certificated under Subchapter H—Passenger Vessels [2 3 4 5] or Subchapter K or T—Small Passenger Vessels [2 3 4]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels [2 5]	Vessels subject to the provisions of Subchapter C—Uninspected Vessels [2 3 6 7 8]	Vessels subject to the provisions of Subchapter U—Oceanographic Vessels [2 3 6 7 9]	Vessels subject to the provisions of Subchapter O—Certain Bulk and Dangerous Cargoes [10]
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
		(iii) All vessels ≥100 gross tons that— (A) Carry more than 12 passengers-for-hire whether chartered or not, or (B) Carry more than 12 passengers when chartered with the crew provided, or (C) Carry more than 12 passengers when chartered with no crew provided, or (D) Carry at least 1 passenger-for-hire and are submersible vessels.[7] (E) Carry at least 1 passenger and are ferries. (iv) These regulations do not apply to— (A) Recreational vehicles not engaged in trade. (B) Documented cargo or tank vessels issued a permit to carry 16 or fewer persons in addition to the crew. (C) Fishing vessels not engaged in ocean or coastwise service. Such vessels may carry persons on the legitimate business of the vessel[6] in addition to the crew, as restricted by the definition of passenger.[7]				

Key to symbols used in this table: ≤ means less than or equal to; > means greater than; < means less than; and ≥ means greater than or equal to.

Footnotes:

[1] Where length is used in this table, it means the length measured from end to end over the deck, excluding sheer. This expression means a straight line measurement of the overall length from the foremost part of the vessel to the aftermost part of the vessel, measured parallel to the centerline.

[2] Subchapters E (Load Lines), F (Marine Engineering), J (Electrical Engineering), N (Dangerous Cargoes), S (Subdivision and Stability), and W (Lifesaving Appliances and Arrangements) of this chapter may also be applicable under certain conditions. The provisions of 49 CFR parts 171–179 apply whenever packaged hazardous materials are on board vessels (including motorboats), except when specifically exempted by law.

[3] Public nautical schoolships, other than vessels of the Navy and Coast Guard, must meet the requirements of part 167 of subchapter R (Nautical Schools) of this chapter, Civilian nautical schoolships, as defined by 46 U.S.C. 1331, must meet the requirements of subchapter H (Passenger Vessels) and part 168 of subchapter R (Nautical Schools) of this chapter.

[4] Subchapter H (Passenger Vessels) of this chapter covers only those vessels of 100 gross tons or more, subchapter T (Small Passenger Vessels) of this chapter covers only those vessels of less than 100 gross tons, and subchapter K (Small Passenger Vessels) of this chapter covers only those vessels less than 100 gross tons carrying more than 150 passengers or overnight accommodations for more than 49 passengers.

[5] Vessels covered by subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter, where the principal purpose or use of the vessel is not for the carriage of liquid cargo, may be granted a permit to carry a limited amount of flammable or combustible liquid cargo in bulk. The portion of the vessel used for the carriage of the flammable or combustible liquid cargo must meet the requirements of subchapter D (Tank Vessels) in addition to the requirements of subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter.

[6] Any vessel on an international voyage is subject to the requirements of the International Convention for Safety of Life at Sea, 1974 (SOLAS).

[7] The terms ''passenger(s)'' and ''passenger(s)-for-hire'' are as defined in 46 U.S.C. 2101(21)(21a). On oceanographic vessels, scientific personnel onboard shall not be deemed to be passengers nor seamen, but for calculations of lifesaving equipment, etc., must be counted as persons.

[8] Boilers and machinery are subject to examination on vessels over 40 feet in length.

[9] Under 46 U.S.C. 441 an oceanographic research vessel ''* * * being employed exclusively in instruction in oceanography or limnology, or both, or exclusively in oceanographic research, * * * *. Under 46 U.S.C. 443, ''an oceanographic research vessel shall not be deemed to be engaged in trade or commerce.'' If or when an oceanographic vessel engages in trade or commerce, such vessel cannot operate under its certificate of inspection as an oceanographic vessel, but shall be inspected and certified for the service in which engaged, and the scientific personnel aboard then become persons employed in the business of the vessel.

[10] Bulk dangerous cargoes are cargoes specified in table 151.01–10(b); in table 1 of part 153, and in table 4 of part 154 of this chapter.

[11] For manned tankbarges, see § 151.01–10(c) of this chapter.

[12] See § 151.01–15, 153.900(d), or 154.30 of this chapter as appropriate.

[13] Sail vessel means a vessel with no auxiliary machinery on board. If the vessel has auxiliary machinery, refer to motor vessels.

PART 90—GENERAL PROVISIONS

■ 9. The authority citation for part 90 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703; Pub. L. 103–206, 107 Stat. 2439; 49 U.S.C. 5103, 5106; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; Department of Homeland Security Delegation No. 0170.1.

■ 10. Revise Table 90.05–1(a) of § 90.05–1 to read as follows:

§ 90.05–1 Vessels subject to requirements of this subchapter.

(a) * * *

TABLE 90.05–1(a)

Method of propulsion, qualified by size or other limitation [1]	Vessels inspected and certificated under Subchapter D—Tank Vessels [2]	Vessels inspected and certificated under Subchapter H—Passenger Vessels [2 3 4 5] or Subchapter K or T—Small Passenger Vessels [2 3 4]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels [2 5]	Vessels subject to the provisions of Subchapter C—Uninspected Vessels [2 3 6 7 8]	Vessels subject to the provisions of Subchapter U—Oceanographic Vessels [2 3 6 7 9]	Vessels subject to the provisions of Subchapter O—Certain Bulk and Dangerous Cargoes [10]
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
(1) Motor, all vessels except seagoing motor vessels ≥300 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.[5]	(i) All vessels carrying more than 12 passengers on an international voyage, except recreational vessels not engaged in trade.[7] (ii) All vessels <100 gross tons that— (A) Carry more than 6 passengers-for-hire whether chartered or not, or (B) Carry more than 6 passengers when chartered with the crew provided, or (C) Carry more than 12 passengers when chartered with no crew provided, or (D) Carry at least 1 passenger-for-hire and are submersible vessels.[7] (E) Carry more than 6 passengers and are ferries. (iii) All vessels ≥100 gross tons that— (A) Carry more than 12 passengers-for-hire whether chartered or not, or (B) Carry more than 12 passengers when chartered with the crew provided, or (C) Carry more than 12 passengers when chartered with no crew provided, or (D) Carry at least 1 passenger-for-hire and are submersible vessels.[7] (E) Carry at least 1 passenger and are ferries. (iv) These regulations do not apply to— (A) Recreational vessels not engaged in trade. (B) Documented cargo or tank vessels issued a permit to carry 16 or fewer persons in addition to the crew. (C) Fishing vessels not engaged in ocean or coastwise service. Such vessels may carry persons on the legitimate business of the vessel.[6] in addition to the crew, as restricted by the definition of passenger.[7]	All vessels >15 gross tons carrying freight-for-hire, except those covered by columns 2 and 3. All vessels carrying dangerous cargoes, when required by 46 CFR part 98.	All vessels not covered by columns 2, 3, 4, and 6.	None	All vessels carrying cargoes in bulk that are listed in part 153, table 1, or part 154, table 4, or unlisted cargoes that would otherwise be subject to these parts.[12]

TABLE 90.05–1(a)—Continued

Method of propulsion, qualified by size or other limitation [1]	Vessels inspected and certificated under Subchapter D—Tank Vessels [2]	Vessels inspected and certificated under Subchapter H—Passenger Vessels [2 3 4 5] or Subchapter K or T—Small Passenger Vessels [2 3 4]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels [2 5]	Vessels subject to the provisions of Subchapter C—Uninspected Vessels [2 3 6 7 8]	Vessels subject to the provisions of Subchapter U—Oceanographic Vessels [2 3 6 7 9]	Vessels subject to the provisions of Subchapter O—Certain Bulk and Dangerous Cargoes [10]
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
(2) Motor, seagoing motor vessels ≥300 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.[5]	(i) All vessels carrying more than 12 passengers on an international voyage, except recreational vessels not engaged in trade.[7] (ii) All ferries <100 gross tons carrying more than 6 passengers and all ferries ≥100 gross tons that carry at least 1 passenger. (iii) These regulations do not apply to— (A) Recreational vessels not engaged in trade. (B) Documented cargo or tank vessels issued a permit to carry 16 or fewer persons in addition to the crew. (C) Fishing vessels not engaged in ocean or coastwise service may carry persons on the legitimate business of the vessel.[6] in addition to the crew, as restricted by the definition of passenger.[7]	All vessels, including recreational vessels, not engaged in trade. This does not include vessels covered by columns 2 and 3, and vessels engaged in the fishing industry.	All vessels not covered by columns 2, 3, 4, 6, and 7.	All vessels engaged in oceanographic research.	All vessels carrying cargoes in bulk that are listed in part 153, table 1, or part 154, table 4, or unlisted cargoes that would otherwise be subject to these parts.[12]
(3) Non-self-propelled vessels <100 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.[5]	(i) All vessels that— (A) Carry more than 6 passengers-for-hire whether chartered or not, or (B) Carry more than 6 passengers when chartered with the crew provided, or (C) Carry more than 12 passengers when chartered with no crew provided, or (D) Carry at least 1 passenger-for-hire and is a submersible vessel.[7] (E) Carry more than 12 passengers on an international voyage. (F) Carry more than 6 passengers and are ferries.	All seagoing barges except those covered by columns 2 and 3.	All barges carrying passengers or passengers-for-hire except those covered by column 3.	None	All tank barges carrying cargoes listed in Table 151.05 of this chapter or unlisted cargoes that would otherwise be subject to part 151.[1 11 12]
(4) Non-self-propelled vessels ≥100 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.[5]	(iii) All vessels that— (A) Carry more than 12 passengers-for-hire whether chartered or not, or B) Carry more than 12 passengers when chartered with the crew provided, or (C) Carry more than 12 passengers when chartered with no crew provided, or (D) Carry at least 1 passenger-for-hire and is a submersible vessel.[7] (E) Carry more than 12 passengers on an international voyage. (F) Carry at least 1 passenger and are ferries.	All manned seagoing barges.	All barges carrying passengers or passengers-for-hire except those covered by columns 3 and 6.	All seagoing barges engaged in oceanographic research.	All tank barges carrying cargoes listed in Table 151.05 of this chapter or unlisted cargoes that would otherwise be subject to part 151.[1 11 12]

TABLE 90.05–1(a)—Continued

Method of propulsion, qualified by size or other limitation[1]	Vessels inspected and certificated under Subchapter D—Tank Vessels[2]	Vessels inspected and certificated under Subchapter H—Passenger Vessels[2 3 4 5] or Subchapter K or T—Small Passenger Vessels[2 3 4]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels[2 5]	Vessels subject to the provisions of Subchapter C—Uninspected Vessels[2 3 6 7 8]	Vessels subject to the provisions of Subchapter U—Oceanographic Vessels[2 3 6 7 9]	Vessels subject to the provisions of Subchapter O—Certain Bulk and Dangerous Cargoes[10]
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
(5) Sail.[13] vessels ≤700 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.[5]	(i) All vessels carrying more than 12 passengers on an international voyage, except recreational vessels not engaged in trade.[7] (ii) All vessels <100 gross tons that— (A) Carry more than 6 passengers-for-hire whether chartered or not, or (B) Carry more than 6 passengers when chartered with the crew provided, or (C) Carry more than 12 passengers when chartered with no crew provided, or (D) Carry at least 1 passenger-for-hire and are submersible vessels.[7] (E) Carry more than 6 passengers and are ferries. (iii) All vessels ≥100 gross tons that— (A) Carry more than 12 passengers-for-hire whether chartered or not, or (B) Carry more than 12 passengers when chartered with the crew provided, or (C) Carry more than 12 passengers when chartered with no crew provided, or (D) Carry at least 1 passenger-for-hire and are submersible vessels.[7] (E) Carry at least 1 passenger and are ferries. (iv) These regulations do not apply to— (A) Recreational vehicles not engaged in trade. (B) Documented cargo or tank vessels issued a permit to carry 16 or fewer persons in addition to the crew. (C) Fishing vessels, not engaged in ocean or coastwise service. Such vessels may carry persons on the legitimate business of the vessel[6] in addition to the crew, as restricted by the definition of passenger.[7]	All vessels carrying dangerous cargoes, when required by 46 CFR part 98.	All vessels not covered by columns 2, 3, 4, and 6.	None	All vessels carrying cargoes in bulk that are listed in part 153, table 1, or part 154, table 4, or unlisted cargoes that would otherwise be subject to these parts.[12]
(6) Sail.[13] vessels >700 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.[5]	(i) All vessels carrying passengers or passengers-for-hire, except recreational vessels.[7] (ii) All ferries that carry at least 1 passenger.	All vessels carrying dangerous cargoes, when required by 46 CFR part 98.	None	None	All vessels carrying cargoes in bulk that are listed in part 153, table 1, or part 154, table 4, or unlisted cargoes that would otherwise be subject to these parts.[12]

TABLE 90.05–1(a)—Continued

Method of propulsion, qualified by size or other limitation [1]	Vessels inspected and certificated under Subchapter D—Tank Vessels [2]	Vessels inspected and certificated under Subchapter H—Passenger Vessels [2 3 4 5] or Subchapter K or T—Small Passenger Vessels [2 3 4]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels [2 5]	Vessels subject to the provisions of Subchapter C—Uninspected Vessels [2 3 6 7 8]	Vessels subject to the provisions of Subchapter U—Oceanographic Vessels [2 3 6 7 9]	Vessels subject to the provisions of Subchapter O—Certain Bulk and Dangerous Cargoes [10]
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
(7) Steam, vessels ≤19.8 meters (65 feet) in length.	All vessels carrying combustible or flammable liquid cargo in bulk.[5]	(i) All vessels carrying more than 12 passengers on an international voyage, except recreational vessels not engaged in trade.[7] (ii) All vessels <100 gross tons that— (A) Carry more than 6 passengers-for-hire whether chartered or not, or (B) Carry more than 6 passengers when chartered with the crew provided, or (C) Carry more than 12 passengers when chartered with no crew provided, or (D) Carry at least 1 passenger-for-hire and are submersible vessels.[7] (E) Carry more than 6 passengers and are ferries. (iii) All vessels ≥100 gross tons that— (A) Carry more than 12 passengers-for-hire whether chartered or not, or (B) Carry more than 12 passengers when chartered with the crew provided, or (C) Carry more than 12 passengers when chartered with no crew provided, or (D) Carry at least 1 passenger-for-hire and are submersible vessels.[7] (E) Carry at least 1 passenger and are ferries. (iv) These regulations do not apply to— (A) Recreational vessels not engaged in trade. (B) Documented cargo or tank vessels issued a permit to carry 16 or fewer persons in addition to the crew. (C) Fishing vessels not engaged in ocean or coastwise service. Such vessels may carry persons on the legitimate business of the vessel[6] in addition to the crew, as restricted by the definition of passenger.[7]	All tugboats and towboats. All vessels carrying dangerous cargoes, when required by 46 CFR part 98.	All vessels not covered by columns 2, 3, 4, and 6.	None	All vessels carrying cargoes in bulk that are listed in part 153, table 1, or part 154, table 4, or unlisted cargoes that would otherwise be subject to these parts.[12]

TABLE 90.05–1(a)—Continued

Method of propulsion, qualified by size or other limitation [1]	Vessels inspected and certificated under Subchapter D—Tank Vessels [2]	Vessels inspected and certificated under Subchapter H—Passenger Vessels [2 3 4 5] or Subchapter K or T—Small Passenger Vessels [2 3 4]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels [2 5]	Vessels subject to the provisions of Subchapter C—Uninspected Vessels [2 3 6 7 8]	Vessels subject to the provisions of Subchapter U—Oceanographic Vessels [2 3 6 7 9]	Vessels subject to the provisions of Subchapter O—Certain Bulk and Dangerous Cargoes [10]
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
(7) Steam, vessels >19.8 meters (65 feet) in length.	All vessels carrying combustible or flammable liquid cargo in bulk.[5]	(i) All vessels carrying more than 12 passengers on an international voyage, except recreational vessels not engaged in trade.[7] (ii) All vessels <100 gross tons that— (A) Carry more than 6 passengers-for-hire whether chartered or not, or (B) Carry more than 6 passengers when chartered with the crew provided, or (C) Carry more than 12 passengers when chartered with no crew provided, or (D) Carry at least 1 passenger-for-hire and are submersible vessels.[7] (E) Carry more than 6 passengers and are ferries. (iii) All vessels ≥100 gross tons that— (A) Carry more than 12 passengers-for-hire whether chartered or not, or (B) Carry more than 12 passengers when chartered with the crew provided, or (C) Carry more than 12 passengers when chartered with no crew provided, or (D) Carry at least 1 passenger-for-hire and are submersible vessels.[7] (E) Carry at least 1 passenger and are ferries. (iv) These regulations do not apply to— (A) Recreational vehicles not engaged in trade. (B) Documented cargo or tank vessels issued a permit to carry 16 or fewer persons in addition to the crew. (C) Fishing vessels not engaged in ocean or coastwise service. Such vessels may carry persons on the legitimate business of the vessel[6] in addition to the crew, as restricted by the definition of passenger.[7]	All vessels not covered by columns 2, 3, 6, and 7.	None	All vessels engaged in oceanographic research.	All vessels carrying cargoes in bulk that are listed in part 153, table 1, or part 154, table 4, or unlisted cargoes that would otherwise be subject to these parts.[12]

Key to symbols used in this table: ≤ means less than or equal to; > means greater than; < means less than; and ≥ means greater than or equal to.

Footnotes:

[1] Where length is used in this table, it means the length measured from end to end over the deck, excluding sheer. This expression means a straight line measurement of the overall length from the foremost part of the vessel to the aftermost part of the vessel, measured parallel to the centerline.

[2] Subchapters E (Load Lines), F (Marine Engineering), J (Electrical Engineering), N (Dangerous Cargoes), S (Subdivision and Stability), and W (Lifesaving Appliances and Arrangements) of this chapter may also be applicable under certain conditions. The provisions of 49 CFR parts 171–179 apply whenever packaged hazardous materials are on board vessels (including motorboats), except when specifically exempted by law.

[3] Public nautical schoolships, other than vessels of the Navy and Coast Guard, must meet the requirements of part 167 of subchapter R (Nautical Schools) of this chapter, Civilian nautical schoolships, as defined by 46 U.S.C. 1331, must meet the requirements of subchapter H (Passenger Vessels) and part 168 of subchapter R (Nautical Schools) of this chapter.

[4] Subchapter H (Passenger Vessels) of this chapter covers only those vessels of 100 gross tons or more, subchapter T (Small Passenger Vessels) of this chapter covers only those vessels of less than 100 gross tons, and subchapter K (Small Passenger Vessels) of this chapter covers only those vessels less than 100 gross tons carrying more than 150 passengers or overnight accommodations for more than 49 passengers.

[5] Vessels covered by subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter, where the principal purpose or use of the vessel is not for the carriage of liquid cargo, may be granted a permit to carry a limited amount of flammable or combustible liquid cargo in bulk. The portion of the vessel used for the carriage of the flammable or combustible liquid cargo must meet the requirements of subchapter D (Tank Vessels) in addition to the requirements of subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter.

[6] Any vessel on an international voyage is subject to the requirements of the International Convention for Safety of Life at Sea, 1974 (SOLAS).
[7] The terms ''passenger(s)'' and ''passenger(s)-for-hire'' are as defined in 46 U.S.C. 2101(21)(21a). On oceanographic vessels, scientific personnel onboard shall not be deemed to be passengers nor seamen, but for calculations of lifesaving equipment, etc., must be counted as persons.
[8] Boilers and machinery are subject to examination on vessels over 40 feet in length.
[9] Under 46 U.S.C. 441 an oceanographic research vessel ''* * * being employed exclusively in instruction in oceanography or limnology, or both, or exclusively in oceanographic research, * * *. Under 46 U.S.C. 443, ''an oceanographic research vessel shall not be deemed to be engaged in trade or commerce.'' If or when an oceanographic vessel engages in trade or commerce, such vessel cannot operate under its certificate of inspection as an oceanographic vessel, but shall be inspected and certified for the service in which engaged, and the scientific personnel aboard then become persons employed in the business of the vessel.
[10] Bulk dangerous cargoes are cargoes specified in table 151.01–10(b); in table 1 of part 153, and in table 4 of part 154 of this chapter.
[11] For manned tankbarges, see § 151.01–10(c) of this chapter.
[12] See § 151.01–15, 153.900(d), or 154.30 of this chapter as appropriate.
[13] Sail vessel means a vessel with no auxiliary machinery on board. If the vessel has auxiliary machinery, refer to motor vessels.

PART 188—GENERAL PROVISIONS

■ 11. The authority citation for part 188 continues to read as follows:

Authority: 46 U.S.C. 2113, 3306; Pub. L. 103–206, 107 Stat. 2439; 49 U.S.C. 5103, 5106; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; Department of Homeland Security Delegation No. 0170.1.

■ 12. Revise Table 188.05–1(a) of § 188.05–1 to read as follows:

§ 188.05–1 Vessels subject to the requirements of this subchapter.

(a) * * *

TABLE 188.05–1(a)

Method of propulsion, qualified by size or other limitation [1]	Vessels inspected and certificated under Subchapter D—Tank Vessels [2]	Vessels inspected and certificated under subchapter H—Passenger Vessels [2 3 4 5] or Subchapter K or T—Small Passenger Vessels [2 3 4]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels [2 5]	Vessels subject to the provisions of Subchapter C—Uninspected Vessels [2 3 6 7 8]	Vessels subject to the provisions of Subchapter U—Oceanographic Vessels [2 3 6 7 9]	Vessels subject to the provisions of Subchapter O—Certain Bulk and Dangerous Cargoes [10]
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
(1) Motor, all vessels except seagoing motor vessels ≥300 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.[5]	(i) All vessels carrying more than 12 passengers on an international voyage, except recreational vessels not engaged in trade.[7] (ii) All vessels <100 gross tons that— (A) Carry more than 6 passengers-for-hire whether chartered or not, or (B) Carry more than 6 passengers when chartered with the crew provided, or (C) Carry more than 12 passengers when chartered with no crew provided, or (D) Carry at least 1 passenger-for-hire and are submersible vessels.[7] (E) Carry more than 6 passengers and are ferries. (iii) All vessels ≥100 gross tons that— (A) Carry more than 12 passengers-for-hire whether chartered or not, or (B) Carry more than 12 passengers when chartered with the crew provided, or (C) Carry more than 12 passengers when chartered with no crew provided, or (D) Carry at least 1 passenger-for-hire and are submersible vessels.[7] (E) Carry at least 1 passenger and are ferries. (iv) These regulations do not apply to— (A) Recreational vessels not engaged in trade. (B) Documented cargo or tank vessels issued a permit to carry 16 or fewer persons in addition to the crew.	All vessels >15 gross tons carrying freight-for-hire, except those covered by columns 2 and 3. All vessels carrying dangerous cargoes, when required by 46 CFR part 98.	All vessels not covered by columns 2, 3, 4, and 6.	None	All vessels carrying cargoes in bulk that are listed in part 153, table 1, or part 154, table 4, or unlisted cargoes that would otherwise be subject to these parts.[12]

TABLE 188.05–1(a)—Continued

Method of propulsion, qualified by size or other limitation [1]	Vessels inspected and certificated under Subchapter D—Tank Vessels [2]	Vessels inspected and certificated under subchapter H—Passenger Vessels [2 3 4 5] or Subchapter K or T—Small Passenger Vessels [2 3 4]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels [2 5]	Vessels subject to the provisions of Subchapter C—Uninspected Vessels [2 3 6 7 8]	Vessels subject to the provisions of Subchapter U—Oceanographic Vessels [2 3 6 7 9]	Vessels subject to the provisions of Subchapter O—Certain Bulk and Dangerous Cargoes [10]
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
		(C) Fishing vessels not engaged in ocean or coastwise service. Such vessels may carry persons on the legitimate business of the vessel [6] in addition to the crew, as restricted by the definition of passenger.[7]				
(2) Motor, seagoing motor vessels ≥300 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.[5]	(i) All vessels carrying more than 12 passengers on an international voyage, except recreational vessels not engaged in trade.[7] (ii) All ferries <100 gross tons carrying more than 6 passengers and all ferries ≥100 gross tons that carry at least 1 passenger. (iii) These regulations do not apply to— (A) Recreational vessels not engaged in trade. (B) Documented cargo or tank vessels issued a permit to carry 16 or fewer persons in addition to the crew. (C) Fishing vessels not engaged in ocean or coastwise service may carry persons on the legitimate business of the vessel [6] in addition to the crew, as restricted by the definition of passenger.[7]	All vessels, including recreational vessels, not engaged in trade. This does not include vessels covered by columns 2 and 3, and vessels engaged in the fishing industry.	All vessels not covered by columns 2, 3, 4, 6, and 7.	All vessels engaged in oceanographic research.	All vessels carrying cargoes in bulk that are listed in part 153, table 1, or part 154, table 4, or unlisted cargoes that would otherwise be subject to these parts.[12]
(3) Non-self-propelled vessels <100 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.[5]	(i) All vessels that— (A) Carry more than 6 passengers-for-hire whether chartered or not, or (B) Carry more than 6 passengers when chartered with the crew provided, or (C) Carry more than 12 passengers when chartered with no crew provided, or (D) Carry at least 1 passenger-for-hire and is a submersible vessel.[7] (E) Carry more than 12 passengers on an international voyage. (F) Carry more than 6 passengers and are ferries.	All seagoing barges except those covered by columns 2 and 3.	All barges carrying passengers or passengers-for-hire except those covered by column 3.	None	All tank barges carrying cargoes listed in Table 151.05 of this chapter or unlisted cargoes that would otherwise be subject to part 151.[1 11 12]

TABLE 188.05–1(a)—Continued

Method of propulsion, qualified by size or other limitation [1]	Vessels inspected and certificated under Subchapter D—Tank Vessels [2]	Vessels inspected and certificated under subchapter H—Passenger Vessels [2 3 4 5] or Subchapter K or T—Small Passenger Vessels [2 3 4]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels [2 5]	Vessels subject to the provisions of Subchapter C—Uninspected Vessels [2 3 6 7 8]	Vessels subject to the provisions of Subchapter U—Oceanographic Vessels [2 3 6 7 9]	Vessels subject to the provisions of Subchapter O—Certain Bulk and Dangerous Cargoes [10]
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
(4) Non-self-propelled vessels ≥100 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.[5]	(iii) All vessels that— (A) Carry more than 12 passengers-for-hire whether chartered or not, or (B) Carry more than 12 passengers when chartered with the crew provided, or (C) Carry more than 12 passengers when chartered with no crew provided, or (D) Carry at least 1 passenger-for-hire and is a submersible vessel [7] (E) Carry more than 12 passengers on an international voyage. (F) Carry at least 1 passenger and are ferries.	All manned seagoing barges.	All barges carrying passengers or passengers-for-hire except those covered by columns 3 and 6.	All seagoing barges engaged in oceanographic research.	All tank barges carrying cargoes listed in Table 151.05 of this chapter or unlisted cargoes that would otherwise be subject to part 151.[1 11 12]
(5) Sail.[13] vessels ≤700 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.[5]	(i) All vessels carrying more than 12 passengers on an international voyage, except recreational vessels not engaged in trade.[7] (ii) All vessels <100 gross tons that— (A) Carry more than 6 passengers-for-hire whether chartered or not, or (B) Carry more than 6 passengers when chartered with the crew provided, or (C) Carry more than 12 passengers when chartered with no crew provided, or (D) Carry at least 1 passenger-for-hire and are submersible vessels [7] (E) Carry more than 6 passengers and are ferries. (iii) All vessels ≥100 gross tons that— (A) Carry more than 12 passengers-for-hire whether chartered or not, or (B) Carry more than 12 passengers when chartered with the crew provided, or (C) Carry more than 12 passengers when chartered with no crew provided, or (D) Carry at least 1 passenger-for-hire and are submersible vessels.[7] (E) Carry at least 1 passenger and are ferries. (iv) These regulations do not apply to— (A) Recreational vehicles not engaged in trade. (B) Documented cargo or tank vessels issued a permit to carry 16 or fewer persons in addition to the crew.	All vessels carrying dangerous cargoes, when required by 46 CFR part 98.	All vessels not covered by columns 2, 3, 4, and 6.	None	All vessels carrying cargoes in bulk that are listed in part 153, table 1, or part 154, table 4, or unlisted cargoes that would otherwise be subject to these parts.[12]

TABLE 188.05–1(a)—Continued

Method of propulsion, qualified by size or other limitation [1]	Vessels inspected and certificated under Subchapter D—Tank Vessels [2]	Vessels inspected and certificated under subchapter H—Passenger Vessels [2 3 4 5] or Subchapter K or T—Small Passenger Vessels [2 3 4]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels [2 5]	Vessels subject to the provisions of Subchapter C—Uninspected Vessels [2 3 6 7 8]	Vessels subject to the provisions of Subchapter U—Oceanographic Vessels [2 3 6 7 9]	Vessels subject to the provisions of Subchapter O—Certain Bulk and Dangerous Cargoes [10]
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
		(C) Fishing vessels, not engaged in ocean or coastwise service. Such vessels may carry persons on the legitimate business of the vessel [6] in addition to the crew, as restricted by the definition of passenger.[7]				
(6) Sail.[13] vessels >700 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk.[5]	(i) All vessels carrying passengers or passengers-for-hire, except recreational vessels.[7] ii) All ferries that carry at least 1 passenger.	All vessels carrying dangerous cargoes, when required by 46 CFR part 98.	None	None	All vessels carrying cargoes in bulk that are listed in part 153, table 1, or part 154, table 4, or unlisted cargoes that would otherwise be subject to these parts.[12]
(7) Steam, vessels ≤19.8 meters (65 feet) in length.	All vessels carrying combustible or flammable liquid cargo in bulk.[5]	(i) All vessels carrying more than 12 passengers on an international voyage, except recreational vessels not engaged in trade.[7] (ii) All vessels <100 gross tons that— (A) Carry more than 6 passengers-for-hire whether chartered or not, or (B) Carry more than 6 passengers when chartered with the crew provided, or (C) Carry more than 12 passengers when chartered with no crew provided, or (D) Carry at least 1 passenger-for-hire and are submersible vessels.[7] (E) Carry more than 6 passengers and are ferries. (iii) All vessels ≥100 gross tons that— (A) Carry more than 12 passengers-for-hire whether chartered or not, or (B) Carry more than 12 passengers when chartered with the crew provided, or (C) Carry more than 12 passengers when chartered with no crew provided, or (D) Carry at least 1 passenger-for-hire and are submersible vessels.[7] (E) Carry at least 1 passenger and are ferries. (iv) These regulations do not apply to— (A) Recreational vessels not engaged in trade. (B) Documented cargo or tank vessels issued a permit to carry 16 or fewer persons in addition to the crew.	All tugboats and towboats. All vessels carrying dangerous cargoes, when required by 46 CFR part 98.	All vessels not covered by columns 2, 3, 4, and 6.	None	All vessels carrying cargoes in bulk that are listed in part 153, table 1, or part 154, table 4, or unlisted cargoes that would otherwise be subject to these parts.[12]

TABLE 188.05–1(a)—Continued

Method of propulsion, qualified by size or other limitation [1]	Vessels inspected and certificated under Subchapter D—Tank Vessels [2]	Vessels inspected and certificated under subchapter H—Passenger Vessels [2 3 4 5] or Subchapter K or T—Small Passenger Vessels [2 3 4]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels [2 5]	Vessels subject to the provisions of Subchapter C—Uninspected Vessels [2 3 6 7 8]	Vessels subject to the provisions of Subchapter U—Oceanographic Vessels [2 3 6 7 9]	Vessels subject to the provisions of Subchapter O—Certain Bulk and Dangerous Cargoes [10]
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
		(C) Fishing vessels not engaged in ocean or coastwise service. Such vessels may carry persons on the legitimate business of the vessel[6] in addition to the crew, as restricted by the definition of passenger.[7]				
(7) Steam, vessels >19.8 meters (65 feet) in length.	All vessels carrying combustible or flammable liquid cargo in bulk.[5]	(i) All vessels carrying more than 12 passengers on an international voyage, except recreational vessels not engaged in trade.[7] (ii) All vessels <100 gross tons that— (A) Carry more than 6 passengers-for-hire whether chartered or not, or (B) Carry more than 6 passengers when chartered with the crew provided, or (C) Carry more than 12 passengers when chartered with no crew provided, or (D) Carry at least 1 passenger-for-hire and are submersible vessels.[7] (E) Carry more than 6 passengers and are ferries. (iii) All vessels ≥100 gross tons that— (A) Carry more than 12 passengers-for-hire whether chartered or not, or (B) Carry more than 12 passengers when chartered with the crew provided, or (C) Carry more than 12 passengers when chartered with no crew provided, or (D) Carry at least 1 passenger-for-hire and are submersible vessels.[7] (E) Carry at least 1 passenger and are ferries. (iv) These regulations do not apply to— (A) Recreational vehicles not engaged in trade. (B) Documented cargo or tank vessels issued a permit to carry 16 or fewer persons in addition to the crew. (C) Fishing vessels not engaged in ocean or coastwise service. Such vessels may carry persons on the legitimate business of the vessel[6] in addition to the crew, as restricted by the definition of passenger.[7]	All vessels not covered by columns 2, 3, 6, and 7.	None	All vessels engaged in oceanographic research.	All vessels carrying cargoes in bulk that are listed in part 153, table 1, or part 154, table 4, or unlisted cargoes that would otherwise be subject to these parts.[12]

Key to symbols used in this table: ≤ means less than or equal to; > means greater than; < means less than; and ≥ means greater than or equal to.

Footnotes:

[1] Where length is used in this table, it means the length measured from end to end over the deck, excluding sheer. This expression means a straight line measurement of the overall length from the foremost part of the vessel to the aftermost part of the vessel, measured parallel to the centerline.

[2] Subchapters E (Load Lines), F (Marine Engineering), J (Electrical Engineering), N (Dangerous Cargoes), S (Subdivision and Stability), and W (Lifesaving Appliances and Arrangements) of this chapter may also be applicable under certain conditions. The provisions of 49 CFR parts 171–179 apply whenever packaged hazardous materials are on board vessels (including motorboats), except when specifically exempted by law.

[3] Public nautical schoolships, other than vessels of the Navy and Coast Guard, must meet the requirements of part 167 of subchapter R (Nautical Schools) of this chapter, Civilian nautical schoolships, as defined by 46 U.S.C. 1331, must meet the requirements of subchapter H (Passenger Vessels) and part 168 of subchapter R (Nautical Schools) of this chapter.

[4] Subchapter H (Passenger Vessels) of this chapter covers only those vessels of 100 gross tons or more, subchapter T (Small Passenger Vessels) of this chapter covers only those vessels of less than 100 gross tons, and subchapter K (Small Passenger Vessels) of this chapter covers only those vessels less than 100 gross tons carrying more than 150 passengers or overnight accommodations for more than 49 passengers.

[5] Vessels covered by subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter, where the principal purpose or use of the vessel is not for the carriage of liquid cargo, may be granted a permit to carry a limited amount of flammable or combustible liquid cargo in bulk. The portion of the vessel used for the carriage of the flammable or combustible liquid cargo must meet the requirements of subchapter D (Tank Vessels) in addition to the requirements of subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter.

[6] Any vessel on an international voyage is subject to the requirements of the International Convention for Safety of Life at Sea, 1974 (SOLAS).

[7] The terms ''passenger(s)'' and ''passenger(s)-for-hire'' are as defined in 46 U.S.C. 2101(21)(21a). On oceanographic vessels, scientific personnel onboard shall not be deemed to be passengers nor seamen, but for calculations of lifesaving equipment, etc., must be counted as persons.

[8] Boilers and machinery are subject to examination on vessels over 40 feet in length.

[9] Under 46 U.S.C. 441 an oceanographic research vessel ''* * * being employed exclusively in instruction in oceanography or limnology, or both, or exclusively in oceanographic research, * * *. Under 46 U.S.C. 443, ''an oceanographic research vessel shall not be deemed to be engaged in trade or commerce.'' If or when an oceanographic vessel engages in trade or commerce, such vessel cannot operate under its certificate of inspection as an oceanographic vessel, but shall be inspected and certified for the service in which engaged, and the scientific personnel aboard then become persons employed in the business of the vessel.

[10] Bulk dangerous cargoes are cargoes specified in table 151.01–10(b); in table 1 of part 153, and in table 4 of part 154 of this chapter.

[11] For manned tankbarges, see § 151.01–10(c) of this chapter.

[12] See § 151.01–15, 153.900(d), or 154.30 of this chapter as appropriate.

[13] Sail vessel means a vessel with no auxiliary machinery on board. If the vessel has auxiliary machinery, refer to motor vessels.

Dated: February 22, 2012.

Kathryn A. Sinniger,

Chief, Office of Regulations and Administrative Law, United States Coast Guard.

[FR Doc. 2012–4762 Filed 3–28–12; 8:45 am]

BILLING CODE 9110–04–P

Proposed Rules

Federal Register
Vol. 77, No. 61
Thursday, March 29, 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 ENERGY

10 CFR Part 431

[Docket No. EERE–2010–BT–STD–0043]

RIN 1904–AC36

Energy Conservation Program: Public Meeting and Availability of the Framework Document for High-Intensity Discharge Lamps

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Extension of public comment period.

SUMMARY: This document announces an extension of the time period for submitting comments on the Notice of Public Meeting (NOPM) and Availability of Framework Document Regarding Energy Conservation Standards for High-Intensity Discharge (HID) Lamps. The comment period is extended to April 12, 2012.

DATES: The comment period for the HID Lamps Framework NOPM published on February 28, 2012 at 77 FR 11785 is extended to April 12, 2012.

ADDRESSES: Any comments submitted must identify the request for information for set-top boxes and network equipment and provide docket number EERE–2010–BT–STD–0043 and/or RIN number 1904–AC36. Comments may be submitted using any of the following methods:

- *Federal eRulemaking Portal:* at *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email:* to *HIDLamps-2010-STD-0043@ee.doe.gov.* Include EERE–2010–BT–STD–0043 in the subject line of the message.
- *Mail:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, Mailstop EE–2J, Request for Information for Set-top boxes and Network Equipment, EERE–2011–BT–NOA–0067, 1000 Independence Avenue SW., Washington, DC 20585–0121. Phone: (202) 586–2945. Please submit one signed paper original.
- *Hand Delivery/Courier:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, 6th Floor, 950 L'Enfant Plaza SW., Washington, DC 20024. Phone: (202) 586–2945. Please submit one signed paper original.

Docket: For access to the docket to read background documents, or comments received, go to the Federal eRulemaking Portal at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Ms. Lucy deButts, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies, EE–2J, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 287–1604. Email: *lucy.debutts@ee.doe.gov.*

Ms. Elizabeth Kohl, U.S. Department of Energy, Office of the General Counsel, GC–71, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 586–7796. Email: *elizabeth.kohl@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: On February 28, 2012, the U.S. Department of Energy (DOE) published a notice of public meeting (NOPM) and availability of framework document for high-intensity discharge (HID) lamps, initiating the rulemaking and data collection process to consider establishing energy conservation standards (77 FR 11785). The NOPM requested public comment from interested parties and provided for the submission of comments by April 5, 2012. The National Electrical Manufacturers Association (NEMA), on behalf of itself and its members, requested an extension of the public comment period by one week. NEMA stated that the additional time is necessary to more fully evaluate and prepare the information requested in the NOPM. NEMA stated that the extension will allow NEMA to conduct necessary meetings before providing its comments.

Based on NEMA's request, DOE believes that extending the comment period to allow additional time for interested parties to prepare and submit comments is appropriate. Therefore, DOE is extending the comment period until April 12, 2012. Accordingly, DOE will consider any comments received by April 12, 2012 to be timely submitted.

Issued in Washington, DC, on March 23, 2012.

Patrick Davis,

Program Manager, Office of Vehicle Technologies, Energy Efficiency and Renewable Energy.

[FR Doc. 2012–7543 Filed 3–28–12; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2012–0342; Directorate Identifier 2011–SW–028–AD]

RIN 2120–AA64

Airworthiness Directives; MD Helicopters, Inc.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede an existing airworthiness directive (AD) for MD Helicopters, Inc. (MDHI) Model MD900 helicopters. The existing AD requires a visual inspection, and if necessary, an eddy current inspection of the main rotor lower hub assembly (lower hub) for a crack. If a crack exists, the AD requires replacing the lower hub with an airworthy lower hub before further flight. Because that AD was immediately effective, we did not include in its requirements certain long-term actions that did not necessitate adoption prior to public comment. This proposed AD would require those long-term actions. This proposed AD would require the same inspections as the existing AD but would also require recurring inspections and replacing the lower hub with an airworthy lower hub. We are proposing this AD to detect a crack in the lower hub and prevent failure of the lower hub and subsequent loss of control of the helicopter.

DATES: We must receive comments on this proposed AD by May 29, 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 MD Helicopters Inc., Attn: Customer Support Division, 4555 E. McDowell Rd., Mail Stop M615, Mesa, AZ 85215–9734, telephone 1–800–388–3378, fax 480–346–6813, or at *http://www.mdhelicopters.com.* You may review copies of 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: Eric Schrieber, Aviation Safety Engineer, Los Angeles Aircraft Certification Office, Transport Airplane Directorate, FAA, 3960 Paramount Blvd., Lakewood, CA 90712; telephone (562) 627–5348; email *eric.schrieber@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

On June 21, 2011, we issued AD 2011–14–05, amendment 39–16740 (76 FR 41662, July 15, 2011) for MDHI Model MD900 helicopters with a lower hub, part number 900R2101008–107, with serial numbers that begin with 5009. That AD requires, within 100 hours time-in-service (TIS) or during the next annual inspection, whichever occurs first, visually inspecting the sides and bottom of the area between the arms for the centering bearing and the areas adjacent to the bushings of the lower hub assembly for a crack. If a crack exists, before further flight, replace the lower hub with an airworthy lower hub. If there is no crack as a result of the visual inspection, eddy current inspect the lower hub for a crack. If a crack exists, before further flight, replace the lower hub with an airworthy hub. The AD requires an inspector qualified to ASNT Level II or equivalent to perform the nondestructive eddy current inspection of the lower hub. That AD was prompted by cracks found on four lower hubs. We issued that AD to detect a crack in the lower hub and prevent failure of the lower hub and subsequent loss of control of the helicopter.

Actions Since Existing AD Was Issued

When we issued AD 2011–14–05 (76 FR 41662, July 15, 2011), we intentionally did not include certain long-term actions (a 300-hour repetitive inspection of the lower hub and a requirement to replace the lower hub within three years). We are including these actions in this proposed AD to allow public comments before any adoption of the long-term proposals.

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.

Related Service Information

We reviewed MDHI Service Bulletin SB900–117, dated January 14, 2011 (SB). The SB specifies an initial 100-hour and recurring 300-hour visual and eddy current inspections of the lower hub for a crack and, if a crack exists, replacement of the lower hub with an airworthy lower hub. The SB requires the inspections at the stated intervals or during the next annual inspection, whichever occurs first. The SB also specifies replacing the lower hub within three years.

Proposed AD Requirements

This proposed AD would require the same inspections currently required by AD 2011–14–05 (76 FR 41662, July 15, 2011), but would require that those inspections also be performed at intervals not to exceed 300 hours TIS or during the next annual inspection, whichever occurs first. This proposed AD would also require, within three years, replacing the lower hub with an airworthy hub not included in the Applicability section of this AD. This replacement would provide terminating action for this AD's requirements.

Differences Between the Proposed AD and the Service Information

This proposed AD would not require you to contact the manufacturer nor to return the lower hub assembly with a certain report.

Costs of Compliance

We estimate that this proposed AD would affect 12 helicopters of U.S. registry.

We estimate the following costs to comply with this proposed AD:

• Visually inspecting the hub. We estimate that would take one work-hour at $85 an hour, for a total cost per helicopter of $85 and a total cost of $1,020 for the fleet.

• Eddy current inspecting the lower hub. We estimate that would take one work-hour at $85 an hour, for a total cost per helicopter of $85 and a total cost of $1,020 for the fleet.

• Replacing the lower hub. We estimate that would take 11 work-hours at $85 an hour for a total labor cost of $935, and that parts would cost $12,480 per hub, for a total cost of $13,415 per helicopter and a total cost of $160,980 for the fleet.

• The total of all of the costs listed for U.S. operators would be $163,020, assuming that the lower hubs for the entire fleet would get replaced.

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, 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 removing airworthiness directive (AD) 2011–14–05, Amendment 39–16740 (76 FR 41662, July 15, 2011), and adding the following new AD:

MD Helicopters, Inc. (MDHI): Docket No. FAA–2012–0342; Directorate Identifier 2011–SW–028–AD.

(a) Applicability

This AD applies to MDHI Model MD900 helicopters with main rotor lower hub assembly (lower hub) part number 900R2101008–107, with serial numbers beginning with 5009, certificated in any category.

(b) Unsafe Condition

This AD is prompted by the determination that a certain manufacturer had incorrectly inserted flanged bushings into the lower hub bore. This condition could result in failure of the lower hub and subsequent loss of control of the helicopter.

(c) Other Affected ADs.

This AD supersedes AD 2011–14–05, Amendment 39–16740 (76 FR 41662, July 15, 2011).

(d) 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.

(e) Required Actions

(1) Within 100 hours time-in-service (TIS) or during the next annual inspection, whichever occurs first, unless done within the last 200 hours TIS, and thereafter at intervals not to exceed 300 hours TIS or during the next annual inspection, whichever occurs first:

(i) Visually inspect the sides and bottom of the area between the arms for the centering bearing and the areas adjacent to the bushings of the lower hub assembly for a crack. If there is a crack, before further flight, replace the lower hub with an airworthy lower hub.

(ii) If the lower hub is not replaced as a result of the visual inspection required by paragraph (e)(1)(i) of this AD, eddy current inspect the lower hub for a crack by following the Accomplishment Instructions, paragraphs 2.A(2) through 2.A.(10)., of MD Helicopters Inc. Service Bulletin SB900–117, dated January 14, 2011 (SB). If there is a crack, before further flight, replace the lower hub with an airworthy hub.

(2) The eddy current inspection required by paragraph (e)(1)(ii) of this AD must be done by a Level II technician with ASNT–TC–1A, CEN EN 4179, MIL–STD–410, NAS410, or equivalent certification in eddy current inspections. The technician must have done an eddy current inspection in the last 12 months.

(3) Within 3 years, replace the lower hub with an airworthy lower hub not included in the Applicability section of this AD. This replacement is terminating action for the requirements of this AD.

(f) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Los Angeles Aircraft Certification Office (LAACO), FAA, may approve AMOCs for this AD. Send your proposal to: Eric Schrieber, Aviation Safety Engineer, Los Angeles Aircraft Certification Office, Transport Airplane Directorate, FAA, 3960 Paramount Blvd., Lakewood, CA 90712; telephone (562) 627–5348; email *eric.schrieber@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.

(g) Additional Information

For service information identified in this AD, contact MD Helicopters Inc., Attn: Customer Support Division, 4555 E. McDowell Rd. Mail Stop M615, Mesa, AZ 85215–9734, telephone 1–800–388–3378, fax 480–346–6813, or at *http://www.mdhelicopters.com.* You may review copies of this information at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

(h) Subject

Joint Aircraft Service Component (JASC) Code: 6220, Main Rotor Head.

Issued in Fort Worth, Texas, on March 21, 2012.

Kim Smith,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2012–7535 Filed 3–28–12; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2012–0338; Directorate Identifier 2009–SW–51–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 Eurocopter France Model SA341G helicopters. This proposed AD is prompted by an analysis and tests performed by the manufacturer that indicate that the life limit of the rotating star should be 12,000 hours time-in-service (TIS). The proposed actions are intended to prevent failure of the

rotating star and subsequent loss of control of the helicopter.

DATES: We must receive comments on this proposed AD by May 29, 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 FURTHER INFORMATION CONTACT: Gary Roach, Aviation Safety Engineer, Regulations and Policy Group, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, TX 76137; telephone (817) 222–5110; email *gary.b.roach@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 Direction Generale de l'Aviation Civile (DGAC), which is the aviation authority for France, has issued French AD No. F–2004–070, dated May 26, 2004, to correct an unsafe condition for Eurocopter France Model SA 341/342 helicopters. The DGAC advises that they issued the AD to require a new service life limit of 12,000 flight hours for the rotating star, part number (P/N) 341A31.4116.21, installed on Model SA341G helicopters.

FAA's Determination

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 products of the same type design.

Proposed AD Requirements

This proposed AD would require establishing a retirement life of 12,000 hours TIS for the rotating star, P/N 341A31.4116.21.

Costs of Compliance

We estimate that this proposed AD would affect 21 helicopters of U.S. registry and the proposed actions would take approximately 6 work hours per helicopter to accomplish at an average labor rate of $85 per work hour. Required parts would cost approximately $6,000. Based on these figures, we estimate the total cost impact of the proposed AD on U.S. operators to be $6,510 to replace the rotating star on each helicopter, or $136,710 for the entire U.S. fleet.

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, 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: Docket No. FAA–2012–0338; Directorate Identifier 2009–SW–51–AD.

(a) Applicability

This AD applies to Model SA341G helicopters, with rotating star, part number

(P/N) 341A31.4116.21 installed, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as a reduced service life of the rotating star. This condition could result in failure of the rotating star 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 accomplished previously.

(d) Required Actions

(1) Before further flight, remove any rotating star, part number 341A31.4116.21, with 12,000 or more hours time-in-service (TIS), and replace it with an airworthy rotating star with less than 12,000 hours TIS.

(2) This AD revises the Airworthiness Limitations section of the Instructions for Continued Airworthiness by reducing the service life of the main rotor rotating star from unlimited hours TIS to 12,000 hours TIS.

(e) Alternative Methods of Compliance (AMOC)

(1) The Manager, Safety Management Group, FAA, may approve AMOCs for this AD. Send your proposal to: Gary Roach, Aviation Safety Engineer, Regulations and Policy Group, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, TX 76137; telephone (817) 222–5110; email *gary.b.roach@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 Direction Generale de l'Aviation Civile (France) AD No. F–2004–070, dated May 26, 2004.

(g) Subject

Joint Aircraft Service Component (JASC) Code: 6220: Main Rotor Head.

Issued in Fort Worth, Texas, on March 20, 2012.

Kim Smith,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2012–7538 Filed 3–28–12; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2012–0339; Directorate Identifier 2011–SW–051–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 all Eurocopter France (Eurocopter) Model SA.315B Alouette III, SE.3160 Alouette III, SA.316B Alouette III, SA.316C Alouette III, SA.319B Alouette III, SA 3180–Alouette Astazou, SA 318B–Alouette Astazou, and SA 318C–Alouette Astazou helicopters. This proposed AD was prompted by incorrect positioning of the roller drive pocket recesses on the tail rotor drive shaft free-wheel cage, which caused a pilot to experience a heavy jerk in the yaw control during in-flight autorotation training. This condition, if not corrected, could lead to a temporary loss of tail rotor drive and subsequent loss of control of the helicopter.

DATES: We must receive comments on this proposed AD by May 29, 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: Rao Edupuganti, Aerospace Engineer, FAA, Rotorcraft Directorate, Regulations and Policy Group, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222–5110, email *rao.edupuganti@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. 2011–0143, dated July 26, 2011 (AD 2011–0143), to correct an unsafe condition for the Eurocopter model SA.315B Alouette III, SE.3160 Alouette III, SA.316B Alouette III, SA.316C Alouette III, SA.319B Alouette III, SA 3180-Alouette Astazou, SA 318B-Alouette Astazou, and SA 318 C-Alouette Astazou helicopters. EASA advises that during in-flight autorotation

training, a pilot experienced a heavy jerk in the yaw control at the time of resynchronization. The free-wheel assembly of the helicopter had been replaced shortly before this flight. Internal inspection of the free-wheel assembly revealed incorrect positioning of the roller drive pocket recesses on the free-wheel cage. The subsequent off-setting restricts the travel of the roller on its ramp and can cause, under high torque conditions, free-wheel slippage. This condition, if not corrected, could result in a temporary loss of rotor drive, jeopardizing flight safety, especially in phases of flight close to the ground.

FAA's Determination

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 products of these same type designs.

Related Service Information

Eurocopter has issued Alert Service Bulletin (ASB) No. Alouette-65.149, Revision 0, dated March 23, 2011 (ASB 65.149), for model 3130, 313B, 3180, 318B, 318C, 3160, 316B, 316C, and 319B helicopters; and ASB No. SA315–65.48, Revision 0, dated March 23, 2011 (ASB 65.48), for model 315B helicopters, which specify removing and disassembling the free-wheel assembly in order to check the free-wheel cage for correct positioning. EASA classified these ASBs as mandatory and issued AD 2011–0143 to ensure the continued airworthiness of these helicopters.

Proposed AD Requirements

This proposed AD would require, within 110 hours time-in-service (TIS), inspecting the cage of the free-wheel assembly for incorrect design and, if a free-wheel cage of incorrect design is installed, before further flight, replacing the affected free-wheel cage with an airworthy free-wheel cage. This proposed AD would also prohibit installation of an affected free-wheel cage on any helicopter.

Differences Between This Proposed AD and the EASA AD

The EASA AD requires compliance within 110 flight hours or 5 months, whichever occurs first. This proposed AD does not impose a calendar time requirement.

Costs of Compliance

We estimate that this proposed AD would affect 63 helicopters of U.S. Registry. We estimate that operators may incur the following costs in order to comply with this AD.

- Inspecting the free-wheel cage assembly will require 8 work-hours at an average labor rate of $85 per hour, and required parts will cost $13, for a total cost per helicopter of $693, and a total cost to the U.S. operator fleet of $43,659.
- Modifying any affected free-wheel cage assembly will require 8 work hours and required parts will cost $1,986, for a total cost per helicopter of $2,666.

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, 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: Docket No. FAA–2012–0339; Directorate Identifier 2011–SW–051–AD.

(a) Applicability

This AD applies to Model SA.315B Alouette III, SE.3160 Alouette III, SA.316B Alouette III, SA.316C Alouette III, SA.319B Alouette III, SA 3180-Alouette Astazou, SA 318B-Alouette Astazou, and SA 318 C-Alouette Astazou helicopters with a free-wheel cage, part number (P/N) 3130S60–10–003 installed, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as incorrect positioning of the roller drive pocket recesses on the cage of the tail-rotor driveshaft free-wheel assembly. This condition could result in loss of tail rotor drive 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 accomplished previously.

(d) Required Actions

Within 110 hours time-in-service (TIS):

(1) Remove the free-wheel assembly and pull out the free-wheel driven head.

(2) Inspect the free-wheel cage for correct alignment of the roller drive pocket recesses in accordance with Figure 2 of Eurocopter Alert Service Bulletin (ASB) No. SA315–65.48, Revision 0 or Eurocopter ASB No. Alouette–65–149, Revision 0, both dated March 23, 2011, as appropriate for your model helicopter.

(3) If the right edge of the tab is in line with the right edge of the pocket recess, before further flight, replace the free-wheel cage with an airworthy free-wheel cage.

(4) Do not install an affected free-wheel assembly on any helicopter, unless the cage has passed inspection in accordance with paragraph (d)(2) through (d)(3) 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: Rao Edupuganti, Aerospace Engineer, FAA, Rotorcraft Directorate, Regulations and Policy Group, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222–5110, email *rao.edupuganti@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 (EASA) AD No. 2011–0143, dated July 26, 2011.

(g) Subject

Joint Aircraft Service Component (JASC) Code: 6700: Tail Rotor Drive System.

Issued in Fort Worth, Texas, on March 20, 2012.

Kim Smith,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2012–7540 Filed 3–28–12; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2012–0340; Directorate Identifier 2011–SW–073–AD]

RIN 2120–AA64

Airworthiness Directives; Sikorsky Aircraft Corporation 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 Sikorsky Aircraft Corporation (Sikorsky) Model S–76C helicopters. This proposed AD is prompted by a bird-strike to the windshield that resulted in unintended movement of the engine control levers from the forward position and towards the flight-idle position, which reduced power on both engines. These actions are intended to prevent unintended movement of the ECLs, resulting in main rotor speed decay and subsequent loss of control of the aircraft.

DATES: We must receive comments on this proposed AD by May 29, 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 Sikorsky Aircraft Corporation, Attn: Manager, Commercial Technical Support, mailstop s581a, 6900 Main Street, Stratford, CT, telephone (203) 383–4866, email address *tsslibrary@sikorsky.com,* or at *http://www.sikorsky.com.*

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: Kirk Gustafson, Aerospace Engineer, FAA, Boston Aircraft Certification Office, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; telephone (781) 238–7190; email *kirk.gustafson@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

We are proposing this AD as the result of an accident investigation which concluded that a bird-strike to the upper portion of the windshield caused significant forces to be transferred into the overhead engine control quadrant assembly. This caused both ECLs to move aft from the normal ''FLY'' position toward the ''IDLE'' position. Unintended in-flight movement of the ECLs from the ''FLY'' position significantly reduced engine power, and resulted in an unrecoverable loss of main rotor speed and loss of control of the aircraft. A subsequent National Transportation Safety Board (NTSB) investigation resulted in a recommendation to modify the design of the engine control quadrant to protect against unintended movement of the ECLs from external force to the windshield or canopy. Sikorsky then issued Alert Service Bulletin (ASB) No. 76–76–6A, Revision A, dated May 18, 2011 (ASB 76–76–6A) which describes procedures to modify the engine control quadrant assembly with an improved throttle stop and a wider trigger assembly.

FAA's Determination

We are proposing this AD because we evaluated all known relevant information and determined that an unsafe condition exists and is likely to exist or develop on other products of the same type design.

Related Service Information

We reviewed ASB 76–76–6A, which describes procedures for partially disassembling the engine control quadrant assembly, removing the existing throttle stop, and installing a new airworthy throttle stop. The ASB also describes procedures to remove the existing trigger assembly from each ECL and install a new airworthy wide trigger assembly.

Proposed AD Requirements

This proposed AD would require, for S–76C model helicopters with serial numbers 760506 and 760607 through 760812, within 6 months after the effective date of the proposed AD, installing an improved throttle stop and a wider trigger on each ECL as specified in the ASB.

Differences Between This Proposed AD and the Service Information

The Sikorsky ASB requires installation of the modifications on or before March 7, 2012. The proposed AD requires installation within 6 months after the effective date of the AD.

Costs of Compliance

We estimate that this proposed AD would affect 52 helicopters of U.S. Registry.

We estimate that operators may incur the following costs in order to comply with this AD. To replace the engine control lever stop and trigger assemblies will require 2 work-hours at an average labor cost of $85 per hour. Required parts will cost about $939. Based upon these costs, we estimate a total cost of $1,109 per helicopter and a total cost of $57,668 for the entire U.S. operator fleet.

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, 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):

Sikorsky Aircraft Corporation: Docket No. FAA–2012–0340; Directorate Identifier 2011–SW–073–AD.

(a) Applicability

This AD applies to Sikorsky Aircraft Corporation (Sikorsky) Model S–76C helicopters, serial numbers 760506 and 760607 through 760812, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as unintended movement of the engine control levers due to an external force to the windshield or canopy. This condition could result in significantly reduced engine power, unrecoverable loss of main rotor speed, 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 accomplished previously.

(d) Required Action

Within 6 months, replace the throttle stop and trigger assembly on each engine control lever and perform a throttle position check as specified in the Accomplishment Instructions, Sections 3.A and 3.B, of Sikorsky Alert Service Bulletin No. 76–76–6A Revision A, dated May 18, 2011.

(e) Alternative Methods of Compliance (AMOC)

(1) The Manager, Boston Aircraft Certification Office, FAA, may approve AMOCs for this AD. Send your proposal to: Kirk Gustafson, Aerospace Engineer, FAA, Boston Aircraft Certification Office, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; telephone (781) 238–7190; email *kirk.gustafson@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) Subject

Joint Aircraft Service Component (JASC) Code: 7600: Engine Controls.

Issued in Fort Worth, Texas, on March 20, 2012.

Kim Smith,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2012–7541 Filed 3–28–12; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2012–0337; Directorate Identifier 2010–SW–090–AD]

RIN 2120–AA64

Airworthiness Directives; Bell Helicopter Textron Canada Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for the Bell Helicopter Textron Canada Limited (BHTC) Model 407 helicopters. This proposed AD is prompted by a review of the tailboom-attachment installation, which revealed that the torque value of the bolts specified in the BHTC Model 407 Maintenance Manual and applied during manufacturing was incorrect and exceeded the torque range recommended for the bolts. This proposed AD would require you to replace tailboom-attachment hardware (attachment hardware), and perform initial and recurring determinations of

the torque on the nuts of the tailboom-attachment bolts (bolts) at all four attachment locations. The actions required by this proposed AD are intended to prevent an over-torque of a bolt, bolt failure, loss of the tailboom, and subsequent loss of control of the helicopter.

DATES: We must receive comments on this proposed AD by May 29, 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 Bell Helicopter Textron Canada Limited, 12,800 Rue de l'Avenir, Mirabel, Quebec J7J1R4, telephone (450) 437–2862 or (800) 363–8023, fax (450) 433–0272, or at *http://www.bellcustomer.com/files/.* 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: Sharon Miles, Aerospace Engineer, FAA, Regulations and Policy Group, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone: (817) 222–5122; fax: (817) 222–5961; email: *sharon.y.miles@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

Transport Canada, which is the aviation authority for Canada, has issued AD No. CF–2010–33, dated September 30, 2010 (AD CF–2010–33), to correct an unsafe condition for the BHTC Model 407 helicopter, serial numbers (S/Ns) 53000 through 53990. Transport Canada advises that a review of the tailboom-attachment installation determined that the torque value of the bolts specified in the BHTC Model 407 Maintenance Manual and applied during manufacturing exceeded the torque range recommended for the bolts. Transport Canada states that this situation, if not corrected, could lead to a bolt failure, detachment of the tailboom, and subsequent loss of control of the helicopter.

These helicopters have been approved by the aviation authority of Canada and are approved for operation in the United States. Pursuant to our bilateral agreement with Canada, Transport Canada, its technical representative, has notified us of the unsafe condition described in its AD.

FAA's Determination

We are proposing this AD because we evaluated all known relevant information and determined that an unsafe condition exists and is likely to exist or develop on other products of the same type design.

Related Service Information

BHTC has issued Alert Service Bulletin No. 407–10–93, Revision A, dated August 30, 2010 (ASB), which specifies installing new attachment hardware with a reduced torque value. This ASB specifies performing a torque check of the newly installed bolts and nuts every one to five flight hours until torque stabilizes at all locations, and thereafter at intervals not to exceed 300 flight hours. Transport Canada classified this ASB as mandatory and issued AD CF–2010–33 to ensure the continued airworthiness of these helicopters.

Proposed AD Requirements

This proposed AD would require for helicopters with 7000 hours or less time-in-service (TIS), at the next 600 hours scheduled inspection, or 90 days, whichever comes first; and for helicopters with more than 7000 hours TIS, within 150 hours TIS or 90 days, whichever comes first, the following actions:

- Remove the left upper bolt, washers, and nut. Install a new bolt, part number (P/N) NAS627–30; washers, P/N 140–007–29S25E6 and P/N NAS1149G0732P; and new nut, P/N 42FLW–720. Repeat this action for the opposite right upper attachment hardware.
- Remove the left lower bolt, washers, and nut. Install a new bolt, P/N NAS626–26; washer, P/N 140–007–25S22E6, washer(s), P/N NAS1149G0663P; and new nut, P/N 42FLW–624. Repeat this action for the opposite right lower attachment hardware.
- After installation of the new attachment hardware, at intervals of not less than 1 hour TIS but not exceeding 5 hours TIS, determine the torque of each nut until torque stabilizes at each attachment location. Thereafter, determine the torque of each nut at recurring intervals not to exceed 300 hours TIS. If the proper torque has not been retained since the last torquing, remove and inspect the tailboom assembly for damage, corrosion, improper assembly, and condition. If the tailboom assembly is airworthy, replace the attachment hardware and determine that the torque has stabilized at each attachment location. Replace any unairworthy tailboom assembly with an airworthy tailboom assembly before further flight.

Differences Between This Proposed AD and the Transport Canada AD

The differences between this proposed AD and the Transport Canada AD are as follows:

- This proposed AD uses the term ''hours time-in-service'' to describe compliance times, and the Transport Canada AD uses the term ''air time'';

• For helicopters with 7000 hours or less TIS, the Transport Canada AD requires accomplishing the actions in the AD at the next scheduled 600-hour inspection or by December 31, 2010, whichever occurs first. This proposed AD requires accomplishing the actions at the next scheduled 600-hour inspection or 90 days, whichever occurs first.

• This proposed AD uses the term ''determine the torque'' when referring to the torque on a nut, and the Transport Canada AD uses the term ''perform a torque check.''

Costs of Compliance

We estimate that this proposed AD would affect 552 helicopters of U.S. registry. We estimate it would take about 2.0 work-hours per helicopter to replace the hardware and 1.0 work-hour per helicopter to determine the recurring torque value at an average labor rate of $85 per work hour. Required parts would cost about $498 per helicopter. Based on these figures, we estimate for the first year the total cost per helicopter to be $923, and the total cost impact on U.S. operators to be $509,496. This estimated total cost assumes attachment hardware will be replaced on all affected helicopters, the torque will be considered stabilized after determining the torque value once, and the 300-hour TIS recurring torque determination will be accomplished twice a year.

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, 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):

Bell Helicopter Textron Canada (BHTC): Docket No. FAA–2012–0337; Directorate Identifier 2010–SW–090–AD.

(a) Applicability

BHTC Model 407 helicopters, serial numbers 53000 through 53990, certificated in any category.

(b) Unsafe Condition

This proposed AD defines the unsafe condition as an incorrect torque value of the tailboom attachment bolt (bolt) specified in the BHTC Model 407 Maintenance Manual and applied during manufacturing, which exceeds the torque range recommended for the bolts. This condition could result in an over-torque of the bolt, bolt failure, loss of the tailboom, 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 accomplished previously.

(d) Required Actions

(1) For helicopters with 7000 hours or less time-in-service (TIS), at the next 600 hours scheduled inspection, or 90 days, whichever comes first; and for helicopters with more than 7000 hours TIS, within 150 hours TIS or 90 days, whichever comes first, replace the tailboom-attachment hardware (attachment hardware) as follows:

(i) Remove the left upper bolt, washers, and nut.

(ii) Install a new bolt, part number (P/N) NAS627–30; washer, P/N 140–007–29S25E6; washer(s), P/N NAS1149G0732P; and new nut, P/N 42FLW–720 in accordance with paragraphs 2.a) through paragraph 3.e) of the ''Accomplishment Instructions: Replacement of tailboom attachment bolts and nuts'' section and Figure 2 in the BHTC Alert Service Bulletin No. 407–10–93, Revision A, dated August 30, 2010 (ASB).

(iii) Remove the opposite right upper bolt, washers, and nut, and accomplish the requirements in paragraph (d)(1)(ii) of this AD.

(iv) Remove the left lower bolt, washers, and nut.

(v) Install a new bolt, (P/N) NAS626–26; washer, P/N 140–007–25S22E6; washer(s), P/N NAS1149G0663P; and new nut, P/N 42FLW–624 in accordance with paragraphs 6.a) through 7.e) of the ''Accomplishment Instructions: Replacement of tailboom attachment bolts and nuts'' section and Figure 2 in the ASB.

(vi) Remove the right lower bolt, washers, and nut, and accomplish the requirements in paragraph (d)(1)(v) of this AD.

(2) After installation of the new attachment hardware, at intervals of not less than 1 hour TIS but not exceeding 5 hours TIS, determine the torque of each nut until the torque stabilizes at each attachment location, referring to Figure 2 of the ASB. Apply the minimum specified torque of the range, plus the minimum acceptable tare torque of 14 inch/lbs (1.58 Nm) for the upper nuts, and 9.5 inch/lbs (1.07 Nm) for the lower nuts.

(3) At intervals not to exceed 300 hours TIS, determine the torque of each of the four attachment nuts, referring to Figure 2 of the ASB. Apply the minimum specified torque of the range plus the minimum acceptable tare torque of 14 inch/lbs (1.58 Nm) for the upper nuts, and 9.5 inch/lbs (1.07 Nm) for the lower nuts. If the proper torque has not been retained since the last torque determination, remove and inspect the tailboom assembly for damage, corrosion, improper assembly, and condition. If the tailboom assembly is airworthy, replace the attachment hardware in accordance with the requirements in paragraphs (d)(1)(i) through (d)(1)(vi) and determine that the torque has stabilized in accordance with paragraph (2) of this AD. Replace any unairworthy tailboom assembly with an airworthy tailboom assembly.

(e) Alternative Methods of Compliance (AMOC)

(1) The Manager, Safety Management Group, FAA, may approve AMOCs for this AD. Send your proposal to: Sharon Miles,

2601 Meacham Blvd., Fort Worth, Texas 76137; telephone: (817) 222–5122; fax: 817–222–5961; email: *sharon.y.miles@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 the Transport Canada Civil Aviation (TCCA) AD CF–2010–33, dated September 30, 2010.

(g) Subject

Joint Aircraft Service Component (JASC) Code: 5302, Rotorcraft tailboom.

Issued in Fort Worth, Texas, on March 21, 2012.

Kim Smith,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2012–7542 Filed 3–28–12; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Parts 1910, 1915, 1917, 1926, and 1928

[Docket Nos. OSHA–2010–0058, OSHA–2010–0059]

RIN 1218–AC51

Reinforced Concrete in Construction, and Preventing Backover Injuries and Fatalities

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for information (RFI).

SUMMARY: OSHA is aware of employee safety risks in two areas, reinforcing operations in concrete work (construction only) and fatal backovers by vehicles and equipment (all industries), and is requesting information from the public on these risks. This RFI requests information that will assist the Agency in determining what steps, if any, it can take to prevent injuries and fatalities in these two areas.

DATES: Submit comments and other information by June 27, 2012. All submissions must bear a postmark or provide other evidence of the submission date.

ADDRESSES: Submit comments and additional materials using any of the following methods (submissions relating to Reinforced Concrete in Construction to Docket No. OSHA–2010–0058, and submissions relating to Preventing Backover Injuries and Fatalities to Docket No. OSHA–2010–0059):

Electronically. Submit comments and attachments electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the instructions online for making electronic submissions.

Facsimile. Commenters may fax submissions, including attachments, that are no longer than 10 pages in length to the OSHA Docket Office at (202) 693–1648; OSHA does not require hard copies of these documents. Commenters must submit lengthy attachments that supplement these documents (*e.g.,* studies, journal articles) to the OSHA Docket Office, Technical Data Center, Room N–2625, U.S. Department of Labor, 200 Constitution Ave., NW., Washington, DC 20210. These attachments must clearly identify the commenter's name, date, subject, and docket number (i.e., for Reinforced Concrete in Construction, OSHA–2010–0058, and for Preventing Backover Injuries and Fatalities, OSHA–2010–0059) so the Agency can attach them to the appropriate comments.

Regular mail, express delivery, hand (courier) delivery, or messenger service. Submit a copy of comments and any additional material (*e.g.,* studies, journal articles) to the OSHA Docket Office, Docket No. OSHA–2010–0058 (for Reinforced Concrete in Construction), Technical Data Center, Room N–2625, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693–2350 (TDY number: (877) 889–5627). For submissions relating to Preventing Backover Injuries and Fatalities, please identify the docket number as OSHA–2010–0059. Note that security procedures may result in significant delays in receiving comments and other written materials by regular mail. Contact the OSHA Docket Office for information about security procedures concerning delivery of materials by express delivery, hand delivery, or messenger service. The hours of operation for the OSHA Docket Office are 8:15 a.m.–4:45 p.m., e.t.

Instructions. All submissions must include the Agency name and the OSHA docket number for this rulemaking; i.e., for Reinforced Concrete in Construction, Docket No. OSHA–2010–0058, and for Preventing Backover Injuries and Fatalities, Docket No. OSHA–2010–0059. The Agency places all submissions, including any personal information provided, in the public docket without change; this information will be available online at *http://www.regulations.gov.* Therefore, the Agency cautions commenters about submitting information they do not want made available to the public, or submitting comments that contain personal information (either about themselves or others) such as Social Security numbers, birth dates, and medical data.

Docket. To read or download submissions or other material in the docket, go to *http://www.regulations.gov,* or to the OSHA Docket Office at the address above. While the Agency lists all documents in the docket in the *http://www.regulations.gov* index, some information (*e.g.,* copyrighted material) is not publicly available to read or download through this Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Contact the OSHA Docket Office for assistance in locating docket submissions.

FOR FURTHER INFORMATION CONTACT: Information regarding this Request for Information is available from the following sources:

Press inquiries. Contact Frank Meilinger, Director, OSHA Office of Communications, Room N–3647, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone: (202) 693–1999.

General and technical information. Contact Blake Skogland, Office of Construction Standards and Guidance, OSHA Directorate of Construction, Room N–3468, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone: (202) 693–2020; fax: (202) 693–1689.

Copies of this **Federal Register** *notice.* Electronic copies are available at *http://www.regulations.gov.* This **Federal Register** notice, as well as news releases and other relevant information, also are available at OSHA's Web page at *http://www.osha.gov.*

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Exhibits Referenced in this RFI
Reinforced Concrete in Construction, Docket No. OSHA–2010–0058
Preventing Backover Injuries and Fatalities, Docket No. OSHA–2010–0059
Authority and Signature

SUPPLEMENTARY INFORMATION:

Exhibits Referenced in This RFI

Documents referenced by OSHA in this request for information, other than OSHA standards and **Federal Register** notices, are in Docket Nos. OSHA–2010–0058 (Reinforced Concrete in Construction) and OSHA–2010–0059 (Preventing Backover Injuries and Fatalities). The dockets are available at *http://www.regulations.gov,* the Federal

eRulemaking Portal. Most exhibits are available at *http://www.regulations.gov;* some exhibits (*e.g.,* copyrighted material) are not available to read or download from that Web page. However, all materials in the dockets are available for inspection and copying at the OSHA Docket Office, Room N–2625, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC.

Reinforced Concrete in Construction

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I. Background

Concrete has strong compression strength (is not easily crushed), but weak tensile strength (breaks easily when stretched); thus, adding reinforcement increases concrete's tensile strength, which is particularly important in floor or deck construction. Without reinforcement, many concrete structures and buildings would not be possible. Reinforced concrete is concrete that uses reinforcing steel bars (''rebars''), reinforcement grids, plates, steel tendons, fibers, or other material to increase its tensile strength. The construction industry uses reinforced concrete in building most types of commercial, industrial, and residential structures; this use includes many types of structural components such as slabs, walls, beams, columns, and foundations. According to estimates provided by the National Ready Mixed Concrete Association, contractors used about 257 million cubic yards of ready mixed concrete in 2010 (National Ready Mixed Concrete Association (NRMCA) Fact Sheet), while the Steel Manufacturers Association estimates that the construction industry used 6.05 million tons of rebar in reinforced concrete in 2010 (Apparent Domestic Consumption of Rebar 2010 Spreadsheet). This RFI will address reinforcing concrete construction activities.

A. Events Leading to This Action

The International Association of Bridge, Structural, Ornamental & Reinforcing Iron Workers (''Ironworkers''), along with an industry coalition of stakeholders,[1] petitioned OSHA on April 19, 2010, to conduct a negotiated rulemaking and publish new regulations for reinforcing steel and post-tensioning operations. (*Letter to David Michaels, OSHA, from Joseph Hunt, International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers.*) They explained the hazards of reinforcing operations, and noted that the use of steel-reinforced and post-tensioned poured-in-place concrete is likely to double its 1990 usage level by 2015. The request prompted OSHA to conduct a retrospective review of existing rules to determine what action, if any, the Agency should take to improve safety for workers engaged in this type of construction. In its review, OSHA found little information in the literature on the rates of incidents caused by reinforcing steel and post-tensioning activities. The Bureau of Labor Statistics (BLS) does not have statistics specific to this subject. Consequently, OSHA is issuing this RFI to gather more information to assess whether the Agency should take action to improve worker safety for reinforcing concrete activities.

B. Hazards and Accidents

OSHA conducted a review of its Integrated Management Information System (IMIS) incident database to determine the number of worker fatalities resulting from activities working with rebar for concrete reinforcement. This work includes constructing rebar mats and cages, and installing rebar. (Rebar and Post-tensioning Deaths from IMIS Database 2000–2009 Spreadsheet.) This review showed that, from 2000–2009, a total of 30 workers died while performing rebar-related activities, including five who died from impalement injuries, nine killed in falls, eight who died when rebar cages or columns collapsed, and six killed as a result of struck-by injuries. There also was one positional-asphyxiation death and one death involving a rebar mat collapse. In addition, during this period, IMIS data showed that one worker died while performing post-tensioning operations.

Many of the rebar-related deaths occurred despite the existence of a specific standard governing the activities involved.[2] For example, Federal OSHA and state-plan states other than California[3] cited 29 CFR 1926.703(d)(1), which requires employers to adequately support reinforcing steel for vertical structures to prevent overturning and collapse, nine times between 2000 and 2009. During the same time period, Federal OSHA and state-plan states also cited employers for various fall protection-related regulations in Subpart M—Fall Protection 15 times, and 29 CFR 1926.701(b), which requires the use of rebar caps, five times. While capping the rebar and using fall protection as required likely would prevent many of these accidents, it is unclear whether these existing standards are adequate to fully protect workers involved in reinforced concrete operations. For example, contractors involved in reinforced concrete operations may endanger the employees of contractors involved in subsequent steel erection or masonry work when they remove caps from rebar or supports from vertical form structures after they complete their work and leave the site; such an oversight indicates that the existing standards may need revision to ensure continuity of hazard control at these worksites. The Agency will study this issue further, and make use of any additional information collected from this RFI to determine what steps, if any, it can take to prevent fatalities and injuries related to working with reinforced concrete.

1. Reinforcing Steel

The construction industry uses reinforcing steel in a variety of different configurations, which create different hazards. Contractors use flexible steel wire to tie rebar together for such configurations as walls, mats, and cages. When tied improperly, these configurations can collapse. Formwork and decks also are susceptible to collapse when not properly installed. In addition, improperly anchored walls or cages can tip over, subjecting workers to fall and struck-by hazards. Vertical uncapped rebar can create impalement

[1] Ironworker Management Progressive Action Cooperative Trust (IMPACT), National Association of Reinforcing Steel Contractors, Concrete Reinforcing Steel Institute, Post Tensioning Institute, Western Steel Council, Department of Reinforcing Ironworkers Advisory Committee, and the Center for Construction Research and Training.

[2] The document ''Rebar and Post-tensioning Deaths from IMIS Database 2000–2009 Spreadsheet,'' which is available in the OSHA–2010–0058 docket, lists the regulations that Federal OSHA and state-plan states cited after investigating rebar-related deaths.

[3] California adopted its own reinforcing concrete regulations, which differ from federal OSHA's standards. The other state-plan states have regulations that duplicate Federal OSHA standards, but may follow a codification system that differs from the Code of Federal Regulations.

hazards. Workers also can face struck-by and crushing hazards related to material-handling when a crane operator uses a crane to place pre-assembled rebar components and does not rig the load properly. Suppliers deliver, and workers position, rebar during the early stages of construction when site conditions are typically poor—the ground is rutted and uneven, which presents tripping hazards, and mud and wet or icy conditions create slipping hazards.

The Center for Construction Research and Training (CPWR) discussed injuries sustained by ironworkers (which CPWR defined as ''ironworkers, reinforced ironworkers, rodmen, or steelworkers'') in the publication ''Occupational Injuries among Construction Workers Treated at the George Washington University Emergency Department, 1990–1997''.[4] Although this study did not document what these workers were doing when injured, their job titles and the types of injuries indicate that they most likely received their injuries during operations involving reinforced concrete. Accordingly, this study showed that, from November 1, 1990, through October 31, 1997, 133 ironworkers received treatment for work-related injuries at the George Washington University Emergency Department. The most common injuries for these ironworkers were struck-by injuries (23%), which included injuries caused by falling objects. Other common injuries were caused by falls (21%), sharp objects (18%), and overexertion/strenuous movement (17%). Ironworkers were most likely to injure fingers, thumbs, hands, and wrists (combined 34%). To reduce these types of injuries, CPWR recommended limiting lifting and carrying objects over uneven surfaces, and the frequency of moving heavy materials. CPWR also recommended improving the efficiency of current staging practices, and having the workers wear heavy gloves.

A study from British Columbia found similar results for injuries reported by concrete-reinforcing workers. ''Mechanisms of Injury: Concrete Reinforcing'', WorkSafeBC, CU 721012. The WorkSafeBC study noted that falls, overexertion, and struck-by incidents constituted 71% of the injuries reported by 465 workers between 2007–2009.

2. Post-Tensioning

Post-tensioning poses several unique hazards to workers. There are two types of post-tensioning systems: Unbonded and bonded. In an unbonded post-tensioning operation, workers place high-strength steel tendons (coated in grease and sheathed in plastic) in a horizontal form (*e.g.,* to construct a floor or slab) before pouring concrete into the form; both ends of the tendons protrude through the form on opposite sides. In a bonded post-tensioning operation, contractors pour the concrete around plastic, steel, or aluminum ducts. Workers then maneuver a set of tendons through the ducts and seal the ductwork with grout. In both cases, once the concrete hardens, workers tension the tendons using hydraulic jacks. Workers typically tension the tendons between 30,000 and 50,000 p.s.i.

One of the most dangerous hazards in a post-tensioning operation is the struck-by hazard that results from tensioning or de-tensioning the tendons, especially a flying object propelled by the energy released when a tendon breaks or a component fails at these high pressures. According to OSHA IMIS database reports, in 2008, an employee died when he was de-tensioning the tendons. The jack slipped and struck the employee in the chest, killing him. Ten years earlier, a worker died after a flying object struck his right arm and the back of his head while he was post-tensioning a parking lot ramp.

C. Applicable Standards

The following provisions of OSHA's Concrete and Masonry Construction standard at 29 CFR part 1926, subpart Q, regulate some aspects of reinforcing steel and post-tensioning operations: 29 CFR 1926.701(b) (Reinforcing steel); 29 CFR 1926.701(c) (Post-tensioning operations); and 29 CFR 1926.703(d) (Reinforcing steel).

Subpart M of 29 CFR part 1926 (Fall Protection), specifically § 1926.501(b)(5) (Formwork and reinforcing steel), requires fall protection for workers exposed to heights over six feet when working on reinforcing steel.

D. Standards From Other Jurisdictions

In its research on reinforced steel and post-tensioning, OSHA found that, in the years since it published 29 CFR part 1926, subpart Q, various federal agencies, state governments, and industry associations drafted additional regulations and guidelines for reinforcing steel and post-tensioning operations. A few of the 26 state-plan states, which can develop their own occupational safety and health standards, have regulations regarding reinforcing steel and post-tensioning operations. California, for instance, has several concrete-reinforcing regulations. These regulations specify the criteria for impalement covers and tests to determine whether caps are effective. California has detailed requirements for rebar caps and troughs, which are long wooden forms built to encapsulate the exposed ends of rebar, Title 8, CCR § 344.90. California also regulates job-built covers used to protect workers from protruding rebar and similar projections Title 8, CCR § 1712. In addition to impalement devices, California requires that contractors use a qualified person to install and remove guys, supports, and braces (*id.*).

Washington State regulates the performance of post-tensioning activities, which includes requirements that: ''deadheads'' used in post-tensioning be the type that will increase the grip on the cable as the tension increases; contractors use proper means and equipment to prevent over-tensioning; and only qualified workers perform post-tensioning operations, WAC–296–155–695. These regulations also require employers to: follow supplier recommendations and instructions regarding installation, maintenance, and replacement of anchor fittings; keep tools and strand vices clean and in good repair; and comply with minimum safety factors for expendable strand deflection devices and reusable strand deflection devices. Washington State also has regulations regarding jacking operations which specify that ''during jacking operations of any tensioning element or group of tensioning elements, the anchors shall be kept turned up close to the anchorplate'' and that no one can stand ''in line or directly over the jacking equipment during tensioning operations.'' (*Id.*) Jacking and pulling equipment must be inspected frequently. These regulations also include requirements for handling stressed concrete.

Federal agencies involved in construction activities also have requirements relating to concrete reinforcement. For example, section 25.3.6 of the 2009 edition of the Bureau of Reclamation Safety and Health Standards prohibits the use of reinforcing steel as guy attachments at deadmen or other anchorage points for scaffolding hooks, for stirrups, or as a load-bearing member of any lifting device.

Section 27.B.03 of the 2008 edition of the Army Corps of Engineers Safety and Health Requirements Manual requires that a registered professional engineer design support systems for reinforcing steel that are independent of other forms or shoring support systems. Additionally, this manual requires that

[4] At the time of the study's publication, CPWR was the acronym for the Center to Protect Workers Rights. It later changed its name to Center for Construction Research and Training.

contractors: Secure connections of equipment used in plumbing-up; secure turnbuckles to prevent unwinding while under stress; place plumbing-up guys and related equipment so that employees can reach the connection points; and to remove these guys and equipment only under the supervision of a competent person. This manual also specifies that the designs and plans of shoring and formwork must meet the standards in the American Concrete Institute Publication 347 and that the manufacturer's specifications for fabricated shoring systems be available at the job site during job planning and execution.

The American National Standards Institute (ANSI) standard for reinforced concrete, ANSI/ASSE A10.9–2004, Safety Requirements for Masonry and Concrete Work—American National Standard for Construction and Demolition Operations, also includes safety recommendations for operations involving reinforced concrete. Similar to the Bureau of Reclamation standards, section 1.13.2 of the ANSI standard prohibits the use of reinforcing steel as hooks or stirrups for scaffolding, or as a load-bearing member of any lifting device. The ANSI standard also requires that reinforcing mats used as walkways be capable of supporting the walkway's load, and it must have a surface covering that affords adequate footing (section 3.1.3). In addition, the ANSI standard requires that contractors clean and store post-tensioning tendons to prevent rusting, pitting, kinks, pits, or other damage (section 8.3), keep tools in good repair, and have a competent person inspect jacking equipment before and during jacking operations (section 8.4).

The purpose of this RFI is to gather information, data, and comment on hazards in operations involving reinforced concrete in construction, as well as effective measures to control these hazards to prevent injuries and fatalities.

II. Request for Data, Information, and Comments

As noted from the discussion in section IA, OSHA has limited information on reinforcing steel and post-tensioning operations. Therefore, OSHA developed the following questions to expand its information base. OSHA invites the public, especially the regulated community, both employers and employees, to read this document carefully and respond to these questions as completely as possible, including full explanations of their positions and arguments. Accordingly, OSHA is seeking data, information, and comment on hazards present in these operations, and the measures used to control these hazards and reduce accidents, injuries, and fatalities. OSHA welcomes any available data, information, or comments related to regulatory requirements addressing operations that involve reinforcing concrete. Based on its analysis of the information received in response to this RFI, OSHA will determine what action, if any, it will take to address the hazards of operations involving reinforced concrete. Please refer to each question by its specific number when responding, and make submissions in the OSHA–2010–0058 docket on reinforced concrete.

A. Post-Tensioning Operations

1. Are there specific post-tensioning hazards not currently addressed by OSHA standards? If so, what are they?

2. What are the most common post-tensioning-related injuries, and what procedures or techniques are available to prevent them?

3. Should a competent person inspect jacking equipment for visible signs of defects or other signs of failure before and during jacking operations? Are such inspections currently standard practice in the industry?

4. What safety checks are necessary before post-tensioning activity occurs?

5. Are there engineering issues relating to post-tensioning operations that affect the safety of employees?

6. Are there post-tensioning hazards associated with mixing components from various manufacturers?

7. How can employees be protected from risks or hazards associated with drilling or cutting concrete after post-tensioning operations are complete?

8. Are the hazards associated with de-tensioning generally different than the hazards associated with post-tensioning? Please explain. What measures are available to reduce these hazards?

B. Site Conditions and Roads

9. Some contractors perform rebar work, such as building rebar cages, on the ground. At a construction site with multiple contractors, concrete reinforcing workers may not have the authority to alter ground conditions that are muddy, uneven, or contain other hazards. Workers also need to transport rebar and other materials on the site. Do concrete reinforcing workers experience material-handling hazards, such as tripping, while carrying rebar when site conditions are poor? What site conditions make it difficult to transport rebar and other materials on the site? How do these conditions contribute to injuries, if at all? Please explain.

10. Do site conditions pose other significant hazards for reinforcing steel work? If so, how frequently does this occur and when should contractors address site conditions—after excavation, before formwork begins, or at another time?

11. Are road conditions a problem for reinforcing concrete contractors, and do they create hazards for employees? What would be an appropriate remedy to address risks to employees?

C. Documentation

12. Welding rebar used for reinforcement that is not safe for welding can make the rebar brittle and may lead to collapse of the structure and injury or death to workers. How can employees be protected from these risks?

13. Are inadequate guardrails a problem for workers performing rebar operations? If so, how frequently does this occur, and what would be an appropriate remedy to address this risk?

D. Reinforcing Steel Operations

14. What are the hazards associated with using gas-powered abrasive cut-off saws (demo-saws) on rebar? What are appropriate training and safety measures necessary to protect employees?

15. Are there safety issues in regard to the wire used for tying rebar (for example, the gauge of wire used for tying rebar)? If there are, what are the safety measures necessary to protect employees?

16. Rebar columns can collapse when not supported properly, potentially injuring or killing workers. What safety measures are necessary to protect rebar workers from this hazard?

17. Do some types of structures pose more risk to employees performing rebar work? Please explain.

18. Are there specific safety issues related to the use of reinforcing steel and post-tensioning in residential construction?

19. Workers may form rebar cages on the ground (horizontally) and then raise them to a vertical position. Are there specific rigging hazards related to moving rebar columns? If so, what are they?

20. What health hazards are associated with working with or cutting epoxy-coated rebar or galvanized rebar?

21. What are the hazards involved with using reinforcing steel as guy attachments at deadmen or other anchorage points for scaffolding hooks or stirrups, or as load-bearing members of any lifting device? Does the Bureau

of Reclamation's regulation (indicated above) effectively address these hazards?

22. What are the hazards associated with using rebar mats as a walkway? What safety measures would address these risks?

23. What safety measures are needed to address the risk of concrete forms collapsing? Please explain.

E. General Reinforcing Safety

24. 29 CFR 1926.703(d)(2) requires employers to take measures to prevent wire mesh from recoiling. What types of injuries occur when working with wire mesh? Are there additional hazards related to wire mesh that require safety measures to protect workers? What would these additional safety measures be?

25. Are additional protective measures needed to address inhalation of the fibers used in fiber-reinforced concrete?

26. Is a competent or qualified person necessary to supervise guying, bracing, or shoring formwork? What measures would help avoid collapses of these structures? Is using a competent or qualified person for this purpose currently standard practice in the industry? When installation of formwork requires removal of structural-stability guying of an erected cage, is an alternative stability measure used in place of the guys? If so, what are these measures?

27. Are there safety issues associated with guardrails erected by reinforcing concrete contractors remaining onsite after the reinforcing contractors departed from the site? Should a controlling contractor be responsible for the guardrails after the reinforcing contractors depart the site to ensure that guardrails remain effective? What is currently the standard practice in the industry?

28. Does improper sequencing among multiple crafts result in accidents or collapses in reinforcing concrete construction? Would a plan for project sequencing help eliminate the hazards created by multiple crafts working at the same time? Please explain.

F. Impalement

29 CFR 1926.701(b) requires that ''all protruding reinforcing steel, onto which employees could fall, shall be guarded to eliminate the hazard of impalement.'' Despite this requirement, workers continue to die and experience serious injuries because of impalement incidents. OSHA is looking at ways that it can improve its existing impalement standard to prevent future injuries and deaths.

29. How could the current impalement provision be changed to be more effective or protective? Is it practical or effective to require additional specific forms of impalement protection for specific situations? For example, under what circumstances should a contractor use protective troughs?

30. Subpart R of 29 CFR 1926 contains regulations that explain when a controlling contractor may take possession of fall protection, 29 CFR 1926.760(e). These regulations allow a controlling contractor to take control and responsibility for fall protection installed by a subcontractor. Fall protection stays in place while the responsibility shifts from the subcontractor, who is leaving the area, to the controlling contractor, who remains at the worksite. Similar issues arise when many crafts use rebar caps placed by one contractor. Would procedures similar to the procedures specified for fall protection be useful in ensuring that rebar caps remain installed until no longer needed?

31. The state of California has a test to determine whether rebar caps are effective. Does such testing increase worker protection of caps? Please explain.

32. OSHA issued a memorandum on January 15, 1997, that explains what types of rebar caps adequately protect workers from the hazard of impalement, *e.g.,* mushroom caps are insufficient for this purpose. What should OSHA do to update the clarifications described in this memorandum?

33. In addition to rebar, construction sites have other, similar hazards that protrude from concrete, such as pipes. Unlike rebar, no existing OSHA standard covers these hazards. Are these hazards a safety issue, and what would be the most effective measure to use in controlling them?

G. Training

34. Is specific training needed for work involving reinforcing steel and post-tensioning? If so, what specific types of training are needed for operations involving these activities?

35. How does your company/organization evaluate employees to confirm that they understand information provided in the training? Should employers rely on hands-on methods and practical demonstration of skills rather than written tests/evaluations?

36. Does your company/organization train employees for operations involving reinforced concrete? If so, what information does it cover? How is training adapted for non-English speaking employees? Please provide copies of training materials, if possible.

37. OSHA would like to receive information on employer experiences with training non-English speaking workers. What percentage of your workforce involved in reinforced concrete operations speaks languages other than English? What training methods have you found to be effective with these workers? Are you aware of any data that estimates the number of non-English speaking workers engaged in operations involving reinforced concrete? If so, please identify the data.

H. Injuries

OSHA currently is looking for information and data on incidents in the reinforcing concrete industry. While the Bureau of Labor Statistics (BLS) keeps data on many types of injuries, the BLS data regarding concrete reinforcing is not specific to the incidents addressed by this RFI. While OSHA has some limited data, including the CPWR and BeSafeBC studies, the Agency needs additional data to determine the types and frequency of these incidents.

38. If you or your company/organization performs work involving reinforcing steel, what kinds of rebar-related injuries, if any, have your employees experienced? How many?

39. If you or your company/organization performs post-tensioning operations, what kinds of post-tensioning-related injuries, if any, have your employees experienced? How many?

40. Are you aware of any data used to evaluate the effect of implementing specific safety practices in reinforced concrete operations? Is so, please identify the data.

I. Economic Issues

41. The Agency examined data from the Bureau of Labor Statistics' (BLS) Occupational Employment Survey (May 2009) to identify which industries employ Reinforcing Iron and Rebar Workers (SOC 472171) (see the table below).[5] Based on the data in this table, it would appear that most concrete reinforcement activity occurs in NAICS code 238100, with small amounts of activity in other construction sectors.[6] However, the data may not be accurate because there may be construction workers, including laborers and carpenters, who perform reinforcing concrete operations and who are classified under other SOC codes because reinforcing concrete is not their

[5] Standard Occupational Classification (SOC).

[6] North American Industry Classification System (NAICS).

primary activity. Also, there likely are reinforcing iron and rebar workers employed in non-construction sectors not accounted for in the data presented in this table.

REINFORCING IRON AND REBAR WORKERS BY INDUSTRY

	Potentially affected industries	Potentially affected employees	
NAICS code	Industry	SOC	
		472171: Number of Reinforcing Iron and Rebar Workers	
		Subtotal	Total
236100	Residential Building Construction		280
236200	Nonresidential Building Construction		ENR
237000	Heavy and Civil Engineering Construction		2,520
237100	Utility System Construction	360	
237300	Highway Street and Bridge Construction.	1,870	
237900	Other Heavy and Civil Engineering Construction	100	
238000	Specialty Trade Contractors		16,960
238100	Foundation Structure and Building Exterior Contractors	16,180	
238200	Building Equipment Contractors	150	
238900	Other Specialty Trade Contractors	620	
327300	Cement and Concrete Product Manufacturing		40
423000	Merchant Wholesalers Durable Goods		130
999301	Local government including schools and hospitals		40
	Total		19,970

ENR = "Estimate Not Released"—due to data suppression, the actual number of rebar workers will be larger than the total based on the available data.

Source: BLS Occupational Employment Survey, May 2009.

42. Do the data listed in the table provide reasonable estimates of where concrete reinforcement work is done and who is doing it? Are there construction sectors other than those listed in the table above that do concrete reinforcing work? Are there other occupational groups, such as cement masons and concrete finishers, that OSHA should consider in determining the industries in which concrete reinforcement work might take place?

43. Do reinforcing iron and rebar workers in sectors other than construction engage in construction work (as opposed to performing general industry maintenance)? Do they face hazards similar to reinforcing iron and rebar workers working in the construction sector?

44. OSHA is interested in the experience of employers in complying with existing standards regarding concrete reinforcement, in terms of costs and benefits; specifically, the experience of employers in states with supplemental mandatory requirements related to concrete reinforcement, such as California and Washington.

a. Have there been additional expenses in complying with these rules and what are these expenses?

b. Have these standards had any affect on the industry structure? Has there been a noticeable improvement in safety? Are there any data sources on injuries related to reinforced concrete operations at local or regional levels?

c. What is the industry's experience, in terms of costs and benefits, in complying with various consensus standards, such as the ANSI standards?

d. Have the Bureau of Reclamation or Army Corps of Engineers requirements imposed additional expenses, affected industry structure, or resulted in safety improvements?

e. Is there any reason to believe that, if OSHA adopted the requirements of these various standards, the resulting costs, benefits, and affects on industry structure would differ from current experience?

f. Are current state standards sufficiently flexible and/or performance-oriented to adapt to changing technology in the construction sector over time?

45. Subpart R requires the controlling contractor to properly grade and drain the work area (29 CFR 1926.752(c)(2)). Reinforcing concrete work may be done before structural steel work begins. Currently, there is no requirement to grade and drain the site prior to commencing reinforcing concrete work. If controlling contractors must drain and grade the site prior to reinforcing concrete work, would this increase the cost of draining and grading the site, or would it merely shift the timing of the cost? Please explain.

46. How many, and what kind of, small entities (small businesses, small organizations, and small governmental jurisdictions) perform reinforcing steel and post-tensioning operations? What percentage of the industry do they comprise? Are there important differences between entities of various sizes within the affected industries?

47. OSHA requests that members of the small business community and others familiar with small business concerns address any special circumstances small entities may encounter in controlling hazards and reducing injuries and fatalities associated with reinforcing steel and post-tensioning operations.

a. How, and to what extent, would publication of new regulatory provisions that address hazards in reinforcing steel and post-tensioning operations affect small entities in the industry?

b. Are there special circumstances that make the control of hazards in reinforcing steel and post-tensioning operations more difficult or more costly for small entities? Please describe these circumstances, and explain any alternatives that may serve to minimize these impacts, such as extended compliance dates, use of performance standards, simplified compliance options, different requirements, and

partial exemptions for affected small firms.

48. Are there reasons why the benefits of new provisions to control the hazards of reinforcing steel and post-tensioning operations may be different for small entities than for larger establishments? Please explain.

J. References

All references in this list are available in OSHA Docket No. OSHA–2010–0058, Reinforced Concrete in Construction.

WAC 296–155–695. Miscellaneous Concrete Construction.
ANSI/ASSE A10.9–2004, Safety Requirement for Masonry and Concrete Work, American National Standard for Construction and Demolition Operations.
Apparent Domestic Consumption of Rebar 2010 Spreadsheet.
Bureau of Reclamation—Section 25 Concrete Masonry Construction and Formwork.
California Code of Regulations, Title 8, Section 344.90. Impalement Protection. Specifications and Testing Criteria.
California Code of Regulations, Title 8, Section 1712. Hazards Associated with the Use of Reinforcing Steel and Other Similar Projections.
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OSHA Rebar and Post-tensioning Deaths from IMIS Database 2000–2009 Spreadsheet.
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Preventing Backover Injuries and Fatalities

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I. Background

A. Introduction

1. Backover Injuries and Fatalities

Workers can experience caught-between injuries and fatalities when backing vehicles or mobile equipment, especially those with an obstructed view to the rear, pin them against an object and struck-by injuries when struck by backing vehicles or mobile equipment in other circumstances. The National Highway Traffic Safety Administration (NHTSA) refers to many backing incidents as ''backovers,'' which are ''crash[es] which occur when a driver reverses into and injures or kills a non-occupant'' (''Fatalities and Injuries in Motor Vehicle Backing Crashes''). While backover incidents can be fatal, some backover incidents can result in serious non-fatal injuries, such as amputations, compound and simple fractures, and crushing injuries (OSHA Backing Injuries 2007–2009, Region 9 Spreadsheet). In this Request for Information (RFI), OSHA is seeking information about backover incidents that occur when drivers or mobile equipment operators have an obstructed view to the rear. In addition, some mobile equipment that has an unobstructed view, such as most forklifts, also may cause backing incidents. The Agency also is seeking information and comment on this equipment.

In a search of its Integrated Management Information System (IMIS) database for fatal accidents involving backover hazards, the Agency identified 358 fatal incidents over a six-year period, from 2005 through 2010[7] (OSHA Backing Fatalities 2005–2010 Spreadsheet). Of these deaths, 142 occurred in the construction industry, and the remaining 216 occurred in general industry, shipyard employment, maritime, and agriculture industries. There were 279 fatalities involving struck-by hazards, and 73 fatalities involved caught-between hazards, 16 of which included workers caught between a loading dock and a tractor trailer, and 6 fatalities caused by falls from backing vehicles. Three types of vehicles caused a large number of deaths: 61 deaths involved dump trucks; 31 deaths involved tractor trailers; and 20 deaths involved garbage trucks.

The analysis of the IMIS data also provided a context for these fatal backover incidents. Eight of the deceased workers were using cell phones when the backover incident occurred. Twenty-one fatalities involved vehicles with no driver.[8] Twenty-five of the victims were acting as spotters for the vehicles that backed over them. In many of the cases, employers were using spotters to comply with the existing backover-related standards. In some these cases, OSHA cited employers under § 5(a)(1) of the Occupational Safety and Health Act of 1970, known as the General Duty Clause.

One area in which backover incidents are a significant concern are incidents that occur in highway work zones. Road construction workers routinely work in close proximity to mobile equipment and construction vehicles, which exposes them to struck-by hazards on the job site. For example, flaggers and other workers on foot are at risk because they may not be visible to equipment operators or motorists. Other highway workers are at risk because they routinely work in conditions of low visibility, low lighting, inclement weather, noise, or in congested areas with high traffic volumes. The 2010 highway work zone study, ''Fatal Occupational Injuries at Road Construction Sites, 2003–07,'' found that, of the 639 fatal workplace injuries on road construction sites between 2003 and 2007, 101 (15.8%) involved backing vehicles or mobile equipment. Additionally, the study found that dump trucks caused 60 of these fatal backover incidents. An earlier study found that 51% of workers killed by backing vehicles while on foot occurred within the confines of a highway work zone (''Building Safer Highway Work Zones: Measures to Prevent Worker Injuries from Vehicles and Equipment'').

The National Institute for Occupational Safety and Health (NIOSH) compiles case studies of worker fatalities in its Fatality

[7] This data did not include accidents caused by backing railroad vehicles because the Federal Railroad Administration regulates railroad vehicles, nor did it include accidents in which the driver of the vehicle was the only fatality. However, the data included accidents in which a backing vehicle hit an object which, in turn, resulted in a fatality (*e.g.,* a vehicle backed into a tower and toppled it onto an employee standing nearby). Additionally, not all IMIS fatality reports are available to the public because the employer is contesting the citations, or the Agency is reviewing the report.

[8] In most of these incidents, the victims were drivers who left the cab of the vehicle while it was running to perform a task behind the vehicle.

Assessment and Control Evaluation (FACE) reports. An OSHA review of 25 construction-related backover fatalities described in these reports indicates that, in 15 of these fatalities, the backup alarm on the vehicle was functioning properly, suggesting that backup alarms may not be sufficient to prevent backover incidents.

In the FACE reports, NIOSH recommended that employers:

- Ensure that procedures for backing vehicles safely are in place for mobile construction vehicles;
- Designate a spotter to direct vehicle backing;
- Train workers on the specific duties they are to perform during backing maneuvers;
- Train workers to recognize equipment blind areas;
- Ensure that drivers are in communication with workers who are on foot near the vehicle;
- Implement and enforce procedures that minimize exposure of workers on foot to moving construction vehicles and equipment;
- Provide personal protective equipment and high-visibility clothing, and require its use; and,
- Install after-market devices (*e.g.,* cameras, radars, and ultrasonic devices) on construction vehicles and equipment to monitor workers on foot in blind areas.

While vehicles cause the majority of backover incidents, mobile equipment cause backover injuries and fatalities as well. Powered industrial trucks, many of which are forklifts, are one type of mobile equipment that has the potential to create many backing hazards. Powered industrial trucks may need to change direction rapidly, which can make it difficult for a worker on foot to know where the forklifts are going. In addition, these machines cause injuries by backing slowly and trapping workers. ANSI standard B56.1–2009, Safety Standard for Low Lift and High Lift Trucks, provides safety instructions for personnel who operate powered industrial trucks. Section 5.2.7 of this standard instructs operators to ''[s]afeguard pedestrians at all times.'' NIOSH recommended that powered industrial trucks have backup alarms to avoid worker on-foot fatalities (''Preventing Injuries and Deaths of Workers Who Operate or Work Near Forklifts''). Currently, there are no OSHA standards requiring powered industrial trucks to have backup alarms.

2. Current OSHA Standards

There are three OSHA construction standards that require employers to use an alarm or a spotter when backing a vehicle or other mechanical equipment with an obstructed view to the rear. These standards are:

- 29 CFR 1926.601(b)(4)—Motor vehicles;
- 29 CFR 1926.602(a)(9)(ii)—Material handling equipment; and
- 29 CFR 1926.952(a)(3)—Mechanical equipment.

General industry standard 29 CFR 1910.269(p)(1)(ii) provides similar requirements for vehicular equipment operated in general industry at off-highway jobsites.

While no OSHA standard defines the phrase ''obstructed view to the rear,'' a 1987 OSHA memorandum addressing the use of the phrase in 29 CFR 1926.602(a)(9)(ii) provides the following explanation:

> A simple interpretation would be ''anything'' that would ''blockout'' (interfere) with the overall view of the operator of the vehicle to the rear of the vehicle, at ground level.
>
> ''Obstructed view to the rear'' could include such obstacles as any part of the vehicle such as structural members, its load (gravel, dirt, rip-rap), its height relative to ground level viewing, damage to windows or side mirrors, etc. used for rearview movement of the vehicle; in addition, it could include restricted visibility due to weather conditions such as heavy fog; or work being done after dark, without proper lighting.

(Memorandum re: Interpretation of 29 CFR 1926.602(a)(9)(ii).) In a letter of interpretation, OSHA also permitted the use of motion-sensing equipment (*e.g.,* radar) on vehicles, so long as it provides adequate warning to workers in the path of the vehicle or walking toward the vehicle (*Letter of Interpretation re: Permissible methods of operating trucks in reverse on construction sites).*

The above-mentioned construction and general industry standards only require the use of a backup alarm when the view to the rear is obstructed. If the obstruction is removed or non-existent, current regulations do not require an alarm. OSHA notes, however, that vehicles and mobile equipment with unobstructed views to the rear, such as forklifts and some skid-steer loaders, kill and injure workers during backing maneuvers (''Fatal Occupational Injuries at Road Construction Sites'' and ''Building Safer Highway Work Zones'').

While OSHA does not specifically require backup alarms on powered industrial trucks, there are regulations that prohibit removing a backup alarm if a powered industrial truck is equipped with one by the manufacturer. Accordingly, two OSHA standards for the maritime industry (29 CFR 1917.43(c)(5) and 29 CFR 1918.65(f)(1)) prohibit employers from removing safety devices, such as backup alarms, when the manufacturer equips a powered industrial truck with such an alarm. Additionally, 29 CFR 1910.178(q)(6) prohibits eliminating parts from powered industrial trucks, which would include backup alarms. Paragraph (n)(6) of 29 CFR 1910.178 requires employers to ensure that powered industrial truck operators look in the direction of travel, whether moving forward or in reverse. Similarly, 29 CFR 1910.266(f)(2)(v) requires operators of logging machines to determine that no employee is in the path of the machine before starting or moving the machine. Paragraph (g)(7) of 29 CFR 1910.266 applies this requirement to logging vehicles that ''transport any employee off public roads or * * * perform any logging operation, including any vehicle provided by an employee.''

OSHA also has a requirement for the longshoring industry that prevents backover incidents when operators drive vehicles on and off cargo vessels. Accordingly, 29 CFR 1918.86(n) requires that ''[d]rivers shall not drive vehicles, either forward or backward, while any personnel are in positions where they could be struck.''

3. Consensus Standards and State Standards

The ANSI A10.47–2009 standard, Work Zone Safety for Highway Construction, contains several sections regarding backing construction vehicles and equipment. Section 6.2 of this ANSI standard requires that, when pedestrians are potentially in the blind areas of vehicles and equipment, the vehicles and equipment must use a mechanical backing assistive device [9] or a spotter before backing. Section 6.2.1 requires the use of a mechanical backing assistive device and a backup alarm if the employer does not use spotters. Section 6.2.2 requires employers to train spotters on the following topics: How to safely direct backing maneuvers; on not standing in the path of construction vehicles or equipment; to remain in the direct line of sight of drivers; and to wear high-visibility apparel. Employers also must train drivers to stop their vehicles when they lose sight of spotters. Section 6.2.3 requires that visual warning devices supplement audible backup alarms, especially at night.

[9] The ANSI standard defines a mechanical backing assistive device as ''a mechanical device that provides increased visibility or detection of objects behind a vehicle to prevent accidents during reverse operations.''

Some states have regulations to prevent backover injuries and fatalities. Washington State regulation WAC 296–155–610(2)(f) requires, ''An operable mechanical device that provides the driver a full view behind the dump truck [to be] used, such as a video camera,'' or the use of spotters when using dump trucks where people will be walking behind them. In addition, Washington State law RCW 46.37.400 requires trucks registered or based in the state and equipped with a ''cube-style, walk-in cargo box up to eighteen feet long used in the commercial delivery of goods and services'' to have either crossview mirrors or backup devices that alert the driver when a person or object is behind the truck.

Virginia promulgated a comprehensive regulation to prevent backover incidents in construction and general industry in 2009. The regulation applies to vehicles, machinery, or equipment used in off-road work zones, or for over-the-road hauling or transportation, and that are capable of operating in reverse and have an obstructed view to the rear (16VAC25–97–10). To operate a vehicle under these conditions, it generally must have a backup alarm audible above the surrounding noise level. The operator also must use a spotter or video camera, or ''visually determine, that no employee is in the path of the covered vehicle'' prior to backing (16VAC25–97–30). In addition, the regulation specifies requirements for spotters, including the use of fluorescent safety vests or jackets, maintaining visual contact with the driver when the vehicle is operating in reverse, and not using personal cell phones or headphones (16VAC25–97–40). Vehicle operators must stop immediately if they lose visual contact with the spotter. Employers must train spotters and vehicle operators on the regulation prior to commencing backing activities and provide refresher training for drivers and spotters when they violate the regulation, have an accident or near miss, or receive an evaluation showing that they are not operating under the regulation in a safe manner (16VAC25–97–50). Since Virginia promulgated the regulation, two backing fatalities occurred in the state, which is less than the four or five the state saw before promulgating the regulation (ACCSH Transcript, Dec. 16, 2011).

4. Actions by Other Federal Agencies

OSHA is not the only federal agency working to curb backover incidents. Recently, the NHTSA issued a Notice of Proposed Rulemaking that would expand the required field of view in passenger cars, trucks, multipurpose passenger vehicles, buses, and low-speed vehicles rated at 10,000 pounds or less, gross vehicle weight, to prevent pedestrian backover deaths. In the near term, the only technology that complies with the proposal is cameras with an in-vehicle visual display. (*See* 75 FR 76186, December 3, 2010.) The Mine Safety and Health Administration recently published proposed rule which would require the use of certain proximity detection equipment on certain mining machines. (*See* 76 FR 54163, August 31, 2011.) This type of proximity detection system would stop the mining machines when they enter a pre-determined danger zone near a miner. A sensor on the machine detects a signal emitted by a device attached to the miner.

B. Backover Prevention Technology and Methods

1. Backup Alarms

Many construction employers equip large vehicles used on construction sites and in work zones with reverse signal alarms. Most of these alarms emit a single tone. Single tone alarms are used for backup alarms and other types of alarms on many types of vehicles and mobile equipment. Because they are used in so many applications, some workers may not pay attention to the alarms. It also may be difficult for workers to determine from what direction the tone is coming (''Construction Noise: Exposure, Effects, and the Potential for Remediation; A Review and Analysis''). Other types of backup alarms are available. These alarms include broadband alarms (also known as white-noise alarms) and self-adjusting alarms, which vary the tone based on the ambient noise level. However, the self-adjusting alarms can be problematic if several vehicles use them on a worksite and the alarms adjust to the tone that each alarm is emitting.

The noise generated by backup alarms can cause problems. For example, over the years, OSHA received several letters from members of the public about the annoying sounds emitted by backup alarms at construction sites, especially in residential neighborhoods. (*See, e.g., Letter of Interpretation re: Alternatives to common back-up alarms on construction motor vehicles; use of other effective technology or observers/signal persons.*) In addition, noise caused by backup alarms may cause problems for workers. The Eugene, Oregon, Fire Department commissioned a 1998 study on the hearing effects of backup alarms on firefighters. (''Personnel Noise Exposure to Fire Apparatus Backup Alarms: Eugene Fire and EMS.'') The study failed to confirm that backup alarms caused hearing loss in firefighters, but the alarms were of sufficient concern that the fire department requested revision of a local ordinance that required the use of backup alarms, to allow the department to use spotters instead (*id.*).

2. Cameras

Most vehicles (and some types of mobile equipment) now can accommodate a camera that provides operators with a view to the rear. In a study involving medium straight trucks, NHTSA found that cameras provided an effective means of allowing the driver to see behind the vehicle (''Experimental Evaluation of the Performance of Available Backover Prevention Technologies for Medium Straight Trucks'').

Several studies explored the use of cameras on construction equipment and identified conditions that limit their use. The NIOSH study, ''Evaluation of Systems to Monitor Blind Areas Behind Trucks Used in Road Construction and Maintenance: Phase 1,'' found that, in winter, snow and grime may accumulate quickly on the lenses of cameras, thereby impeding their usefulness. Determining where to mount a camera for maximum effectiveness may be difficult, especially on large vehicles. For example, dump trucks may require two or three cameras to monitor the blind spots on the front, rear, and side of the vehicle (''Monitoring Blind Spots: A Major Concern for Haul Trucks''). Mounting cameras on exposed areas subjects them to accumulations of mud and grime, which may damage the camera (''Evaluation of Systems to Monitor Blind Areas Behind Trucks Used in Road Construction and Maintenance: Phase 1''). Also, camera systems manufactured for the automobile market may not be durable enough to use on vehicles at construction sites (*id.*).

3. Proximity Detection Systems

Radar and ultrasonic technology both are used in backing safety systems. There generally are two types of radar used in these systems—Doppler effect radar and frequency modulated continuous wave radar. Doppler effect radar detects the presence of objects that are moving with respect to the vehicle. Consequently, either the vehicle or the object needs to be moving for the vehicle driver to detect it. Frequency modulated continuous wave radar can detect persons or objects that are not moving. However, these systems must be in a position where they will not

detect harmless objects, such as the concrete slab of a driveway, which can interfere with the detection of an object or person behind the vehicle or mobile equipment. Also, the composition of the object can affect the detection of an object, with some materials being virtually invisible to radar (''Evaluation of the Performance of Available Backover Prevention Technologies for Light Vehicles'').

Ultrasonic systems, such as sonar, emit bursts of ultrasonic waves. When the waves strike an object, they generate echoes used to determine the distance to the object.

A major drawback of radar and ultrasonic technology is that, in crowded work areas, many false alarms may result from detection of harmless objects (''Evaluation of Systems to Monitor Blind Areas Behind Trucks Used in Road Construction and Maintenance: Phase 1''). The accumulation of snow or mud on sensors also can cause false alarms (id.). Additionally, sensors may not detect every object behind a vehicle (''Experimental Evaluation of the Performance of Available Backover Prevention Technologies for Medium Straight Trucks'').

Another type of proximity detection system is an electromagnetic field-based system. This system consists of a combination of electromagnetic field generators and field detecting devices. One electromagnetic field-based system uses electromagnetic field generators installed on a vehicle and electronic sensing devices worn by persons working near the vehicle. Another electromagnetic field-based system uses field generators worn by persons working near the vehicle, while the sensing devices installed on the vehicle. These electromagnetic field-based systems can be programmed to warn affected workers, stop the vehicle, or both, when workers get within the predefined danger zone of the vehicle.

4. Combined Technologies

NIOSH recommends combining a radar or ultrasonic system with a camera to protect workers from backover hazards (''Evaluation of Systems to Monitor Blind Areas Behind Trucks Used in Road Construction and Maintenance: Phase 1''). In a dual system, a radar or ultrasonic system would alert the driver to a possible object behind the vehicle, while a camera would enable the driver to easily determine if the signal is an object (including a person) or a false alarm (''Test Results of Collision Warning Systems for Surface Mining Dump Trucks''). One study assessed the use passenger vehicle drivers made of cameras while backing and found that drivers were more likely to look at the video monitor if sensors alerted them to an obstacle than they were to look at the camera without a sensor [10] (''Backing Collisions: a Study of Drivers' Eye and Backing Behaviour Using Combined Rear-view Camera and Sensor Systems'').

5. Backover Prevention Methods

One common method to address backover hazards is to use spotters to signal drivers while backing a vehicle. However, spotters are at increased risk of death or injury if drivers lose sight of them while backing.

Internal traffic control plans (ITCP) is another method used to address backover hazards. These are plans that project managers can use to coordinate the flow of construction equipment, workers, and vehicles at a worksite to prevent vehicle impacts with workers. These plans can significantly reduce, or possibly eliminate, the need for vehicles to back up on a site. ANSI standard A10.47–2009, Work Zone Safety for Highway Construction, section 6.3 recommends that employers develop ITCPs and communicate them to employees. In addition, section 6.3.3 states that an ITCP should include a diagram of travel routes; a listing of all onsite personnel and equipment; a checklist of site-specific safety hazards and how to minimize these hazards; a list of safety notes defining site-specific injury prevention measures; and a plan for communicating the ITCP to workers, truck drivers, and equipment operators. However, OSHA has no information on the effectiveness of this consensus standard.

C. Other Research on Backing Maneuvers

Some studies examined the use drivers make of backover prevention technology, but OSHA found no studies that address the use of this technology by drivers and operators under working conditions. NHTSA reviewed studies of parking assist technology, such as cameras, and found that the warning devices often are not useful to drivers who are not expecting objects behind their vehicles (''Vehicle Backover Avoidance Technology Study''). Drivers in these studies stated, however, that they would brake immediately if they received a sudden alert while backing. However, this research also found that drivers brake less often when the backing aids have a high false alarm rate, even when an object is behind the vehicle.

[10] In this study, the drivers were not performing work while driving.

II. Request for Data, Information, and Comment

OSHA is seeking additional information to evaluate the hazards that backing maneuvers pose to workers. The Agency is requesting information on how and when backing maneuvers occur in the workplace, and the injuries and fatalities caused by these maneuvers. OSHA is particularly interested in how employers use backover prevention technologies in the workplace. Workers who perform backing maneuvers are also encouraged to respond. Based on its analysis of the information received in response to this RFI, OSHA will determine what action, if any, it will take to address backover hazards.

OSHA appreciates detailed responses to the following questions on backover hazards and prevention. Please make comments regarding backovers in the OSHA–2010–0059 docket. When answering questions, please refer to the question number in your comments and also provide the following information:

- If you are a worker, employer, or manager, please explain what industry you are in, and what position you hold.
- If you are a public health professional, please explain which industry or industries you work with/study.

A. General: Backing With an Obstructed View

1. What types of vehicles or mobile equipment do you use that have an obstructed view to the rear?
2. How does your company address the risk of backing vehicles that have an obstructed view to the rear?
3. Are some types of backing safety systems, including non-technological solutions such as spotters, more effective than other systems in your work situations? Please explain.
4. To what extent do your vehicles with obstructed views have cameras or proximity detection systems?
5. Do you use multiple cameras or cameras in combination with another backing safety system? If so, describe the systems used, and why you use them.
6. How effective are the systems you use in preventing backing accidents involving vehicles with an obstructed view?
7. Are you also using backing safety measures to protect the driver and vehicle from accidents and damage, in addition to protecting pedestrians or other workers? If so, describe the measures you are using.

8. If your company uses spotters for backing maneuvers, how do drivers and spotters communicate—verbally, by using two-way radios, hand signaling, or some other technique?

9. Does your company require the use of reflective clothing for spotters or other exposed employees during backing maneuvers? If so, describe when you require its use (for example, during all maneuvers, only during periods when backing maneuvers are frequent).

B. Audible Backup Alarms

10. To what extent do your vehicles currently have audible backup alarms? Do you rely only on audible alarms when vehicles have an obstructed view to the rear?

11. Does your company rely on more than just an audible alarm to ensure safe backing maneuvers? If so, what additional backing safety system does it use, and why?

12. Backup alarm operations:

a. If your company primarily uses backup alarms during backing maneuvers, do you find that these alarms can be recognized at all times above the background noise?

b. Is it difficult to find a backup alarm that can be recognized above the background noise of the worksite?

c. Can workers recognize the direction of a backup alarm signal?

13. If your company requires hearing protection for workers who are on foot, does this protection interfere with their ability to hear the backup alarm on vehicles or mobile equipment during backing maneuvers?

C. Studies

14. Are you aware of any additional studies, including studies of over-the-road vehicles such as cars, that analyze the effectiveness of the backing safety systems discussed in this notice, including cameras or proximity detection systems? If so, please provide references to the studies.

15. Do you or your company use any backing safety technology not discussed in this notice? If so, please explain what the technology is, how it works, and whether it is commercially available.

16. Does your company follow the ANSI A10.47–2009 standard, Work Zone Safety for Highway Construction, section 6.2, for safe practices during backing maneuvers?

17. Are you aware of any studies addressing human factors or performance related to backing maneuvers in construction or other industries? If so, please provide the references to these studies.

18. Do you have any studies or other information on the effectiveness of backup alarms when used around workers on foot who have difficulty hearing? Please provide the references to these studies or information.

19. Do you have any studies or other information on injuries or fatalities resulting from backover hazards? Please provide the references to these studies or information.

D. Vehicle and Backing Safety System Manufacturers

20. For manufacturers of vehicles or mobile equipment:

a. Are camera or proximity detection systems available for your vehicles or mobile equipment that have obstructed views to the rear? Are they standard or optional equipment?

b. How frequently are these technologies chosen by customers if the technology is not standard-issue equipment? Why do customers choose a specific technology or combination of technologies (that is, what special benefits do they believe one technology has over others)?

c. Do you offer backing safety technology not mentioned in this RFI? If yes, please explain.

d. What factors do you consider when deciding whether to equip a vehicle or mobile equipment with a backing safety system?

21. For manufacturers of vehicles or mobile equipment with audible alarms:

a. What decibel ranges do you provide on audible alarms? How do you determine how loud an alarm should be?

b. Do you include audible backup alarms on all vehicles with obstructed views to the rear as part of the original equipment package? If not, are such alarms an option? Please explain your response.

c. What percentage of customers request single-tone alarms, or other alarms such as broadband (white noise) or self-adjusting alarms?

22. Are there types of vehicles or mobile equipment for which adding technology such as cameras or proximity detection systems are infeasible? Please explain.

23. Some vehicle operators have hearing loss. Do your radar and proximity detection systems that provide audible warnings also provide visual warnings?

24. For manufacturers of backing safety systems: do you provide any form of training in the use of this equipment?

a. If yes, whom do you train—company representatives, end users, and/or others?

b. If yes, what kind of training and training materials do you provide?

c. Are there vehicles that are difficult to retrofit with a backing safety system? Please explain.

25. For manufacturers of after-market backing safety systems: what kinds of support do you provide to companies that purchase your equipment? Do you suggest ways to mount the equipment?

26. Are there other types of proximity detection systems in use for backing safety not described in this RFI? Is there any new, commercially available, technology to enhance backing safety that OSHA did not mention in this RFI? Please explain your response, including a description of the technology and its availability in the United States.

E. State Regulations

27. If your company must follow Virginia's (16VAC–25–97–10 *et seq.*) or Washington's (WAC 296–155–610(2)(f)) backing regulations:

a. Do you use a spotter or a camera when backing?

b. How costly and difficult is it to comply with the regulations?

c. How do you train your employees?

d. Would phase-in periods make implementation of a regulation more effective? Please explain your response.

e. Have you retrofitted vehicles? If so, please describe that experience.

f. Did your backover incident rates change after implementation of the regulation?

g. Have you faced any challenges with implementation? If so, what are they?

F. Internal Traffic Control Plans

28. Internal traffic control plans regulate the flow of traffic in work zones and may reduce the frequency of backing that occurs in work zones. Does your company have an internal traffic control plan to aid or reduce backing maneuvers?

29. Should companies use internal traffic control plans on construction sites other than road construction? Please explain.

G. Training

30. Does your company have training requirements regarding backing maneuvers? If yes:

a. Who receives training?

b. Is there specific training for operators of vehicles or equipment that are involved in backing maneuvers?

c. Is there specific training for the designated spotters? Please describe this training.

d. What is the length of the training programs offered?

31. If you train your employees on backing maneuvers, how often do you conduct the training? Have you found a decrease in injuries since implementing the training?

32. Should spotters receive specific training for backing maneuvers?

33. Is backing maneuver training presented formally in a class or provided informally on a jobsite?

34. If you have one or more employees who do not speak fluent English, do you provide backing maneuver training for them in another language? Would it be helpful to have training materials and guidelines available in a language they can understand?

H. Economic Issues

35. In addition to backup alarms, what initial costs are needed for safety measures associated with backing maneuvers? Please provide specific information on these costs.

36. Do these safety measures for backing maneuvers affect daily productivity? Please provide specific information on these productivity costs.

37. Do the various technological systems (cameras and proximity detection) save money or time if they replace spotters? Please explain.

38. Are your costs for general liability insurance or workers' compensation insurance affected by the types of backup safety systems you use? Please explain.

39. What property damage has resulted from backing accidents? Please describe the types of accidents, the property damage involved, and the value of the damaged property.

40. How, and to what extent, would promulgation of additional standards that address hazards in backing maneuvers affect small businesses in your industry?

41. Do special circumstances exist that would make additional standards difficult or costly for small entities? Please describe these circumstances.

42. Are there steps OSHA could take that would reduce the burden and cost of improved backing safety measures for small businesses? Please explain.

I. Scope

43. Should OSHA consider framing the problem in terms of the dangers associated with workers being too close to dangerous moving vehicles or mobile equipment, rather than focusing only on backover incidents?

44. Are there non-regulatory alternatives the Agency should consider?

45. What industry sectors, such as maritime or construction, have higher risks or greater frequency of injuries? On what information do you base your response?

J. References

All references in this list are available in OSHA Docket No. OSHA–2010–0059, Preventing Backover Injuries and Fatalities.

ANSI A10.47–2009, Work Zone Safety for Highway Construction.

ANSI B56.1–2009, Safety Standard for Low Lift and High Lift Trucks.

RCW 46.37.400. Mirrors, backup devices.

16VAC25–97–10. Applicability.

16VAC25–97–30. Covered vehicle requirements.

16VAC25–97–40. Responsibilities while engaged in reverse signal operation activities.

16VAC25–97–50. Training.

WAC 296–155–610(2)(f). Motor vehicles on construction sites.

Fairfax, R.E., Acting Director, Directorate of Construction, letter to 20090429–9037, re: Permissible methods of operating trucks in reverse on construction sites, March 2, 2010.

Hurwitz, D.S., Pradhan, A., Fisher, D., Knodler, M.A., Muttart, J.W., Menon, R., Meissner, U. ''Backing Collisions: a Study of Drivers' Eye and Backing Behaviour Using Combined Rear-view Camera and Sensor Systems,'' Injury Prevention, 16: 79–84, 2010.

Mazzae, E. and Garrott, R. National Highway Traffic Safety Administration, ''Evaluation of the Performance of Available Backover Prevention Technologies for Light Vehicles,'' The 20th International Technical Conference on the Enhanced Safety of Vehicles Conference, Paper Number 07–0292, 2006.

Mazzae, E. and Garrott, W.R. National Highway Traffic Safety Administration, ''Experimental Evaluation of the Performance of Available Backover Prevention Technologies for Medium Straight Trucks,'' DOT HS 810 865, November 2007.

Miles, Jr., J.B., Directorate of Field Operations, Memorandum for Roger Clark, Regional Administrator, re: Interpretation of 29 CFR 1926.602(a)(9)(ii), January 21, 1987.

National Highway Traffic Safety Administration, ''Fatalities and Injuries in Motor Vehicle Backing Crashes,'' Report to Congress, November 2008.

National Highway Traffic Safety Administration, ''Vehicle Backover Avoidance Technology Study,'' Report to Congress, November 2006.

National Institute for Occupational Safety and Health, Publication 2001–109, ''Preventing Injuries and Deaths of Workers Who Operate or Work Near Forklifts,'' 2001.

OSHA Backing Injuries 2007–2009, Region 9 Spreadsheet.

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Pegula, S. Bureau of Labor Statistics, ''Fatal occupational injuries at road construction sites, 2003–07,'' Monthly Labor Review, November 2010.

Pratt, S.G., Fosbroke, D.E, Marsh, S.M. National Institute for Occupational Safety and Health, Publication No. 2001–128, ''Building Safer Highway Work Zones: Measures to Prevent Worker Injuries from Vehicles and Equipment,'' April 2001.

Robertson, T. Eugene Fire and EMS Department, ''Personnel Noise Exposure to Fire Apparatus Backup Alarms: Eugene Fire and EMS,'' March 1998.

Ruff, T.M. National Institute for Occupational Safety and Health, ''Evaluation of Systems to Monitor Blind Areas Behind Trucks Used in Road Construction and Maintenance: Phase 1,'' Report of Investigations 9660, February 2003.

Ruff, T.M. ''Monitoring Blind Spots: A Major Concern for Haul Trucks,'' Engineering and Mining Journal, December 2001, 202(12).

Ruff, T.M. National Institute for Occupational Safety and Health, ''Test Results of Collision Warning Systems for Surface Mining Dump Trucks,'' Report of Investigations 9652, May 2000.

Suter, A.H. ''Construction Noise: Exposure, Effects, and the Potential for Remediation; A Review and Analysis,'' American Industrial Hygiene Association Journal, 63: 768–789, November/December 2002.

Swanson, R., Director, Directorate of Construction, letter re: Alternatives to common back-up alarms on construction motor vehicles; use of other effective technology or observers/signal persons, September 27, 2004.

Authority and Signature

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, authorized the preparation of this notice pursuant to Sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657), 29 CFR part 1911, and Secretary's Order 1–2012 (77 FR 3192).

Signed at Washington, DC, on March 23, 2012.

David Michaels,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2012–7510 Filed 3–28–12; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2012–0182]

RIN 1625–AA08

Special Local Regulation for Marine Events; Yorktown Parade of Sail, York River; Yorktown, VA

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish special local regulation during the Yorktown Parade of Sail, a parade of five tall ships and 195 other vessels, to be held on the waters of York River, Yorktown, Virginia on June 2, 2012. This regulation is necessary to provide for the safety of life on navigable waters during the event. This action is intended to restrict vessel traffic in portions of the York River, Yorktown, Virginia during the event.

DATES: Comments and related material must be received by the Coast Guard on or before April 30, 2012.

ADDRESSES: You may submit comments identified by docket number USCG–2012–0182 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 LCDR Christopher O'Neal, Waterways Management Division Chief, Sector Hampton Roads, Coast Guard; telephone 757–668–5581, email *Christopher.A.ONeal@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–2012–0182, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online at *http://www.regulations.gov,* or by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online, it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an 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,* type the docket number USCG–2012–0182 in the ''SEARCH'' box and click ''SEARCH.'' Click on ''Submit a Comment'' on the line associated with this rulemaking.

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 documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number USCG–2012–0182 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. 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.

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 plan to hold a public meeting. But you may submit a request for one using one of the four methods specified under **ADDRESSES**. Please explain why you believe a public meeting would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

For information on facilities or services for individuals with disabilities or to request special assistance at the public meeting, contact LCDR Christopher O'Neal at the telephone number or email address indicated under the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Basis and Purpose

This regulation proposes to add an enforcement period of a new special local regulation for one marine event within the Fifth Coast Guard District. Marine events are frequently held on the navigable waters within the boundaries of Fifth Coast Guard District. The water activities that typically comprise marine events include sailing regattas, power boat races, swim races and holiday parades. For a description of the geographical area of each Coast Guard Sector—Captain of the Port Zone, please see 33 CFR 3.25.

On June 2, 2012, York County Recreation Parks and Tourism will sponsor the ''Yorktown Parade of Sail'' on the waters of York River. The event will consist of approximately 200 vessels on the waters of York River, Yorktown, VA. A fleet of spectator vessels is expected to gather near the event site to view the parade. To provide for the safety of participants, spectators, support and transiting vessels, the Coast Guard will temporarily restrict vessel traffic in the event area during the races. The regulation at 33 CFR 100.501 would be enforced for the duration of the event. Under the provisions of 33 CFR 100.501, from Noon to 2 p.m. on June 2, 2012, vessels may not enter the regulated area unless they receive permission from the Coast Guard Patrol Commander.

Discussion of Proposed Rule

The Coast Guard is establishing a temporary special local regulation on specified waters of the York River, in Yorktown, Virginia. The regulated area will be established in the interest of public safety during the ''Yorktown Parade of Sail'', and will be enforced

from Noon to 2 p.m. on June 2, 2012. The Coast Guard, at its discretion, when practical, will allow the passage of vessels. Except for participants and vessels authorized by the Captain of the Port or his Representative, no person or vessel may enter or remain in the regulated area.

The regulated area will include all waters of the York River bounded by the north and south shores of the York River and to the west by the Coleman Memorial Bridge and bounded to the east by a line drawn from the United States Coast Guard pier to Gaines Point in Gloucester, VA.

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.

Regulatory Planning and Review

This proposed rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders.

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation is unnecessary. Although this rule prevents traffic from transiting a portion of the York River from Noon until 2 p.m. on June 2, 2012, the effect of this regulation will not be significant due to the limited duration that the regulated area will be in effect and the extensive advance notifications that will be made to the maritime community via marine information broadcasts, local radio stations and area newspapers so mariners can adjust their plans accordingly. Additionally, this rulemaking does not change the permanent regulated areas that have been published in 33 CFR 100.501, Table to § 100.501. In some cases vessel traffic may be able to transit the regulated area when the Coast Guard Patrol Commander deems it is safe to do so.

Small Entities

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

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

This proposed rule would affect the following entities, some of which might be small entities: the owners or operators of vessels intending to transit this section of the York River from Noon until 2 p.m. on June 2, 2012.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it. This regulation will not have a significant impact on a substantial number of small entities because: (i) It will be enforced only for a short period of time (two hours); (ii) vessels may be granted the opportunity to transit the safety zone during the period of enforcement if the Patrol Commander deems it safe to do so; (iii) vessels may transit around the safety zone; and (iv) before the enforcement period, the Coast Guard will issue maritime advisories so mariners can adjust their plans accordingly.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact LCDR Christopher O'Neal. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

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

Technical Standards

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

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

Environment

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

List of Subjects in 33 CFR Part 100

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

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

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

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

Authority: 33 U.S.C. 1233.

2. In § 100.501, add temporary line No. (c)25 in Table to § 100.501 to read as follows:

§ 100.501 Special Local Regulations; Marine Events in the Fifth Coast Guard District.

* * * * *

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

COAST GUARD SECTOR HAMPTON ROADS—COTP ZONE

Number	Date	Event	Sponsor	Location
*	*	*	*	* * *
25	June 2, 2012	Yorktown Parade of Sail	York County Recreation Parks and Tourism.	Regulated area includes all waters of the York River bounded by the north and south shores of the York River and to the west by the Coleman Memorial Bridge and bounded to the east by a line drawn from the United States Coast Guard pier to Gaines Point in Gloucester, VA. All coordinates reference Datum NAD 1983.

* * * * *

Dated: March 13, 2012.

Mark S. Ogle,

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

[FR Doc. 2012–7513 Filed 3–28–12; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2011–0924; FRL–9653–9]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Nonattainment New Source Review; Fine Particulate Matter ($PM_{2.5}$)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve a State Implementation Plan (SIP) revisions submitted by the Commonwealth of Pennsylvania. These revisions pertaining to Pennsylvania's nonattainment New Source Review (NSR) program incorporate preconstruction permitting regulations for fine particulate matter ($PM_{2.5}$) into the Pennsylvania SIP. EPA is approving these revisions in accordance with the requirements of the Clean Air Act (CAA).

DATES: Written comments must be received on or before April 30, 2012.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R03–OAR–2011–0924 by one of the following methods:

A. *www.regulations.gov.* Follow the on-line instructions for submitting comments.

B. *Email: cox.kathleen@epa.gov.*

C. *Mail:* EPA–R03–OAR–2011–0924, Kathleen Cox, Associate Director, Office of Permits and Air Toxics, Mailcode 3AP10, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

D. *Hand Delivery:* At the previously-listed EPA Region III address. 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–R03–OAR–2011–0924. 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 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, 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 electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Pennsylvania Department of Environmental Protection, Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Gerallyn Duke, (215) 814–2084, or by email at *duke.gerallyn@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA. On September 23, 2011, the Pennsylvania Department of Environmental Protection (PADEP) submitted a formal revision to its State Implementation Plan (SIP).

I. Background

The SIP revision consists of amendments to 25 Pa. Code Chapter 121, ''General Provisions;'' and Chapter 127, ''Construction, Modification, Reactivation and Operation of Sources.'' This SIP revision submitted by Pennsylvania will satisfy requirements that are set forth in the federal rule, ''Implementation of the New Source Review (NSR) Program for Particulate Matter less than 2.5 Micrometers ($PM_{2.5}$)'' (NSR $PM_{2.5}$ Rule), which was promulgated on May 16, 2008 (73 FR 28321).

A. Fine Particulate Matter and the NAAQS

Fine particles in the atmosphere are made up of a complex mixture of components. Common constituents include sulfate (SO_4); nitrate (NO_3); ammonium; elemental carbon; a great variety of organic compounds; and inorganic material (including metals, dust, sea salt, and other trace elements) generally referred to as ''crustal'' material, although it may contain material from other sources. Airborne particulate matter (PM) with a nominal aerodynamic diameter of 2.5 micrometers or less (a micrometer is one-millionth of a meter, and 2.5 micrometers is less than one-seventh the average width of a human hair) are considered to be ''fine particles'' and are also known as $PM_{2.5}$. ''Primary'' particles are emitted directly into the air as a solid or liquid particle (e.g., elemental carbon from diesel engines or fire activities, or condensable organic particles from gasoline engines). ''Secondary'' particles (e.g., sulfate and nitrate) form in the atmosphere as a result of various chemical reactions.

The health effects associated with exposure to $PM_{2.5}$ include potential aggravation of respiratory and cardiovascular disease (i.e., lung disease, decreased lung function asthma attacks and certain cardiovascular issues). Epidemiological studies have indicated a correlation between elevated $PM_{2.5}$ levels and premature mortality. Groups considered especially sensitive to $PM_{2.5}$ exposure include older adults, children, and individuals with heart and lung diseases. For more details regarding health effects and $PM_{2.5}$ see EPA's Web site at *http://www.epa.gov/oar/particlepollution/* (see heading ''Health and Welfare'').

On July 18, 1997, EPA revised the NAAQS for PM to add new standards for fine particles, using $PM_{2.5}$ as the indicator. Previously, EPA used PM_{10} (inhalable particles smaller than or equal to 10 micrometers in diameter) as the indicator for the PM NAAQS. EPA established health-based (primary) annual and 24-hour standards for $PM_{2.5}$, setting an annual standard at a level of 15 micrograms per cubic meter ($\mu g/m^3$) and a 24-hour standard at a level of 65 $\mu g/m^3$ (62 FR 38652). At the time the 1997 primary standards were established, EPA also established welfare-based (secondary) standards identical to the primary standards. The secondary standards are designed to protect against major environmental effects of $PM_{2.5}$, such as visibility impairment, soiling, and materials damage. On October 17, 2006, EPA revised the primary and secondary NAAQS for $PM_{2.5}$. In that rulemaking, EPA reduced the 24-hour NAAQS for $PM_{2.5}$ to 35 $\mu g/m^3$ and retained the existing annual $PM_{2.5}$ NAAQS of 15 $\mu g/m^3$ (71 FR 61236).

B. Implementation of NSR Requirements for $PM_{2.5}$—the NSR $PM_{2.5}$ Rule

After EPA promulgated the NAAQS for $PM_{2.5}$ on October 23, 1997, the Agency issued a guidance document written by John Seitz entitled ''Interim Implementation of New Source Review Requirements for $PM_{2.5}$'' (Seitz memo). The Seitz memo was designed to help states implement NSR requirements pertaining to the new $PM_{2.5}$ NAAQS in light of technical difficulties posed by $PM_{2.5}$ at that time. Specifically, the Seitz memo states: ''PM_{10} may properly be used as a surrogate for $PM_{2.5}$ in meeting NSR requirements until these difficulties are resolved.''

EPA also issued a guidance document entitled ''Implementation of New Source Review Requirements in $PM_{2.5}$ Nonattainment Areas'' (the ''2005 $PM_{2.5}$ Nonattainment NSR Guidance''), on April 5, 2005, the date that EPA's $PM_{2.5}$ nonattainment area designations became effective for the 1997 NAAQS. This memorandum provided guidance on the implementation of the nonattainment

major NSR provisions in $PM_{2.5}$ nonattainment areas in the interim period between the effective date of the $PM_{2.5}$ nonattainment area designations (April 5, 2005) and EPA's promulgation of final $PM_{2.5}$ nonattainment NSR regulations. Besides reaffirming the continuation of the PM_{10} Surrogate Policy for $PM_{2.5}$ attainment areas set forth in the Seitz memo, the 2005 $PM_{2.5}$ nonattainment NSR Guidance recommended that until EPA promulgated the $PM_{2.5}$ major NSR regulations, ''States should use a PM_{10} nonattainment major NSR program as a surrogate to address the requirements of nonattainment major NSR for the $PM_{2.5}$ NAAQS.''

On May 16, 2008, EPA finalized a rule (the NSR $PM_{2.5}$ Rule) to implement the 1997 $PM_{2.5}$ NAAQS, including changes to the NSR program (73 FR 28321). The 2008 NSR $PM_{2.5}$ Rule revised the NSR program requirements to establish the framework for implementing preconstruction permit review for the $PM_{2.5}$ NAAQS in both attainment and nonattainment areas. The 2008 NSR $PM_{2.5}$ Rule required that major stationary sources seeking permits must directly satisfy the $PM_{2.5}$ requirements, as of the effective date of the rule, rather than relying on PM_{10} as a surrogate, with two exceptions. The first exception was a ''grandfathering'' provision in the Federal PSD program at 40 CFR 52.21(i)(1)(xi). This grandfathering provision applied to sources that had applied for, but had not yet received, a final and effective PSD permit before the July 15, 2008, effective date of the May 2008 final rule. The second exception was that states with SIP-approved PSD programs could continue to implement the Seitz Memo's PM_{10} Surrogate Policy for up to three years (until May 2011) or until the individual revised state PSD programs for $PM_{2.5}$ are approved by EPA, whichever came first. For additional information on the NSR $PM_{2.5}$ Rule, see (73 FR 28321). On February 11, 2010, EPA proposed to repeal the grandfathering provision for $PM_{2.5}$ contained in the federal PSD program at 40 CFR 52.21(i)(1)(xi) and to end early the PM_{10} Surrogate Policy applicable in states that have a SIP approved PSD program (75 FR 6827). In support of this proposal, EPA explained that the $PM_{2.5}$ implementation issues that led to the adoption of the PM_{10} Surrogate Policy in 1997 have been largely resolved to a degree sufficient for sources and permitting authorities to conduct meaningful permit-related $PM_{2.5}$ analyses. The repeal of the grandfathering rule was finalized on May 18, 2011 (76 FR 28646).

The 2008 NSR $PM_{2.5}$ Rule also established the following NSR requirements to implement the $PM_{2.5}$ NAAQS: (1) Require NSR permits to address directly emitted $PM_{2.5}$ and precursor pollutants; (2) establish significant emission rates for direct $PM_{2.5}$ and precursor pollutants (including sulfur dioxide (SO_2) and oxides of nitrogen NO_X); (3) establish $PM_{2.5}$ emission offsets; and (4) require states to account for gases that condense to form particles (condensables) in $PM_{2.5}$ emission limits.

Additionally, the 2008 final rule authorized states to adopt provisions in their nonattainment NSR rules that would allow major stationary sources and major modifications locating in areas designated nonattainment for $PM_{2.5}$ to offset emissions increases of direct $PM_{2.5}$ emissions or $PM_{2.5}$ precursors with reductions of either direct $PM_{2.5}$ emissions or $PM_{2.5}$ precursors in accordance with offset ratios contained in the approved SIP for the applicable nonattainment area. The inclusion, in whole or in part, of the interpollutant offset provisions for $PM_{2.5}$ is discretionary on the part of the states. In the preamble to the 2008 final rule, EPA included preferred or presumptive offset ratios, applicable to specific $PM_{2.5}$ precursors that states may adopt in conjunction with the new interpollutant offset provisions for $PM_{2.5}$, and for which the state could rely on the EPA's technical work to demonstrate the adequacy of the ratios for use in any $PM_{2.5}$ non attainment area. Alternatively, the preamble indicated that states may adopt their own ratios, subject to the EPA's approval, that would have to be substantiated by modeling or other technical demonstrations of the net air quality benefit for ambient $PM_{2.5}$ concentrations. The preferred ratios were subsequently the subject of a petition for reconsideration, which the Administrator granted. EPA continues to support the basic policy that sources may offset increases in emissions of direct $PM_{2.5}$ or of any $PM_{2.5}$ precursor in a $PM_{2.5}$ nonattainment area with actual emissions reductions in direct $PM_{2.5}$ or $PM_{2.5}$ precursors in accordance with offset ratios as approved in the SIP for the applicable nonattainment area. However, we no longer consider the preferred ratios set forth in the preamble to the 2008 final rule for $PM_{2.5}$ NSR implementation to be presumptively approvable. Instead, any ratio involving $PM_{2.5}$ precursors adopted by the state for use in the interpollutant offset program for $PM_{2.5}$ nonattainment areas must be accompanied by a technical demonstration that shows the net air quality benefits of such ratio for the $PM_{2.5}$ nonattainment area in which it will be applied.

II. Summary of SIP Revision

The SIP revision submitted by Pennsylvania consists of amendments to the general provisions of 25 Pa. Code Chapters 121 and major nonattainment NSR permitting regulations of 25 Pa. Code Chapter 127. The revision fulfills the federal program requirements established by the EPA rulemaking actions discussed above for nonattainment areas. The amendments establish the major source threshold, significant emission rate and offset ratios for $PM_{2.5}$, establish nitrogen oxides (NO_X) and sulfur dioxide (SO_2) as precursors to $PM_{2.5}$, and establish interpollutant trading for offsets and NSR applicability to $PM_{2.5}$ precursor pollutants, pursuant to the May 2008 NSR $PM_{2.5}$ Rule. Pennsylvania's proposed SIP revision does not include the ''grandfathering'' and presumptively approvable interpollutant trading ratio provisions that have subsequently been repealed/reconsidered. Clarifying amendments, described below, for Chapter 127 are also made. Finally, minor editorial changes are included in the amendments.

Section 127.203a(a)(2) is amended to clarify that aggregation of de minimis emissions for $PM_{2.5}$ and $PM_{2.5}$ precursors is not required. Section 127.206(o) is amended to clarify that, except as provided in Section 127.210 (which addresses offset ratios), an emission reduction credit (ERC) created for a regulated criteria pollutant shall only be used for offsetting or netting an emission increase involving the same criteria pollutant unless approved by PADEP. Section 127.203(b)(1)(i) is amended to clarify that the owner or operator must use the existing provisions in Section 127.203(b)(2) or (3) for a determination of control technology requirements when the net emission increase is equal to or exceeds the applicable emissions rate that is significant.

The amendments add a definition of ''$PM_{2.5}$.'' The amendments revise the definitions of existing terms ''regulated NSR pollutant'' and ''significant'' to include the requirements for $PM_{2.5}$ to support the amendments to Chapter 127. Specifically, the existing term ''significant'' is revised to establish a threshold for $PM_{2.5}$ and $PM_{2.5}$ precursors at major modifications at existing sources and the existing term ''regulated NSR pollutant'' is revised to include $PM_{2.5}$ and to identify precursors for $PM_{2.5}$. The amendments delete the term

''maximum allowable emissions'' since the term is no longer used to support existing regulations in Pennsylvania and the term is not used in the federal rules, set forth in 40 CFR 51.165, for nonattainment New Source Review SIPs.

The amendments submitted by Pennsylvania for approval into the SIP were adopted by Pennsylvania on May 18, 2011 and became effective on September 3, 2011. They include revisions to certain definitions at 25 Pa. Code 121.1, as well as to Chapter 127, Subchapter E (nonattainment NSR). The following regulations under Chapter 127 are revised: Section 127.201 (General requirements), Section 127.201a (Measurements, abbreviations and acronyms), Section 127.202 (Effective date), Section 127.203 (Facilities subject to special permit requirements), Section 127.203a (Applicability determination), Section 127.204 (Emissions subject to this subchapter), Section 127.206 (ERC general requirements), and Section 127.210 (Offset ratios).

III. Proposed Action

EPA's review of the revisions submitted by Pennsylvania for approval into the SIP finds them consistent with their federal counterparts. EPA is proposing to approve the Pennsylvania SIP revision to incorporate federal preconstruction permitting requirements for $PM_{2.5}$ and $PM_{2.5}$ precursors in nonattainment areas along with clarifying amendments, which was submitted on September 23, 2011. EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

IV. Statutory and Executive Order Reviews

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

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

In addition, this proposed rule pertaining to NSR requirements for $PM_{2.5}$ does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

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

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

Dated: March 19, 2012.

W.C. Early,

Acting Regional Administrator, Region III.

[FR Doc. 2012–7573 Filed 3–28–12; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2005–NM–0006; FRL–9653–5]

Approval and Promulgation of Implementation Plans; New Mexico; Construction Permit Fees

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve revisions which repeal and replace existing rules, and revisions to the applicable State Implementation Plan (SIP) for New Mexico submitted by the State of New Mexico on April 11, 2002, and April 25, 2005, which relate to construction permit fee requirement regulations. The repeal and replace and SIP revisions included in this action would address section 110(a)(2) Clean Air Act (the Act or CAA) requirements related to fees for reviewing and acting on specific air quality construction permit applications received by the New Mexico Environment Department (NMED or Department) and for implementing and enforcing the terms and conditions of the construction permit, excluding any court costs or other costs associated with an enforcement action. EPA has determined that these SIP revisions comply with the Clean Air Act and EPA regulations and are consistent with EPA policies. This action is being taken under section 110 of the Act.

DATES: Comments must be received on or before April 30, 2012.

ADDRESSES: Comments may be mailed to Ms. Ashley Mohr, Air Permits Section (6PD–R), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733. Comments may also be submitted electronically of through hand delivery/courier by following the detailed instructions in the **ADDRESSES** section of the direct final rule located in the rules section of this **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Ms. Ashley Mohr, Air Permits Section (6PD–R), Environmental Protection Agency, Region 6, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733, telephone (214) 665–7289; fax number (214) 665–6762; email address *mohr.ashley@epa.gov.*

SUPPLEMENTARY INFORMATION: In the final rules section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the

Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no relevant adverse comments are received in response to this action, no further activity is contemplated. If EPA receives relevant adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

For additional information, see the direct final rule which is located in the rules section of this **Federal Register**.

Dated: March 16, 2012.

Al Armendariz,

Regional Administrator, EPA Region 6.

[FR Doc. 2012–7562 Filed 3–28–12; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 90

[WT Docket No. 12–64; WT Docket No. 11–110; FCC 12–25]

Channel Spacing and Bandwidth Limitations for Certain Economic Area (EA)-Based 800 MHz Specialized Mobile Radio (SMR) Licensees

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document proposes to modify the Commission's rules to allow Economic Area (EA)-based 800 MHz Specialized Mobile Radio (SMR) licensees to exceed a channel spacing and bandwidth limitation, subject to two conditions. The Commission proposes to allow licensees to exceed the channel spacing and bandwidth limitation in the 813.5–824/858.5–869 MHz band in National Public Safety Planning Advisory Committee (NPSPAC) regions where 800 MHz public safety licensee reconfiguration is complete. In areas where 800 MHz public safety reconfiguration is incomplete, EA-based 800 MHz licensees would only be allowed to exceed the channel spacing and bandwidth limitation in the 813.5–821/858.5–866 MHz band. Further, the Commission proposes to require any EA-based 800 MHz SMR licensee that intends to exceed the channel spacing and bandwidth limitation of its rules, which govern the above-listed MHz bands, to provide 30 days written notice to public safety licensees with base stations in the NPSPAC region and within 113 kilometers (70 miles) of the affected NPSPAC region. The Commission seeks comment on any additional steps that may need to be taken to protect 800 MHz public safety licensees against any possible increased interference. The proposed rule changes would allow geographic-based 800 MHz SMR licensees the flexibility to deploy new technologies and to better utilize their licensed spectrum, while also protecting 800 MHz public safety entities.

DATES: Submit comments on or before April 13, 2012 and reply comments are due on or before April 23, 2012.

ADDRESSES: You may submit comments, identified by WT Docket No. 12–64; WT Docket No. 11–110; FCC 12–25, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Federal Communications Commission's Web Site: http://www.fcc.gov/cgb/ecfs/.* Follow the instructions for submitting comments.
- *People With Disabilities:* Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by email: *FCC504@fcc.gov* or phone 202–418–0530 or TTY: 202–418–0432.

For detailed instructions for submitting comments and additional information on the rulemaking process, *see* the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Brian Regan, Mobility Division, Wireless Telecommunications Bureau, *brian.regan@fcc.gov,* (202) 418–2849.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Notice of Proposed Rulemaking* (*Notice*) in WT Docket No. 12–64, WT Docket No. 11–110; FCC 12–25, adopted March 7, 2012, and released March 9, 2012. The full text of this document is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street SW., Washington, DC 20554. The complete text may be purchased from the Commission's copy contractor, Best Copy and Printing, Inc., 445 12th Street SW., Room CY–B402, Washington, DC 20554, (202) 488–5300, facsimile (202) 488–5563, or via email at *fcc@bcpiweb.com.* The full text may also be downloaded at: *www.fcc.gov.* Alternative formats are available to persons with disabilities by sending an email to *fcc504@fcc.gov* or by calling the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY).

Initial Paperwork Reduction Act of 1995 Analysis

This document contains proposed information collection requirements. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information collection requirements contained in this document, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. Public and agency comments are due May 29, 2012.

Comments should address: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and (e) ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4), we seek specific comment on how we might further reduce the information collection burden for small business concerns with fewer than 25 employees.

OMB Control Number: 3060–xxxx.

Title: Section 90.209(b)(7)—Bandwidth limitations.

Form No.: N/A.

Type of Review: New collection.

Respondents: Business or other for-profit.

Number of Respondents and Responses: 27 respondents, 27 responses.

Estimated Time per Response: .50 up to 9 hours.

Frequency of Response: On occasion, third party disclosure requirement.

Obligation to Respond: Mandatory.

Total Annual Burden: 232 hours.

Total Annual Costs: $52,500.00.

Privacy Act Impact Assessment: N/A.

Nature and Extent of Confidentiality: None.

Needs and Uses: This information will be used to ensure that 800 MHz public safety licensees are not impacted by EA-based 800 MHz SMR licensees exceeding the channel spacing and bandwidth requirement in the Commission's rules.

Summary

I. Introduction and Background

1. In an effort to reduce barriers to innovation and investment in new technologies and to promote greater spectrum efficiency, we propose to eliminate a legacy channel spacing and bandwidth limitation for Economic Area market (EA)-based 800 MHz Specialized Mobile Radio (SMR) licensees in the 813.5–824/858.5–869 MHz band. Subject to certain protections to safeguard 800 MHz public safety licensees, elimination of the legacy channel spacing and bandwidth limitation should provide greater flexibility to EA-based 800 MHz SMR licensees to deploy competitive wireless services over contiguous channels.

2. In 1995, the Commission established a new licensing framework for 800 MHz SMR and designated 10 megahertz of contiguous spectrum in the 800 MHz band for EA-based licensing in the *800 MHz SMR First Report and Order,* at 61 FR 6138, Feb. 16, 1996. In doing so, the Commission transitioned the 800 MHz SMR service from a site-by-site licensing process that required licensees to seek prior authorization to add or modify individual frequency channels and transmitter sites to a geographic-based licensing mechanism that provides licensees with the flexibility to add transmitters or modify operations within their licensed market and licensed spectrum as market conditions dictate.

3. In the *800 MHz SMR First Report and Order* the Commission determined that wide-area licensing would ''give licensees the flexibility to use technologies that can operate on either contiguous or non-contiguous spectrum'' and that large spectrum blocks were necessary for ''broadband technologies such as CDMA and GSM.'' With wide-area licenses, the Commission believed licensees would be able to ''compete effectively with other CMRS providers, such as cellular and broadband PCS systems.'' Further, the Commission stated its intent in the Executive Summary of the *800 MHz SMR First Report and Order* that EA-based licensees would have ''full discretion over channelization of available spectrum within the block.'' The Commission also adopted an out-of-band emission requirement that applies to the outer channels of the spectrum block and to spectrum adjacent to interior channels used by incumbents.

4. While the Commission may have intended to provide EA-based 800 MHz SMR licensees discretion over channelization within the channel block, it left unchanged an existing channelization scheme and bandwidth limitation in its rules for the relevant portion of the 800 MHz band. Section 90.209 of the Commission's rules establishes channel spacing and authorized bandwidths for particular frequencies, unless specified elsewhere. Under § 90.209, frequencies in 809–824/854–869 MHz are limited to 25 kHz channels with an authorized bandwidth of 20 kHz.

5. In 2004, the Commission initiated a process to reconfigure the 800 MHz band in the *800 MHz Reconfiguration Report and Order,* at 69 FR 67823, Nov. 22, 2004, to ''address the [then] ongoing and growing problem of interference to public safety communications in the 800 MHz band.'' The interference problem was caused ''by a fundamentally incompatible mix of two types of communications systems: cellular-architecture multi cell systems * * * and high-site non-cellular systems.'' In the short term, the Commission implemented technical standards that defined unacceptable interference in 800 MHz, while also reconfiguring the 800 MHz band to separate commercial wireless systems from public safety systems on a separate track. Under the reconfiguration plan, SMR and other cellular-system operators including Sprint Nextel Corp. (Sprint Nextel) were required to vacate the 806–817/851–862 MHz band and relocate to the 817–824/862–869 MHz band.

6. Sprint Nextel holds the majority of the EA-based 800 MHz SMR licenses (commonly referred to as Enhanced SMR or ESMR) and reported as of June 2011 that it held or will soon hold ''14 [megahertz] of geographically licensed contiguous 800 MHz channels across much of the nation.'' Sprint Nextel has used its licenses at 817–824/862–869 MHz primarily for its iDEN operations, which it describes as ''a 2G technology that uses non-contiguous channels to provide cellular, messaging and push-to-talk services.''

7. In December 2010, Sprint Nextel announced that it was transitioning its existing operations off of some of its EA-based 800 MHz licenses in order to incorporate the spectrum into its CDMA network, which it claims requires contiguous spectrum and ''occupies a 1.25 [megahertz] bandwidth.'' However, under the channelization scheme and bandwidth limitation in § 90.209 of the Commission's rules, Sprint Nextel is unable to aggregate the channels in its EA-based 800 MHz SMR licenses to provide CDMA.

8. In June 2011, Sprint Nextel filed a petition for declaratory ruling (WT Docket No. 11–110) asking the Commission to ''clarify and declare that its rules permit larger than 25 kHz bandwidth operations in the [ESMR] portion of the 800 MHz band.'' Sprint Nextel requested in the alternative that the Commission issue a notice of proposed rulemaking ''to revise § 90.209 to the extent necessary to expressly authorize ESMR band EA licensees to deploy technologies using bandwidths greater than 25 kHz on their contiguous spectrum assignments.'' Sprint Nextel argues that the Commission never intended for the 25 kHz channel spacing and 20 kHz bandwidth limitation to apply to geographically licensed 800 MHz SMR spectrum and that such application will frustrate the Commission's intent of providing flexibility to EA-based 800 MHz SMR licensees. Sprint Nextel also contends that the bandwidth limitation in § 90.209 and the out-of-band emission requirement in § 90.691 of the Commission's rules are apparently inconsistent and in conflict. The Wireless Telecommunications Bureau released a *Public Notice* seeking comment on Sprint Nextel's petition in June 2011.

9. Several commenters in response to the *Public Notice* support Sprint Nextel's request. SouthernLINC Wireless and Southern Company urge the Commission to also eliminate the bandwidth limitation and channel spacing in § 90.209 for the ''expanded'' SMR band in the southeastern United States, a request that Sprint Nextel supports. The Association of Public-Safety Communications Officials-International, Inc. (APCO) and the National Public Safety Telecommunications Council (NPSTC) do not object to Sprint Nextel's request on the condition that certain steps are taken to avoid interference with 800 MHz public safety licensees. While AT&T generally supports efforts to ''provide flexibility to exclusive geographic area licensees of commercial mobile services,'' it and Motorola Solutions Inc. urge the Commission to adopt a rulemaking to explore any possible technical issues that may arise from wider-bandwidth operations in EA-licensed 800 MHz SMR spectrum.

II. Notice of Proposed Rulemaking

10. In this *Notice of Proposed Rulemaking* (*Notice*), we propose to grant EA-based 800 MHz SMR licensees the flexibility to deploy CDMA or other wireless technologies that operate on greater than 25 kHz channels with greater than 20 kHz bandwidth. We do not, however, find any controversy or uncertainty regarding §§ 90.209 or 90.691 of the Commission's rules that can be resolved or clarified through a declaratory ruling. We therefore initiate this *Notice* and propose to allow EA-based 800 MHz SMR licensees to exceed the channel spacing and bandwidth limitation in § 90.209, subject to two conditions we propose to protect against any potential for increased interference with 800 MHz public safety licensees.

11. The Commission is authorized to issue declaratory rulings to terminate controversies or remove uncertainty. While it has broad discretion in deciding whether to exercise such authority, the Commission will generally decline to issue such a ruling when there appears to be no significant controversy or uncertainty. Here, the record does not demonstrate any such controversy or uncertainty regarding the application of § 90.209 to EA-based 800 MHz SMR licensees or the relationship between §§ 90.209 and 90.691. Section 90.209 is clear on its face that the channel spacings and authorized bandwidth for the listed frequencies, which include the frequencies assigned to EA-based 800 MHz SMR licenses, apply ''unless specified elsewhere.'' A different bandwidth authorization for this band is not listed elsewhere in the Commission's rules, including in § 90.691. As some commenters point out, in instances when the Commission has established different bandwidth limitations for frequencies listed in § 90.209, the Commission has done so explicitly. The out-of-band emission requirement in § 90.691 is intended to protect against adjacent channel interference, which is unnecessary for sequential channels licensed as a block and has no bearing on whether a spectrum block can be channelized or have a bandwidth limitation.

12. In lieu of a declaratory ruling, through the instant *Notice,* we propose to eliminate the channel spacing and bandwidth limitation in § 90.209 of the Commission's rules for EA-based 800 MHz SMR licenses in the frequencies 813.5–824/858.5–869 MHz, subject to two proposed conditions outlined below. The record suggests that eliminating these limitations may serve the public interest by allowing licensees to deploy more advanced wireless technologies, to consumers' benefit, while continuing to ensure such operations do not increase interference to 800 MHz public safety licensees through the conditions proposed below. As set forth below, we seek comment on this proposal and on the type and magnitude of any accompanying costs or benefits.

13. We recognize that protection of public safety licensees in the 800 MHz band is essential and do not intend to take any actions that might negatively impact the progress made through the 800 MHz reconfiguration process. APCO and NPSTC assert that in order to protect against interference with 800 MHz public safety licensees, operations using greater than 25 kHz bandwidth should only be allowed in National Public Safety Planning Advisory Committee (NPSPAC) regions where public safety reconfiguration is complete. Accordingly, we propose to allow EA-based 800 MHz SMR licensees to exceed the channel spacing and bandwidth limitation in § 90.209 in the 813.5–824/858.5–869 MHz band in NPSPAC regions where all 800 MHz public safety licensees in the region have completed band reconfiguration. Further, in NPSPAC regions where reconfiguration is incomplete, we propose to allow EA-based 800 MHz SMR licensees to exceed the channel spacing and bandwidth limitation only in the 813.5–821/858.5–866 MHz band. Public safety users are being relocated from 821–824/866–869 MHz to the new band of 806–809/851–854 MHz. Sprint Nextel asserts that it will not—and cannot—deploy CDMA in the ''old'' public safety band until the public safety users in the NPSPAC region have moved to the ''new'' band. Upon all 800 MHz public safety licensees in a region completing band reconfiguration, EA-based 800 MHz SMR licensees in the 821–824/866–869 MHz band would then be allowed to exceed the channel spacing and bandwidth limitation.

14. Additionally, we propose to require all EA-based 800 MHz SMR licensees to provide at least 30 days written notice to public safety licensees with base stations in the NPSPAC region where an EA-based 800 MHz SMR licensee intends to exceed the channel spacing and bandwidth limitation and to public safety licensees with base stations within 113 kilometers (70 miles) of the affected NPSPAC region border. These conditions appear to balance the need to protect 800 MHz public safety licensees from any possible increased interference, while enabling 800 MHz SMR licensees to efficiently utilize their spectrum to provide more advanced wireless services. We seek comment on these proposed conditions, including with respect to any costs that these conditions might impose.

15. We encourage commenters to explain any interference issues they claim may arise—even with conditions—with specificity, including any relevant data supporting such claims. We also encourage commenters to describe in detail and to justify fully any modification to these or additional conditions they argue may be necessary to protect 800 MHz public safety licensees from increased interference. For example, NPSTC suggests that the Commission should impose a one megahertz guard band at 820–821/865–866 MHz between EA-based 800 MHz SMR operations that exceed the channel spacing and bandwidth limitation and public safety operations where band reconfiguration is incomplete. Similarly, APCO suggests that EA-based 800 MHz SMR licensees that exceed the channel spacing and bandwidth limitation ''maintain a minimum of 1.0 MHz separation from any public safety operation in the upper portion of the interleaved band (*i.e.,* above 860 MHz) in the service area of the * * * cellular site.'' APCO also suggests that EA-based 800 MHz SMR operations that exceed the channel spacing and bandwidth limitation and are near a public safety system in a NPSPAC region where reconfiguration is incomplete must protect public safety operations ''both on-channel and on the 12.5 kHz offset to the 5 dBu.'' We seek comment on these suggested conditions, as well as any other proposals. Commenters should include technical justifications for why additional or alternative conditions may be necessary, and should identify any costs that additional or alternative conditions might impose.

III. Procedural Matters

A. Ex Parte Rules-Permit-But-Disclose Proceeding

16. The proceeding this *Notice* initiates shall be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte*

presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with § 1.1206(b) of the Commission's rules. In proceedings governed by § 1.49(f), for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.,* .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

B. Comment Dates

17. Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, and 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). *See Electronic Filing of Documents in Rulemaking Proceedings,* at 63 FR 24121 (1998).

- *Electronic Filers:* Comments may be filed electronically using the Internet by accessing the ECFS: *http://fjallfoss.fcc.gov/ecfs2/*.
- *Paper Filers:* Parties that choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St. SW., Room TW–A325, Washington, DC 20554. The filing hours are 8 a.m. to 7 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of *before* entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street SW., Washington, DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY).

C. Initial Paperwork Reduction Act Analysis

18. This document contains a proposed new information collection requirement. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information collection requirements contained in this document, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4), we seek specific comment on how we might further reduce the information collection burden for small business concerns with fewer than 25 employees.

IV. Initial Regulatory Flexibility Analysis

19. As required by the Regulatory Flexibility Act of 1980, as amended (RFA), the Commission has prepared this Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on a substantial number of small entities by the policies and rules proposed in this *Notice.* Written comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments on the *Notice.* The Commission will send a copy of the *Notice,* including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA). In addition, the *Notice* and IRFA (or summaries thereof) will be published in the **Federal Register**.

A. Need for, and Objectives of, the Proposed Rules

20. The proposed rule eliminates legacy channel spacing and bandwidth limitation governing Economic Area (EA)-based 800 MHz specialized mobile radio (SMR) licensees. Further, the proposed rule provides licensees the flexibility to deploy competitive wireless services, while also continuing to protect 800 MHz public safety licensees from any potential interference.

21. The proposed rule allow EA-based 800 MHz SMR licensees in the 813.5–824/858.5–869 MHz band to exceed the channel spacing and bandwidth limits in § 90.209 of the Commission's rules, subject to two conditions. We propose to allow EA-based 800 MHz SMR licensees to exceed the channel spacing and bandwidth limitation in the 813.5–824/858.5–869 MHz band in National Public Safety Planning Advisory Committee (NPSPAC) regions where 800 MHz reconfiguration is complete. In NPSPAC regions where 800 MHz reconfiguration is incomplete, we propose to allow EA-based 800 MHz licensees to exceed the channel spacing and bandwidth limitation only in the 813.5–821/858.5–866 MHz band. Upon all 800 MHz public safety licensees in a region completing band reconfiguration, EA-based 800 MHz SMR licensees in the 821–824/866–869 MHz band would also be allowed to exceed the channel spacing and bandwidth limitation. We also propose to require EA-based 800 MHz SMR licensees to provide 30 days written notice to 800 MHz public safety licensees with base stations in the NPSPAC region where an EA-based 800 MHz SMR licensee intends to exceed the channel spacing and bandwidth limitation, and to public safety licensees with base stations within 113 kilometers (70 miles) of the affected NPSPAC region border.

22. We believe the proposed rule will reduce barriers to innovation and investment and allow EA-based 800 MHz SMR licensees to deploy competitive wireless services, to consumers' benefit.

B. Legal Basis

23. The legal basis for any action that may be taken pursuant to the *Notice* is contained in sections 1, 2, 4(i), 4(j), 301, 302, 303, 307, and 308 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i), 154(j), 301, 302, 303, 307, and 308.

C. Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply

24. The RFA directs agencies to provide a description of, and where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted. The RFA generally defines the term ''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 SBA.

25. *Small Businesses.* Nationwide, there are a total of approximately 27.5 million small businesses, according to the SBA.

26. *Wireless Telecommunications Carriers (except Satellite).* Since 2007, the SBA has recognized wireless firms within this new, broad, economic census category. Prior to that time, such firms were within the now-superseded categories of Paging and Cellular and Other Wireless Telecommunications. Under the present and prior categories, the SBA has deemed a wireless business to be small if it has 1,500 or fewer employees. For this category, census data for 2007 show that there were 1,383 firms that operated for the entire year. Of this total, 1,368 firms had 999 or fewer employees, and 15 had 1,000 employees or more. Similarly, according to Commission data, 413 carriers reported that they were engaged in the provision of wireless telephony, including cellular service, Personal Communications Service (PCS), and Specialized Mobile Radio (SMR) Telephony services. Of these, an estimated 261 have 1,500 or fewer employees, and 152 have more than 1,500 employees. Consequently, the Commission estimates that approximately half or more of these firms can be considered small. Thus, using available data, we estimate that the majority of wireless firms can be considered small.

27. *Specialized Mobile Radio.* The Commission awards small business bidding credits in auctions for Specialized Mobile Radio (''SMR'') geographic area licenses in the 800 MHz and 900 MHz bands to entities that had revenues of no more than $15 million in each of the three previous calendar years. The Commission awards very small business bidding credits to entities that had revenues of no more than $3 million in each of the three previous calendar years. The SBA has approved these small business size standards for the 800 MHz and 900 MHz SMR Services. The Commission has held auctions for geographic area licenses in the 800 MHz and 900 MHz bands. The 900 MHz SMR auction was completed in 1996. Sixty bidders claiming that they qualified as small businesses under the $15 million size standard won 263 geographic area licenses in the 900 MHz SMR band. The 800 MHz SMR auction for the upper 200 channels was conducted in 1997. Ten bidders claiming that they qualified as small businesses under the $15 million size standard won 38 geographic area licenses for the upper 200 channels in the 800 MHz SMR band. A second auction for the 800 MHz band was conducted in 2002 and included 23 BEA licenses. One bidder claiming small business status won five licenses.

28. The auction of the 1,053 800 MHz SMR geographic area licenses for the General Category channels was conducted in 2000. Eleven bidders that won 108 geographic area licenses for the General Category channels in the 800 MHz SMR band qualified as small businesses under the $15 million size standard. In an auction completed in 2000, a total of 2,800 Economic Area licenses in the lower 80 channels of the 800 MHz SMR service were awarded. Of the 22 winning bidders, 19 claimed small business status and won 129 licenses. Thus, combining all three auctions, 40 winning bidders for geographic licenses in the 800 MHz SMR band claimed status as small business.

29. In addition, there are numerous incumbent site-by-site SMR licensees and licensees with extended implementation authorizations in the 800 and 900 MHz bands. We do not know how many firms provide 800 MHz or 900 MHz geographic area SMR pursuant to extended implementation authorizations, nor how many of these providers have annual revenues of no more than $15 million. One firm has over $15 million in revenues. In addition, we do not know how many of these firms have 1,500 or fewer employees. We assume, for purposes of this analysis, that all of the remaining existing extended implementation authorizations are held by small entities, as that small business size standard is approved by the SBA.

D. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities

30. The proposed rule provides regulatory flexibility to all EA-based 800 MHz SMR licensees. The proposed rule would impose limited reporting or recordkeeping requirements to the extent an EA-based 800 MHz SMR licensee seeks to exceed the channel spacing and bandwidth limitation in § 90.209 of the Commission's rules. In such cases, the licensee must provide 30 days advanced written notice to all public safety licensees with a base station in the affected NPSPAC region and within 113 kilometers (70 miles) of the border of the affected NPSPAC region. Otherwise, the proposed rule would impose only a small compliance burden.

E. Steps Taken To Minimize the Significant Economic Impact on Small Entities, and Significant Alternatives Considered

31. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.

32. The *Notice* is deregulatory in nature and imposes only a minor compliance requirement on all affected entities, including small entities. In recognition of the resources available to small entities, and in the interest of simplified compliance obligations, the *Notice* does not mandate any specific form or manner in which entities must comply with the reporting requirement. Specifically, the *Notice* proposes to require EA-based 800 MHz SMR licensees to provide written notice to all public safety licensees with a base station in the affected NPSPAC region and within 113 kilometers (70 miles) of the border of the affected NPSPAC region if the licensee intends to exceed the channel spacing and bandwidth limitation. Licensees have the flexibility to provide written notice through whatever means the licensee chooses. We believe this notice is necessary to ensure that public safety licensees are aware of the operation and can actively

monitor for any interference issues that may arise. While we strive to provide flexibility to small entities, because we believe that protection of public safety licensees is essential and in the public interest, we do not propose any exemption for small entities.

F. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules

33. None.

V. Ordering Clauses

34. Pursuant to the authority contained in sections 1, 2, 4(i), 4(j), 301, 302, 303, 307, and 308 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i), 154(j), 301, 302, 303, 307, and 308, this *Notice of Proposed Rulemaking* is adopted.

35. Pursuant to sections 1, 2, 4(i), 4(j), 301, and 303 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i), 154(j), 301, 303 and § 1.2 of the Commission's rules, 47 CFR 1.2, the Petition for Declaratory Ruling filed on June 3, 2011 by Sprint Nextel Corp. is denied.

36. Pursuant to sections 1, 2, 4(i), 4(j), 301, and 303 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i), 154(j), 301, 303, and § 1.407 of the Commission's rules, 47 CFR 1.407, the Petition for Rulemaking in the alternative filed on June 3, 2011 by Sprint Nextel Corp. is granted.

37. The Commission's Consumer & Governmental Affairs Bureau, Reference Information Center, shall send a copy of this *Notice of Proposed Rulemaking,* including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Part 90

Communications equipment, Common carriers, Business and industry, Radio.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

For the reasons set forth in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 90 as follows:

PART 90—PRIVATE LAND MOBILE RADIO SERVICE

1. The authority citation for part 90 continues to read as follows:

Authority: Sections 4(i), 11, 303(g), 303(r), and 332(c)(7) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 161, 303(g), 303(r), 332(c)(7).

2. Section 90.209 is amended by adding paragraph (b)(7) to read as follows:

§ 90.209 Bandwidth limitations.

* * * * *

(b) * * *

(7) Economic Area (EA)-based licensees in frequencies 813.5–824/858.5–869 may exceed the standard channel spacing and authorized bandwidth listed in paragraph (b)(5) of this section in any National Public Safety Planning Advisory Committee Region when all 800 MHz public safety licensees in the Region have completed band reconfiguration. In any National Public Safety Planning Advisory Committee Region where the band reconfiguration is incomplete, EA-based licensees in frequencies 813.5–821/858.5–866 MHz may exceed the standard channel spacing and authorized bandwidth listed in paragraph (b)(5) of this section. Upon all 800 MHz public safety licensees in a region completing band reconfiguration, EA-based 800 MHz SMR licensees in the 821–824/866–869 MHz band would also be allowed to exceed the channel spacing and authorized bandwidth. Licensees authorized to exceed the standard channel spacing and authorized bandwidth under this paragraph must provide at least 30 days written notice prior to initiating service in the bands listed herein to every 800 MHz public safety licensee with a base station in the affected National Public Safety Planning Advisory Committee Region, and every 800 MHz public safety licensee within 113 kilometers (70 miles) of the affected Region.

[FR Doc. 2012–7588 Filed 3–28–12; 8:45 am]

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Notices

Federal Register

Vol. 77, No. 61

Thursday, March 29, 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

Forest Service

Boundary Establishment for the Presque Isle National Wild and Scenic River, Ottawa National Forest; Gogebic County, MI

AGENCY: Forest Service, USDA.

ACTION: Notice of availability.

SUMMARY: In accordance with Section 3(b) of the Wild and Scenic Rivers Act, the USDA Forest Service, Washington Office, is transmitting the final boundary of the Presque Isle National Wild and Scenic River to Congress.

FOR FURTHER INFORMATION CONTACT: Information may be obtained by contacting Bill Baer, Recreation Program Manager, Ottawa National Forest, E6248 US Hwy 2, Ironwood, MI 49938, (906) 932–1330, ext. 342.

SUPPLEMENTARY INFORMATION: The Presque Isle Wild and Scenic River boundary is available for review at the following offices: USDA Forest Service, Office of the Chief, 1400 Independence Avenue SW., Washington DC 20024; USDA Forest Service, Eastern Region, Suite 400, 626 East Wisconsin Avenue, Milwaukee, WI 53202 and; Ottawa National Forest, E6248 US Hwy 2, Ironwood, MI 49938. A detailed legal description is available upon request.

The Michigan Scenic River Act of 1992 (Pub. L. 102–249–March 3, 1992) designated the Presque Isle River, Michigan, as a National Wild and Scenic River, to be administered by the Secretary of Agriculture. As specified by law, the boundary will not be effective until ninety days after Congress receives the transmittal.

Dated: March 7, 2012.

Anthony V. Scardina,

Forest Supervisor.

[FR Doc. 2012–7560 Filed 3–28–12; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Forest Service

Rim Lakes Forest Restoration Project; Apache-Sitgreavese National Forest, Black Mesa Ranger District, Coconino County, AZ

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The U.S. Forest Service (FS) will prepare an environmental impact statement (EIS) on a proposed action to conduct selective cutting and prescribed burn in forest across approximately 33,010 acres of National Forest System lands. The project intends to conserve and restore the Rim Lakes Project Area to make—over time—the forest ecosystem more sustainable and resilient to natural disturbances such as drought and climatic variability, insects, disease, fire, and wind.

The purpose of the project is to restore forest health, move forests toward an uneven-aged forest structure with all age classes represented, and restore frequent, periodic surface fire as an ecological process, as well as reduce the risk of a stand-replacing fire. The project will also improve hydrologic function, improve wildlife habitat—in particular for Northern goshawk and Mexican spotted owl—and improve scenic quality, as well as move the project area towards forest plan old growth management allocation goals.

In order to meet the purpose, this project includes a site-specific, forest plan amendment to the Apache-Sitgreaves Land and Resource Management Plan. This amendment clarifies guidelines to assure the proposed action can meet its restoration objectives, and to assure consistency with the forest plan. Information about the project can be found at *http://www.fs.usda.gov/projects/asnf/landmanagement/projects.*

DATES: Comments concerning the scope of the analysis must be received by April 30, 2012. The draft environmental impact statement is expected to be available in July 2012 and the final environmental impact statement is expected in October 2012, followed by a 30-day objection period pursuant to 36 CFR part 218 subpart A.

ADDRESSES: Send written comments to Dee Hines, District Ranger, Black Mesa Ranger District, P.O. Box 968, Overgaard, AZ 85933. Comments may also be sent via email to *comments-southwestern-apache-sitgreaves-black-mesa@fs.fed.us,* or via facsimile to (520) 535–5972.

FOR FURTHER INFORMATION CONTACT: Sandy Hurlocker, project team leader. Phone: (505) 660–8715.

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: This project is being authorized under the Healthy Forest Restoration Act (HFRA) of 2003, following regulations at 36 CFR part 218. To date, analysis for this proposed action was documented in an environmental assessment that underwent an objection period in September 2011. After reviewing objections, the Apache-Sitgreaves National Forest Supervisor elected to document the analsysis in an environmental impact statement (EIS). The Forest Supervisor also elected to include an amendment to the forest plan as part of the proposed action in order to achieve project restoration objectives and to assure consistency with the Apache-Sitgreaves Land and Resource Management Plan (forest plan).

Purpose and Need for Action

The underlying purpose and need for the project has been determined by comparing the desired conditions to the existing conditions within the planning area. Desired conditions relevant to this project relate to forest health and ecosystem function and resiliency, as defined in the forest plan.

Currently, forested lands in the project area have departed from the structures and processes that historically kept them in a healthy, resilient condition. For example, 97 percent of the forested lands reflect a high stand density that makes these forests susceptible to insects and disease. Forests are also at risk of uncharacteristicly high-severity wild fires, which can lead to loss of entire stands during one fire event. About 67 precent of the project area has potential for either active crown fire or passive crown fire because of the amount of ladder fuels and the continuous and interlocking tree crowns. As

demostrated by recent large fires in the lands adjacent to the project area (most recently the 2011 Wallow Fire), a crown fire would alter ecosystem functions, destroy much of the existing wildlife habitat, create sediment problems to the watersheds and decrease the desirablity of the area for recreation.

Desired condtions call for uneven aged forests across the project area that exhibit a variety of forest densities, spatial arrangements, age/structure conditions, and interspaces between groups.

The need for change derived from the difference between the existing condition and the desired condition, summarized as follows:

- Move stand densities toward desired conditions that promote forest health, large tree growth, and increased herbacious understory species and composition.
- Reduce the risk of a stand-replacing crown fire by reducing stand densities, reducing canopy bulk density/continuity, increasing crown heights, and creating more stand openness.
- Move goshawk habitat types towards desired conditions, for example, variable tree group sizes, age classes, and densities, as well as variable sized interspaces between groups.
- Move Mexican spotted owl habitat types towards the desired condition of stand density and forest structure consistent with the forest plan and Mexican spotted owl recovery plan.
- Reduce the basal area on most of the forest to reduce bark beetle hazard, and selectively reduce the level of dwarf mistletoe infection.
- Be consistent with the 1996 amendment forest plan amendment with respect to old growth management.
- Amend the Apache-Sitgreaves Land and Resource Management Plan in order to achieve project restoration objectives and to assure consistency with the Apache-Sitgreaves Land and Resource Management Plan (forest plan).

Proposed Action

In response to the purpose and need, the forest proposes the following actions during the next 10 years or until objectives are met.

- Selectively cut trees and broadcast burn after treatment on approximately 23,615 acres: In ponderosa pine and pine-oak, maintenance burns would occur. In dry mixed conifer, no re-entry maintenance burns would occur as part of this proposal.
- Broadcast burn without selectively cutting trees on approximately 9,339 acres: In ponderosa pine and pine-oak, maintenance burns would occur. In dry mixed conifer, no re-entry maintenance burns would occur as part of this proposal.
- Selectively cut trees with no follow up broadcast burn on approximately 56 acres.
- Open approximately 185 miles of existing closed roads to be used for treatment activity. Close roads when treatments are finished and rehabilitate as needed.
- Construct 2.6 miles of temporary road for haul access and obliterate after use (seven short segments approximately one-quarter to one-third of a mile each).
- Allocate approximately 6,900 acres of forest to be managed for old-growth characteristics.
- Amend the Apache-Sitgreaves Land and Resource Management Plan pages 56 and 57, to add clarifying language to (1) describe desired conditions for the project area managed for Northern goshawk, (2) express relative amounts of forest cover, as well as the distribution of that cover, including the interspaces between tree groups, (3) define the relationship between the interspaces and natural openings, such as meadows, and (4) clarify that canopy closure is measured at the tree group scale within Vegetation Structural Stages (VSS) 4, 5, and 6.

Possible Alternatives

In addition to the Proposed Action, an alternative was analyzed in the environmental assessment that limited the selective cutting of trees to less than 16 inches in diameter (at breast height). Otherwise the alternative included the same mechanical equipment and prescribed burning to accomplish the treatments using the methods described in the proposed action. Because this alternative would result in even-aged management, it would not meet forest plan direction for uneven-aged management; therefore if selected it would require a forest plan amendment to allow for even-age management (forest plan, page 54). This alternative will be carried into the environmental impact statement.

Responsible Official

The responsible official is the Forest Supervisor, Apache-Sitgreaves National Forest.

Nature of Decision To Make

Given the purpose and need of the project, the Forest Supervisor will review the proposed action, other alternatives, and the environmental consequences in order to make the following decisions: (1) Whether to select the proposed action or an alternative; (2) the location, design, and scheduling of the proposed thinning, burning, and road maintenance; (3) mitigation measures and monitoring requirements; and (4) the significance of the proposed forest plan amendments.

Preliminary Issues

During development of the environmental assessment, comments received during scoping were examined for issues, or unresolved conflicts directly or indirectly caused by implementing the proposed action. Issues serve to highlight effects or unintended consequences that may occur from the proposed action and alternatives. The Forest Service identified the following issue:

Issue 1: Thinning and burning activities may cause unforeseen mortality among larger-size classes of ''leave'' trees. Removal of trees larger than 16 inches in diameter when combined with potential mortality, may place post-treatment large tree densities below target densities. This may negatively affect old growth quality and quantity and wildlife habitat quality, quantity and populations. The indicators used to evaluate this issue are: Total number of trees 16 inches and greater (pre- and post-treatment), and pre- and post-treatment three-level analysis of habitat structure for Mexican spotted owl, northern goshawk, and old growth and vegetation structural stage (VSS) for northern goshawk.

Scoping Process

This notice of intent initiates the scoping process, which guides the development of the environmental impact statement. An open house is scheduled for April 11, 2012, from 3 to 6 p.m., in the Frontier Room of the Navajo County Public Health Building, 600 North 9th Place in Show Low, Arizona. Because this project has undergone considerable public review during development of the environmental assessment, the responsible official is especially interested in comments regarding the new element of the proposed action: the site-specific forest plan amendment.

It is important that reviewers provide their comments at such times and in such manner that they are useful to the agency's preparation of the environmental impact statement. Therefore, comments should be provided prior to the close of the comment period and should clearly articulate the reviewer's concerns and contentions.

The proposed Rim Lakes Forest Restoration Project is subject to the HFRA pre-decisional objection process

pursuant to 36 CFR part 218 Subpart A and is not subject to notice, comment and appeal procedures under 36 CFR part 215. The 36 CFR 218 pre-decisional objection process requires a 30-day notice and objection period for the final environmental impact statement before a decision can be made by the responsible official. Only those who commented during scoping and during the comment period for the draft environmental impact statement may file objections (36 CFR 218.7).

Comments received in response to this solicitation, including names and addresses of those who comment, will be part of the public record for this proposed action. Comments submitted anonymously will be accepted and considered; however, anonymous comments will not provide the agency with the ability to provide the respondent with subsequent environmental documents.

Dated: March 23, 2012.

Christine Dawe,

Acting Deputy Forest Supervisor.

[FR Doc. 2012–7527 Filed 3–28–12; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Forest Service

New Mexico Collaborative Forest Restoration Program Technical Advisory Panel

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The New Mexico Collaborative Forest Restoration Program Technical Advisory Panel will meet in Albuquerque, New Mexico. The Panel is meeting as authorized under the Community Forest Restoration Act (Title VI, Pub. L. 106–393) and in compliance with the Federal Advisory Committee Act. The purpose of the meeting is to provide recommendations to the Regional Forester, USDA Forest Service Southwestern Region, on which applications submitted in response to the Collaborative Forest Restoration Program Request For Applications best meet the program objectives.

DATES: The meeting will be held April 23–27, 2012, beginning at 10 a.m. on Monday, April 23 and ending at approximately 4 p.m. on Friday, April 27.

ADDRESSES: The meeting will be held at the Hyatt Place Albuquerque/Uptown, 6901 Arvada Avenue NE., Albuquerque, NM 87110, (505) 872–9000. Written comments should be sent to Walter Dunn, Cooperative and International Forestry, USDA Forest Service, 333 Broadway SE., Albuquerque, NM 87102. Comments may also be sent via email to *wdunn@fs.fed.us,* or via facsimile to Walter Dunn at (505) 842–3165.

All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at the Cooperative and International Forestry Staff, USDA Forest Service, 333 Broadway SE., Albuquerque, NM.

FOR FURTHER INFORMATION CONTACT: Walter Dunn, Assistant Designated Federal Official, (505) 842–3425, Cooperative and International Forestry, USDA Forest Service, 333 Broadway SE., Albuquerque, NM 87102.

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The meeting is open to the public. Panel discussion is limited to Panel members and Forest Service staff. Project proponents may respond to questions of clarification from Panel members or Forest Service staff. Persons who wish to bring Collaborative Forest Restoration Program grant application review matters to the attention of the Panel may file written statements with the Panel staff before or after the meeting. Public input sessions will be provided and individuals who submitted written statements prior to the public input sessions will have the opportunity to address the Panel at those sessions.

Dated: March 23, 2012.

Corbin L. Newman, Jr.,

Regional Forester.

[FR Doc. 2012–7529 Filed 3–28–12; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

National Agricultural Library

Notice of Intent To Seek Approval To Collect Information

AGENCY: National Agricultural Library, Agricultural Research Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13) and Office of Management and Budget (OMB) regulations at 5 CFR part 1320 (60 FR 44978, August 29, 1995), this notice announces the National Agricultural Library's intent to request approval for a new electronic mailing list subscription form from those working with water quality and water resources. This voluntary form gives individuals an opportunity to receive and post messages to an electronic discussion list maintained by the Water Quality Information Center (WQIC).

DATES: Comments on this notice must be received by June 4, 2012 to be assured of consideration.

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

- *Agency Web site: http://www.nal.usda.gov/wqic/askaquestion.php.* Follow the instructions for submitting comments on the Water Quality Information Center Web site.
- *Fax:* 301–504–6409 attention: Water Quality Information Center.
- *Mail/Hand Delivery/Courier:* Water Quality Information Center/National Agricultural Library, 10301 Baltimore Ave., Room 107, Beltsville, Maryland 20705–2351.

SUPPLEMENTARY INFORMATION:

Title: Electronic Mailing List Subscription Form.

OMB Number: 0518–0045.

Expiration Date: 3 years from date of approval.

Type of Request: Renewal of existing data collection from Water Quality Information Center discussion list subscribers.

Abstract: The National Agricultural Library's Water Quality Information Center (WQIC) currently maintains an on-line announcement-only discussion list. The current voluntary ''Electronic Mailing List Subscription Form'' gives individuals interested in the subject area of water quality and agriculture an opportunity to receive and post messages to this list. The form includes the following items: This form contains five items and is used to collect information about participants who are interested in joining an electronic discussion group. The form collects data to see if a person is eligible to join the discussion group. Because these electronic discussion groups are only available to people who work in the areas of water quality and water resources, it is necessary to gather this information. The questionnaire asks for the person's name, email address, job title, work affiliation, and topics of interest. The online submission form will continue to serve as an efficient vehicle that allows WQIC staff to communicate with researchers and practitioners working with water quality and water resources.

Estimate of Burden: Public reporting burden for this collection of information

is estimated to average 1.0 minutes per response.

Respondents: Water quality and water resources researchers and practitioners.

Estimated Number of Respondents: 55 per year.

Estimated Total Annual Burden on Respondents: 0.9 hrs.

Comments: Comments are invited on (a) Whether the proposed collection of information is necessary for the proper performance for 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, including the validity of the methodology and the assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who respond, including the use of appropriate automated, electronic, mechanical, or other technology. Comments should be sent to the address in the preamble. 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.

Dated: March 12, 2012.

Edward B. Knipling,

Administrator, Agricultural Research Service.

[FR Doc. 2012–7568 Filed 3–28–12; 8:45 am]

BILLING CODE 3410–03–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 23–2012]

Foreign-Trade Zone 99—Wilmington, DE: Application for Manufacturing Authority; Fisker Automotive, Inc. (Electric Passenger Vehicles): Wilmington, DE

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Delaware Economic Development Office, grantee of FTZ 99, requesting manufacturing authority on behalf of Fisker Automotive, Inc. (Fisker), to manufacture electric-powered, light-duty passenger vehicles under FTZ procedures within FTZ 99. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on March 23, 2012.

The Fisker facility (approximately 1,500 employees) is located at 801 Boxwood Road in Wilmington, Delaware (Site 2). The facility (formerly owned by General Motors Corporation) will be used to produce electric-powered, light-duty passenger vehicles (up to 300,000 units per year) for the U.S. market and export. Components to be purchased from abroad (representing about 40% of total material inputs, by value) would include carboxylic acids, paints and varnishes, sealants, cleaning agents, grease/lubricating agents, adhesives, oils and fluids, welding compounds, fuel additives, anti-freeze, chemical preparations, tubing, flexible rubber tubes/hoses, self-adhesive plastic or polyurethane sheets/foil/film, labels, sealing tape, polyethylene/plastic bags, articles of plastic (*e.g.,* handles, grips, knobs, locks, seals, o-rings, caps), articles of rubber (*e.g.,* belts, tubes, hoses, dampeners, grommets, plugs, mountings), tires, gaskets, seals, floor mats, leather bags, man-made fiber and cotton textile bags/cases/sun blinds/felt/other articles (HTSUS categories 4202.12, 4202.19, 4202.92, 4202.99, 5602.90, 6305.20, 6307.90—these items will be admitted to FTZ 99 under privileged foreign status (19 CFR 146.41) or domestic (duty paid) status (19 CFR 146.43)), leather articles, wood boxes, items of paper/paperboard, printed materials, nets, carpet sets, mineral wools, safety glass, glass lenses, mirrors, car covers, fiberglass parts, heat deflectors, tube/pipe fittings, pins, hangers, body parts, trim parts, articles of base metals, roller chain, doors, fasteners, cotter pins, leaf/helical springs, clamps, articles of aluminum and copper, articles of zinc, hand tools, catalytic converters, locks and keys, spark-ignition and diesel engines, engine parts, pumps, compressors, air conditioner components, turbochargers, cooling boxes, filters, valves, parts of steering systems, steering wheels, hubs and flanges, chain, heat exchangers, spray nozzles, universal joints, clutches, half/drive shafts, transmissions and parts thereof, torque converters, differentials, bearings and parts thereof, compasses, thermostats, motors, alternators, batteries, ignition parts, electrical parts, lighting equipment, lamps, horns, windshield wipers, electric heaters, cameras, radio/audio/video components, navigational equipment, speakers, antennas, telephonic components, wiring harnesses, cable, electronic components, printed circuits, controllers, seats, seat belts, airbag modules/inflators, brake components, road wheels, wheel locks, lug nuts, lug wrenches, suspension components, radiators, heater cores, exhaust systems, hinges, pneumatic dampeners, speedometers, tachometers, voltmeters, gauges, oxygen sensors, flow meters, anti-theft systems, LCD displays, regulators, sensors, resistors, relays, starters, cigarette lighters, clocks, spark plugs, and switches (duty rate range: free–20%). The application also requests authority to include a broad range of inputs and finished passenger motor vehicles that Fisker may use in production or produce under FTZ procedures in the future. New major activity involving these inputs/products would require review by the FTZ Board.

FTZ procedures could exempt Fisker from customs duty payments on foreign components used in export production. The company anticipates that some 50 percent of the plant's shipments will be exported. On its domestic sales, Fisker would be able to choose the duty rates during customs entry procedures that apply to electric-powered passenger vehicles (duty rate—2.5%) for the foreign inputs noted above. FTZ designation would further allow Fisker to realize logistical benefits through the use of weekly customs entry procedures. Customs duties also could possibly be deferred or reduced on foreign status production equipment. The request indicates that the savings from FTZ procedures would help improve the plant's international competitiveness.

In accordance with the Board's regulations, Pierre Duy of the FTZ Staff is designated examiner to evaluate and analyze the facts and information presented in the application and case record and to report findings and recommendations to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is May 29, 2012. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to June 12, 2012.

A copy of the application will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 2111, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230–0002, and in the ''Reading Room'' section of the Board's Web site, which is accessible via *www.trade.gov/ftz.*

For further information, contact Pierre Duy at *Pierre.Duy@trade.gov* or (202) 482–1378.

Dated: March 23, 2012.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2012–7597 Filed 3–28–12; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 22–2012]

Foreign-Trade Zone 94—Laredo, TX; Application for Reorganization Under Alternative Site Framework

An application has been submitted to the Foreign-Trade Zones (FTZ) Board (the Board) by the City of Laredo, grantee of FTZ 94, requesting authority to reorganize the zone under the alternative site framework (ASF) adopted by the Board (74 FR 1170–1173, 01/12/09 (correction 74 FR 3987, 01/22/09); 75 FR 71069–71070, 11/22/10). The ASF is an option for grantees for the establishment or reorganization of general-purpose zones and can permit significantly greater flexibility in the designation of new ''usage-driven'' FTZ sites for operators/users located within a grantee's ''service area'' in the context of the Board's standard 2,000-acre activation limit for a general-purpose zone project. The application was submitted pursuant to the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on March 23, 2012.

FTZ 94 was approved by the Board on November 22, 1983 (Board Order 235, 48 FR 53737, 11/29/83), and expanded on March 26, 1990 (Board Order 468, 55 FR 12696, 4/5/90), on December 29, 1992 (Board Order 620, 58 FR 3533, 1/11/93), on January 17, 1997 (Board Order 866, 62 FR 4028, 1/28/97), on November 28, 2000 (Board Order 1130, 65 FR 77851, 12/13/00), and on April 5, 2006 (Board Order 1443, 71 FR 19693, 4/17/06).

The current zone project includes the following sites: *Site 1* (491.738 acres)—within the 1,600-acre Laredo International Airport Complex, 5210 Bob Bullock Loop, Laredo; *Site 2* (20 acres)—within the Texas Mexican Railway Industrial Park, Highway 359, Webb County; *Site 3* (550 acres)—within the 1,400-acre Killam Tract, 12800 Old Miners Road, Laredo; *Site 4* (1,500 acres)—within the 7,000-acre International Commerce Center, located adjacent to the Laredo Solitary Bridge crossing into Mexico; *Site 5* (930 acres)—La Barranca Ranch, Interstate Highway 35, Laredo; *Site 6* (682 acres)—Unitec Industrial Center, Interstate Highway 35, Laredo; *Site 7* (831 acres)—within the 1,530-acre Embarcadero Business Park, located at the northwest corner of Mines Road (FM 1472) and Loop 20, Laredo; *Site 8* (2.15 acres, expires 8/31/12)—Uni-Trade Forwarding L.C., 130 Flecha Lane, Laredo; *Site 9* (1.158 acres, expires 12/31/12)—Kuehne + Nagel, Inc., within the El Portal Industrial Park, 12018 Auburn Road, Laredo; *Site 10* (1 acre, expires 2/28/14)—PG Distribution LLC, within the El Portal Industrial Park, 8421 Amparan Road, Laredo; and, *Site 11* (3.463 acres, expires 9/30/14)—Sony Electronics, Inc., within the San Isidro East Point Center, 11302 East Point Drive, Building B, Laredo.

The grantee's proposed service area under the ASF would be Webb County, Texas. If approved, the grantee would be able to serve sites throughout the service area based on companies' needs for FTZ designation. The proposed service area is within and adjacent to the Laredo Customs and Border Protection port of entry.

The applicant is requesting authority to reorganize its existing zone project under the ASF as follows: Sites 1 through 7 would become ''magnet'' sites; and, Sites 8 through 11 would become ''usage-driven'' sites. The applicant proposes that Site 1 be exempt from ''sunset'' time limits that otherwise apply to sites under the ASF. No new magnet or usage-driven sites are being requested at this time.

In accordance with the Board's regulations, Camille Evans of the FTZ Staff is designated examiner to evaluate and analyze the facts and information presented in the application and case record and to report findings and recommendations to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is May 29, 2012. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to June 12, 2012.

A copy of the application will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 2111, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230–0002, and in the ''Reading Room'' section of the Board's Web site, which is accessible via *www.trade.gov/ftz.* For further information, contact Camille Evans at *Camille.Evans@trade.gov* or (202) 482–2350.

Dated: March 23, 2012.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2012–7594 Filed 3–28–12; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 24–2012]

Foreign-Trade Zone 79—Tampa, FL; Application for Reorganization/Expansion Under Alternative Site Framework

An application has been submitted to the Foreign-Trade Zones (FTZ) Board (the Board) by the City of Tampa, grantee of FTZ 79, requesting authority to reorganize and expand the zone under the alternative site framework (ASF) adopted by the Board (74 FR 1170, 1/12/09 (correction 74 FR 3987, 1/22/09); 75 FR 71069–71070, 11/22/10). The ASF is an option for grantees for the establishment or reorganization of general-purpose zones and can permit significantly greater flexibility in the designation of new ''usage-driven'' FTZ sites for operators/users located within a grantee's ''service area'' in the context of the Board's standard 2,000-acre activation limit for a general-purpose zone project. The application was submitted pursuant to the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on March 23, 2012.

FTZ 79 was approved by the Board on May 29, 1982 (Board Order 192, 47 FR 24760, 6/8/82) and expanded on December 29, 1993 (Board Order 676, 59 FR 1371, 1/10/94) and on November 21, 2000 (Board Order 1128, 65 FR 76217, 12/6/2000).

The current zone project includes the following sites: *Site 1* (29 acres)—Tampa International Center, Adamo Drive and 22nd Street, Tampa (Hillsborough County); *Site 2* (33 acres)—Tampa International Airport Cargo Complex, Tampa Boulevard and Lauber Way, Tampa (Hillsborough County); *Site 3* (50 acres)—Tampa Industrial Park, Malcolm McKinley Drive and Fowler Avenue, Tampa (Hillsborough County); *Site 4* (14 acres)—Tampa Convention Center, 333 South Franklin Street, Tampa (Hillsborough County); *Site 5* (295 acres)—Port Authority's Hooker's Point terminal complex, Maritime Boulevard, Tampa (Hillsborough County); *Site 6* (33 acres)—George B. Howell terminal facility, 20th and Thrace Streets, Tampa (Hillsborough County); *Site 7* (100 acres)—Tampa International Airport jet fuel storage complex, Tampa (Hillsborough County); *Site 8* (2 acres)—East Tampa Container Station, 1831 Massaro Blvd., Tampa (Hillsborough County).

The grantee's proposed service area under the ASF would be the Counties of Hillsborough and Polk and the City of Tampa, Florida, as described in the application. If approved, the grantee would be able to serve sites throughout the service area based on companies' needs for FTZ designation. The proposed service area is within and adjacent to the Tampa Customs and Border Protection port of entry.

The applicant is requesting authority to reorganize and expand its existing zone project under the ASF as follows: Sites 1 and 3 would be removed; and, Sites 2, 4, 5, 6, 7, and 8 would become ''magnet'' sites. The applicant is also requesting approval of a new ''magnet'' site and an initial ''usage-driven'' site, respectively: *Proposed Site 9* (113 acres)—Rockefeller Group Park of Commerce, 3401 Old Polk City Road, Lakeland (Polk County), and, *Proposed Site 10* (60 acres)—Star Distribution System Inc., 2302 Henderson Way, Plant City (Hillsborough County). The ASF allows for the possible exemption of one magnet site from the ''sunset'' time limits that generally apply to sites under the ASF, and the applicant proposes that Site 5 be so exempted. Because the ASF only pertains to establishing or reorganizing a general-purpose zone, the application would have no impact on FTZ 79's authorized subzones.

In accordance with the Board's regulations, Kathleen Boyce of the FTZ Staff is designated examiner to evaluate and analyze the facts and information presented in the application and case record and to report findings and recommendations to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is May 29, 2012. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to June 12, 2012.

A copy of the application will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 2111, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230–0002, and in the ''Reading Room'' section of the Board's Web site, which is accessible via *www.trade.gov/ftz.* For further information, contact Kathleen Boyce at *Kathleen.Boyce@trade.gov* or (202) 482–1346.

Dated: March 23, 2012.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2012–7580 Filed 3–28–12; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 21–2012]

Foreign-Trade Zone 158—Vicksburg/Jackson, MS; Application for Expansion

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Greater Mississippi Foreign-Trade Zone, Inc. (grantee of FTZ 158), requesting authority to expand the zone to include a site in Gluckstadt and Madison, Mississippi. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on March 23, 2012.

FTZ 158 was established by the Board on April 11, 1989 (Board Order 430, 54 FR 15480, 4/18/89), and expanded on October 23, 1994 (Board Order 707, 59 FR 54885, 11/2/94), and on March 8, 2005 (Board Order 1378, 70 FR 13449, 3/21/05). The zone currently consists of 17 sites (8,645 acres total): *Site 1* (353 acres)—Emmitte W. Haining Industrial Center, Warren County; *Site 2* (2,242 acres)—within the Jackson International Airport complex, Jackson; *Site 3* (1,286 acres)—Ceres Research and Industrial Interplex on I–20, Warren County; *Site 4* (230 acres)—Vicksburg Airport Industrial Park, Vicksburg; *Site 5* (544 acres)—Greater Jackson Industrial Center on I–55, south of Jackson in Hinds County; *Site 6* (559 acres)—Hawkins Field Industrial Park, south of I–220/U.S. 49 Interchange, Jackson; *Site 7* (350 acres)—Northwest Industrial Park, one mile north of I–220/U.S. 49 Interchange, north of Jackson in Hinds County; *Site 8* (39 acres)—within the Senatobia Industrial Park, located at the intersection of Shands Bottom Road and Scott Street Extension, adjacent to Interstate Highway 55, Senatobia; *Site 9* (64 acres, 3 parcels)—within the Greenville Industrial Park at 1265 Wasson Drive (17 acres), at 1945 N. Theobald Street (20 acres) and at 1795 N. Theobald Street (26 acres), Greenville; *Site 10* (989 acres, sunset 3/31/2012)—within the 1,479-acre Airport Industrial Park, located adjacent to the Tupelo Regional Airport, Tupelo; *Site 11* (277 acres, sunset 3/31/2012)—within the 403-acre South Green Industrial complex located adjacent to U.S. Highway 45 and the Kansas City Southern Railroad and South Green Street, Tupelo; *Site 12* (5 acres, sunset 3/31/2012)—within the 36-acre South Green Extend Industrial Complex located along South Green Street immediately west of South Gloster Street (MS 145), Tupelo; *Site 13* (56 acres, sunset 3/31/2012)—within the 164-acre Tupelo Industrial Center located at the intersection of Eason Boulevard and the Burlington Northern Railroad, Tupelo; *Site 14* (128 acres, sunset 3/31/2012)—within the 990-acre Burlington Northern Industrial Park located along the Burlington Northern Railroad and U.S. Highway 78 (I–22) and MS Highway 178 interchange, City of Tupelo/Lee County; *Site 15* (699 acres, sunset 3/31/2012)—within the 1,315-acre Harry A. Martin North Lee Industrial Complex located at the intersection of U.S. Highway 45 and Pratts Road, City of Baldwyn/Lee County; *Site 16* (284 acres, sunset 3/31/2012)—within the 429-acre Turner Industrial Park located at the U.S. Highway 45 and MS Highway 145 interchange adjacent and south of the City of Saltillo; and, *Site 17* (540 acres, sunset 3/31/2012)—within the 1,066-acre Tupelo Lee Industrial Park South located at the U.S. Highway 45 and Brewer Road interchange south of the City of Verona. (An expansion application is currently pending (Doc. 70–2010) to include additional acreage at existing Site 8 in Senatobia.)

The applicant is requesting authority to expand the zone to include a site in Madison County: *Proposed Site 18* (139.61 acres)—within the 528-acre Central Mississippi Industrial Center located at Interstate 55 and Gluckstadt Road in the Cities of Gluckstadt and Madison. The site will provide warehousing and distribution services to area businesses. No specific manufacturing authority is being requested at this time. Such requests would be made to the Board on a case-by-case basis.

In accordance with the Board's regulations, Camille Evans of the FTZ Staff is designated examiner to evaluate and analyze the facts and information presented in the application and case record and to report findings and recommendations to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is May 29, 2012. Rebuttal comments in response to material submitted during the foregoing period

may be submitted during the subsequent 15-day period to June 12, 2012.

A copy of the application will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 2111, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230–0002, and in the ''Reading Room'' section of the Board's Web site, which is accessible via *www.trade.gov/ftz.* For further information, contact Camille Evans at *Camille.Evans@trade.gov* or (202) 482–2350.

Dated: March 23, 2012

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2012–7590 Filed 3–28–12; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 25–2012]

Proposed Foreign-Trade Zone, Caledonia, Essex and Orleans Counties, VT, Under Alternative Site Framework

An application has been submitted to the Foreign-Trade Zones (FTZ) Board (the Board) by the Northeastern Vermont Development Association (NVDA) to establish a general-purpose foreign-trade zone at sites in Caledonia, Essex and Orleans Counties, Vermont, within/adjacent to the Derby Line Customs and Border Protection (CBP) port of entry, under the alternative site framework (ASF) adopted by the Board (74 FR 1170–1173, 1/12/09 (correction 74 FR 3987, 1/22/09); 75 FR 71069–71070, 11/22/10). The ASF is an option for grantees for the establishment or reorganization of general-purpose zones and can permit significantly greater flexibility in the designation of new ''usage-driven'' FTZ sites for operators/users located within a grantee's ''service area'' in the context of the Board's standard 2,000-acre activation limit for a general-purpose zone project. The application was submitted pursuant to the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on March 23, 2012. The applicant is authorized to make the proposal under Vermont State Law, Title 9, Chapter 111, Section 4122. The proposed zone would be the first general-purpose zone for the Derby Line CBP port of entry.

The applicant's proposed service area under the ASF would be Caledonia, Essex and Orleans Counties, Vermont. If approved, the applicant would be able to serve sites throughout the service area based on companies' needs for FTZ designation. The proposed service area is within/adjacent to the Derby Line CBP port of entry.

The proposed zone would include three ''magnet'' sites as follows: *Proposed Site 1* (21 acres)—NVDA Orleans Industrial Park, Industrial Park Lane, Orleans (Orleans County); *Proposed Site 2* (91 acres)—NVDA St. Johnsbury-Lyndon Industrial Park, 1713 Industrial Parkway, Lyndonville (Caledonia County); and, *Proposed Site 3* (183 acres)—within the 548-acre Newport State Airport, Coventry (Orleans County). The initial ''usage-driven'' site is as follows: *Proposed Site 4* (26 acres)—AnC–BIO Vermont, Inc. facility, 172 Bogner Drive, Newport (Orleans County). Sites 1 and 2 are owned by NVDA. Site 3 is owned by the State of Vermont. Site 4 is owned by GSI of Dade County, Inc. The ASF allows for the possible exemption of one magnet site from the ''sunset'' time limits that generally apply to sites under the ASF, and the applicant proposes that Site 2 be so exempted.

The application indicates a need for zone services in Caledonia, Essex and Orleans Counties, Vermont. Several firms have indicated an interest in using zone procedures for warehousing/distribution activities for a variety of products. Specific manufacturing approvals are not being sought at this time. Such requests would be made to the Board on a case-by-case basis.

In accordance with the Board's regulations, Kathleen Boyce of the FTZ Staff is designated examiner to evaluate and analyze the facts and information presented in the application and case record and to report findings and recommendations to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is May 29, 2012. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to June 12, 2012.

A copy of the application will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 2111, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230–0002, and in the ''Reading Room'' section of the Board's Web site, which is accessible via *www.trade.gov/ftz.* For further information, contact Kathleen Boyce at *Kathleen.Boyce@trade.gov* or (202) 482–1346.

Dated: March 23, 2012.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2012–7585 Filed 3–28–12; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–932]

Certain Steel Threaded Rod From the People's Republic of China: Extension of Preliminary Results of Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (''Department'') is extending the time limit for the preliminary results of the administrative review of certain steel threaded rod from the People's Republic of China (''PRC''). The review covers the period April 1, 2010, through March 31, 2011.

DATES: *Effective Date:* March 29, 2012.

FOR FURTHER INFORMATION CONTACT: Tim Lord, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 482–7425.

Background

On May 27, 2011, the Department published in the **Federal Register** a notice of initiation of the administrative review of the antidumping duty order on steel threaded rod from the PRC.[1] On December 12, 2011, the Department extended the deadline for the preliminary results of this review to March 30, 2012.[2]

Statutory Time Limits

In antidumping duty administrative reviews, section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the ''Act''), requires the Department to make a preliminary determination within 245 days after the last day of the anniversary month of an order for which a review is requested and a final determination within 120 days after the date on which

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 76 FR 30912 (May 27, 2011).

[2] *See Certain Steel Threaded Rod From the People's Republic of China: Extension of Time Limits for the Preliminary Results of Antidumping Duty Administrative Review,* 76 FR 77205 (December 12, 2011).

the preliminary results are published. However, if it is not practicable to complete the review within these time periods, section 751(a)(3)(A) of the Act allows the Department to extend the time limit for the preliminary determination to a maximum of 365 days after the last day of the anniversary month.

Extension of Time Limit for Preliminary Results of Review

We determine that it is not practicable to complete the preliminary results of this administrative review within the original time limit because the Department requires additional time to analyze questionnaire responses and to evaluate surrogate value submissions.

Therefore, the Department is extending the time limit for completion of the preliminary results of the administrative review by 30 days. The preliminary results will now be due no later than April 29, 2012. As that day falls on a Sunday, the preliminary results are due no later than April 30, 2012.[3] The final results continue to be due 120 days after the publication of the preliminary results.

We are issuing and publishing this notice in accordance with sections 751(a)(3)(A) and 777(i) of the Act.

Dated: March 23, 2012.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2012–7595 Filed 3–28–12; 8:45 am]

BILLING CODE 3510–DS–P

[3] *See Notice of Clarification: Application of "Next Business Day" Rule for Administrative Determination Deadlines as Amended,* 70 FR 24533 (May 10, 2005).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XB117

Fishing Capacity Reduction Program for the Southeast Alaska Purse Seine Salmon Fishery

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

ACTION: Notice of referendum voting period.

SUMMARY: NMFS issues this notice to inform interested persons of the voting period for the fishing capacity reduction program referendum for the Southeast Alaska Purse Seine Salmon Fishery.

DATES: Comments must be submitted on or before 5 p.m. EST April 13, 2012.

ADDRESSES: Send comments about this notice to Paul Marx, Chief, Financial Services Division, NMFS, Attn: SE Alaska Purse Seine Salmon Buyback, 1315 East-West Highway, Silver Spring, MD 20910 (see **FOR FURTHER INFORMATION CONTACT**).

FOR FURTHER INFORMATION CONTACT: Michael A. Sturtevant at (301) 427–8799, fax (301) 713–1306, or *michael.a.sturtevant@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The Southeast Alaska purse seine salmon fishery is a commercial fishery in Alaska state waters and adjacent Federal waters. It encompasses the commercial taking of salmon with purse seine gear, and participation is limited to fishermen designated by the Alaska Commercial Fisheries Entry Commission (CFEC).

NMFS published proposed program regulations on May 23, 2011 (76 FR 29707), and final program regulations on October 6, 2011 (76 FR 61986), to implement the reduction program. NMFS published the list of eligible voters in on March 1, 2012 (77 FR 12568). Interested persons should review these for further program details. The final regulations require NMFS to publish this notice before conducting a referendum to determine the industry's willingness to repay a fishing capacity reduction loan to purchase the permits identified in the reduction submitted by the Southeast Revitalization Association and approved by NMFS.

As of February 24, 2012, there are 379 permits in the fishery designated as S01A by CFEC. These permanent permit holders are eligible to vote in the referendum. NMFS has updated the list and will mail referendum ballots to each. Mailed ballots will be accompanied by NMFS' detailed voting guidance.

The referendum voting period will start March 30, 2012 and end on April 30, 2012. Any votes not received by NMFS by 5 p.m. on April 30, 2012, will not be counted.

Dated: March 26, 2012.

Lindsay Fullenkamp,

Acting Director, Office of Management and Budget, National Marine Fisheries Service.

[FR Doc. 2012–7592 Filed 3–28–12; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XA915

Marine Mammals; File No. 16621

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 Alejandro Acevedo-Gutiérrez, Ph.D., Biology Department, Western Washington University, Bellingham, WA to conduct research on harbor seals (*Phoca vitulina*).

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 Northwest Region, NMFS, 7600 Sand Point Way NE., BIN C15700, Bldg. 1, Seattle, WA 98115–0700; phone (206) 526–6150; fax (206) 526–6426.

FOR FURTHER INFORMATION CONTACT: Tammy Adams or Joselyd Garcia-Reyes, (301) 427–8401.

SUPPLEMENTARY INFORMATION: On January 4, 2012, notice was published in the **Federal Register** (76 FR 45514) that a request for a permit to conduct research on harbor seals in Washington State, 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.*), and the regulations governing the taking and importing of marine mammals (50 CFR part 216).

The permit authorizes harassment of harbor seals in Washington State inland waters of the Salish Sea. The research involves ground surveys, vessel surveys, and playback experiments. The permit expires on March 15, 2017.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), a final determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Dated: March 21, 2012.

Tammy C. Adams,

Acting Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2012–7600 Filed 3–28–12; 8:45 am]

BILLING CODE 3510–22–P

CONSUMER PRODUCT SAFETY COMMISSION

Notice of Teleconference of the Chronic Hazard Advisory Panel on Phthalates and Phthalate Substitutes

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of meeting.

SUMMARY: The Consumer Product Safety Commission (''CPSC'' or ''Commission'') is announcing a teleconference and the seventh meeting of the Chronic Hazard Advisory Panel (CHAP) on phthalates and phthalate substitutes. The Commission appointed this CHAP on April 14, 2010, to study the effects on children's health of all phthalates and phthalate alternatives, as used in children's toys and child care articles, pursuant to section 108 of the Consumer Product Safety Improvement Act of 2008 (CPSIA) (Pub. L. 110–314). The CHAP will discuss its progress toward completing its analysis of potential risks from phthalates and phthalate substitutes.

DATES: The teleconference will take place from 11 a.m. to 1 p.m. EDT (15:00 to 17:00 GMT) on Tuesday, April 10, 2012. Interested members of the public may listen to the CHAP's discussion. Members of the public will not have the opportunity to ask questions, comment, or otherwise participate in the teleconference. Interested parties should contact the CPSC project manager, Michael Babich, by email (*mbabich@cpsc.gov*), for call-in instructions no later than Friday, April 6, 2012.

FOR FURTHER INFORMATION CONTACT: Michael Babich, Directorate for Health Sciences, Consumer Product Safety Commission, Bethesda, MD 20814; telephone (301) 504–7253; email: *mbabich@cpsc.gov.*

SUPPLEMENTARY INFORMATION: Section 108 of the CPSIA permanently prohibits the sale of any ''children's toy or child care article'' containing more than 0.1 percent of each of three specified phthalates: Di- (2-ethylhexyl) phthalate (DEHP), dibutyl phthalate (DBP), and benzyl butyl phthalate (BBP). Section 108 of the CPSIA also prohibits, on an interim basis, the sale of any ''children's toy that can be placed in a child's mouth'' or ''child care article'' containing more than 0.1 percent of each of three additional phthalates: Diisononyl phthalate (DINP), diisodecyl phthalate (DIDP), and di-*n*-octyl phthalate (DnOP).

Moreover, section 108 of the CPSIA requires the Commission to convene a CHAP ''to study the effects on children's health of all phthalates and phthalate alternatives as used in children's toys and child care articles.'' The CPSIA requires the CHAP to complete an examination of the full range of phthalates that are used in products for children and:

- Examine all of the potential health effects (including endocrine-disrupting effects) of the full range of phthalates;
- Consider the potential health effects of each of these phthalates, both in isolation, and in combination with other phthalates;
- Examine the likely levels of children's, pregnant women's, and others' exposure to phthalates, based upon a reasonable estimation of normal and foreseeable use and abuse of such products;
- Consider the cumulative effect of total exposure to phthalates, both from children's products and from other sources, such as personal care products;
- Review all relevant data, including the most recent, best-available, peer-reviewed, scientific studies of these phthalates and phthalate alternatives that employ objective data-collection practices or employ other objective methods;
- Consider the health effects of phthalates not only from ingestion, but also as a result of dermal, hand-to-mouth, or other exposure;
- Consider the level at which there is a reasonable certainty of no harm to children, pregnant women, or other susceptible individuals and their offspring, considering the best available science, and using sufficient safety factors to account for uncertainties regarding exposure and susceptibility of children, pregnant women, and other potentially susceptible individuals; and
- Consider possible similar health effects of phthalate alternatives used in children's toys and child care articles.

The CPSIA contemplates completion of the CHAP's examination within 18 months of the panel's appointment on April 14, 2010. The CHAP has an additional 6 months to complete its final report to the Commission. The CHAP must review prior work on phthalates by the Commission, but it is not to be considered determinative because the CHAP's examination must be conducted *de novo.*

The CHAP must make recommendations to the Commission regarding any phthalates (or combinations of phthalates), in addition to those identified in section 108 of the CPSIA, or phthalate alternatives that the panel determines should be prohibited from use in children's toys or child care articles, or otherwise restricted. The CHAP members were selected by the Commission from scientists nominated by the National Academy of Sciences. *See* 15 U.S.C. 2077, 2030(b).

The CHAP met previously in April, July, and December 2010, March, July, and November 2011, and in February 2012, at the CPSC's offices in Bethesda, MD, and by teleconference in November 2010, September 2011, December 2011, and February 2012. The CHAP heard testimony from interested parties at the July 2010, and November 2011, meetings. There will not be any opportunity for public comment during the April 2012 teleconference.

Dated: March 23, 2012.

Alberta E. Mills,

Acting Secretary, Consumer Product Safety Commission.

[FR Doc. 2012–7489 Filed 3–28–12; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Business Board (DBB); Notice of Meeting

AGENCY: DoD.

ACTION: Meeting notice.

SUMMARY: Under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150, the Department of Defense announces the following Federal advisory committee meeting of the Defense Business Board (DBB).

DATES: The public meeting of the Defense Business Board (hereafter referred to as ''the Board'') will be held on Thursday, April 19, 2012. The meeting will begin at 9 a.m. and end at 10:45 a.m. (Escort required; see guidance in **SUPPLEMENTARY INFORMATION**, ''Public's Accessibility to the Meeting.'')

ADDRESSES: Room 3E863 in the Pentagon, Washington, DC (escort required; see guidance in **SUPPLEMENTARY INFORMATION**, ''Public's Accessibility to the Meeting'').

FOR FURTHER INFORMATION CONTACT: The Board's Designated Federal Officer

(DFO) is Phyllis Ferguson, Defense Business Board, 1155 Defense Pentagon, Room 5B1088A, Washington, DC 20301–1155, *Phyllis.ferguson@osd.mil,* 703–695–7563. For meeting information please contact Ms. Debora Duffy, Defense Business Board, 1155 Defense Pentagon, Room 5B1088A, Washington, DC 20301–1155, *Debora.Duffy@osd.mil,* 703–697–2168.

SUPPLEMENTARY INFORMATION: *Purpose of the Meeting:* At this meeting, the Board will deliberate on the draft findings and recommendations from the ''Linking and Streamlining the Defense Requirements, Acquisition, and Budget Processes'' and ''Promoting Veterans' Employment through Concurrent Credentialing'' Task Groups. The Board will also receive an update from the Task Group on ''Leveraging Public-Private Collaboration to Augment the Department of Defense's Mission.'' The mission of the Board is to advise the Secretary of Defense on effective strategies for implementation of best business practices of interest to the Department of Defense.

Agenda:

Public Session

9 a.m.–10:30 a.m.—Task Group Outbriefs and Board Deliberations.
Linking and Streamlining the Defense Requirements, Acquisition, and Budget Processes.
Promoting Veterans' Employment through Concurrent Credentialing.
10:30 a.m.–10:45 a.m.—Task Group Update.
Leveraging Public-Private Collaboration to Augment the Department of Defense's Mission.
10:45 a.m.—Adjourn Public Session and Dismiss Public Guests.

End of Public Session

Availability of Materials for the Meeting: A copy of the agenda for the April 19, 2012 meeting and the terms of reference for the Task Groups may be obtained at the meeting or from the Board's Web site at *http://dbb.defense.gov/meetings.shtml.*

Public's Accessibility to the Meeting: Pursuant to 5 U.S.C. 552b and 41 CFR 102–3.140 through 102–3.165, and the availability of space, part of this meeting is open to the public. Seating is limited and is on a first-come basis. All members of the public who wish to attend the public session of the meeting must contact Ms. Debora Duffy at the number listed in this notice no later than noon on Wednesday, April 11 to register and make arrangements for a Pentagon escort, if necessary. Public attendees requiring escort should arrive at the Pentagon Metro Entrance in time to complete security screening no later than 8:30 a.m. To complete security screening, please come prepared to present two forms of identification and one must be a pictured identification card.

Special Accommodations: Individuals requiring special accommodations to access the public meeting should contact Ms. Duffy at least five (5) business days prior to the meeting so that appropriate arrangements can be made.

Committee's Designated Federal Officer: The Board's Designated Federal Officer is Phyllis Ferguson, Defense Business Board, 1155 Defense Pentagon, Room 5B1088A, Washington, DC 20301–1155, *Phyllis.ferguson@osd.mil,* 703–695–7563. For meeting information please contact Ms. Debora Duffy, Defense Business Board, 1155 Defense Pentagon, Room 5B1088A, Washington, DC 20301–1155, *Debora.Duffy@osd.mil,* (703) 697–2168.

Procedures for Providing Public Comments

Pursuant to 41 CFR 102–3.105(j) and 102–3.140, and section 10(a)(3) of the Federal Advisory Committee Act of 1972, the public or interested organizations may submit written comments to the Board about its mission and topics pertaining to this public session.

Written comments should be received by the DFO at least five (5) business days prior to the meeting date so that the comments may be made available to the Board for their consideration prior to the meeting. Written comments should be submitted via email to the address for the DFO given in this notice in either Adobe Acrobat or Microsoft Word format. Please note that since the Board operates under the provisions of the Federal Advisory Committee Act, as amended, all submitted comments and public presentations will be treated as public documents and will be made available for public inspection, including, but not limited to, being posted on the Board's Web site.

Dated: March 23, 2012.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2012–7497 Filed 3–28–12; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Threat Reduction Advisory Committee; Notice of Federal Advisory Committee Meeting

AGENCY: Department of Defense, Office of the Under Secretary of Defense (Acquisition, Technology and Logistics).

ACTION: Federal Advisory Committee Meeting Notice.

SUMMARY: Under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended) and the Sunshine Act of 1976 (5 U.S.C. 552b, as amended) the Department of Defense announces the following Federal advisory committee meeting of the Threat Reduction Advisory Committee (hereafter referred to as ''the Committee'').

DATES: Tuesday, April 10, from 8 a.m. to 5:30 p.m.; and Wednesday April 11, 2012, from 8:30 a.m. to 3 p.m.

ADDRESSES: Conference Room 3D958, The Pentagon.

FOR FURTHER INFORMATION CONTACT: Mr. William Hostyn, GS–15, DoD, Defense Threat Reduction Agency/SP–ACP, 8725 John J. Kingman Road, MS 6201, Fort Belvoir, VA 22060–6201. Email: *william.hostyn@dtra.mil.* Phone: (703) 767–4453. Fax: (703) 767–4206.

SUPPLEMENTARY INFORMATION:

Purpose of Meeting: To obtain, review and evaluate classified information related to the Committee's mission to advise on technology security, combating weapons of mass destruction (C–WMD), counter terrorism and counter proliferation.

Agenda: Beginning at 8 a.m., April 10, and through the end of the meeting on April 11, the committee will receive SECRET-level Combating Weapons of Mass Destruction (C–WMD) briefings from the Department of Defense and the Intelligence Community. The committee will also hold classified discussions on C–WMD-related national security matters as they execute their yearly work plan.

Meeting Accessibility: Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102–3.155, the Department of Defense has determined that the meeting shall be closed to the public. The Under Secretary of Defense for Acquisition, Technology and Logistics, in consultation with the DoD FACA Attorney, has determined in writing that this meeting be closed to the public because the discussions fall under the purview of Title 5, United States Code, Section § 552b(c)(1) and are inextricably intertwined with the unclassified

material which cannot reasonably be segregated into separate discussions without disclosing secret material.

Committee's Designated Federal Officer or Point of Contact: Mr. William Hostyn, GS–15, DoD, Defense Threat Reduction Agency/SP–ACP, 8725 John J. Kingman Road, MS 6201, Fort Belvoir, VA 22060–6201. Email: *william.hostyn@dtra.mil.* Phone: (703) 767–4453. Fax: (703) 767–4206.

Written Statements: Pursuant to 41 CFR 102–3.105(j) and 102–3.140, the public or interested organizations may submit written statements to the membership of the Committee at any time or in response to the stated agenda of a planned meeting. Written statements should be submitted to the Committee's Designated Federal Officer; the Designated Federal Officer's contact information can be obtained from the GSA's FACA Database—*https://www.fido.gov/facadatabase/public.asp.*

Written statements that do not pertain to a scheduled meeting of the Committee may be submitted at any time. However, if individual comments pertain to a specific topic being discussed at a planned meeting then these statements must be submitted no later than five business days prior to the meeting in question. The Designated Federal Officer will review all submitted written statements and provide copies to all committee members.

Due to changing requirements beyond the control of the Threat Reduction Advisory Committee or its Designated Federal Officer, the Committee was unable to process the amended **Federal Register** notice for the April 10 through April 11, 2012 meeting of the Threat Reduction Advisory Committee as required by 41 CFR 102–3.150(a). Accordingly, the Advisory Committee Management Officer for the Department of Defense, pursuant to 41 CFR 102–3.150(b), waives the 15-calendar day notification requirement.

Dated: March 23, 2012.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2012–7511 Filed 3–28–12; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Renewal of Department of Defense Federal Advisory Committees

AGENCY: Department of Defense, DoD.

ACTION: Renewal of Federal Advisory Committee.

SUMMARY: Under the provisions of the Federal Advisory Committee Act of 1972, (5 U.S.C. Appendix), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b), and 41 CFR 102–3.50(d), the Department of Defense gives notice that it is renewing the charter for the Defense Advisory Committee on Women in the Services (hereafter referred to as ''the Committee''). The Committee is a discretionary federal advisory committee that shall provide the Secretary of Defense through the Under Secretary of Defense for Personnel and Readiness, independent, advice and recommendations on matters and policies relating to women in the Armed Forces of the United States.

The Under Secretary of Defense for Personnel and Readiness may act upon the Committee's advice and recommendations.

The Committee shall be comprised of no more 20 members appointed by the Secretary of Defense who have experience with the military or with women's workforce issues. The Secretary of Defense shall select and appoint the Committee's chairperson from the total membership. All Committee member appointments must be renewed by the Secretary of Defense on an annual basis.

The Secretary of Defense may appoint the Director of the Center for Women Veterans for the Department of Veterans Affairs to serve as a non-voting, ex-officio member, who participates in the Committee's deliberations. If appointed, he or she will not count toward the Committee's total membership, or to determine whether a quorum exists.

The Under Secretary may request the appointment of additional experts and consultants to advise the Committee as subject matter experts. If approved by the Secretary of Defense, these experts and consultants, appointed under the authority of 5 U.S.C. 3109, shall have no voting rights on the Committee or its subcommittees, shall not count toward the Committee's total membership, and shall not engage in Committee deliberations.

Committee members, who are not full-time or permanent part-time Federal officers or employees, shall be appointed to serve as experts and consultants under the authority of 5 U.S.C. 3109 and shall serve as special government employee members. With the exception of travel and per diem for official Committee related travel, Committee members shall serve without compensation.

The Secretary of Defense may approve the appointment of Committee members for one to four year terms of service; however, no member, unless authorized by the Secretary of Defense, may serve more than two consecutive terms of service. This same term of service limitation also applies to any DoD authorized subcommittees. To the extent possible, approximately one-third of the membership should rotate on an annual basis.

Each Committee member is appointed to provide advice on behalf of the government on the basis of his or her best judgment without representing any particular point of view and in a manner that is free from conflict of interest.

The Department, when necessary, and consistent with the Committee's mission and DoD policies and procedures, may establish subcommittees deemed necessary to support the Committee. Establishment of subcommittees will be based upon a written determination, to include terms of reference, by the Secretary of Defense, the Deputy Secretary of Defense or the advisory committee's sponsor.

Such subcommittees shall not work independently of the chartered Committee, and shall report all their recommendations and advice to the Committee for full deliberation and discussion. Subcommittees have no authority to make decisions on behalf of the chartered Committee; nor can any subcommittee or its members update or report directly to the DoD or any Federal officers or employees. Subcommittees shall comply with FACA.

All subcommittee members shall be appointed in the same manner as the Committee members; that is, the Secretary of Defense shall appoint subcommittee members even if the member in question is already a Committee member. Subcommittee members, with the approval of the Secretary of Defense, may serve a term of service on the subcommittee of one to four years; however, no member shall serve more than two consecutive terms of service on the subcommittee.

Subcommittee members, if not full-time or part-time government employees, shall be appointed to serve as experts and consultants under the authority of 5 U.S.C. 3109, and shall serve as special government employees, whose appointments must be renewed by the Secretary of Defense on an annual basis. With the exception of travel and per diem for official Committee related travel, subcommittee members shall serve without compensation.

All subcommittees operate under the provisions of FACA, the Government in

the Sunshine Act of 1976 (5 U.S.C. 552b), governing Federal statutes and regulations, and governing DoD policies/procedures.

FOR FURTHER INFORMATION CONTACT: Jim Freeman, Deputy Advisory Committee Management Officer for the Department of Defense, 703–692–5952.

SUPPLEMENTARY INFORMATION: The Committee shall meet at the call of the Committee's Designated Federal Officer, in consultation with the Committee's Chairperson. The estimated number of Committee meetings is four per year.

In addition, the Designated Federal Officer is required to be in attendance at all Committee and subcommittee meetings for the entire duration of each and every meeting; however, in the absence of the Designated Federal Officer, the Alternate Designated Federal Officer shall attend the entire duration of the Committee or subcommittee meeting.

Pursuant to 41 CFR 102–3.105(j) and 102–3.140, the public or interested organizations may submit written statements to Defense Advisory Committee on Women in the Services' membership about the Committee's mission and functions. Written statements may be submitted at any time or in response to the stated agenda of planned meeting of Defense Advisory Committee on Women in the Services.

All written statements shall be submitted to the Designated Federal Officer for the Defense Advisory Committee on Women in the Services, and this individual will ensure that the written statements are provided to the membership for their consideration. Contact information for the Defense Advisory Committee on Women in the Services Designated Federal Officer can be obtained from the GSA's FACA Database—*https://www.fido.gov/facadatabase/public.asp.* The Designated Federal Officer, pursuant to 41 CFR 102–3.150, will announce planned meetings of the Defense Advisory Committee on Women in the Services. The Designated Federal Officer, at that time, may provide additional guidance on the submission of written statements that are in response to the stated agenda for the planned meeting in question.

Dated: March 26, 2012.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2012–7537 Filed 3–28–12; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

Guidelines for Home Energy Professionals: Standard Work Specifications for Single Family Energy Upgrades

AGENCY: Office of Energy Efficiency and Renewable Energy, U.S. Department of Energy (DOE).

ACTION: Notice of availability and request for comments.

SUMMARY: The U.S. Department of Energy Office of Energy Efficiency and Renewable Energy (EERE) requests comments on the revised version of the *Guidelines for Home Energy Professionals: Standard Work Specifications for Single Family Energy Upgrades.* This document is a set of work specifications applicable to energy efficiency retrofits of single family homes. These specifications are intended as a resource for any organization, company, or individual involved in energy efficiency retrofits of residential homes. This document was released for public comment in draft form on November 9, 2010. As a result of the comments received, EERE made revisions to the document for which EERE is providing an opportunity for public comment.

DATES: Comments on the *Guidelines for Home Energy Professionals: Standard Work Specifications for Single Family Energy Upgrades* must be received by 5 p.m. Eastern Standard Time on April 11, 2012.

ADDRESSES: A link to the online public comment tool can be found at: *http://nrel.pnnl.gov/forumdisplay.php/5-SWS-for-Single-Family-Homes*

You may also submit comments by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov*
- *By email: retrofit.guidelines@nrel.gov*
- *By mail:* National Renewable Energy Laboratory, Attn: Chuck Kurnik, RSF402, 1617 Cole Boulevard, Golden, CO 80401.

For further information on how to submit comments, please see the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: Joshua Olsen, Weatherization and Intergovernmental Programs, Mailstop EE–2K, Office of Energy Efficiency and Renewable Energy, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585. Phone number: (202) 287–1813. Email: *Joshua.Olsen@ee.doe.gov.* Christopher Calamita, U.S. Department of Energy, Office of the General Counsel, Forrestal Building, GC–71, 1000 Independence Avenue SW., Washington, DC 20585. Phone number: (202) 586–1777. Email: *christopher.calamita@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: EERE through the National Renewable Energy Laboratory is developing voluntary work specifications for the work involved in home energy upgrades. This document builds upon the considerable body of material already in circulation and the cumulative knowledge gathered throughout the 30-year history of the Weatherization Assistance Program and broader home performance industry.

The development of the *Guidelines for Home Energy Professionals: Standard Work Specifications for Single Family Energy Upgrades* (*SWS*) is supported by the Weatherization Assistance Program (WAP) Training and Technical Assistance Plan. The process of developing the *SWS* has involved a historic collaboration between WAP practitioners and trainers, home performance contractors, building scientists, organized labor, healthy homes and worker safety experts, and other professionals in the building trades and throughout the retrofit industry. On November 9, 2010, EERE issued a notice requesting public comment on a draft version of the *SWS.* 75 FR 68781. Additional background regarding this effort can be found in that document.

The first public comment period resulted in nearly 1000 comments from approximately 100 unique commenters from across the Weatherization and home performance industries. As a result of issues identified by commenters, EERE gave further consideration to a number of technical issues and subsequently made changes to the *SWS.* EERE is providing an opportunity for public comment on the technical revisions made in response to prior public comments.

Issues on Which DOE Seeks Comment

DOE is seeking comments and views of interested parties on the following issues:

- Revisions to the *SWS* document subsequent to the initial public comment period including:
  - Reformatting of the document to improve usability
  - Removal of specifications related to the installation of HVAC equipment
  - Removal of the Job Task Analyses for being out of scope with the *SWS* primary intent of defining quality outcomes of installed work

○ Alignment with the International Residential Code and other applicable standards

Submission of Comments

DOE will accept comments, data, and information regarding the proposed guidelines no later than the date specified under the **DATES** heading. If submitting comments via the DOE Web page, please follow all instructions on the web page: *http://www.weatherization.energy.gov/retrofit_guidelines.* This Web site is specifically designed for ease of use to facilitate the public comment process. DOE will transfer comments received on our Web site to Regulations.gov for public review.

Comments, data, and information uploaded to Regulations.gov, or submitted via DOE's email address or regular mail should be provided in WordPerfect, Microsoft Word, PDF, or text (ASCII) file format. Interested parties should avoid the use of special characters or any form of encryption, and wherever possible, comments should include the electronic signature of the author. Comments, data, and information submitted to DOE via regular mail may include one signed paper original.

According to 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit two copies: One copy of the document including all the information believed to be confidential, and one copy of the document that does not include the information believed to be confidential. DOE will make its own determination as to the confidential status of the information and treat it according to its determination.

Factors of interest to DOE when evaluating requests to treat submitted information as confidential include:

(1) A description of the items;

(2) Whether and why such items are customarily treated as confidential within the industry;

(3) Whether the information is generally known by or available from other sources;

(4) Whether the information has previously been made available to others without obligation concerning its confidentiality;

(5) An explanation of the competitive injury to the submitting person which would result from public disclosure;

(6) A date upon which such information might lose its confidential nature due to the passage of time; and

(7) Why disclosure of the information would be contrary to the public interest.

Issued in Washington, DC on March 23, 2012.

AnnaMaria Garcia,

Program Manager, Weatherization and Intergovernmental Program, Energy Efficiency and Renewable Energy.

[FR Doc. 2012–7544 Filed 3–28–12; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC12–9–000]

Commission Information Collection Activities (FERC–552); Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. 3506(c)(2)(A), the Federal Energy Regulatory Commission is soliciting public comment on the currently approved information collection, FERC–552, Annual Report of Natural Gas Transactions.

DATES: Comments on the collection of information are due May 29, 2012.

ADDRESSES: You may submit comments (identified by Docket No. IC12–9–000) by either of the following methods:

- *eFiling at Commission's Web Site: http://www.ferc.gov/docs-filing/efiling.asp.*
- *Mail/Hand Delivery/Courier:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE., Washington, DC 20426.

Instructions: All submissions must be formatted and filed in accordance with submission guidelines at: *http://www.ferc.gov/help/submission-guide.asp.* For user assistance contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at: (866) 208–3676 (toll-free), or (202) 502–8659 for TTY.

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *http://www.ferc.gov/docs-filing/docs-filing.asp.*

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at *DataClearance@FERC.gov,* telephone at (202) 502–8663, and fax at (202) 273–0873.

SUPPLEMENTARY INFORMATION:

Title: FERC–552, Annual Report of Natural Gas Transactions.

OMB Control No.: 1902–0242.

Type of Request: Three-year extension of the FERC–552 information collection requirements with no changes to the current reporting requirements.

Abstract: The Commission uses the information collected within the FERC–552 to provide greater transparency concerning the use of indices to price natural gas and how well index prices reflect market forces. The collection also includes transactions that contribute to, or may contribute to natural gas price indices. Many market participants rely on indices as a way to reference market prices without taking on the risks of active trading.

FERC–552 had its genesis in the Energy Policy Act of 2005,[1] which added section 23 of the Natural Gas Act (NGA). Section 23 of the NGA, among other things, directs the Commission ''to facilitate price transparency in markets for the sale or transportation of physical natural gas in interstate commerce, having due regard for the public interest, the integrity of those markets, and the protection of consumers.'' [2]

Type of Respondents: Wholesale natural gas market participants.

Estimate of Annual Burden: [3] The Commission estimates the total Public Reporting Burden for this information collection as:

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[1] Public Law 109–58.

[2] 15 U.S.C. 717t–2.

[3] Burden is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, reference 5 Code of Federal Regulations 1320.3(b)(1).

FERC–552 (IC12–9–000)—ANNUAL REPORT OF NATURAL GAS TRANSACTIONS

	Number of respondents (A)	Number of responses per respondent (B)	Total number of responses (A) × (B) = C	Average burden hours per response (D)	Estimated total annual burden (C) × (D)
Wholesale natural market participants	691	1	691	10	6,910

The total estimated annual cost burden to respondents is $476,857 [6,910 hours ÷ 2,080[4] hours/year = 3.32212 * $143,540/year[5] = $476,857].

The estimated annual cost of filing the FERC–552 per response is $690 [$476,857 ÷ 691 responses = $690/response].

Comments: Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: March 22, 2012.

Kimberly D. Bose,

Secretary.

[FR Doc. 2012–7507 Filed 3–28–12; 8:45 am]

BILLING CODE 6717–01–P

[4] 2,080 hours = 40 hours/week * 52 weeks (1 year).

[5] Average annual salary per employee in 2012.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER12–1308–000]

Palouse Wind, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Palouse Wind, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability, is April 11, 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 22, 2012.

Kimberly D. Bose,

Secretary.

[FR Doc. 2012–7506 Filed 3–28–12; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER12–1301–000]

Zone J Tolling Co., 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 Zone J Tolling Co., 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 April 11, 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 22, 2012.

Kimberly D. Bose,

Secretary.

[FR Doc. 2012–7505 Filed 3–28–12; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14361–000]

Spartanburg Water System; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On February 6, 2012, Spartanburg Water System (Spartanburg) filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of a hydropower project located on the South Pacolet River, in Spartanburg County, South Carolina. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of: (1) An existing 673-foot-long concrete dam, owned by Spartanburg; (2) a reservoir with a surface area of 1,534.0 acres and a storage capacity of 32,000 acre-feet; (3) an existing 4.5-foot-diameter, 48-foot-long outlet pipe; (4) a powerhouse containing two generating units with a total capacity of 530.0 kilowatts (kW), discharging directly into the dam's existing tailrace; and (5) a 1,300-foot-long, 12 kilo-volt (KV) transmission line. The project would have an estimated average annual generation of 2,420 megawatt-hours (MWh) and the project power would be sold.

Applicant Contact: Ms. Sue Schneider, General Manager, Spartanburg Water, 200 Commerce Street, P.O. Box 251, Spartanburg, South Carolina 29304. (864) 580–5642.

FERC Contact: Michael Spencer, *michael.spencer@ferc.gov,* (202) 502–6093.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36. Comments, motions to intervene, notices of intent, and competing applications may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at 1–866–208–3676, or for TTY, (202) 502–8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and seven copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

More information about this project, including a copy of the application, can be viewed or printed on the ''eLibrary'' link of the Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–14361–000) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: March 22, 2012.

Kimberly D. Bose,

Secretary.

[FR Doc. 2012–7508 Filed 3–28–12; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL12–47–000]

Southwest Power Pool, Inc.; Notice of Initiation of Proceeding and Refund Effective Date

On March 23, 2012, the Commission issued an order that initiated a proceeding in Docket No. EL12–47–000, pursuant to section 206 of the Federal Power Act (FPA), 16 U.S.C. 824e (2006), to determine the justness and reasonableness of the proposed rate reduction by Southwest Power Pool, Inc. *Southwest Power Pool, Inc.,* 138 FERC ¶ 61,211 (2012).

The refund effective date in Docket No. EL12–47–000, established pursuant to section 206(b) of the FPA, will be the date of publication of this notice in the **Federal Register.**

Date issued: March 23, 2012.

Kimberly D. Bose,

Secretary.

[FR Doc. 2012–7504 Filed 3–28–12; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Commission Staff Attendance

The Federal Energy Regulatory Commission hereby gives notice that members of the Commission's staff may attend the following meeting related to the transmission planning activities of the PJM Interconnection, L.L.C. (PJM):

PJM Regional Transmission Planning Task Force Subgroups—March 23, 2012, 9 a.m.–12 p.m., Local Time

The above-referenced meeting will be held over conference call only.

The above-referenced meeting is open to stakeholders.

Further information may be found at *www.pjm.com.*

The discussions at the meeting described above may address matters at issue in the following proceedings:

Docket No. EL05–121, *PJM Interconnection, L.L.C.*

Docket No. ER06–456, ER06–954, ER06–1271, ER07–424, ER06–880, EL07–57, ER07–1186, ER08–229, ER08–1065, ER09–497, and ER10–268, *PJM Interconnection, L.L.C.*

Docket No. ER10–253 and EL10–14, *Primary Power, L.L.C.*

Docket No. EL10–52, *Central Transmission, LLC* v. *PJM Interconnection, L.L.C.*

Docket No. ER11–4070, *RITELine Indiana et al.*

Docket No. ER11–2875 and EL11–20, *PJM Interconnection, L.L.C.*

Docket No. ER09–1256, *Potomac-Appalachian Transmission Highline, L.L.C.*

Docket No. ER09–1589, *FirstEnergy Service Company.*

Docket No. EL11–56, *FirstEnergy Service Company.*

Docket No. ER11–1844, *Midwest Independent Transmission System Operator, Inc.*

Docket No. EL12–10, *PJM Interconnection, L.L.C.*

Docket No. ER12–718, *New York Independent System Operator, Inc.*

Docket No. ER12–1177, *PJM Interconnection, L.L.C.*

Docket No. ER12–1178, *PJM Interconnection, L.L.C.*

For more information, contact Jonathan Fernandez, Office of Energy Market Regulation, Federal Energy Regulatory Commission at (202) 502–6604 or *jonathan.fernandez@ferc.gov*.

Dated: March 22, 2012.

Kimberly D. Bose,

Secretary.

[FR Doc. 2012–7503 Filed 3–28–12; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9653–6]

Environmental Financial Advisory Board; Notice of Charter Renewal

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Charter renewal.

The Charter for the Environmental Protection Agency's Environmental Financial Advisory Board (EFAB) will be renewed for an additional two-year period, as a necessary committee which is in the public interest, in accordance with the provisions of the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 2. The purpose of EFAB is to provide advice and recommendations to the Administrator of EPA on issues associated with environmental financing.

It is determined that EFAB is in the public interest in connection with the performance of duties imposed on the Agency by law.

Inquiries may be directed to Joseph L. Dillon, Director, Center for Environmental Finance, U.S. EPA, Ariel Rios Building, 1200 Pennsylvania Ave. NW., Washington, DC 20460 (Mail Code 2731A), Telephone (202) 564–9679, or *dillon.joe@epa.gov.*

Dated: March 21, 2012.

Vanessa Bowie,

Acting Director, Center for Environmental Finance.

[FR Doc. 2012–7576 Filed 3–28–12; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9654–3; Docket ID No. EPA–HQ–ORD–2011–0895]

Draft Research Report: Investigation of Ground Water Contamination Near Pavillion, WY

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of extension of public comment period.

SUMMARY: EPA is announcing an extension to the public comment period for the external review of the draft research report titled, ''Investigation of Ground Water Contamination near Pavillion, Wyoming.'' The draft research report was prepared by the National Risk Management Research Laboratory, within the EPA Office of Research and Development (ORD), and EPA Region 8. This draft research report is not final as described in EPA's Information Quality Guidelines, and does not represent and should not be construed to represent Agency policy or views. Eastern Research Group, Inc., an EPA contractor for external peer review, will convene an independent panel of experts for peer review of this draft research report. Public comments submitted during the public comment period will be made available to the peer review panel for consideration in their review. An external peer review meeting will take place following the public comment period. An additional **Federal Register** notice will be published about one month prior to the meeting to provide the meeting date, location, and registration information. Additional details about the peer review process can be found at: *http://cfpub.epa.gov/si/si_public_pra_view.cfm?dirEntryID=240345.*

DATES: The public comment period began December 14, 2011 and ends October 16, 2012. Comments should be submitted to the docket or received in writing by EPA by October 16, 2012.

ADDRESSES: The draft ''Investigation of Ground Water Contamination near Pavillion, Wyoming'' is available via the Internet on the EPA Region 8 site at: *http://www.epa.gov/region8/superfund/wy/pavillion/EPA_ReportOnPavillion_Dec-8-2011.pdf.*

Comments may be submitted electronically via *http://www.regulations.gov,* by email, by mail, by facsimile, or by hand delivery/courier. Please follow the detailed instructions provided in the **SUPPLEMENTARY INFORMATION** section of this notice.

Additional Information: For information on the docket, *www.regulations.gov,* or the public comment period, please contact the Office of Environmental Information (OEI) Docket (Mail Code: 2822T), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone: 202–566–1752; facsimile: 202–566–1753; or email: *ORD.Docket@epa.gov.*

For information on the draft report, please contact Rebecca Foster, U.S. Environmental Protection Agency, P.O. Box 1198, Ada, OK 74821; telephone: 580–436–8750; facsimile: 580–436–8529; or email: *foster.rebecca@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Information About Pavillion Ground Water Investigation

Pavillion, Wyoming is located in Fremont County, about 20 miles northwest of Riverton. The concern at the site is potential ground water contamination, based on resident complaints about smells, tastes, and adverse changes in water quality of their domestic wells. In collaboration with ORD Region 8 has been conducting a ground water investigation. The purpose of this ground water investigation is to better understand the basic ground water hydrology and how the constituents of concern may be occurring in the aquifer. More information is available at *http://www.epa.gov/region8/superfund/wy/pavillion/.*

II. How To Submit Comments to the Docket at http://www.regulations.gov

Submit your comments, identified by Docket ID No. EPA–HQ–ORD–2011–0895, by one of the following methods:

- *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *Email: ORD.Docket@epa.gov.*
- *Facsimile:* 202–566–1753.
- *Mail:* Office of Environmental Information Docket (Mail Code: 2822T), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460. The telephone number is 202–566–1752. If you provide comments by mail, please submit one unbound original with pages numbered consecutively, and three copies of the comments. For attachments, provide an index, number pages consecutively with the comments, and submit an unbound original and three copies.
- *Hand Delivery:* The OEI Docket is located in the EPA Headquarters Docket Center, EPA West Building, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The EPA Docket Center Public Reading Room is open

from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is 202–566–1744. Deliveries are only accepted during the docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information. If you provide comments by hand delivery, please submit one unbound original with pages numbered consecutively, and three copies of the comments. For attachments, provide an index, number pages consecutively with the comments, and submit an unbound original and three copies.

Instructions: Direct your comments to Docket ID No. EPA–HQ–ORD–2011–0895. Please ensure that your comments are submitted within the specified comment period. It is EPA's policy to include all comments it receives in the public docket without change and to make the comments available online at *http://www.regulations.gov,* including any personal information provided, unless comments include information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or email. The *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means that EPA will not know your identity or contact information unless you provide it in the body of your comments. If you send email comments directly to EPA without going through *http://www.regulations.gov,* your email address will be automatically captured and included as part of the comments that are placed in the public docket and made available on the Internet. If you submit electronic comments, EPA recommends that you include your name and other contact information in the body of your comments and with any disk or CD–ROM you submit. If EPA cannot read your comments due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comments. Electronic files should avoid the use of special characters and any form of encryption and be free of any defects or viruses. For additional information about EPA's public docket, visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

Docket: All documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically at *http://www.regulations.gov* or in hard copy at the OEI Docket in the EPA Headquarters Docket Center.

Dated: March 20, 2012.

Cynthia Sonich-Mullin,

Director, National Risk Management Research Laboratory.

[FR Doc. 2012–7574 Filed 3–28–12; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9653–7]

Proposed Settlement Agreement, Clean Air Act Citizen Suit

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of a proposed settlement agreement; request for public comment.

SUMMARY: In accordance with section 113(g) of the Clean Air Act, as amended (''CAA'' or the ''Act''), 42 U.S.C. 7413(g), notice is hereby given of a proposed settlement agreement to address a lawsuit filed by Sierra Club in the United States District Court for the Western District of Wisconsin: *Sierra Club* v. *Jackson,* No. 3:11-cv-0315 (W.D. WI). Plaintiff filed a complaint alleging that EPA has failed to satisfy a non-discretionary duty or, in the alternative, has unreasonably delayed in acting on the title V permit issued by Wisconsin Department of Natural Resources (''WDNR'') for Wisconsin Public Service Corporation's J.P. Pulliam Generating Station (''Pulliam'') because WDNR had not submitted to EPA a permit revised to meet EPA's June 28, 2010 objection to this permit. Under the proposed settlement agreement, EPA agrees to a deadline for responding to a potential future petition submitted by Plaintiff.

DATES: Written comments on the proposed settlement agreement must be received by April 30, 2012.

ADDRESSES: Submit your comments, identified by Docket ID number EPA–HQ–OGC–2012–0206, online at *www.regulations.gov* (EPA's preferred method); by email to *oei.docket@epa.gov;* by mail to EPA Docket Center, Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; or by hand delivery or courier to EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC, between 8:30 a.m. and 4:30 p.m. Monday through Friday, excluding legal holidays. Comments on a disk or CD–ROM should be formatted in Word or ASCII file, avoiding the use of special characters and any form of encryption, and may be mailed to the mailing address above.

FOR FURTHER INFORMATION CONTACT: Amy Huang Branning, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone: (202) 564–1744; fax number (202) 564–5603; email address: *branning.amy@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Additional Information About the Proposed Settlement Agreement

Plaintiff filed a complaint alleging that EPA has failed to satisfy a non-discretionary duty or, in the alternative, has unreasonably delayed in acting on the title V permit issued by Wisconsin Department of Natural Resources (''WDNR'') for Wisconsin Public Service Corporation's J.P. Pulliam Generating Station (''Pulliam'') because WDNR had not submitted to EPA a permit revised to meet EPA's June 28, 2010 objection to this permit. However, on February 16, 2012, EPA received a proposed revised title V permit for Pulliam from WDNR. As a result, Sierra Club and EPA plan to enter into a settlement. Under the proposed settlement agreement, if EPA objects to the proposed revised permit by April 1, 2012, Plaintiff must notify EPA within ten (10) days of EPA's objection whether it seeks to lift the stay of the litigation. If Plaintiff seeks to lift the stay, the parties will file a joint motion to lift the stay within ten (10) days of Plaintiff's notice, and EPA must file the administrative record within thirty (30) days of EPA's objection. If Plaintiff does not seek to lift the stay, it will file a motion to dismiss the case with prejudice within thirty (30) days of EPA's objection. If EPA does not object to the proposed revised permit and Plaintiff submits a timely administrative petition pursuant to CAA section 505(b)(2), 42 U.S.C. 7661d(B)(2), requesting that EPA object to such permit, EPA must respond to the petition within 80 days of receiving the petition. No action is required of EPA if Plaintiff does not submit a timely petition to EPA.

For a period of thirty (30) days following the date of publication of this notice, the Agency will accept written comments relating to the proposed settlement agreement from persons who were not named as parties or

intervenors to the litigation in question. EPA or the Department of Justice may withdraw or withhold consent to the proposed settlement agreement if the comments disclose facts or considerations that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act. Unless EPA or the Department of Justice determines that consent to the settlement agreement should be withdrawn, the terms of the agreement will be affirmed.

II. Additional Information About Commenting on the Proposed Settlement Agreement

A. How can I get a copy of the settlement agreement?

The official public docket for this action (identified by Docket ID No. EPA–HQ–OGC–2012–0206) contains copies of the proposed settlement agreement. The official public docket is available for public viewing at the Office of Environmental Information (OEI) Docket in the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OEI Docket is (202) 566–1752.

An electronic version of the public docket is available through *www.regulations.gov.* You may use *www.regulations.gov* to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically, including an electronic copy of the proposed settlement agreement. Once in the system, key in the appropriate docket identification number then select ''search''.

It is important to note that EPA's policy is that public comments, whether submitted electronically or on paper, will be made available for public viewing online at *www.regulations.gov* without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. Information claimed as CBI and other information whose disclosure is restricted by statute is not included in the official public docket or in the electronic public docket. EPA's policy is that copyrighted material, including copyrighted material contained in a public comment, will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the EPA Docket Center.

B. How and to whom do I submit comments?

You may submit comments as provided in the **ADDRESSES** section. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked ''late.'' EPA is not required to consider these late comments.

If you submit an electronic comment, EPA recommends that you include your name, mailing address, and an email address or other contact information in the body of your comment and with any disk or CD ROM you submit. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. Any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. 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.

Use of the *www.regulations.gov* Web site to submit comments to EPA electronically is EPA's preferred method for receiving comments. The electronic public docket system is an ''anonymous access'' system, which means EPA will not know your identity, email address, or other contact information unless you provide it in the body of your comment. In contrast to EPA's electronic public docket, EPA's electronic mail (email) system is not an ''anonymous access'' system. If you send an email comment directly to the Docket without going through *www.regulations.gov,* your email address is automatically captured and included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

Dated: March 23, 2012.

Patricia Embrey,

Acting Associate General Counsel.

[FR Doc. 2012–7572 Filed 3–28–12; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 23, 2012.

A. Federal Reserve Bank of St. Louis (Glenda Wilson, Community Affairs Officer) P.O. Box 442, St. Louis, Missouri 63166–2034:

1. *Cooper Investments, Inc.,* Farmington, Missouri; to become a bank holding company by retaining at least 25 percent of the voting shares of First State Bancshares, Inc., and thereby indirectly control First State Community Bank, both in Farmington, Missouri.

Board of Governors of the Federal Reserve System, March 26, 2012.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 2012–7570 Filed 3–28–12; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Announcement of Requirements and Registration for Beat Down Blood Pressure Challenge

AGENCY: Office of the National Coordinator for Health Information Technology, Department of Health and Human Services (HHS).

ACTION: **Federal Register** Notice; Correction.

SUMMARY: On March 22, 2012 the Office of the National Coordinator for Health Information Technology, located within the Department of Health and Human Services (HHS) published a notice in the **Federal Register** (77 FR 17060) announcing requirements and registration for a Beat Down Blood Pressure Video Challenge. This challenge will not be open to the public until Wednesday, March 28th. On 3/28, we encourage you to visit *http://BloodPressure.Challenge.gov* for a complete set of rules and requirements for this contest.

FOR FURTHER INFORMATION CONTACT: For questions concerning this notice please contact: Erin Poetter, MPH, Office of the National Coordinator for Health Information Technology, HHS, *erin.poetter@hhs.gov* or 202–205–3310.

Dated: March 21, 2012.

Erin Poetter,

Consumer e-Health Policy Analyst ONC, Department of Health and Human Services.

[FR Doc. 2012–7485 Filed 3–28–12; 8:45 am]

BILLING CODE 4150–45–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Assistant Secretary for Planning and Evaluation; Meeting of the Advisory Council on Alzheimer's Research, Care, and Services

AGENCY: Assistant Secretary for Planning and Evaluation, HHS.

ACTION: Notice of meeting.

SUMMARY: This notice announces the public meeting of the Advisory Council on Alzheimer's Research, Care, and Services (Advisory Council). Notice of these meetings is given under the Federal Advisory Committee Act (5 U.S.C. App. 2, section 10(a)(1) and (a)(2)). The Advisory Council on Alzheimer's Research, Care, and Services provides advice on how to prevent or reduce the burden of Alzheimer's disease and related dementias on people with the disease and their caregivers. The Advisory Council will discuss the Draft National Plan to Address Alzheimer's Disease, and, as appropriate, make recommendations to the Secretary of HHS.

Meeting Date: April 17, 2012 from 9 a.m. to 4:15 p.m. EDT.

ADDRESSES: The meeting will be held at the U.S. Department of Health and Human Services, 200 Independence Avenue SW., Room 800, Washington, DC 20201.

Comments: Time is allocated on the agenda to hear public comments. In lieu of oral comments, formal written comments may be submitted for the record to Helen Lamont, OASPE, 200 Independence Avenue SW., Room 424E, Washington, DC 20201. Comments may also be sent to *napa@hhs.gov.* Those submitting written comments should identify themselves and any relevant organizational affiliations.

FOR FURTHER INFORMATION CONTACT: Helen Lamont (202) 690–7996, *helen.lamont@hhs.gov.* **Note:** Seating may be limited. Those wishing to attend the meeting must send an email to *napa@hhs.gov* and put (April 17 meeting attendance) in the Subject line by Wednesday, April 11, 2012, so that their names may be put on a list of expected attendees and forwarded to the security officers at the Department of Health and Human Services. Any interested member of the public who is a non-U.S. citizen should include this information at the time of registration to ensure that the appropriate security procedure to gain entry to the building is carried out. Although the meeting is open to the public, procedures governing security and the entrance to Federal buildings may change without notice.

SUPPLEMENTARY INFORMATION: Topics of the Meeting: The Advisory Council will discuss the Draft National Plan to Address Alzheimer's Disease.

Procedure and Agenda: This meeting is open to the public. The Advisory Council will discuss the Draft National Plan to Address Alzheimer's Disease, and, as appropriate, make recommendations to the Secretary of HHS.

Authority: 42 U.S.C. 11225; Section 2(e)(3) of the National Alzheimer's Project Act. The panel is governed by provisions of Public Law 92–463, as amended (5 U.S.C. Appendix 2), which sets forth standards for the formation and use of advisory committees.

Sherry Glied,

Assistant Secretary for Planning and Evaluation.

[FR Doc. 2012–7482 Filed 3–28–12; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–12–12GO]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call 404–639–7570 and send comments to Kimberly S. Lane, at CDC 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an email to *omb@cdc.gov.*

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (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. Written comments should be received within 60 days of this notice.

Proposed Project

Colorectal Cancer Control Program Indirect/Non-Medical Cost Study—New—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Colorectal Cancer (CRC) is the second leading cause of cancer-related deaths in the United States, following lung cancer. Based on scientific evidence which indicates that regular screening is effective in reducing CRC incidence and mortality, regular CRC screening is now recommended for average-risk persons. Screening tests that may be used alone or in combination include fecal occult blood testing (FOBT), fecal immunochemical testing (FIT), flexible sigmoidoscopy, and/or colonoscopy.

While screening rates have increased over the past decade, screening prevalence is still lower than desirable, particularly among individuals with low socioeconomic status. The indirect and non-medical costs associated with CRC screening, such as travel costs, may act as barriers to screening. Understanding these costs may provide insights that can be used to reduce such barriers and increase participation.

In 2005, CDC established a four-year demonstration program at five sites to screen low-income individuals aged 50–64 years who had no health insurance or inadequate health insurance for CRC. In 2009, by applying lessons learned from the demonstration program, CDC designed and initiated the larger population-based Colorectal Cancer Control Program (CRCCP) at 29 sites. The goals of the expanded program are to reduce health disparities in CRC screening, incidence and mortality by promoting CRC screening for the eligible population and providing CRC screening to low-income adults over 50 years of age who have no health insurance or inadequate health insurance for CRC screening.

To date there has been no comprehensive assessment of all the costs associated with CRC screening, especially indirect and non-medical costs, incurred by the low-income population served by the CRCCP. CDC proposes to address this gap by collecting information from a subset of patients enrolled in the program. Those who undergo screening by FIT or colonoscopy will be asked to complete a specialized questionnaire about the time and personal expense associated with their screening. Patients who undergo fecal immunochemical testing will be asked to complete the FIT questionnaire, which is estimated to take about 10 minutes. Patients who undergo colonoscopy will be asked to complete the Colonoscopy questionnaire, which includes additional questions about the preparation and recovery associated with this procedure. The estimated burden per response for the Colonoscopy questionnaire is 25 minutes. Demographic information will be collected from all patients who participate in the study. Participation in the study is voluntary, but patients will be offered an incentive in the form of a gift card.

CDC plans to conduct the information collection in partnership with providers in five states (Alabama, Arizona, Colorado, New York, and Pennsylvania). Each provider site will administer the survey until it reaches a target number of responses. Targets for each site range between 75 and 150 completed questionnaires, depending on the volume of patients screened. Each participating provider will make patient navigators available to assist patients with coordinating the screening process and completing the questionnaires. Providers will be reimbursed for patient navigator time and administrative expense associated with data collection. Across the five participating sites, the estimated cost of this data collection is approximately $50,000.

This information collection will be used to produce estimates of the personal costs incurred by patients who undergo CRC screening by FIT or colonoscopy, and to improve understanding of these costs as potential barriers to participation. Study findings will be disseminated through reports, presentations, and publications. Results will also be used by participating sites, CDC, and other federal agencies to improve delivery of CRC screening services and to increase screening rates among low-income adults over 50 years of age who have no health insurance or inadequate health insurance for CRC screening.

OMB approval is requested for one year. Each respondent will have the option of completing a hardcopy questionnaire or an on-line questionnaire. No identifiable information will be collected by CDC or CDC's data collection contractor. There are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form type	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Patients Served by the Colorectal Cancer Control Program.	FIT questionnaire	300	1	10/60	50
	Colonoscopy questionnaire	315	1	25/60	131
Total					181

Dated: March 23, 2012.

Ron A. Otten,

Director, Office of Scientific Integrity, Office of the Associate Director for Science (OADS), Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2012–7534 Filed 3–28–12; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–12–0040]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call 404–639–7570 and send comments to Ron Otten, at CDC 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an email to *omb@cdc.gov.*

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (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. Written comments should be received within 60 days of this notice.

Proposed Project

NCEH/ATSDR Exposure Investigations (EIs) [OMB NO: 0923–0040, Expiration Date 11/30/2012]—Revision—The National Center for Environmental Health (NCEH), and the Agency for Toxic Substances and Disease Registry (ATSDR), and the Centers for Disease Control and Prevention (CDC).

Background and Brief Description

This is a brief summary of a joint clearance between the NCEH and ATSDR, (hereafter ATSDR will represent both ATSDR and NCEH). ATSDR is mandated pursuant to the 1980 Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and its 1986 Amendments, the Superfund Amendments and Reauthorization Act (SARA) to prevent or mitigate adverse human health effects and diminished quality of life resulting from the exposure to hazardous substances in the environment. EIs are an approach developed by ATSDR that employs targeted biologic (e.g., urine, blood, hair samples) and environmental (e.g., air, water, soil, or food) sampling to determine whether people are or have been exposed to unusual levels of pollutants at specific locations (e.g., where people live, spend leisure time, or anywhere they might come into contact with contaminants under investigation). After a chemical release or suspected release into the environment, ATSDR's EIs are used by public health professionals, environmental risk managers, and other decision makers to determine if current conditions warrant intervention strategies to minimize or eliminate human exposure. EIs are usually requested by officials of a state health agency, county health departments, the Environmental Protection Agency, the general public, and ATSDR staff.

ATSDR has been conducting EIs since 1995 throughout the United States. All of ATSDR's biomedical assessments and some of the environmental investigations involve participants. Participation is completely voluntary. To assist in interpreting the sampling results, a survey questionnaire appropriate to the specific contaminant is administered to participants. ATSDR collects contact information (e.g., name, address, phone number) to provide the participant with their individual results. Name and address information are broken into nine separate questions (data fields) for computer entry. General information, which includes height, weight, age, race, gender, etc., is also collected primarily on biomedical investigations to assist with results interpretation. General information can account for approximately 20 questions per investigation. Some of this information is investigation-specific; not all of this data is collected for every investigation. ATSDR is seeking a revision of our approval for use of a set of 61 general information questions.

ATSDR also collects information on other possible confounding sources of chemical(s) exposure such as medicines taken, foods eaten, hobbies, jobs, etc. In addition, ATSDR asks questions on recreational or occupational activities that could increase a participant's exposure potential. That information represents an individual's exposure history. To cover those broad categories, ATSDR is also seeking a revision to our approval for the use of sets of topical questions. Of these, we use approximately 12–20 questions about the pertinent environmental exposures per investigation. This number can vary depending on the number of chemicals being investigated, the route of exposure (e.g., breathing, eating, touching), and number of other sources of the chemical(s) (e.g., products used, jobs).

Typically, the number of participants in an individual EI ranges from 10 to 100. Questionnaires are generally needed in less than half of the EIs (approximately 7 per year).

The subject matter for the complete set of topical questions includes the following:

(1) Media specific which includes: Air (indoor/outdoor); water (water source and plumbing); soil, and food (gardening, fish, game, domestic animals (e.g., chickens).

(2) Other sources such as: occupations; hobbies; household chemical uses and house construction characteristics; lifestyle (e.g., smoking); medicines and/or health conditions, and foods. There are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Respondents	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Exposure Investigation Participants	700	1	30/60	350

Dated: March 23, 2012.

Ron A. Otten,

Director, Office of Scientific Integrity, Office of the Associate Director for Science (OADS), Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2012–7531 Filed 3–28–12; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Advisory Board on Radiation and Worker Health (ABRWH or 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 of the aforementioned committee:

Time and Date: 11 a.m.–3 p.m., April 26, 2012.

Place: Audio Conference Call via FTS Conferencing. The USA toll-free, dial-in number is 1 (866) 659–0537 and the pass code is 9933701.

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.

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, which 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 the CDC. NIOSH implements this responsibility for CDC. The charter was issued on August 3, 2001, renewed at appropriate intervals, most recently, August 3, 2011, and will expire on August 3, 2013.

Purpose: This 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, advising 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.

Matters To Be Discussed: The agenda for the conference call includes: SEC Petition for Feed Materials Production Center (Fernald, Ohio); Subcommittee and Work Group Updates; SEC Petition Evaluations Update for the June 2012 Advisory Board Meeting; and Board Correspondence.

The agenda is subject to change as priorities dictate.

Because there is not a verbal public comment period, written comments may be submitted. Any written comments received will be included in the official record of the meeting and should be submitted to the contact person below in advance of the meeting.

Contact Person for More Information: Theodore M. Katz, M.P.A., Designated Federal Officer, NIOSH, CDC, 1600 Clifton Road NE., Mailstop: E–20, Atlanta, Georgia 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 22, 2012.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2012–7554 Filed 3–28–12; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Advisory Committee to the Director (ACD), Centers for Disease Control and Prevention (CDC)

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the CDC announces the following meeting of the aforementioned committee.

Time and Date: 8:30 a.m.–3 p.m. (EDT), April 26, 2012.

Place: CDC, 1600 Clifton Road NE., Building 21, Rooms 1204 A/B, Atlanta, Georgia 30333. This meeting is also available by teleconference. Please dial (877) 930–8819 and enter code 1579739.

Status: Open to the public, limited only by the space available. The meeting room accommodates approximately 50 people. To accommodate public participation in the meeting, a conference telephone line will be available. The public is welcome to participate during the public comment period. The public comment period is tentatively scheduled from 2:45 p.m. until 2:50 p.m.

Purpose: The committee will provide advice to the CDC Director on strategic and other broad issues facing CDC.

Matters To Be Discussed: The Advisory Committee to the Director will receive updates from the Global Workgroup; State, Tribal, Local and Territorial Workgroup; the Policy Workgroup; the Communications Workgroup; the Ethics Subcommittee, and the Health Disparities Subcommittee, as well as an update from the CDC Director.

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Carmen Villar, MSW, Designated Federal Officer, Advisory Committee to the Director, CDC, 1600 Clifton Road NE., M/S D–14, Atlanta, Georgia 30333, telephone 404/639–7000, email: *GHickman@cdc.gov.* The deadline for notification of attendance is April 20, 2012. To register for this meeting, please send an email to *ACDirector@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 23, 2012.

Elizabeth Millington,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2012–7551 Filed 3–28–12; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Initial Review

The meeting announced below concerns Conducting Public Health Research in South Africa, Funding Opportunity Announcement (FOA) GH12–004, initial review.

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 aforementioned meeting:

Time and Date: 12 p.m.–4 p.m., May 2, 2012 (Closed).

Place: Teleconference.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c) (4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters To Be Discussed: The meeting will include the initial review, discussion, and evaluation of applications received in response to ''Conducting Public Health Research in South Africa, FOA GH12–004.''

Contact Person for More Information: Lata Kumar, Scientific Review Officer, CGH Science Office, Center for Global Health, CDC, 1600 Clifton Road NE., Mailstop D–69, Atlanta, Georgia 30033, Telephone (404) 639–7618.

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 22, 2012.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2012–7545 Filed 3–28–12; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Advisory Committee to the Director (ACD), Centers for Disease Control and Prevention—Health Disparities Subcommittee (HDS)

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 of the aforementioned subcommittee:

Time and Date: 9 a.m.–2 p.m. EDT, April 19, 2012.

Place: CDC, Building 21, Room 1204B, 1600 Clifton Road NE., Atlanta, Georgia 30333.

Status: Open to the public, limited only by the space available. The meeting room accommodates approximately 20 people. The public is welcome to participate during the public comment, which is tentatively scheduled from 1:30 p.m. until 2 p.m. This meeting is also available by teleconference. Please dial (866) 561–5277 and enter code 2238494.

Purpose: The Subcommittee will provide advice to the CDC Director through the ACD on strategic and other health disparities and health equity issues and provide guidance on opportunities for CDC.

Matters To Be Discussed: The agenda will include a presentation by the Institute of Medicine Roundtable on the Promotion of Health Equity and the Elimination of Health Disparities.

The agenda is subject to change as priorities dictate.

For Further Information Contact: Leandris Liburd, Ph.D., M.P.H., M.A., Designated Federal Officer, Health Disparities Subcommittee, Advisory Committee to the Director, CDC, 1600 Clifton Road NE., M/S K–77, Atlanta, Georgia 30333, telephone (770) 488–8200, email: *LEL1@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 22, 2012.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention .

[FR Doc. 2012–7530 Filed 3–28–12; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–7031–N]

Announcement Notice; Establishment of a Federally Funded Research and Development Center

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice.

SUMMARY: This notice announces our intention to establish a Federally Funded Research and Development Center (FFRDC) to facilitate the modernization of business processes and supporting systems and their operations.

DATES: *Effective Date:* This notice is effective on March 29, 2012.

FOR FURTHER INFORMATION CONTACT: Candice Savoy, (410) 786–7494 or *Candice.Savoy@cms.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Section 219 of the fiscal year 2012 Omnibus Bill requires Centers for Medicare & Medicaid Services (CMS) to issue a **Federal Register** notice that outlines how a CMS Federally Funded Research and Development Center (FFRDC) would meet the specific requirements identified in Federal Acquisition Regulation (FAR 35.017–2), CMS' agency procedures that ensure small business competitiveness is maintained, and the outline of a transparent award and governance process to be employed by the CMS FFRDC. This notice is CMS' intent to sponsor an FFRDC, which complies with FAR 35.017–2 as discussed below.

CMS has a need for assistance in developing requirements, identifying strategies for meeting statutory and programmatic requirements, analyzing existing CMS systems and approaches to meeting needs and developing metrics and measures for assessing agency performance. Meeting these various needs will require the services of an organization that will have access to confidential and proprietary agency information. An FFRDC would be appropriate to provide these needed services. CMS has surveyed the existing FFRDCs and does not believe that there is an established FFRDC that could effectively meet all of its requirements. Currently, CMS has obtained specialized consulting services from the Internal Revenue Service (IRS) FFRDC. However, this work has been focused on the modernization of CMS' Information Technology resources in accordance with the scope of the IRS contract. The IRS FFRDC, other FFRDC's, and other Government wide contracts analyzed will not meet the needs of CMS. CMS has examined other contract vehicles available, for example, the Government Wide Acquisition Contracts, the National Institutes of Health Chief Information Officer Solutions and Partners, Alliant and (8)a Streamlined Technology Acquisition Resources for Services and the General Services Administration schedules. Based on a market assessment of those vehicles, there is not a single source to fit CMS' unique needs. In addition, since the contractors on these contract vehicles have other Government contracts and compete for business, it may interfere with their ability to maintain objectivity and independence for the sponsoring agency, which cause conflicts of interest concerns. Therefore, it is appropriate to establish an FFRDC for CMS, since existing alternative sources cannot satisfy current and future agency requirements.

CMS proposes to establish an FFRDC to encompass all of CMS' needs, including those associated with the Patient Protection and Affordable Care Act (Pub. L. 111–148), which was enacted on March 30, 2010 (the Affordable Care Act), and other current and future statutorily driven requirements. There is a need for an independent organization to assist in strategic/tactical planning and analysis, conceptual planning and prototyping, long term acquisition planning and requirements development, organizational planning and relationship management, continuous process improvement, strategic technology evaluation, and feasibility analysis and design in the areas of policy, business operations and technology.

CMS has transmitted the required three notices over a 90-day period to the Government wide Point of Entry (Federal Business Opportunities) and published these notices in the **Federal Register** on April 13, 2011 (76 FR 20673), May 13, 2011 (76 FR 28042), and June 14, 2011 (76 FR 34713) respectively, indicating the agency's intention to sponsor an FFRDC. These notices indicated the scope and nature of the effort to be performed and requested comments. Additionally, CMS has considered the concerns and interest expressed by many Federal Government contractors and contractor organizations to ensure the establishment of the FFRDC is operated

within the parameters of its original intent.

There is sufficient Government expertise available to adequately and objectively evaluate the work of the FFRDC. Program management responsibilities for the FFRDC will be placed in CMS' Office of the Administrator, Chief Operating Office to ensure the proper use and evaluation of the FFRDC. CMS has established an Executive Steering Committee comprised of senior agency leadership to oversee and monitor performance occurring under the FFRDC. We note that the Executive Office of the President, Office of Science and Technology was notified in March 2011 of our intent to establish an FFRDC.

CMS will use established controls to ensure the costs of services under the FFRDC are reasonable. In accordance with FAR 15.404, the Contracting Officer is required to ensure the final agreed-to contract price is fair and reasonable. The CMS Contracting Officer will ensure that any FFRDC contract costs are fair and reasonable by performing a combination of cost, price, and cost realism analysis and obtaining cost audit support, as necessary, to assess the offerors understanding of the work and to verify that the offeror has proposed realistic costs commensurate with the methods and approaches proposed. Additionally, CMS will seek competition for the establishment and award of the basic FFRDC contract to help ensure that costs are fair and reasonable.

CMS clearly defines the scope of the FFRDC's responsibilities to enable differentiation between the work that the FFRDC can perform and the work that should be performed by non-FFRDCs. The FFRDC sponsoring agreement fully describes the activities to be performed by the FFRDC as follows:

1. Strategic/Tactical Planning and Analysis.
2. Conceptual Planning and Prototyping.
3. Acquisition Assistance.
4. Organizational Planning and Relationship Management.
5. Continuous Process Improvement.
6. Strategic Technology Evaluation.
7. Feasibility Analysis and Design.

CMS will maintain a reasonable continuity in the level of support to the FFRDC. Current CMS and legislative requirements will provide sufficient activities to an FFRDC to ensure they are a viable entity to meet CMS' needs. CMS intends on awarding a single Indefinite Delivery—Indefinite Quantity contract and will issue live task orders for the offerors to propose during the competition, therefore, we will award these task orders with the award of the contract and periodic task orders will be awarded thereafter.

CMS will ensure that the organization meets all of the prescribed requirements for independence and objectivity in performing CMS' work. The sponsoring program management office will review the FFRDC regularly to ensure compliance with this requirement. The sponsoring agreement between CMS and the FFRDC will require a clause that prohibits the FFRDC from competing with other non-FFRDCs for Federal procurements. Additionally, CMS will conduct an annual organizational conflicts of interest audit of the FFRDC. The FFRDC will not perform quantity production or manufacturing of items. We note that the Secretary of the Department of Health and Human Services approved the establishment of the FFRDC on March 17, 2011.

II. Small Business Competitiveness

CMS has a long-standing history of exceeding its small business goals and is committed to continuing to maintain small business participation in its programs by following established FAR and Health and Human Services Acquisition Regulation requirements to ensure small businesses are provided maximum practicable opportunity. CMS will ensure that every requirement, as part of its governance process, will be reviewed by the Department small business specialist before initiating any contracting action under the FFRDC. Additionally, contracting staff and senior executives at CMS who are responsible for meeting small business goals have a performance element established in their performance plans to ensure we maximize the use of small business contracting at CMS. Finally, the HHS Office of Small and Disadvantaged Business has directed CMS and all HHS Operating Divisions to develop a fiscal year 2012 Small Business Strategic Plan to ensure we meet or exceed our specific small business goals. We note that CMS has recently submitted this plan to HHS as requested.

III. Transparent Award and Governance Process

CMS will conduct the FFRDC award in accordance with FAR 15 Contracting by Negotiation procedures. CMS posted a draft solicitation on the Federal Business Opportunities Web site in November 2011, soliciting comments from the industry. The final solicitation will be posted on the Federal Business Opportunities Web site as a full and open competition (see *https://www.fbo.gov/index?s=opportunity&mode=form&id=39f12bfda712bdd2248a8a94795fb1b3&tab=core&tabmode=list&=).* CMS will make all required public announcements of the contract award through the Federal Business Opportunity Web site, HHS award notice requirements and the Federal Procurement Data System. This FFRDC will be awarded via FAR 15 procedures. Therefore, all task orders awarded to the FFRDC will be submitted to the Federal Procurement Data System and will be publically available on the *usaspending.gov* Web site.

The FFRDC will be governed by an Executive Steering Committee and a Charter, managed by CMS' Office of the Administrator, Chief Operating Office, that defines CMS' policies and procedures for managing and using the FFRDC. It also provides guidelines and procedures for ensuring compliance with the Government-wide policies set forth in FAR 35.017.

Additionally, CMS will evaluate the effectiveness of the FFRDC by establishing a quality performance plan for monitoring performance of the FFRDC. The Executive Steering Committee will establish goals and objectives each year for the FFRDC that strive for improvements in operations and financial savings of CMS operations as well as all the programs CMS oversees. The Executive Steering Committee will appoint staff to create and monitor a quality performance plan for assessing these goals and objectives.

Dated: March 12, 2012.

Marilyn Tavenner,

Acting Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. 2012–7495 Filed 3–28–12; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Tribal Consultation Meeting

AGENCY: Administration for Children and Families' Office of Head Start (OHS).

ACTION: Notice of meeting.

SUMMARY: Pursuant to the Improving Head Start for School Readiness Act of 2007, Public Law 110–134, notice is hereby given of a one-day Tribal Consultation Session to be held between the Department of Health and Human Services, Administration for Children and Families, Office of Head Start

leadership and the leadership of Tribal Governments operating Head Start (including Early Head Start) programs. The purpose of this Consultation Session is to discuss ways to better meet the needs of American Indian and Alaska Native children and their families, taking into consideration funding allocations, distribution formulas, and other issues affecting the delivery of Head Start services in their geographic locations [42 U.S.C. 9835, Section 640(l)(4)].

DATES: May 4, 2012.

ADDRESSES: 2012 Office of Head Start Tribal Consultation Session will be held at the following location:

Friday, May 4, 2012—Oklahoma City, Oklahoma—Sheraton Oklahoma City Hotel, 1 N. Broadway Avenue, Oklahoma City, OK 73102.

FOR FURTHER INFORMATION CONTACT: Camille Loya, Acting Regional Program Manager Region XI, email *Camille.Loya@acf.hhs.gov* or phone (202) 401–5964. Additional information and online meeting registration is available at *http://www.headstartresourcecenter.org.*

SUPPLEMENTARY INFORMATION: The Department of Health and Human Services (HHS) announces Office of Head Start (OHS) Tribal Consultations with leaders of Tribal Governments operating Head Start (including Early Head Start) programs for each of the nine geographic regions of Head Start where American Indian and Alaska Native (AI/AN) programs are located. We are convening the OHS Tribal Consultations in conjunction with other Tribal Leader events in order to minimize the financial and travel burden for tribal participants. The session in Oklahoma City, Oklahoma is being held in conjunction with the HHS 2012 Regional Tribal Consultation Sessions for Regions I, II, IV, VI, and VII. We will schedule additional consultations around the country for later in the year.

The agenda for the scheduled OHS Tribal Consultations will be organized around the statutory purposes of Head Start Tribal Consultations related to meeting the needs of AI/AN children and families, taking into consideration funding allocations, distribution formulas, and other issues affecting the delivery of Head Start services in their geographic locations. In addition, OHS will share actions taken and in progress to address the issues and concerns raised in 2011 OHS Tribal Consultations.

Tribal leaders and designated representatives interested in submitting written testimony or proposing specific agenda topics for the Oklahoma City Consultation Session should contact Camille Loya at *Camille.Loya@acf.hhs.gov.* Proposals must be submitted at least three days in advance of the session and should include a brief description of the topic area, along with the name and contact information of the suggested presenter.

The Consultation Session will be conducted with elected or appointed leaders of Tribal Governments and their designated representatives [42 U.S.C. 9835, Section 640(l)(4)(A)]. Designees must have a letter from the Tribal Government authorizing them to represent the tribe. The letter should be submitted at least three days in advance of the Consultation Session to Camille Loya at (202) 205–9721 (fax). Other representatives of tribal organizations and Native nonprofit organizations are welcome to attend as observers.

A detailed report of the Consultation Session will be prepared and made available within 90 days of the Consultation Session to all Tribal Governments receiving funds for Head Start and Early Head Start programs. Tribes wishing to submit written testimony for the report should send testimony to Camille Loya at *Camille.Loya@acf.hhs.gov* either prior to the Consultation Session or within 30 days after the meeting.

Oral testimony and comments from the Consultation Session will be summarized in each report without attribution, along with topics of concern and recommendations. Hotel and logistical information for the Consultation Session has been sent to tribal leaders via email and posted on the Head Start Resource Center Web site at *http://www.headstartresourcecenter.org.*

Dated: March 21, 2012.

Yvette Sanchez Fuentes,

Director, Office of Head Start.

[FR Doc. 2012–7556 Filed 3–28–12; 8:45 am]

BILLING CODE 4184–40–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Service Administration

Advisory Committee on Interdisciplinary, Community-Based Linkages; Notice of Meeting

In accordance with section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of the following meeting:

Name: Advisory Committee on Interdisciplinary, Community-Based Linkages (ACICBL).

Dates and Times: April 24, 2012, 10 a.m. to 4 p.m., EDST.

Place: Webinar Format.

Status: The meeting will be open to the public.

Purpose: The Committee members will finalize their efforts to develop the 12th Annual Report for the Secretary of the Department of Health and Human Services (the Secretary) and the Congress, focusing on the topic *Preparing the Interprofessional Team to Care for Diverse Populations.* The meeting will afford Committee members with the opportunity to finalize the outstanding components of the annual report.

Agenda: The ACICBL agenda includes an overview by Dr. Linda Redford, Chairperson of the ACICBL, specific to the opportunities outlined in the report and recommendations indicated. The agenda will be available 2 days prior to the meeting on the HRSA Web site (*http://www.hrsa.gov/advisorycommittees/bhpradvisory/acicbl/Meetings/index.html*). Agenda items are subject to change as dictated by the priorities of the Committee.

Supplementary Information: Requests to make oral comments or to provide written comments to the ACICBL should be sent to Dr. Joan Weiss, Designated Federal Official, at the contact information below. Written comments can be provided before and after the meeting. Individuals who plan to participate in the webinar should register at least one day prior to the meeting using the following webinar information: *https://hrsa.connectsolutions.com/e45379671/event/registration.html.*

The conference call-in number is 1–888–946–9420, and the passcode is ACICBL.

For Further Information Contact: Anyone requesting information regarding the ACICBL should contact Dr. Joan Weiss, Designated Federal Official within the Bureau of Health Professions, Health Resources and Services Administration, in one of three ways: (1) Send a request to the following address: Dr. Joan Weiss, Designated Federal Official, Bureau of Health Professions, Health Resources and Services Administration, Parklawn Building, Room 9C–26, 5600 Fishers Lane, Rockville, Maryland 20857; (2) call (301) 443–6950; or (3) send an email to *jweiss@hrsa.gov.* In the absence of Dr. Weiss, CAPT Norma J. Hatot, Senior Nurse Consultant, can be contacted via telephone at (301) 443–2681 or by email at *nhatot@hrsa.gov.*

Dated: March 22, 2012.

Reva Harris,

Acting Director, Division of Policy and Information Coordination.

[FR Doc. 2012–7564 Filed 3–28–12; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development Submission for OMB Review; Comment Request; New Proposed Collection, Neuropsychosocial Formative Research Methodological Studies for the National Children's Study

SUMMARY: Under the provisions of Section (3507(a)(1)(D)) of the Paperwork Reduction Act of 1995, the National Institutes of Health has submitted to the Office of Management and Budget (OMB) a request to review and approve the information collection listed below. This proposed information collection was previously published in the **Federal Register** on May 2, 2011, pages 24497–24498, and allowed 60 days for public comment. Two written comments and two verbal comments were received. The verbal comments expressed support for the broad scope of the study. The written comments were identical and questioned the cost and utility of the study. The purpose of this notice is to allow an additional 30 days for public comment. The National Institutes of Health may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Proposed Collection: Title: Neuropsychosocial Formative Research Methodological Studies for the National Children's Study (NCS). *Type of Information Request:* NEW. *Need and Use of Information Collection:* The Children's Health Act of 2000 (Pub. L. 106–310) states:

(a) PURPOSE.—It is the purpose of this section to authorize the National Institute of Child Health and Human Development* to conduct a national longitudinal study of environmental influences (including physical, chemical, biological, and psychosocial) on children's health and development.

(b) IN GENERAL.—The Director of the National Institute of Child Health and Human Development* shall establish a consortium of representatives from appropriate Federal agencies (including the Centers for Disease Control and Prevention, the Environmental Protection Agency) to—

(1) Plan, develop, and implement a prospective cohort study, from birth to adulthood, to evaluate the effects of both chronic and intermittent exposures on child health and human development; and

(2) Investigate basic mechanisms of developmental disorders and environmental factors, both risk and protective, that influence health and developmental processes.

(c) REQUIREMENT.—The study under subsection (b) shall—

(1) Incorporate behavioral, emotional, educational, and contextual consequences to enable a complete assessment of the physical, chemical, biological, and psychosocial environmental influences on children's well-being;

(2) Gather data on environmental influences and outcomes on diverse populations of children, which may include the consideration of prenatal exposures; and

(3) Consider health disparities among children, which may include the consideration of prenatal exposures.

To fulfill the requirements of the Children's Health Act of 2000, the results of formative research will be used to maximize the efficiency (measured by scientific robustness, participant and infrastructure burden, and cost) of tools to assess language, behavior, and neurodevelopment, psychosocial stress, and health literacy and thereby inform data collection methodologies for the National Children's Study (NCS) Vanguard (Pilot) and Main Studies. With this information collection request, the NCS seeks to obtain OMB's generic clearance to conduct formative research featuring neuropsychosocial measures.

The results from these formative research projects will inform the feasibility (scientific robustness), acceptability (burden to participants and study logistics), and cost of NCS Vanguard (Pilot) Study and Main Study neuropsychosocial measures in a manner that minimizes public information collection burden compared to burden anticipated if these projects were incorporated directly into either the NCS Vanguard or Main Study.

Frequency of Response: Annual [As needed on an on-going and concurrent basis]. *Affected Public:* Members of the public, researchers, practitioners, and other health professionals.

Type of Respondents: Women of child-bearing age/potential NCS participants, infants, children, fathers, legal guardians, health care facilities and professionals, hospital administrators and staff, pediatric professional organizations and practitioners, educational professionals, public health organizations, community leaders, members, and organizations, and cultural and faith-based centers. These include both persons enrolled in the NCS Vanguard Study and their peers who are not participating in the NCS Vanguard Study.

Annual reporting burden: See Table 1. The annualized cost to respondents is estimated at: $742,000 (based on approximately $10 per hour for NCS participants and members of the NCS target population (non-NCS participants), $101 per hour for health providers (OB/GYNs), and $20 per hour for social service providers). There are no capital costs to report. There are no operating or maintenance costs to report.

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN SUMMARY, NEUROPSYCHOSOCIAL MEASURES

Data collection activity	Type of respondent	Estimated number of respondents	Estimated number of responses per respondent	Average burden hours per response	Estimated total annual burden hours requested
Physical measurement and examinations.	NCS participants	4,000	1	1	4,000
	Members of NCS target population (not NCS participants).	4,000	1	1	4,000
Child Developmental Measures (cognitive).	NCS participants	4,000	1	1	4,000
	Members of NCS target population (not NCS participants).	4,000	1	1	4,000
Computer-based reaction time testing.	NCS participants	4,000	1	1	4,000
	Members of NCS target population (not NCS participants).	4,000	1	1	4,000
Small, focused survey and instrument design and administration.	NCS participants	4,000	2	1	8,000
	Members of NCS target population (not NCS participants).	4,000	2	1	8,000
	Health Care Providers	1,000	1	1	1,000
	Social Service Providers	1,000	1	1	1,000

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN SUMMARY, NEUROPSYCHOSOCIAL MEASURES—Continued

Data collection activity	Type of respondent	Estimated number of respondents	Estimated number of responses per respondent	Average burden hours per response	Estimated total annual burden hours requested
Focus groups	Community Stakeholders	2,000	1	1	2,000
	NCS participants	2,000	1	1	2,000
	Members of NCS target population (not NCS participants).	2,000	1	1	2,000
	Health Care Providers	1,000	1	1	1,000
	Social Service Providers	1,000	1	1	1,000
Cognitive interviews	Community Stakeholders	2,000	1	1	2,000
	NCS participants	500	1	2	1,000
	Members of NCS target population (not NCS participants).	500	1	2	1,000
Total		45,000			54,000

Request for Comments: Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Ways to enhance the quality, utility, and clarity of the information 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.

Direct Comments to OMB: 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 Office of Management and Budget, Office of Information and Regulatory Affairs, Attn: NIH Desk Officer, by Email to *OIRA_submission@omb.eop.gov,* or by fax to 202–395–6974. To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact Ms. Jamelle E. Banks, Public Health Analyst, Office of Science Policy, Analysis and Communication, National Institute of Child Health and Human Development, 31 Center Drive Room 2A18, Bethesda, Maryland 20892, or call a non-toll free number (301) 496–1877 or Email your request, including your address to *banksj@mail.nih.gov.*

Comments Due Date: Comments regarding this information collection are best assured of having their full effect if received within 30 days of the date of this publication.

Dated: March 21, 2012.

Jamelle E. Banks,

Public Health Analyst, Office of Science Policy, Analysis and Communications, National Institute of Child Health and Human Development.

[FR Doc. 2012–7589 Filed 3–28–12; 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 Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Channels—Physiology and Signaling.

Date: April 11, 2012.

Time: 2 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Geoffrey G Schofield, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4040–A, MSC 7850, Bethesda, MD 20892, 301–435–1235, *geoffreys@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.

(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 20, 2012.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2012–7579 Filed 3–28–12; 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; Member Conflict: Neurodegeneration.

Date: April 13, 2012.

Time: 12 p.m. to 2 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: Joanne T Fujii, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4184, MSC 7850, Bethesda, MD 20892, (301) 435–1178, *fujiij@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; PAR11–038: Biomarkers in Models of Intellectual and Developmental Disabilities.

Date: April 17–18, 2012.

Time: 10 a.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Joanne T Fujii, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4184, MSC 7850, Bethesda, MD 20892, (301) 435–1178, *fujiij@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 23, 2012.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2012–7582 Filed 3–28–12; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; 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/contract proposal 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 Cancer Institute Special Emphasis Panel; Topic 279 Phase II: Facilitating the Transfer of Statistical Methodology into Practice.

Date: April 24, 2012

Time: 12 p.m. to 5 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 6116 Executive Boulevard, Room 707, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Lalita D. Palekar, Ph.D. Scientific Review Officer Special Review and Logistics Branch, Division of Extramural Activities, National Cancer Institute, 6116 Executive Boulevard, Room 7141, Bethesda, MD 20892, 301–496–7575, *palekarl@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel Career Development (K08).

Date: May 15, 2012.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Robert Bird, Ph.D., Chief, Resources and Training Review Branch, Division of Extramural, Activities, National Cancer Institute, 6116 Executive Boulevard, Room 8113, Bethesda, MD 20892–8328, 301–496–7978, *birdr@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; NCI SPORE in Lymphoma, Leukemia, Brain, Esophageal and Gastrointestinal Cancers.

Date: May 23–24, 2012.

Time: 8 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, Bethesda, MD 20852.

Contact Person: Caron A. Lyman, Ph.D., Scientific Review Officer, National Cancer Institute, Division of Extramural Activities, Research Programs Review Branch, 6116 Executive Blvd., Room 8119, Bethesda, MD 20892–8328, 301–451–4761, *lymanc@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; Validation and Advanced Development of Emerging Technologies for Cancer Research (R33).

Date: June 14, 2012.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Westin Alexandria, 400 Courthouse Square, Alexandria, VA 22314.

Contact Person: Marvin L. Salin, Ph.D., Scientific Review Officer, Special Review and Logistics Branch, Division of Extramural Activities, National Cancer Institute, NIH, 6116 Executive Boulevard, Room 7073, Bethesda, MD 20892–8329, 301–496–0694, *msalin@mail.nih.gov.*

Information is also available on the Institute's/Center's home page: *http://deainfo.nci.nih.gov/advisory/sep/sep.htm,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: March 23, 2012.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2012–7584 Filed 3–28–12; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; 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 materials, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel; Diversity Research Education in Neuroscience.

Date: April 18, 2012.

Time: 1:15 p.m. to 3:15 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Phillip F. Wiethorn, Scientific Review Officer, Scientific Review Branch, Division of Extramural Research, NINDS/NIH/DHHS/Neuroscience Center, 6001 Executive Blvd., Suite 3208, MSC 9529, Bethesda, MD 20892, 301–496–5388, *wiethorp@ninds.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: March 23, 2012.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2012–7586 Filed 3–28–12; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; 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 materials, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel; Translational Stroke SEP.

Date: April 18, 2012.

Time: 10 a.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Shanta Rajaram, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research, NINDS/NIH/DHHS/Neuroscience Center, 6001 Executive Blvd., Suite 3208, MSC 9529, Bethesda, MD 20892, 301–435–6033, *Rajarams@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: March 23, 2012.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2012–7587 Filed 3–28–12; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2011–0041; OMB No. 1660–0070]

Agency Information Collection Activities: Submission for OMB Review; Comment Request, National Fire Department Census

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: The Federal Emergency Management Agency (FEMA) will submit the information collection abstracted below to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995. The submission will describe the nature of the information collection, the categories of respondents, the estimated burden (i.e., the time, effort and resources used by respondents to respond) and cost, and the actual data collection instruments FEMA will use. This notice seeks comments concerning the use of a form to collect data for the development and continuation of the National Fire Department Census.

DATES: Comments must be submitted on or before April 30, 2012.

ADDRESSES: Submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the Desk Officer for the Department of Homeland Security, Federal Emergency Management Agency, and sent via electronic mail to *oira.submission@omb.eop.gov* or faxed to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Director, Records Management Division, 1800 South Bell Street, Arlington, VA 20598–3005, facsimile number (202) 646–3347, or email address *FEMA–Information-Collections-Management@dhs.gov.*

SUPPLEMENTARY INFORMATION:

Collection of Information

Title: National Fire Department Census.

Type of information collection: Revision of a currently approved information collection.

OMB Number: 1660–0070.

Form Titles and Numbers: FEMA Form 070–0–0–1, National Fire Department Census.

Abstract: This collection seeks to identify fire departments in the United States to compile and update a database related to their demographics, capabilities, and activities. The database is used to guide programmatic decisions and provide information to the public and the fire service.

Affected Public: State, Local, or Tribal Government.

Frequency of Response: On occasion.

Estimated Average Hour Burden per Respondent: .27 hours.

Estimated Total Annual Burden Hours: 2,342 hours.

Estimated Cost: The estimated annual cost to respondents for the hour burden is $10,539. The estimated annual cost to respondents operations and maintenance costs for technical services is $0. There are no annual start-up or capital costs. The cost to the Federal government is $85,770.

Dated: March 22, 2012.

John G. Jenkins, Jr.,

Acting Director, Records Management Division, Mission Support Bureau, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2012–7565 Filed 3–28–12; 8:45 am]

BILLING CODE 9111–45–P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

Extension of Agency Information Collection Activity Under OMB Review: Aircraft Operator Security

AGENCY: Transportation Security Administration, DHS.

ACTION: 30-Day notice.

SUMMARY: This notice announces that the Transportation Security Administration (TSA) has forwarded the Information Collection Request (ICR), OMB control number 1652–0003, abstracted below to the Office of Management and Budget (OMB) for review and approval of an extension of the currently approved collection under the Paperwork Reduction Act. The ICR describes the nature of the information collection and its expected burden. TSA published a **Federal Register** notice, with a 60-day comment period soliciting comments, of the following collection of information on January 26, 2012 (77 FR 4055). TSA has implemented aircraft operator security standards at 49 CFR part 1544, which require each aircraft operator to which this part applies to

adopt and implement a security program.

DATES: Send your comments by April 30, 2012. A comment to OMB is most effective if OMB receives it within 30 days of publication.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to Desk Officer, Department of Homeland Security/TSA, and sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: Joanna Johnson, Office of Information Technology, TSA–11, Transportation Security Administration, 601 South 12th Street, Arlington, VA 20598–0011; telephone (571) 227–3616; email *joanna.johnson@dhs.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The ICR documentation is available at *www.reginfo.gov.* Therefore, in preparation for OMB review and approval of the following information collection, TSA is soliciting comments to—

(1) Evaluate whether the proposed information requirement is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Information Collection Requirement

Title: Aircraft Operator Security.

Type of Request: Extension of a currently approved collection.

OMB Control Number: 1652–0003.

Forms(s): N/A.

Affected Public: Aircraft Operators.

Abstract: 49 CFR part 1544 requires aircraft operators to maintain, update, and comply with TSA-approved comprehensive security programs to ensure the safety of persons and property traveling on their flights against acts of criminal violence and air piracy, and the introduction of explosives, incendiaries, or weapons aboard an aircraft. These programs and related records are subject to TSA inspection.

Number of Respondents: 801.

Estimated Annual Burden Hours: An estimated 1,918,371 hours annually.

Issued in Arlington, Virginia, March 27, 2012.

Joanna Johnson,

Paperwork Reduction Act Officer, Office of Information Technology.

[FR Doc. 2012–7671 Filed 3–28–12; 8:45 am]

BILLING CODE 9110–05–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[CIS No. 2522–12; DHS Docket No. USCIS 2012–0007]

RIN 1615–ZB12

Designation of Syrian Arab Republic for Temporary Protected Status

AGENCY: U.S. Citizenship and Immigration Services, DHS.

ACTION: Notice.

SUMMARY: Through this notice, the Department of Homeland Security (DHS) announces that the Secretary of Homeland Security (Secretary) has designated the Syrian Arab Republic (Syria) for Temporary Protected Status (TPS) for a period of 18 months, effective March 29, 2012 through September 30, 2013. Under section 244(b)(1) of the Immigration and Nationality Act (Act), 8 U.S.C. 1254a(b)(1), the Secretary is authorized to grant TPS to eligible nationals of designated foreign states or parts of such states (or to eligible aliens having no nationality who last habitually resided in such states) upon finding that such states are experiencing an ongoing armed conflict, an environmental disaster, or extraordinary and temporary conditions that prevent nationals from returning in safety.

This designation allows eligible Syrian nationals (and aliens having no nationality who last habitually resided in Syria) who have both continuously resided in and been continuously physically present in the United States since March 29, 2012 to be granted TPS. This notice also describes the other eligibility criteria applicants must meet.

Individuals who believe they may qualify for TPS under this designation may apply within the 180-day registration period that begins on March 29, 2012. They may also apply for Employment Authorization Documents (EADs) and for travel authorization. In this notice, DHS also sets forth the procedures for nationals of Syria (or aliens having no nationality who last habitually resided in Syria) to apply for TPS and EADs with U.S. Citizenship and Immigration Services (USCIS).

DATES: This designation of Syria for TPS is effective on March 29, 2012 and will remain in effect through September 30, 2013. The 180-day registration period for eligible individuals to submit TPS applications begins March 29, 2012, and will remain in effect through September 30, 2013.

FOR FURTHER INFORMATION CONTACT:

- For further information on TPS, including guidance on the application process and additional information on eligibility, please visit the USCIS TPS Web page at *http://www.uscis.gov/tps.* You can find specific information about this designation of Syria for TPS by selecting ''TPS Designated Country—Syria'' from the menu on the left of the TPS Web page.
- You can also contact the TPS Operations Program Manager at Status and Family Branch, Service Center Operations Directorate, U.S. Citizenship and Immigration Services, Department of Homeland Security, 20 Massachusetts Avenue NW., Washington, DC 20529–2060; or by phone at (202) 272–1533 (this is not a toll-free number). **Note:** The phone number provided here is solely for questions regarding this TPS notice. It is not for individual case status inquiries.
- Applicants seeking information about the status of their individual cases can check Case Status Online available at the USCIS Web site at *http://www.uscis.gov,* or call the USCIS National Customer Service Center at 1–800–375–5283 (TTY 1–800–767–1833).
- Further information will also be available at local USCIS offices upon publication of this notice.

SUPPLEMENTARY INFORMATION:

Abbreviations and Terms Used in This Document

Act—Immigration and Nationality Act

BIA—Board of Immigration Appeals

COI—Independent International Commission of Inquiry, established pursuant to United Nations (UN) Human Rights Council resolution S–17/1 to investigate all alleged violations of international human rights law since March 2011 in the Syrian Arab Republic

COI Report—''*Report of the Independent International Commission of Inquiry on the Syrian Arab Republic,*'' dated 22 February 2012, UN Doc. A/HRC/19/69

DHS—U.S. Department of Homeland Security
DOJ—U.S. Department of Justice
DOS—U.S. Department of State
EAD—Employment Authorization Document
FSA—Free Syrian Army
Government—U.S. Government
HRC—United Nations Human Rights Council
IJ—Immigration Judge
OSC—U.S. Department of Justice, Office of Special Counsel for Immigration-Related Unfair Employment Practices
SARG—Syrian Arab Republic Government
SAVE—Systematic Alien Verification for Entitlements
Secretary—Secretary of Homeland Security
Syria—Syrian Arab Republic
TPS—Temporary Protected Status
UN—United Nations
UNHCR—Office of the United Nations High Commissioner for Refugees
USCIS—U.S. Citizenship and Immigration Services

What is Temporary Protected Status (TPS)?

- TPS is an immigration status granted to eligible nationals of a country designated for TPS under the Act (or to persons without nationality who last habitually resided in the designated country).
- During the TPS designation period, TPS beneficiaries are eligible to remain in the United States and obtain an EAD following a request and payment of the EAD fee, if required, so long as they continue to meet the requirements of TPS.
- TPS beneficiaries may also be granted travel authorization as a matter of discretion.
- The granting of TPS does not lead to permanent resident status.
- When the Secretary terminates a country's TPS designation, beneficiaries return to the same immigration status they maintained before TPS (unless that status has since expired or been terminated) or to any other lawfully obtained immigration status they received while registered for TPS.
- TPS applicants are subject to thorough background and security checks. Applicants who have committed a felony or two misdemeanors in the United States and applicants who are subject to certain other mandatory bars, including those who pose a threat to U.S. national security, are not eligible.

What authority does the Secretary have to designate Syria for TPS?

Section 244(b)(1) of the Act, 8 U.S.C. 1254a(b)(1), authorizes the Secretary, after consultation with appropriate Government agencies, to designate a foreign state (or part thereof) for TPS.[1] The Secretary can designate a foreign state for TPS based on one of three circumstances. One circumstance is if ''there exist extraordinary and temporary conditions in the foreign state that prevent aliens who are nationals of the state from returning to the state in safety, unless the [Secretary] finds that permitting the aliens to remain temporarily in the United States is contrary to the national interest of the United States.'' Section 244(b)(1)(C) of the Act, 8 U.S.C. 1254a(b)(1)(C).

Following the designation of a foreign state for TPS, the Secretary may then grant TPS to eligible nationals of that foreign state (or aliens having no nationality who last habitually resided in that state). *See* section 244(a)(1)(A) of the Act, 8 U.S.C. 1254a(a)(1)(A). Applicants must demonstrate that they satisfy all eligibility criteria, including that they have been ''continually physically present'' in the United States since the effective date of the designation, which is either the date of the **Federal Register** notice announcing the designation or such later date as the Secretary may determine, and that they have ''continuously resided'' in the United States since such date as the Secretary may designate. *See* sections 244(a)(1)(A), (b)(2)(A), and (c)(1)(A)(i–ii) of the Act; 8 U.S.C. 1254a(a)(1)(A), (b)(2)(A), (c)(1)(A)(i–ii).

Why is the Secretary designating Syria for TPS through September 30, 2013?

The Secretary has determined, after consultation with the Department of State (DOS) and other appropriate Government agencies, that there exist extraordinary and temporary conditions in Syria that prevent Syrian nationals from returning in safety, and that permitting such aliens to remain temporarily in the United States would not be contrary to the national interest of the United States.

Protest crowds began to gather in Damascus and Dar'a by mid to late March 2011, when citizens seeking greater political freedom rose up against the rule of President Bashar al-Assad. In response, President al-Assad used the military to suppress the movement, and the Syrian Arab Republic Government (SARG) launched a brutal crackdown, violently repressing and killing thousands of its own civilians. The SARG continues to use excessive force against civilians, arbitrary executions, killing and persecution of protestors and members of the media, arbitrary detention, disappearances, torture, and ill-treatment in an effort to retain control of the country.

The Independent International Commission of Inquiry (COI), in its second report to the United Nations Human Rights Council (HRC) dated February 22, 2012 (A/HRC/19/69), reports that the SARG's initial violent suppression of dissent was followed by military defections and the formation of anti-government armed groups. The main armed opposition group is the Free Syrian Army (FSA). Other anti-government armed groups include the Higher Military Council and Al Faroukh Battalion, both of which are engaged in combat with the Syrian security forces in Homs. According to the COI report, while anti-government groups have also committed abuses, their actions are not comparable in scale or organization to those carried out by the Syrian state.

The COI report states that army snipers and Shabbiha (mercenaries hired by the SARG) have terrorized the population, targeting and killing small children, women, and other unarmed civilians. Military defectors report that soldiers continue to receive ''shoot to kill'' orders. Individual officers in the Syrian military have also shot unarmed protestors, including children, medical doctors, ambulance drivers, and mourners at funerals in Da'ra, Rif Dimashq, and Almastoumah governates.

Observers generally agree that the conflict has become increasingly violent and militarized. As of February 2012, the UN Under-Secretary-General for Political Affairs indicated that approximately 7,500 Syrians have been killed since the violence began, and new casualties are reported daily. The COI report pointed out that ''casualties rose steeply as the violence intensified'' in recent months. In fact, the UN's February 2012 death toll estimate of 7,500 exceeds its January 2012 estimate by 2,100 deaths. As of February 2012, public UN estimates indicated that between 100,000 and 200,000 Syrians are internally displaced, and as many as 500,000 citizens may be trapped in affected areas within Syria. According to the Office of the UN High Commissioner for Refugees (UNHCR), approximately 35,000 Syrians have sought shelter in the neighboring countries of Turkey, Lebanon, and Jordan.

The deteriorating security situation in Syria compelled the United States to suspend Embassy operations on February 6, 2012, and order the departure of all U.S. direct-hire personnel from the country. Several other diplomatic missions have also

[1] As of March 1, 2003, in accordance with section 1517 of title XV of the Homeland Security Act of 2002 (HSA), Public Law 107–296, 116 Stat. 2135, any reference to the Attorney General in a provision of the Act describing functions transferred from the Department of Justice to the DHS ''shall be deemed to refer to the Secretary'' of Homeland Security. *See* 6 U.S.C. 557 (codifying HSA, tit. XV, sec. 1517).

suspended operations due to security concerns. On April 25, 2011, DOS advised all United States citizens to avoid travel to Syria and urged United States citizens in Syria to depart immediately. DOS has reiterated the travel warning several times, most recently on March 6, 2012.

The international community has responded to the crisis in Syria by imposing economic sanctions. The regime's economic mismanagement and economic sanctions have negatively affected the whole of the Syrian economy. According to the COI report, the prices of basic food items have increased by as much as 37 percent, and the unemployment rate is in the range of 22 to 30 percent. The economy is estimated to have shrunk by 2 to 4 percent in 2011, and a higher drop is expected in 2012. Tourism, which accounted for 6 to 9 percent of Syria's gross domestic product, has collapsed.

Thousands of Syrians have been uprooted from their communities and sought shelter in Turkey, Lebanon, and Jordan. Many of those that remain in the country are trapped in danger zones and are experiencing the effects of the economic sanctions. As of June 2011, UNHCR reports an estimated 10,000 Syrians are displaced in Turkey. Approximately 15,000 Syrians are displaced in Lebanon. Although in January 2012 Jordan reported that it formally hosts 2,500 to 3,000 Syrians displaced by violence, UNHCR estimates approximately 10,000 displaced Syrians are in Jordan. In February 2012, Jordan government sources stated that approximately 73,000 Syrians have entered Jordan through border crossings.

Journalists and bloggers have been subject to harm, including arrest, prolonged detention, and death. Reports also indicate that medical doctors providing treatment to wounded members of the opposition have been arrested. The campaign group Avaaz, which has been monitoring attacks on medical workers, recorded more than 250 arrests between March and October 2011. This has led to the establishment of clandestine makeshift clinics in mosques and basements of homes. According to the UN General Assembly's *Conflict-related sexual violence: report of the Secretary-General,* published in January 2012, reports of conflict-related sexual violence from both Syrian security forces and anti-government armed groups also have surfaced.

International humanitarian organizations face significant obstacles to gaining access to Syrian cities such as Homs and Hama that are crippled by the brutality and violence. As a result, they cannot assure humanitarian assistance to citizens in need of emergency relief, including medical care, food, and other supplies.

Given extraordinary and temporary conditions on the ground in Syria, Syrian nationals in the United States would face serious danger and threats were they to return to Syria.

Based upon this review, and after consultation with appropriate Government agencies, the Secretary finds that:

- Syrian nationals cannot return to Syria in safety due to extraordinary and temporary conditions. *See* section 244(b)(1)(C) of the Act, 8 U.S.C. 1254a(b)(1)(C);
- It is not contrary to the national interest of the United States to permit Syrian nationals (and persons without nationality who last habitually resided in Syria) who meet the eligibility requirements of TPS to remain in the United States temporarily. *See* section 244(b)(1)(C), 8 U.S.C. 1254a(b)(1)(C);
- The designation of Syria for TPS should be for an 18-month period from March 29, 2012 through September 30, 2013. *See* section 244(b)(2) of the Act, 8 U.S.C. 1254a(b)(2);
- The date by which Syrian TPS applicants must demonstrate that they have continuously resided in the United States is established as March 29, 2012. *See* section 244(c)(1)(A)(ii) of the Act, 8 U.S.C. 1254a(c)(1)(A)(ii);
- The date by which Syrian TPS applicants must demonstrate that they have been continuously physically present in the United States is March 29, 2012, the effective date of this TPS designation of Syria. *See* sections 244(b)(2)(A) and (c)(1)(A)(i) of the Act; 8 U.S.C. 1254a(b)(2)(A), (c)(1)(A)(i); and
- An estimated 2,500 to 3,000 Syrian nationals (and persons without nationality who last habitually resided in Syria) may be eligible for TPS under this designation, based on the issuance of nonimmigrant visas to Syrian nationals.

Notice of the Designation of Syria for TPS

By the authority vested in me as Secretary under section 244 of the Act, 8 U.S.C. 1254a, after consultation with the appropriate Government agencies, I designate Syria for TPS under section 244(b)(1)(C) of the Act, 8 U.S.C. 1254a(b)(1)(C), for a period of 18 months from March 29, 2012 through September 30, 2013.

Janet Napolitano,
Secretary.

Required Application Forms and Application Fees To Register for TPS

To register for TPS for Syria, an applicant must submit:

1. Application for Temporary Protected Status (Form I–821) with the form fee; and
2. Application for Employment Authorization (Form I–765).

- If you want an EAD you must pay the Application for Employment Authorization (Form I–765) fee only if you are age 14 through 65.
- No Application for Employment Authorization (Form I–765) fee is required for an EAD with an initial TPS application if you are under the age of 14 or over the age of 65.

You must submit both completed application forms together. If you are unable to pay the required fees, you may apply for a waiver for these application fees and/or the biometrics services fee described below by completing a Request for Fee Waiver (Form I–912), or submitting a personal letter requesting a fee waiver, and providing satisfactory supporting documentation. For more information on the application forms and fees for TPS, please visit the USCIS TPS Web page at *http://www.uscis.gov/tps.* Fees for Application for Temporary Protected Status (Form I–821), Application for Employment Authorization (Form I–765), and biometric services are also described in 8 CFR 103.7(b).

Biometric Services Fee

Biometrics (such as fingerprints) are required for all applicants 14 years of age or older. Such applicants must submit a biometric services fee. As previously stated, if you are unable to pay the required fees, you may apply for a biometrics fee waiver by completing a Request for Fee Waiver (Form I–912), or by submitting a personal letter requesting a fee waiver, and providing satisfactory supporting documentation. For more information on the biometric services fee, please visit the USCIS Web site at *http://www.uscis.gov/feewaiver.* If your biometrics are required, you will be mailed a notice scheduling you for an appointment at an Application Support Center to have your biometrics collected.

Re-Filing a TPS Application After Receiving a Denial of a Fee Waiver Request

If you request a fee waiver when filing your TPS and EAD application forms

and your request is denied, you may re-file your application packet with the correct fees before the filing deadline of September 30, 2013. If you attempt to submit your application with a fee waiver request before the initial filing deadline, but you receive your application back with the USCIS fee waiver denial, and there are fewer than 45 days before the filing deadline (or the deadline has passed), you may still re-file your application within the 45-day period after the date on the USCIS fee waiver denial notice. You must include the correct fees, or file a new fee waiver request. Your application will not be rejected even if the deadline has passed, provided it is mailed within those 45 days and all other required information for the application is included. Please be aware that if you re-file your TPS application with a new fee waiver request after the deadline based on this guidance and that new fee waiver request is denied, you cannot re-file again. **Note:** Alternatively, you may pay the TPS application fee and biometrics fee (if age 14 or older) but wait to request an EAD and pay the EAD application fee after USCIS grants your TPS application.

Mailing Information

Mail your application for TPS to the proper address in Table 1:

TABLE 1—MAILING ADDRESS

If . . .	Mail to . . .
You are applying through the U.S. Postal Service	USCIS, P.O. Box 6943, Chicago, IL 60680–6943.
You are using a Non-U.S. Postal Service delivery service	USCIS, Attn: Syria TPS, 131 S. Dearborn 3rd Floor, Chicago, IL 60603–5517.

If you were granted TPS by an Immigration Judge (IJ) or the Board of Immigration Appeals (BIA), and you wish to request an EAD, please mail your application to the address in Table 1. Upon receiving a Receipt Notice from USCIS, please send an email to *TPSijgrant.vsc@uscis.dhs.gov* with the receipt number stating that you submitted a request for an EAD based on an IJ/BIA grant of TPS. You can find detailed information on what further information you need to email, and email addresses on the USCIS TPS Web page at *http://www.uscis.gov/tps.*

E-Filing

You cannot electronically file your application when applying for initial registration for TPS. Please mail your application to the mailing address listed in Table 1.

Supporting Documents

What type of basic supporting documentation must I submit?

To meet the basic eligibility requirements for TPS, you must submit evidence that you:

- Are a national of Syria or an alien of no nationality who last habitually resided in Syria. Such documents may include a copy of your passport if available, other documentation issued by the SARG showing your nationality (e.g., national identity card, official travel documentation issued by the SARG), and/or your birth certificate with English translation accompanied by photo identification. USCIS will also consider certain forms of secondary evidence supporting your Syrian nationality. If the evidence presented is insufficient for USCIS to make a determination as to your nationality, USCIS may request additional evidence. If you cannot provide a passport, birth certificate with photo identification, or a national identity document with your photo or fingerprint, you must submit an affidavit showing proof of your unsuccessful efforts to obtain such documents and affirming that you are a national of Syria. However, please be aware that an interview with an immigration officer will be required if you do not present any documentary proof of identity or nationality or if USCIS otherwise requests a personal appearance. *See* 8 CFR 103.2(b)(9), 244.9(a)(1);
- Have continually resided in the United States since March 29, 2012. *See* 8 CFR 244.9(a)(2);
- Have been continually physically present in the United States since March 29, 2012, the effective date of the designation of Syria. *See* sections 244(b)(2)(A) and (c)(1)(A)(i) of the Act; 8 U.S.C. 1254a(b)(2)(A), (c)(1)(A)(i); and
- Present two color passport-style photographs of yourself.

The filing instructions on the Application for Temporary Protected Status (Form I–821) list all the documents needed to establish basic eligibility for TPS. You may also see information on the acceptable documentation and other requirements for applying for TPS on the USCIS Web site at *www.uscis.gov/tps* under ''TPS Designated Country—Syria.''

Do I need to submit additional supporting documentation?

If one or more of the questions listed in Part 4, Question 2 of the Application for Temporary Protected Status (Form I–821) applies to you, then you must submit an explanation on a separate sheet(s) of paper and/or additional documentation. Depending on the nature of the question(s) you are addressing, additional documentation alone may suffice, but usually a written explanation will also be needed.

Employment Authorization Document (EAD)

May I request an interim EAD at my local USCIS office?

No. USCIS will not issue interim EADs to TPS applicants at local offices.

When hired, what documentation may I show to my employer as proof of employment authorization and identity when completing Employment Eligibility Verification (Form I–9)?

You can find a list of acceptable document choices on page 5 of the Employment Eligibility Verification (Form I–9). Employers are required to verify the identity and employment authorization of all new employees by using the Employment Eligibility Verification (Form I–9). Within 3 days of hire, an employee must present proof of identity and employment authorization to his or her employer.

You may present any document from List A (reflecting both your identity and employment authorization), or one document from List B (reflecting identity) together with one document from List C (reflecting employment authorization). An EAD is an acceptable document under ''List A.''

Can my employer require that I produce any other documentation to prove my status, such as proof of my Syrian citizenship?

No. When completing the Employment Eligibility Verification (Form I–9), employers must accept any documentation that appears on the lists of acceptable documentation, and that reasonably appears to be genuine and that relates to you. Employers may not request documentation that does not

appear on the Employment Eligibility Verification (Form I–9). Therefore, employers may not request proof of Syrian citizenship when completing the Employment Eligibility Verification (Form I–9). If presented with EADs that are unexpired on their face, employers should accept such EADs as valid ''List A'' documents so long as the EADs reasonably appear to be genuine and to relate to the employee. Refer to the ''Note to All Employees'' section for important information about your rights if your employer rejects lawful documentation, requires additional documentation, or otherwise discriminates against you because of your citizenship or immigration status, or national origin.

Note to All Employers

Employers are reminded that the laws requiring employment eligibility verification and prohibiting unfair immigration-related employment practices remain in full force. This notice does not supersede or in any way limit applicable employment verification rules and policy guidance, including those rules setting forth reverification requirements. For questions, employers may call the USCIS Customer Assistance Office at 1–800–357–2099. The USCIS Customer Assistance Office accepts calls in English and Spanish only. Employers may also call the Department of Justice (DOJ), Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC), Employer Hotline at 1–800–255–8155.

Note to Employees

Employees or applicants may call the DOJ OSC Worker Information Hotline at 1–800–255–7688 for information regarding employment discrimination based upon citizenship or immigration status and national origin, unfair documentary practices related to the Employment Eligibility Verification (Form I–9), and discriminatory practices related to E-Verify. Employers must accept any document or combination of documents acceptable for the Employment Eligibility Verification (Form I–9) completion if the documentation reasonably appears to be genuine and to relate to the employee. Employers may not require extra or additional documentation beyond what is required for the Employment Eligibility Verification (Form I–9) completion. Further, employees who receive an initial mismatch via E-Verify must be given an opportunity to challenge the mismatch, and employers are prohibited from taking adverse action against such employees based on the initial mismatch unless and until E-Verify returns a final non-confirmation. The Hotline accepts calls in multiple languages. Additional information is available on the OSC Web site at *http://www.justice.gov/crt/about/osc/.*

Note Regarding Federal, State and Local Government Agencies (Such as Departments of Motor Vehicles)

State and local government agencies are permitted to create their own guidelines when granting certain benefits. Each state may have different laws, requirements, and determinations about what documents you need to provide to prove eligibility for certain benefits. If you are applying for a state or local government benefit, you may need to provide the state or local government agency with documents that show you are a TPS beneficiary and/or show you are authorized to work based on TPS. Examples are:

(1) Your EAD that has a valid expiration date; and/or

(2) A copy of your Application for Temporary Protected Status Approval Notice (Form I–797), if you receive one from USCIS.

Check with the state or local agency regarding which document(s) the agency will accept. You may also provide the agency with a copy of this notice.

Some benefit-granting agencies use the Systematic Alien Verification for Entitlements (SAVE) Program to verify the current immigration status of applicants for public benefits. If such an agency has denied your application based solely or in part on a SAVE response following completion of all required SAVE verification steps, the agency must offer you the opportunity to appeal the decision in accordance with the agency's procedures. If the agency has completed all SAVE verification and you do not believe the response is correct, you may make an InfoPass appointment for an in-person interview at a local USCIS office. Detailed information on how to make corrections, make an appointment, or submit a written request can be found at the SAVE Web site at *www.uscis.gov/save,* then by choosing ''How to Correct Your Records'' from the menu on the right.

[FR Doc. 2012–7498 Filed 3–28–12; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[CBP Dec. No. 12–06]

Automated Commercial Environment Required for the Transmission of Advance Ocean and Rail Cargo Information

AGENCY: U.S. Customs and Border Protection, DHS.

ACTION: Notice.

SUMMARY: Various U.S. Customs and Border Protection (CBP) regulations require the transmission of advance cargo information to CBP through a CBP-approved electronic data interchange (EDI) system. CBP recently completed the testing of the Automated Commercial Environment (ACE) for the transmission of advance ocean and rail cargo information. This notice announces that, after a six month transition period, ACE will be the only CBP-approved EDI for submitting required advance information for ocean and rail cargo.

DATES: On September 29, 2012, ACE will be the only CBP-approved EDI for transmitting to CBP required advance information for ocean and rail cargo.

FOR FURTHER INFORMATION CONTACT: Susan Maskell, Office of International Trade, *Susan.Maskell@dhs.gov.*

SUPPLEMENTARY INFORMATION:

Background

Section 343(a) of the Trade Act of 2002, as amended by the Maritime Transportation Security Act of 2002 (19 U.S.C. 2071 note) (referred to in this notice as the Trade Act), directed U.S. Customs and Border Protection (CBP) to promulgate regulations providing for the mandatory transmission of electronic cargo information by way of a CBP-approved electronic data interchange (EDI) system before the cargo is brought into or departs the United States by any mode of commercial transportation (ocean, air, rail or truck). The required cargo information is that which is reasonably necessary to enable high-risk shipments to be identified for purposes of ensuring cargo safety and security and preventing smuggling pursuant to the laws enforced and administered by CBP. To effectuate the provisions of the Trade Act, CBP published a final rule in the **Federal Register** in 2003, requiring the advance electronic transmission of information pertaining to cargo prior to its being brought into, or sent from, the United States by sea, air, rail or truck. *See* Required Advance Electronic

Presentation of Cargo Information, 68 FR 68140, December 5, 2003.[1]

Section 203 of the Security and Accountability for Every Port Act of 2006, Public Law 109–347, 120 Stat. 1884 (SAFE Port Act) directed the Secretary of Homeland Security, acting through the Commissioner of CBP, to promulgate regulations to require the electronic transmission to the Department of Homeland Security of additional data elements for improved high-risk targeting, including appropriate security elements of entry data, as determined by the Secretary. This additional data was to be provided as advanced information with respect to cargo destined for importation into the United States prior to loading of such cargo on vessels at foreign seaports. In 2008, pursuant to the Trade Act and the SAFE Port Act, CBP published an interim final rule in the **Federal Register** requiring importers and carriers to submit additional information pertaining to maritime cargo before the cargo is brought into the United States by means of a CBP-approved electronic interchange system. *See* Importer Security Filing and Additional Carrier Requirements, 73 FR 71730, November 25, 2008. The interim final rule is known to the trade as the ''Importer Security Filing'' (ISF) or ''10 + 2'' rule.

Advance Ocean and Rail Cargo Data

The CBP regulations pertaining to the submission of the data required in advance of arrival for ocean and rail cargo are set forth in title 19 Code of Federal Regulations (CFR) Parts 4, 123, and 149.[2] Sections 4.7(b)(2), 4.7(b)(3)(i), 123.91(a), and 149.2 pertain to the method of transmission of the advance ocean and rail data relevant to this notice. They generally require the transmission of the advance data through the EDI system approved by CBP.

Section 4.7(b)(2), pertaining to vessels, provides that the electronic cargo declaration information must be transmitted through the CBP Automated Manifest System (AMS) or any electronic data interchange system approved by CBP to replace the AMS system for this purpose. Section 4.7(b)(3)(i), also pertaining to vessels, provides that a non-vessel operating common carrier (NVOCC) must electronically transmit the corresponding required cargo declaration information directly to CBP through the vessel AMS system (or other system approved by CBP for this purpose), or in the alternative, fully disclose and present the required cargo declaration information for the related cargo to the vessel carrier which is required to present this information to CBP via the vessel AMS system (or other CBP approved system).

Section 123.91(a) requires rail carriers to use a CBP-approved electronic data interchange system to submit the required advance information.

Section 149.2, pertaining to maritime cargo, requires the Importer Security Filing data elements to be submitted through a CBP-approved electronic interchange system.

M1 Test for Ocean and Rail Data Transmission

CBP recently conducted a National Customs Automation Program (NCAP) test, known as M1, concerning the transmission of required advance ocean and rail data through ACE. The test was announced in two **Federal Register** notices (M1 notices). *See* 75 FR 64737, October 20, 2010 and 76 FR 42721, July 19, 2011.

CBP sought participants that were transmitting the required advance ocean and rail data to CBP in different formats to facilitate their transition to ACE in a controlled environment.[3] M1 test participants were chosen based on the specific type of software format they used to transmit the required advance data. The goal of the M1 test was to ensure that each transmission format was fully compatible with ACE. By working with this select group of participants, CBP was able to verify that each transmission format functioned properly with ACE and to develop effective processes and guidelines. These processes and guidelines will enable the rest of the affected trade community to quickly and efficiently transition to ACE. The M1 participants began submitting live data through ACE on November 30, 2011.

CBP stated in the M1 notices that upon the successful completion of the M1 test, CBP would publish another notice to announce that after a transition period, ACE would be the only CBP-approved EDI for transmitting required advance data for ocean and rail cargo.

M1 Test Results

The M1 test has been successfully completed. To date, 24 trade participants have completed the certification testing described in the M1 test notice and are transmitting their advance ocean and rail cargo information in ACE. Another 11 trade participants are currently involved in certification testing. The port of Baltimore, Maryland began utilizing ACE for processing ocean cargo on November 30, 2011. The ports of Buffalo, New York and Brownsville, Texas began using ACE for processing ocean and rail cargo on December 5, 2011. To date, 91 ports are using ACE for ocean and/or rail processing.

CBP verified that all electronic data interchanges are compatible with ACE and has prepared ACE Implementation Guidelines, which are posted at *www.CBP.gov.* The ACE Implementation Guidelines include the appropriate standards needed for each referenced type of software to work with ACE. These standards will enable transmitters to conform their own software to ACE or to acquire new software that is compatible with ACE. In addition to the ACE Implementation Guidelines, CBP has posted informational notices, user guides, and Web-based training at *www.CBP.gov.*

ACE as the Only CBP-Approved EDI for Required Advance Ocean and Rail Cargo Information

For purposes of sections 4.7(b)(2), 4.7(b)(3)(i), 123.91(a), and 149.2 of title 19 CFR, beginning on September 29, 2012, ACE will be the only CBP-approved EDI for transmitting the required advance information for ocean and rail cargo. Until this date, a transition period is in effect during which ACE or AMS may be used to transmit the required advance information for ocean and rail cargo.

CBP will continue to work with the affected trade community to ensure a complete and efficient transition to ACE. CBP encourages all transmitters to undergo the ACE certification process described in the M1 notices during the transition period to ensure total ACE

[1] The Trade Act, enacted on August 6, 2002, was amended by the Maritime Transportation Security Act of 2002, enacted on November 25, 2002. On October 31, 2002, CBP published a final rule to require the advance and accurate presentation of certain manifest information before cargo is laden aboard a vessel at a foreign port. This rule was promulgated under the authority of 19 U.S.C. 1431. CBP encouraged the presentation of this information electronically. *See* 67 FR 66318. This final rule is known to the trade as the ''24 hour rule.''

[2] For specific information about the requirements to provide advance cargo information to CBP, please see the following sections of title 19 CFR: 4.7 Inward foreign manifest, production on demand, contents and form, advance filing of cargo declaration; 4.7a Inward manifest, information required, alternative forms; 4.7c Vessel stow plan; 4.7d Container status messages; 123.91 Electronic information for rail cargo required in advance of arrival; and Part 149 Importer Security Filing.

[3] For more information on the types of compatible software utilized to transmit the required advance data, please see the *Implementation of the Test* section of the October 20, 2010 M1 notice (75 FR 64737 at 64738).

functionality.[4] Total ACE functionality means that the transmitter will retain all of the existing functionality currently available as well as the new functionalities only available through ACE.[5] Transmitters should contact the Client Representative Branch at 571–468–5500 to make arrangements to begin the ACE certification process.

Although AMS will continue to operate during the transition period and may still be used in the normal course of business for other purposes, it will no longer be available for purposes related to transmitting to CBP required advance ocean and rail cargo information beginning on September 29, 2012.

Dated: March 26, 2012.

Thomas Winkowski,

Acting Commissioner, U.S. Customs and Border Protection.

[FR Doc. 2012–7558 Filed 3–28–12; 8:45 am]

BILLING CODE 9111–14–P

[4] Participants were required to undergo the certification process, described in detail in the October 20, 2010 M1 notice, as a prerequisite for participating in the M1 test. *See* 75 FR 64737 at 64739.

[5] For more information on the additional functionalities available through ACE, please see the *ACE Functionality* section of the October 20, 2010 M1 notice (75 FR 64737 at 64739).

DEPARTMENT OF THE INTERIOR

Geological Survey

Announcement of National Geospatial Advisory Committee Meeting

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice of meeting.

SUMMARY: The National Geospatial Advisory Committee (NGAC) will meet on April 17–18, 2012 at the American Institute of Architects Building, 1735 New York Avenue NW., Washington, DC 20006. The meeting will be held in the Gallery Room. The NGAC, which is composed of representatives from governmental, private sector, non-profit, and academic organizations, was established to advise the Federal Geographic Data Committee on management of Federal geospatial programs, the development of the National Spatial Data Infrastructure, and the implementation of Office of Management and Budget (OMB) Circular A–16. Topics to be addressed at the meeting include:

—FGDC Guidance to the NGAC
—FGDC Update
—Innovative Strategies
—National Enhanced Elevation Assessment
—Landsat
—Subcommittee Reports

The meeting will include an opportunity for public comment on April 18. Comments may also be submitted to the NGAC in writing. Members of the public who wish to attend the meeting must register in advance. Please register by contacting Arista Maher at the U.S. Geological Survey (703–648–6283, *amaher@usgs.gov*). Registrations are due by April 13, 2012. While the meeting will be open to the public, seating may be limited due to room capacity.

DATES: The meeting will be held from 8:30 a.m. to 5 p.m. on April 17 and from 8:30 a.m. to 4 p.m. on April 18.

FOR FURTHER INFORMATION CONTACT: John Mahoney, U.S. Geological Survey (206–220–4621).

SUPPLEMENTARY INFORMATION: Meetings of the National Geospatial Advisory Committee are open to the public. Additional information about the NGAC and the meeting is available at *www.fgdc.gov/ngac.*

Dated: March 22, 2012.

Ivan DeLoatch,

Executive Director, Federal Geographic Data Committee.

[FR Doc. 2012–7479 Filed 3–28–12; 8:45 am]

BILLING CODE 4311–AM–P

INTERNATIONAL TRADE COMMISSION

[DN 2888]

Certain Semiconductor Integrated Circuit 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 Semiconductor Integrated Circuit Devices and Products Containing Same,* DN 2888; 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 Microchip Technology Incorporated on March 23, 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 semiconductor integrated circuit devices and products containing same. The complaint names as respondents Intersil Corporation of CA; Zilker Labs, Inc. of TX; and Techwell, Inc. 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. 2888'') 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)).

Issued: March 26, 2012.

By order of the Commission.

James R. Holbein,

Secretary to the Commission.

[FR Doc. 2012–7567 Filed 3–28–12; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. Korea FTA–103–026]

Effect of Adding References to HS 6104.32 To Correct the U.S.-Korea FTA Product-Specific Rules of Origin

AGENCY: United States International Trade Commission.

ACTION: Institution of investigation and notice of opportunity to provide written comments.

SUMMARY: Following receipt of a request on March 22, 2012, from the U.S. Trade Representative (USTR) under authority delegated by the President and pursuant to section 104 of the United States-Korea Free Trade Agreement Implementation Act (19 U.S.C. 3805 note), the Commission instituted investigation No. Korea FTA–103–026, *Effect of Adding References to HS 6104.32 To Correct the U.S.-Korea FTA Product-Specific Rules of Origin.*

DATES: April 18, 2012: Deadline for filing written submissions. On or before May 22, 2012: Transmittal of report to USTR.

ADDRESSES: All Commission offices, including the Commission's hearing rooms, are located in the United States International Trade Commission Building, 500 E Street SW., Washington, DC. All written submissions should be addressed to the Secretary, United States International Trade Commission, 500 E Street SW., Washington, DC 20436. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://www.usitc.gov/secretary/edis.htm.*

FOR FURTHER INFORMATION CONTACT: Co-project Leaders Heidi Colby-Oizumi (202–205–3391 or *heidi.colby@usitc.gov*) or Kimberlie Freund (202–708–5402 or *kimberlie.freund@usitc.gov*) for information specific to this investigation. For information on the legal aspects of this investigation, contact William Gearhart of the Commission's Office of the General Counsel (202–205–3091 or *william.gearhart@usitc.gov*). The media should contact Margaret O'Laughlin, Office of External Relations (202–205–1819 or *margaret.olaughlin@usitc.gov).* Hearing-impaired individuals may obtain information on this matter by contacting the Commission's TDD terminal at 202–205–1810. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000.

Background: In his request letter (dated March 22, 2012), the USTR asked that the Commission provide advice on the probable effect on U.S. trade under the United States-Korea Free Trade Agreement (FTA) and total U.S. trade of adding references to HS 6104.32 to correct the relevant product-specific rules of origin. He stated that the United States and Korea have confirmed that a reference to HS 6104.32 was inadvertently omitted through a clerical error from the relevant product-specific rules of origin in Annex 4–A (specific rules of origin for textile or apparel goods) of both the English and Korean language versions of the final text of the FTA. He said that HS 6104.32 was the subject of negotiations and is included in the corresponding product-specific rules of origin in other U.S. FTAs. He further stated that, in order to correct this clerical error, on March 5, 2012, the United States and Korea amended the relevant product-specific rules of origin in Annex 4–A to include references to HS 6104.32 and that this amendment will go into effect after the United States and Korea exchange written notification that they have completed their respective applicable legal requirements and procedures. The USTR also noted that, pursuant to section 202 (o)(2)(B)(ii) of the United-States-Korea Free Trade Agreement Implementation Act (Implementation Act), before the 1-year period beginning on the date on which the FTA enters into force, the President is authorized, subject to the consultation and layover provisions of the Implementation Act, to proclaim modifications to the HTS to correct any typographical, clerical, or non-substantive technical error regarding the provisions of chapters 50–63 (as included in Annex 4–A of the FTA).

Written Submissions: No public hearing is planned. However, interested parties are invited to file written submissions and other information concerning the matters to be addressed in this investigation. All written submissions should be addressed to the Secretary. To be assured of consideration by the Commission, written submissions relating to the Commission's advice should be submitted at the earliest possible date, and should be received not later than 5:15 p.m., April 18, 2012. All written

submissions must conform to the provisions of section 201.8 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.8). Section 201.8 and the Commission's Handbook on Filing Procedures require that interested parties file documents electronically on or before the filing deadline and submit eight (8) true paper copies by 12 noon eastern time on the next business day. In the event that confidential treatment of a document is requested, interested parties must file, at the same time as the eight paper copies, at least four (4) additional true paper copies in which the confidential information must be deleted (see the following paragraph for further information regarding confidential business information). Persons with questions regarding electronic filing should contact the Secretary (202–205–2000).

Any submissions that contain confidential business information must also conform to the requirements of section 201.6 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.6). Section 201.6 of the rules requires that the cover of the document and the individual pages be clearly marked as to whether they are the ''confidential'' or ''non-confidential'' version, and that the confidential business information is clearly identified by means of brackets. All written submissions, except for confidential business information, will be made available for inspection by interested parties.

The Commission may include some or all of the confidential business information submitted in the course of this investigation in the report it sends to the USTR and the President.

Issued: March 26, 2012.

By order of the Commission.

James R. Holbein,

Secretary to the Commission.

[FR Doc. 2012–7566 Filed 3–28–12; 8:45 am]

BILLING CODE 7020–02–P

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

Meeting of the Advisory Committee; Meeting

AGENCY: Joint Board for the Enrollment of Actuaries.

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The Executive Director of the Joint Board for the Enrollment of Actuaries gives notice of a closed meeting of the Advisory Committee on Actuarial Examinations.

DATES: The meeting will be held on April 27, 2012, from 8:30 a.m. to 5 p.m.

ADDRESSES: The meeting will be held at Internal Revenue Service, 31 Hopkins Plaza, Baltimore, MD 21201.

FOR FURTHER INFORMATION CONTACT: Patrick W. McDonough, Executive Director of the Joint Board for the Enrollment of Actuaries, 202–622–8225.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Advisory Committee on Actuarial Examinations will meet at Internal Revenue Service, 31 Hopkins Plaza, Baltimore, MD, on April 27, 2012, from 8:30 a.m. to 5 p.m.

The purpose of the meeting is to discuss topics and questions that may be recommended for inclusion on future Joint Board examinations in actuarial mathematics, pension law and methodology referred to in 29 U.S.C. 1242(a)(1)(B).

A determination has been made as required by section 10(d) of the Federal Advisory Committee Act, 5 U.S.C. App., that the subject of the meeting falls within the exception to the open meeting requirement set forth in Title 5 U.S.C. 552b(c)(9)(B), and that the public interest requires that such meeting be closed to public participation.

Dated: March 22, 2012.

Patrick W. McDonough,

Executive Director, Joint Board for the Enrollment of Actuaries.

[FR Doc. 2012–7500 Filed 3–28–12; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms, and Explosives

[OMB Number 1140–0040]

Agency Information Collection Activities: Proposed Collection; Comments Requested; Application for an Amended Federal Firearms License

ACTION: 30-Day Notice of Information Collection.

The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** Volume 77, Number 16, page 3795 on January, 25, 2012, allowing for a 60 day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until April 30, 2012. This process is conducted in accordance with 5 CFR 1320.10.

Written comments concerning this information collection should be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: DOJ Desk Officer. The best way to ensure your comments are received is to email them to *OIRA_submission@omb.eop.gov* or fax to 202–395–7285. All comments should reference the eight digit OMB Number for the collection or the title of the collection. If you have questions concerning the collection, please contact Tracey Robertson at *tracey.robertson@atf.gov* (304) 616–4647.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—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 agencies 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.

Summary of Information Collection

(1) *Type of Information Collection:* Revision of a currently approved collection.

(2) *Title of the Form/Collection:* Application for an Amended Federal Firearms License.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: ATF F 5300.38. Bureau of Alcohol, Tobacco, Firearms and Explosives.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Business or other for-

profit. *Other:* Individual or households. *Abstract:*

Need for Collection

The form is primarily used when a Federal firearms licensee makes application to change the location of the business premises. The form is also used for changes of trade or business name, mailing address, contact information, hours of operation/availability and allows for licensees to indicate any changes of business structure.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 18,000 respondents will complete a 30 minute form once annually.

(6) *An estimate of the total burden (in hours) associated with the collection:* There are an estimated 9,000 total annual burden hours associated with this collection.

If additional information is required contact: Jerri Murray, Department Clearance Officer, Policy and Planning Staff, Justice Management Division, Department of Justice, Two Constitution Square, 145 N Street NE., Room 2E–508, Washington, DC 20530.

Jerri Murray,

Department Clearance Officer, PRA, United States Department of Justice.

[FR Doc. 2012–7536 Filed 3–28–12; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Request To Be Selected as Payee

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Office of Workers' Compensation Programs (OWCP) sponsored information collection request (ICR) revision titled, ''Request To Be Selected as Payee,'' Form CM–910, 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 30, 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 DOL–OWCP, 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: Benefits are payable by the DOL to miners who are totally disabled due to pneumoconiosis and to certain survivors of a miner under the Federal Mine Safety and Health Act of 1977, as amended (30 U.S.C. 901 *et seq.*). If a beneficiary is incapable of handling his/her affairs, the person or institution responsible for their care is required to apply to receive the benefit payments on the beneficiary's behalf. Representative payee applicants complete and submit Form CM–910 for evaluation to the district office that has jurisdiction over the beneficiary's claim file. Regulations 20 CFR 725.505–513 require the collection of this information.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information if the collection of information does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under OMB Control Number 1240–0010. The current OMB approval is scheduled to expire on March 31, 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. While not affecting the public burden, this ICR technically qualifies as a revision under the PRA. The agency has made cosmetic changes to Form CM–910 (e.g., replaced an obsolete logo with the DOL Seal and removed references to the no longer existent Employment Standards Administration). For additional information, see the related notice published in the **Federal Register** on January 10, 2012 (77 FR 1513).

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 1240–0010. 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: DOL–OWCP.

Title of Collection: Request To Be Selected as Payee.

OMB Control Number: 1240–0010.

Affected Public: Individuals or Households.

Total Estimated Number of Respondents: 2,300.

Total Estimated Number of Responses: 2,300.

Total Estimated Annual Burden Hours: 575.

Total Estimated Annual Other Costs Burden: $1,104.

Dated: March 23, 2012.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2012–7491 Filed 3–28–12; 8:45 am]

BILLING CODE 4510–CK–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Labor Exchange Reporting System

ACTION: Notice.

SUMMARY: On March 30, 2012, the Department of Labor (DOL) will submit the Employment and Training Administration (ETA) sponsored information collection request (ICR) revision titled, ''Labor Exchange Reporting System,'' (LERS) 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 30, 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 March 31, 2012, 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 DOL–ETA, 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: States submit quarterly performance data for the Wagner-Peyser funded public labor exchange services through ETA 9002 reports and for Veterans' Employment and Training Services (VETS)-funded labor exchange services through VETS 200 reports. The Employment and Training (ET) Handbook No. 406 contains the report forms and provides instructions for completing these reports. The ETA Handbook No. 406 contains a total of eight reports (ETA 9002, A, B, C, D, E, F; VETS 200 A, B, C). The ETA 9002 and VETS 200 reports collect data on individuals who receive core employment and workforce information services through the public labor exchange and VETS-funded labor exchange of the states' One-Stop delivery systems. Respondents are State governments and grantees and individuals providing information used by the States in preparing their reports. Selected standardized information pertaining to customers in Wagner Peyser programs are collected and reported for the purposes of general program oversight, evaluation, and performance assessment. Revisions are requested to the forms to comply with the 2011 Jobs for Veterans Act.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information if the collection of information does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under OMB Control Number 1205–0240. The current OMB approval is scheduled to expire on March 31, 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. For additional information, see the related notice published in the **Federal Register** on January 18, 2012 (77 FR 2566).

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 1205–0240. 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: DOL–ETA.

Title of Collection: Labor Exchange Reporting System.

OMB Control Number: 1205–0240.

Affected Public: Private Sector—Not-for Profit Entities; Individuals or Households; and State, Local, and Tribal Governments.

Total Estimated Number of Respondents: 21,163,885.

Total Estimated Number of Responses: 42,328,094.

Total Estimated Annual Burden Hours: 568,192.

Total Estimated Annual Other Costs Burden: $0.

Dated: March 23, 2012.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2012–7509 Filed 3–28–12; 8:45 am]

BILLING CODE 4510–FN–P

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Engineering; Notice of Meeting

In accordance with Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Engineering Advisory Committee Meeting, # 1170.

Date/Time: April 11, 2012: 12 p.m. to 6 p.m.; April 12, 2012: 8 a.m. to 2 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Suite 1235, Arlington, Virginia 22203.

Type of Meeting: Open.

Contact Person: Deborah Young, National Science Foundation, 4201 Wilson Boulevard, Suite 505, Arlington, Virginia 22203.

Purpose of Meeting: To provide advice, recommendations and counsel on major goals and policies pertaining to engineering programs and activities.

Agenda: The principal focus of the meeting on both days will be to discuss emerging issues and opportunities for the Directorate for Engineering and its divisions and review Committee of Visitors Reports.

Dated: March 23, 2012.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 2012–7514 Filed 3–28–12; 8:45 am]

BILLING CODE 7555–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549–0213.

Extension:
Rule 206(3)–2, SEC File No. 270–216, OMB Control No. 3235–0243.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (the ''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Rule 206(3)–2, (17 CFR 275.206(3)–2) which is entitled ''Agency Cross Transactions for Advisory Clients,'' permits investment advisers to comply with section 206(3) of the Investment Advisers Act of 1940 (the ''Act'') (15 U.S.C. 80b–6(3)) by obtaining a client's blanket consent to enter into agency cross transactions (*i.e.,* a transaction in which an adviser acts as a broker to both the advisory client and the opposite party to the transaction), provided that certain disclosures are made to the client. Rule 206(3)–2 applies to all registered investment advisers. In relying on the rule, investment advisers must provide certain disclosures to their clients. Advisory clients can use the disclosures to monitor agency cross transactions that affect their advisory account. The Commission also uses the information required by Rule 206(3)–2 in connection with its investment adviser inspection program to ensure that advisers are in compliance with the rule. Without the information collected under the rule, advisory clients would not have information necessary for monitoring their adviser's handling of their accounts and the Commission would be less efficient and effective in its inspection program.

The information requirements of the rule consist of the following: (1) Prior to obtaining the client's consent appropriate disclosure must be made to the client as to the practice of, and the conflicts of interest involved in, agency cross transactions; (2) at or before the completion of any such transaction the client must be furnished with a written confirmation containing specified information and offering to furnish upon request certain additional information; and (3) at least annually, the client must be furnished with a written statement or summary as to the total number of transactions during the period covered by the consent and the total amount of commissions received by the adviser or its affiliated broker-dealer attributable to such transactions.

The Commission estimates that approximately 550 respondents use the rule annually, necessitating about 32 responses per respondent each year, for a total of 17,600 responses. Each response requires an estimated 0.5 hours, for a total of 8,800 hours. The estimated average burden hours are made solely for the purposes of the Paperwork Reduction Act and are not derived from a comprehensive or representative survey or study of the cost of Commission rules and forms.

This collection of information is found at (17 CFR 275.206(3)–2) and is necessary in order for the investment adviser to obtain the benefits of Rule 206(3)–2. The collection of information requirements under the rule is mandatory. Information subject to the disclosure requirements of Rule 206(3)–2 does not require submission to the Commission; and, accordingly, the disclosure pursuant to the rule is not kept confidential. Commission-registered investment advisers are required to maintain and preserve certain information required under Rule 206(3)–2 for five (5) years. The long-term retention of these records is necessary for the Commission's inspection program to ascertain compliance with the Advisers Act.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid control number.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (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. Consideration will be given to comments and suggestions submitted in writing within sixty 60 days of this publication.

Please direct your written comments to Thomas Bayer, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 6432 General Green Way, Alexandria, VA 22312; or send an email to: *PRA_Mailbox@sec.gov*.

Dated: March 23, 2012.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–7522 Filed 3–28–12; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon written request, copies available from: Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549.

Extension:
Rule 17Ac2–2 and Form TA–2, SEC File No. 270–298, OMB Control No. 3235–0337.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of the existing collection of information provided for in Rule 17Ac2–2 (17 CFR 240.17Ac2–2) and Form TA–2 under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) (''Exchange Act'').

Rule 17Ac2–2 and Form TA–2 under the Exchange Act require transfer agents to file an annual report of their business activities with the Commission.

These reporting requirements are designed to ensure that all registered transfer agents are providing the Commission with sufficient information on an annual basis about the transfer agent community and for the Commission to effectively monitor business activities of transfer agents.

The amount of time needed to comply with the requirements of amended Rule 17Ac2–2 and Form TA–2 varies. From the total 473 registered transfer agents, approximately 30 registrants would be required to complete only Questions 1 through 4 and the signature section of amended Form TA–2, which the Commission estimates would take each registrant about 30 minutes, for a total burden of 15 hours ($30 \times .5$ hours). Approximately 111 registrants would be required to answer Questions 1 through 5, 10, and 11 and the signature section, which the Commission estimates would take about 1 hour and 30 minutes, for a total of 166.5 hours (111×1.5 hours). The remaining registrants,

approximately 332, would be required to complete the entire Form TA–2, which the Commission estimates would take about 6 hours, for a total of 1,992 hours (332 × 6 hours). The aggregate annual burden on all 473 transfer agents registered with the Commission as of November 1, 2011, is thus approximately 2,174 hours (15 hours + 166.5 hours + 1,992 hours).

We estimate that the total cost of reviewing and entering the information reported on the Forms TA–2 for respondents is $41.50 per hour. The Commission estimates that the total internal labor cost of complying with the rule and form requirements would be $90,221 annually ($41.50 × 2,174). This, however, is solely a monetization of the hour burden and is not a separate cost burden.

This rule does not involve the collection of confidential information.

The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (''OMB'') control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a valid OMB control number.

Background documentation for this information collection may be viewed at the following Web site, *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Thomas Bayer, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 6432 General Green Way, Alexandria, VA 22312 or send an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: March 23, 2012.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–7521 Filed 3–28–12; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549–0213.

Extension:

Rules 8b–1 to 8b–33, SEC File No. 270–135, OMB Control No. 3235–0176.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Rules 8b–1 to 8b–33 (17 CFR 270.8b–1 to 8b–33) under the Investment Company Act of 1940 (15 U.S.C. 80a–1 *et seq.*) (''Investment Company Act'') were adopted to standardize the mechanics of registration under the Investment Company Act and to provide more specific guidance for persons registering under the Investment Company Act than the information contained in the statute. For the most part, these procedural rules do not require the disclosure of information. Two of the rules, however, require limited disclosure of information.[1] The information required by the rules is necessary to ensure that investors have clear and complete information upon which to base an investment decision. The Commission uses the information that investment companies provide on registration statements in its regulatory, disclosure review, inspection and policy-making roles. The respondents to the collection of information are investment companies filing registration statements under the Investment Company Act.

The Commission does not estimate separately the total annual reporting and recordkeeping burden associated with rules 8b-1 to 8b-33 because the burden associated with these rules are included in the burden estimates the Commission submits for the investment company registration statement forms (*e.g.,* Form N–1A (17 CFR 239.15A and 274.11A), Form N–2 (17 CFR 239.14 and 274.11a–1), Form N–3 (17 CFR 239.17a and 274.11b), Form N–4 (17 CFR 239.17b and 274.11c), and Form N–6 (17 CFR 239.17c and 274.11d)). For example, a mutual fund that prepares a registration statement on Form N–1A must comply with the rules under Section 8(b), including rules on riders, amendments, the form of the registration statement, and the number of copies to be submitted. Because the fund only incurs a burden from the Section 8(b) rules when preparing a registration statement, it would be impractical to measure the compliance burden of these rules separately. The Commission believes that including the burden of the Section 8(b) rules with the burden estimates for the investment company registration statement forms provides a more accurate and complete estimate of the total burdens associated with the registration process. For administrative purposes, however, we are requesting approval for an information collection burden of one hour per year. This estimate of burden hours is not derived from a comprehensive or necessarily even representative study of the cost of the Commission's rules and forms.

Written 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 collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Thomas Bayer, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 6432 General Green Way, Alexandria, VA 22312; or send an email to *PRA_Mailbox@sec.gov.*

Dated: March 23, 2012.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–7520 Filed 3–28–12; 8:45 am]

BILLING CODE 8011–01–P

[1] Rule 8b–3 (17 CFR 270.8b–3) provides that whenever a registration form requires the title of securities to be stated, the registrant must indicate the type and general character of the securities to be issued. Rule 8b–22 (17 CFR 270.8b–22) provides that if the existence of control is open to reasonable doubt, the registrant may disclaim the existence of control, but it must state the material facts pertinent to the possible existence of control.

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 30007; 813–228]

Jefferies Employees Special Opportunities Partners, LLC, et al.; Notice of Application

March 23, 2012.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of an application for an order under sections 6(b) and 6(e) of the Investment Company Act of 1940 (the ''Act'') granting an exemption from all provisions of the Act, except sections 9, 17, 30 and 36 through 53, and the rules and regulations under the Act (the ''Rules and Regulations''). With respect to sections 17(a), (d), (f), (g), and (j) of the Act, sections 30(a), (b), (e), and (h) of the Act and the Rules and Regulations and rule 38a–1 under the Act, applicants request a limited exemption as set forth in the application.

SUMMARY: *Summary of the Application:* Applicants request an order to exempt a limited liability company formed for the benefit of eligible employees of Jefferies Group, Inc. and its affiliates from certain provisions of the Act. The limited liability company is an ''employees' securities company'' within the meaning of section 2(a)(13) of the Act.

APPLICANTS: Jefferies Employees Special Opportunities Partners, LLC (''JESOP''), Jefferies Special Opportunities Advisers, LLC (the ''Investment Manager'') and Jefferies & Company, Inc. (the ''Managing Member'').

DATES: *Filing Dates:* The application was filed on January 20, 2000 and amended on January 6, 2004, October 17, 2008, January 9, 2012, January 11, 2012 and March 16, 2012.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on April 17, 2012 and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the 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: Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090. Applicants, 520 Madison Avenue, 12th Floor, New York, New York 10022.

FOR FURTHER INFORMATION CONTACT: Marilyn Mann, Special Counsel, at (202) 551–6813 or Mary Kay Frech, 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 for an applicant using the Company name box, at *http://www.sec.gov/search/seach.htm* or by calling (202) 551–8090.

Applicants' Representations

1. JESOP is a Delaware limited liability company and is an employees' securities company within the meaning of section 2(a)(13) of the Act. Interests in JESOP (''Interests'') were offered to (i) current and former employees, officers, directors, and consultants of the Jefferies Group, (ii) spouses, parents, children, spouses of children, siblings, and grandchildren of such persons, (iii) trusts and other investment vehicles used or created by such persons, and (iv) the Managing Member and certain other Jefferies Entities. Jefferies Group, Inc. and its ''affiliates,'' as defined in rule 12b–2 under the Securities Exchange Act of 1934 (the ''Exchange Act''), are referred to collectively as ''Jefferies Group'' and individually as a ''Jefferies Entity.'' Interests were not registered under the Securities Act of 1933 (''Securities Act'') in reliance on section 4(2) of the Securities Act or Regulation D under the Securities Act and were sold only to ''accredited investors'' within the meaning of rule 501(a) of Regulation D. JESOP is not currently offering Interests and will not do so in the future, nor will it make capital calls on existing Interest holders (''Members'').

2. JESOP will terminate on March 29, 2013 (the ''Termination'') and its term will not be extended unless at that time it is able to rely on section 3(c)(1) of the Act. The chief compliance officer of JESOP or the Investment Manager will certify to the Office of Investment Company Regulation of the Division of Investment Management every six months beginning from the date six months following the date of the requested order until March 29, 2013 that JESOP is in compliance with the terms and conditions of the requested order, as reflected in the application and this notice.

3. JESOP is controlled by the Managing Member, within the meaning of section 2(a)(9) of the Act. The Investment Manager serves as investment adviser to JESOP. JESOP currently owns only (i) Series E Interests of Jefferies High Yield Holdings, LLC (''Holdings''), the sole member of Jefferies High Yield Trading, LLC, a registered broker-dealer, (ii) ''eligible securities,'' as defined in rule 2a–7 under the Act (''Eligible Securities''), (iii) shares of money market funds registered under the Act, and (iv) cash (collectively, ''Permitted Instruments''). JESOP will not hold any assets other than Permitted Instruments.

Applicants' Legal Analysis

1. Section 6(b) of the Act provides, in part, that the Commission will exempt employees' securities companies from the provisions of the Act to the extent that the exemption is consistent with the protection of investors. Section 2(a)(13) defines an employees' securities company as any investment company all of whose securities (other than short-term paper) are beneficially owned (a) by current or former employees, or persons on retainer, of one or more affiliated employers, (b) by immediate family members of such persons, or (c) by such employer or employers together with any of the persons in (a) or (b).

2. Section 7 of the Act generally prohibits investment companies that are not registered under section 8 of the Act from selling or redeeming their securities. Section 6(e) of the Act provides that, in connection with any order exempting an investment company from any provision of section 7, certain provisions of the Act, as specified by the Commission, will be applicable to the company and other persons dealing with the company as though the company were registered under the Act. Applicants request an order under sections 6(b) and 6(e) of the Act exempting applicants from all provisions of the Act, except sections 9, 17, 30, 36 through 53, and the Rules and Regulations. With respect to sections 17(a), (d), (f), (g) and (j) and 30(a), (b), (e) and (h) of the Act and the Rules and Regulations, and rule 38a–1 under the Act, applicants request a limited exemption as set forth in the application.

3. Section 17(a) of the Act generally prohibits any affiliated person of a registered investment company, or any affiliated person of an affiliated person, acting as principal, from knowingly selling or purchasing any security or

other property to or from the company. Applicants request an exemption from section 17(a) to permit Holdings, in connection with the Termination, to engage in any principal transaction directly or indirectly with JESOP.

4. Section 17(d) of the Act and rule 17d–1 under the Act prohibit any affiliated person of a registered investment company, or any affiliated person of such person, acting as principal, from participating in any joint arrangement with the registered investment company unless authorized by the Commission. Applicants request an exemption from section 17(d) and rule 17d–1 to the extent necessary to permit JESOP to engage in any transactions in which an Affiliated Co-Investor, or an affiliated person of such person, is a participant, solely in connection with the Termination. The requested exemption would permit JESOP to redeem its Series E Interests in Holdings at or about the same time that another Jefferies Entity is redeeming another series of interests in Holdings. The term ''Affiliated Co-Investor'' with respect to JESOP means any person who is (a) an ''affiliated person'' (as defined in section 2(a)(3) of the Act) of JESOP; (b) a Jefferies Entity; (c) an officer, director, or employee of a Jefferies Entity or the Jefferies Group; or (d) an entity in which a Jefferies Entity acts as general partner, or has a similar capacity to control the sale or disposition of the entity's securities.

5. Section 17(f) of the Act designates the entities that may act as investment company custodians, and rule 17f–2 under the Act allows an investment company to act as self-custodian. Applicants request an exemption to permit the following exceptions from the requirements of rule 17f–2: (i) Compliance with paragraph (b) of the rule may be achieved through safekeeping in the locked files or secure server of a Jefferies Entity; (ii) for the purposes of paragraph (d) of the rule, (A) employees of the Managing Member or a designated affiliate of the Managing Member will be deemed to be employees of JESOP, (B) officers of the Managing Member or a designated affiliate of the Managing Member will be deemed to be officers of JESOP, and (C) the Managing Member or a designated affiliate of the Managing Member will be deemed to be the board of directors of JESOP; and (iii) instead of the verification procedure under paragraph (f) of the rule, verification will be effected quarterly by two employees of the Managing Member or a designated affiliate of the Managing Member.

6. Section 17(g) and rule 17g–1 generally require the bonding of officers and employees of a registered investment company who have access to its securities or funds. Rule 17g–1 requires that a majority of directors who are not interested persons of a registered investment company (''disinterested directors'') take certain actions and give certain approvals relating to fidelity bonding. Paragraph (g) of rule 17g–1 sets forth certain materials relating to the fidelity bond that must be filed with the Commission and certain notices relating to the fidelity bond that must be given to each member of the investment company's board of directors. Paragraph (h) of rule 17g–1 provides that an investment company must designate one of its officers to make the filings and give the notices required by paragraph (g). Paragraph (j) of rule 17g–1 exempts a joint insured bond provided and maintained by an investment company and one or more other parties from section 17(d) of the Act and the rules thereunder. Rule 17g–1(j)(3) requires that the board of directors of an investment company satisfy the fund governance standards defined in rule 0–l(a)(7).

7. Applicants request an exemption from rule 17g–1(d), (e) and (g) to the extent necessary to permit the Managing Member or its affiliates to act and approve as required by the rule, rather than a majority of the disinterested directors of JESOP or of the Managing Member. JESOP will comply with all other requirements of rule 17g–1, except that JESOP requests an exemption from the requirements of rule 17g–1(g) and (h) relating to the filing of copies of fidelity bonds and related information with the Commission and relating to the provisions of notices to the board of directors, and an exemption from the requirements of rule 17g–1(j)(3) that JESOP comply with the fund governance standards defined in rule 0–1(a)(7). The Managing Member or an affiliate of the Managing Member will maintain the materials otherwise required to be filed with the Commission by rule 17g–1(g) and agrees that all such material will be subject to examination by the Commission and its staff. The Managing Member will designate a person to maintain the records otherwise required to be filed with the Commission under paragraph (g) of the rule.

8. Applicants request an exemption from the requirements, contained in section 17(j) of the Act and rule 17j–1 under the Act, that every registered investment company adopt a written code of ethics and every ''access person'' of such registered investment company report to the investment company with respect to transactions in any security in which such access person has, or by reason of the transaction acquires, any direct or indirect beneficial ownership in the security. Applicants request an exemption from the requirements in rule 17j–1, with the exception of the antifraud provisions of rule 17j–1(b), because they are burdensome and unnecessary and would serve little purpose in light of the community of interest among Members by virtue of their common association with the Jefferies Group.

9. Applicants request an exemption from the requirements in sections 30(a), 30(b), and 30(e) of the Act, and the rules under those sections, that registered investment companies prepare and file with the Commission and mail to their shareholders certain periodic reports and financial statements. Applicants request exemptive relief to the extent necessary to permit JESOP to report annually to its Members. Applicants also request an exemption from section 30(h) of the Act to the extent necessary to exempt the Managing Member, the Investment Manager, and any other persons who are subject to section 30(h), from filing Forms 3, 4 and 5 under section 16 of the Exchange Act with respect to their ownership of Interests.

10. Rule 38a–1 requires investment companies to adopt, implement and periodically review written policies and procedures reasonably designed to prevent violation of the federal securities laws and to appoint a chief compliance officer. JESOP will comply with rule 38a–1(a), (c) and (d), except that (i) because JESOP does not have a board of directors, the board of directors of the Managing Member will fulfill the responsibilities assigned to JESOP's board of directors under the rule, and (ii) because the board of directors of the Managing Member does not have any disinterested members, approval by a majority of the disinterested board members required by rule 38a–1 will not be obtained and (iii) since the board of directors of the Managing Member does not have any disinterested members, JESOP will comply with the requirement in rule 38a–1(a)(4)(iv) that the chief compliance officer meet with the disinterested directors by having the chief compliance officer meet with the board of directors of the Managing Member as constituted.

Applicants' Conditions

Applicants agree that the requested order will be subject to the following conditions:

1. Each proposed transaction otherwise prohibited by section 17(a) or section 17(d) and rule 17d–1 to which

JESOP is a party (each a ''Section 17 Transaction'') will be effected only if the Investment Manager determines that:

(a) The terms of the Section 17 Transaction, including the consideration to be paid or received, are fair and reasonable to the Members of JESOP and do not involve overreaching of JESOP or its Members on the part of any person concerned;

(b) the Section 17 Transaction is consistent with the interests of the Members of JESOP, JESOP's constitutive documents, and JESOP's reports to its Members; and

(c) the Section 17 Transaction is undertaken only in connection with the Termination.

The Investment Manager will record and preserve a description of all Section 17 Transactions, its findings, the information or materials upon which its findings are based, and the basis therefor. All such records will be maintained for the life of JESOP, and at least six years thereafter, and will be subject to examination by the Commission and its staff. All such records will be maintained in an easily accessible place for at least the first two years after such a transaction.

2. If JESOP makes purchases or sales from or to an entity affiliated with JESOP because an officer, director or employee of the Jefferies Group either: (a) Serves as an officer, director, general partner or investment adviser of the entity, or (b) has a 5% or more investment in the entity, such individual will not participate in JESOP's determination of whether or not to effect the purchase or sale. Any such purchase or sale will be made only in connection with the Termination.

3. The Investment Manager will adopt, and periodically review and update, procedures designed to ensure that reasonable inquiry is made, prior to the consummation of any Section 17 Transaction, that (a) the Section 17 Transaction is only effected to facilitate the Termination, and (b) the possible involvement in the Section 17 Transaction of any affiliated person or promoter of or principal underwriter for JESOP or any affiliated person of such person, promoter or principal underwriter, is made in accordance with these conditions.

4. The Investment Manager will not invest the funds of JESOP in any securities other than Series E Interests of Holdings, shares of money market funds registered under the Act, and ''eligible securities,'' as that term is defined in rule 2a–7 under the Act.

5. The Managing Member will send, or cause to be sent, to each person who was a Member in JESOP at any time during the fiscal year then ended, JESOP's financial statements audited by independent accountants. At the end of each fiscal year, as of that year end, the Managing Member will make or have a valuation made of all the assets of JESOP. In addition, within 90 days after the end of each fiscal year of JESOP, or as soon as practicable thereafter, the Managing Member of JESOP shall send, or cause to be sent, a report to each person who was a Member at any time during the fiscal year then ended, setting forth such tax information as shall be necessary for the preparation by the Member of his or her federal and state income tax returns, and a report of the investment activities of JESOP during such fiscal year.

6. JESOP, the Managing Member and the Investment Manager will maintain and preserve, for the life of JESOP and at least six years thereafter, such accounts, books, and other documents as constitute the record forming the basis for the audited financial statements and annual reports of JESOP to be sent to the Members, and agree that all such records will be subject to examination by the Commission and its staff. All such records will be maintained in an easily accessible place for at least the first two years.

7. The requested relief will terminate on March 29, 2013 and after that date JESOP will not rely on any Commission rule under the Act that provides relief permitting the operation of employees' securities companies as such term is defined in section 2(a)(13) of the Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–7519 Filed 3–28–12; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–66651; File No. SR–C2–2012–010]

Self-Regulatory Organizations; C2 Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fees Schedule

March 23, 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 19, 2012, C2 Options Exchange, Incorporated (the ''Exchange'' or ''C2'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its Fees Schedule. The text of the proposed rule change is available on the Exchange's Web site (*http://www.c2exchange.com/Legal/*), at the Exchange's Office of the Secretary, 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

The Exchange proposes to amend a number of its application-related fees, as listed below:

Fee	Current fee amount	Proposed new fee amount
Application Fee (Organizations)	$4,000	$5,000
Application Fee (Sole-Proprietors)	2,500	3,000
Engage in Customer Business	2,500	3,000
Associated Person	350	500
Renewal (Organizations)	2,000	2,500
Statutory Disqualification	2,750	5,000
Fingerprint	50	60

The costs of processing these applications and activities have increased, and the Exchange therefore

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

proposes increasing the fees in order to recoup such costs. Further, these changes will make these fee amounts equivalent to corresponding fees on the Chicago Board Options Exchange, Incorporated (''CBOE'').[3]

The Exchange also proposes waiving Renewal fees for a six-month period beginning on April 1, 2012. The Renewal fee is assessed to organizations and sole proprietorships that were once C2 Trading Permit Holders but gave up their trading permits, and now want to return. The Exchange proposes waiving the Renewal fee for a six-month period beginning on April 1, 2012 in order to provide an incentive to former C2 Trading Permit Holders to return to C2.

The proposed changes are to take effect April 1, 2012.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[4] Specifically, the Exchange believes the proposed rule change is consistent with Section 6(b)(4) of the Act,[5] which provides that Exchange rules may provide for the equitable allocation of reasonable dues, fees, and other charges among its Trading Permit Holders and other persons using its facilities. The proposed increases in TPH Application fees are reasonable because such increases are necessary to cover the increased costs of processing such applications and activities. The proposed increases in TPH Application fees are equitable and not unfairly discriminatory because they apply equally to all qualifying market participants. Further, these changes will make these fee amounts equivalent to corresponding fees on CBOE.[6]

The proposed waiver of the Renewal fees for a six-month period beginning on April 1, 2012 is reasonable because it will permit former C2 Trading Permit Holders to avoid having to pay a fee they would otherwise have to pay to return to C2. The proposed waiver of the Renewal fees for a six-month period beginning on April 1, 2012 is equitable and not unfairly discriminatory because it will apply equally to all former C2 Trading Permit Holders who wish to return to C2. Moreover, this waiver will encourage former C2 Trading Permit Holders to return to C2, which will in turn bring greater liquidity and more trading opportunities for all market participants.

B. Self-Regulatory Organization's Statement on Burden on Competition

C2 does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange neither solicited nor received comments on the proposed rule change.

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)[7] of the Act and paragraph (f) of Rule 19b–4[8] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–C2–2012–010 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–C2–2012–010. 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–C2–2012–010 and should be submitted on or before April 19, 2012.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–7525 Filed 3–28–12; 8:45 am]

BILLING CODE 8011–01–P

[3] *See* CBOE Fees Schedule, Section 11.

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(4).

[6] *See* Note 3.

[7] 15 U.S.C. 78s(b)(3)(A).

[8] 17 CFR 240.19b–4(f).

[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–66645; File No. SR–PHLX–2012–37]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by NASDAQ OMX PHLX LLC Relating to the Proprietary Traders Qualification Examination (''Series 56'')

March 22, 2012.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1], and Rule 19b–4[2] thereunder, notice is hereby given that on March 21, 2012, NASDAQ OMX PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing with the Securities and Exchange Commission (''Commission'') the content outline and selection specifications for the Proprietary Traders Qualification Examination (''Series 56'') program. Phlx will implement the proposal upon notice to its membership.

The text of the proposed rule change is available on the Exchange's Web site at *http://www.nasdaqtrader.com/micro.aspx?id=PHLXRulefilings,* 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

Recently, Phlx filed a proposed rule change to recognize a new category of limited representative registration for proprietary traders.[3] Specifically, Phlx will recognize the new registration category ''Proprietary Trader'' and the new examination, the Series 56. The new Proprietary Trader category would be limited to persons engaged solely in proprietary trading, market making or effecting transactions on behalf of a broker-dealer account.

The Exchange has been working with the Financial Industry Regulatory Authority (''FINRA'') and certain other markets, many of which have recently enhanced their registration requirements to require the registration of associated persons,[4] to develop the content outline and qualification examination that would be applicable to proprietary traders. The Series 56 examination program is shared by Phlx and the following: Boston Options Exchange; C2 Options Exchange, Incorporated; Chicago Board Options Exchange, Incorporated; Chicago Stock Exchange, Inc.; International Securities Exchange, LLC; The NASDAQ Stock Market LLC; National Stock Exchange, Inc.; New York Stock Exchange LLC; NYSE AMEX LLC; and NYSE ARCA, Inc. FINRA staff convened a committee of industry representatives and staff of the various markets to develop the criteria for the Series 56 examination program.

The Series 56 examination tests a candidate's knowledge of proprietary trading generally and the industry rules applicable to trading of equity securities and listed options contracts. The Series 56 examination covers, among other things, recordkeeping and recording requirements, types and characteristics of securities and investments, trading practices and display execution and trading systems. While the examination is primarily dedicated to topics related to proprietary trading, the Series 56 examination also covers a few general concepts relating to customers.[5]

The qualification examination consists of 100 multiple choice questions. Candidates will have 150 minutes to complete the exam. The content outline describes the following topical sections comprising the examination: Personnel, Business Conduct and Recordkeeping and Reporting Requirements, 9 questions; Markets, Market Participants, Exchanges, and Self-Regulatory Organizations, 8 questions; Types and Characteristics of Securities and Investments, 20 questions; Trading Practices and Prohibited Acts, 50 questions; and Display, Execution, and Trading Systems, 13 questions. Representatives from the applicable markets intend to meet on a periodic basis to evaluate and, as necessary, update the Series 56 examination program.

The Exchange understands that the other applicable markets will also file with the Commission similar filings regarding the Series 56 examination program. The Exchange proposes to implement the Series 56 examination program upon availability in WebCRD, notification to its membership and approval of SR–Phlx–2012–23.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act[6] in general, and furthers the objectives of Section 6(c)(3)(B) of the Act,[7] pursuant to which a national securities exchange prescribes standards of training, experience and competence for members and their associated persons, in particular, by offering a new qualification examination for proprietary traders. This filing provides the content outline and relevant specifications for the Series 56 examination program, which should help ensure that all associated persons engaged in a securities business are, and will continue to be, properly trained and qualified to perform their functions.

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 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 after the date of the filing, or such shorter time as the Commission may designate, it has become effective pursuant to 19(b)(3)(A) of the Act[8] and Rule 19b–4(f)(6)[9] thereunder.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the

[3] *See* Securities Exchange Act Release No. 66497 (March 1, 2012), 77 FR 13668 (March 7, 2012) (SR–Phlx–2012–23).

[4] *See e.g.,* Securities Exchange Act Release Nos. 63843 (February 4, 2011), 76 FR 7884 (February 11, 2011) (SR–ISE–2010–115); and 63314 (November 12, 2010), 75 FR 70957 (November 19, 2010) (SR–CBOE–2010–084).

[5] Proprietary trading firms don not have customers.

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78(c)(3)(B).

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file 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 satisfied this requirement.

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–PHLX–2012–37 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–PHLX–2012–37. 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 inspection and copying at the principal offices of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–PHLX–2012–37, and should be submitted on or before April 19, 2012.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–7571 Filed 3–28–12; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–66652; File No. SR–NASDAQ–2012–038]

Self-Regulatory Organizations; the NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule 4120

March 23, 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 March 19, 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 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

NASDAQ is proposing to amend Rule 4120 to adopt a modification in the process for initiating trading of a security that is the subject of an initial public offering (an ''IPO'') on NASDAQ. The text of the proposed rule change is available at *http://nasdaq.cchwallstreet.com/,* at the Exchange's principal office, on the Commission's Web site at *http://www.sec.gov/,* 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 the Statutory Basis for, the Proposed Rule Change

1. Purpose

NASDAQ is proposing to make a minor modification to its process for commencing trading of a security that is the subject of an IPO on NASDAQ. Rule 4120(a)(7) provides that trading in an IPO security is halted until the security is released for trading. Rule 4120(c)(7)(B) establishes the process for lifting the halt and commencing trading. Under that rule, prior to terminating the halt, there is a 15-minute Display-Only Period during which market participants may enter quotes and orders into the NASDAQ Market Center. At the conclusion of the Display-Only Period, trading commences through the halt cross process provided for in Rule 4753. However, if at the end of a Display-Only Period, NASDAQ detects an order imbalance in the security, the halt may be extended for up to six additional Display-Only Periods of five minutes each.

Under the current process, quotes and orders in the IPO security may not be entered until the commencement of the Display-Only Period. However, NASDAQ believes that the quality of its process for commencing IPO trading would be enhanced by allowing market participants to begin entering orders at 7 a.m., to be held and not displayed until the beginning of the Display-Only Period. Specifically, NASDAQ believes that this change will provide for a greater number of orders being entered prior to commencement of trading, resulting in a higher level of order interaction at the open.

To effect this change, NASDAQ proposes amending Rule 4120(c)(7)(B) to provide that beginning at 7 a.m., market participants may enter Market Hours Day Orders (''MDAY Orders'') in a security that is the subject of an IPO on NASDAQ and designate such orders to be held until the beginning of the Display-Only Period. Such orders will be held in an undisplayed state until the beginning of the Display-Only Period, at which time they will be entered into the system. Market participants may cancel orders entered in this manner in the same way they would cancel any other order. Orders entered prior to the Display-Only Period will be cancelled

[10] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

back to the entering participant unless they are designated for holding.

2. Statutory Basis

NASDAQ believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[3] in general, and with Section 6(b)(5) of the Act,[4] in particular, in that the proposal is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, 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. Specifically, NASDAQ believes that the proposed rule change will result in a greater number of orders being entered prior to commencement of trading of IPO securities, resulting in a higher level of order interaction at the open. Thus, NASDAQ believes that the change will remove impediments to and perfect the mechanism of a free and open market.

B. Self-Regulatory Organization's Statement on Burden on Competition

NASDAQ 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, as amended. NASDAQ believes that the proposed rule change will result in a greater number of orders being entered prior to commencement of trading of IPO securities, resulting in a higher level of order interaction at the open. NASDAQ believes that this change will enhance competition by increasing its attractiveness as a venue for trading IPO securities.

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

The proposed rule change is effective upon filing pursuant to Section 19(b)(3)(A) of the Act[5] and paragraph (f)(6) of Rule 19b–4 thereunder,[6] in that the proposed rule change: (i) Does not significantly affect the protection of investors or the public interest; (ii) does not impose any significant burden on competition; and (iii) does not become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest; provided the self-regulatory organization has given 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.

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 No. SR–NASDAQ–2012–038 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 No. SR–NASDAQ–2012–038. 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 inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR–NASDAQ–2012–038 and should be submitted on or before April 19, 2012.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–7526 Filed 3–28–12; 8:45 am]

BILLING CODE 8011–01–P

[3] 15 U.S.C. 78f.

[4] 15 U.S.C. 78f(b)(5).

[5] 15 U.S.C. 78s(b)(3)(A).

[6] 17 CFR 240.19b–4(f)(6).

[7] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–66646; File No. SR–CME–2012–06]

Self-Regulatory Organizations; Chicago Mercantile Exchange Inc.; Notice of Filing of Proposed Rule Change To Amend Certain Credit Default Swap Clearing Rules Regarding Guaranty Fund Allocations, Amendments to Daily Submission Deadline, Holiday Accrual Processing and PAI Payment Timeline

March 22, 2012.

Pursuant to Section 19(b)(2) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder[2] notice is hereby given that on March 9, 2012, Chicago Mercantile Exchange Inc. (''CME'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change described in Items I, II, and III below, which items have been prepared primarily by CME. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(2).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

CME proposes to amend rules related to its Credit Default Swap clearing rules regarding guaranty fund allocations, daily submission deadlines, and holiday accrual processing and PAI payment timeline. The text of the proposed rule change is available at CME's Web site at *http://www.cmegroup.com/market-regulation/rule-filings.html.*

II. Self-Regulatory Organization's Statement of Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose 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 self-regulatory organization 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 Purpose of, and Statutory Basis for, the Proposed Rule Change

CME currently offers clearing services for certain credit default swap (''CDS'') index products. CME proposes to amend certain rules in its rulebook that would generally affect its CDS clearing offering and also make corresponding amendments to certain sections of its Manual of Operations for CME Cleared Credit Default Swaps (''CDS Manual'').

The proposed changes to text in the CME rulebook would amend current requirements found in CME Rule 8H07.1 applying to the allocation of the CDS guaranty fund among CDS clearing members. Currently the CDS Guaranty Fund is calculated monthly and is proportionally allocated to each CDS Clearing Member on the basis of its 90-day trailing average of its potential residual loss and 90-day trailing average of its gross notional open interest outstanding at CME. CME is proposing to change the measurement period from 90 days to 30 days in order for the CDS Guaranty Fund to more quickly react to a CDS Clearing Member's current activity and to align the measurement period with the frequency of CDS Guaranty Fund calculations.

The proposed changes also include a number of purely operational changes that would be reflected in the CDS Manual (and would not be reflected in CME's rulebook). The proposed operational amendments to the CDS Manual include: Changes to CME's daily submission deadlines for CDS; amendments to current CDS holiday accrual processing; adoption of changes to relating to price alignment interest (''PAI'') payments; and changes that relate to end of day valuation issues. These proposed changes are summarized below:

1. *Operations Timeline and Reports.* CME would move up the trade submission deadline for current day trades from 7:59 p.m. ET to 6:59 p.m. ET.

2. *Position Management, Money Calculations, and Collateral.* No accrual processing would occur on bank holidays in the country in which the swap is denominated (Independence Day for U.S. Dollar denominated CDS contracts) and would be included in the processing for the next business day. CME would calculate and pay price alignment interest for CDS contracts on a daily basis as opposed to monthly.

3. *End of Day Valuations.* The price quality auction used to arrive at the settlement price for CDS contracts would be amended to require bid prices for contracts only where the CDS Clearing Member maintains open interest and to limit the price quality cross mechanism to contracts where the CDS Clearing Member has open interest.

CME notes that it has also submitted the proposed rule changes that are the subject of this filing to its primary regulator, the Commodity Futures Trading Commission (''CFTC'').

CME believes the proposed rule changes are consistent with the requirements of the Act, particularly Section 17A of the Act. Currently, the only swaps CME clears are CFTC-regulated swaps and therefore the proposed rule changes will only directly affect CME's swaps clearing activities pursuant to its registration as a derivatives clearing organization under the Commodity Exchange Act (''CEA'') at this point in time. CME notes that the policies of the CEA with respect to clearing are comparable to a number of the policies underlying the Act, such as promoting market transparency for over-the-counter derivatives markets, promoting the prompt and accurate clearance of transactions, and protecting investors and the public interest. CME believes the proposed rule changes accomplish these objectives by more accurately aligning the allocation of its CDS Guaranty Fund to each CDS Clearing Member's current activity.

B. Self-Regulatory Organization's Statement on Burden on Competition

CME does not believe that the proposed rule change will have any impact or impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

CME has not solicited and does not intend to solicit comments regarding this proposed rule change. CME has not received any unsolicited written comments from interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self- regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change or

(B) Institute proceedings to determine whether the proposed rule change should be 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 may be submitted by using the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*), or send an email to *rule-comment@sec.gov.* Please include File No. SR–CME–2012–06 on the subject line.
- Paper comments should be sent 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–CME–2012–06. 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 inspection and copying at the principal office of CME and on CME's Web site at *http://www.cmegroup.com/market-regulation/rule-filings.html.* 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–CME–2012–06 and should be submitted on or before April 19, 2012.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[3]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–7515 Filed 3–28–12; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–66649; File No. SR–NYSEAMEX–2012–18]

Self-Regulatory Organizations; NYSE Amex LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending Its Option Trading Rules To Extend the Operation of Its Pilot Program Regarding Minimum Value Sizes for Flexible Exchange Options Until March 29, 2013

March 23, 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 March 12, 2012, NYSE Amex LLC (the ''Exchange'' or ''NYSE Amex'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange has designated the proposed rule change as constituting a 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

The Exchange proposes to amend its option trading rules to extend the operation of its pilot program (''Pilot Program'') regarding minimum value sizes for flexible exchange options (''FLEX Options''), currently scheduled to expire on March 30, 2012, until March 29, 2013. The text of the proposed rule change is available at the Exchange, the Commission's Public Reference Room, and *www.nyse.com.*

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 self-regulatory organization 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 those 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 parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange hereby proposes to amend its option trading rules to extend the operation of its Pilot Program regarding minimum value sizes for FLEX Options, currently scheduled to expire on March 30, 2012,[4] until March 29, 2013. This filing does not propose any substantive changes to the Pilot Program and contemplates that all other terms of FLEX Options will remain the same. The Exchange believes that extending the Pilot Program will benefit public customers and other market participants who will be able to use FLEX Options to manage risk for smaller portfolios.

In support of the proposed extension of the Pilot Program, and as required by the terms of the Pilot Program's implementation,[5] the Exchange has submitted to the Securities and Exchange Commission (''SEC'' or ''Commission'') a Pilot Program Report that provides an analysis of the Pilot Program covering the period during which the Pilot Program has been in effect. This Pilot Program Report includes (i) data and analysis on the open interest and trading volume in (a) FLEX Equity Options that have opening transactions with a minimum size of 0 to 249 contracts and less than $1 million in underlying value; (b) FLEX Index Options that have opening transactions with a minimum opening size of less than $10 million in underlying equivalent value; and (ii) analysis on the types of investors that initiated opening FLEX Equity and Index Options transactions (i.e., institutional, high net worth, or retail). The report has been submitted to the Commission on a confidential basis.

The Exchange believes that there is sufficient investor interest and demand in the Pilot Program to warrant extension for an additional year. The Exchange believes that the Pilot Program has provided investors with additional means of managing their risk exposures and carrying out their investment objectives. The Exchange has not experienced any adverse market effects with respect to the Pilot Program.

If, in the future, the Exchange proposes an additional extension of the Pilot Program, or should the Exchange propose to make the Pilot Program permanent, the Exchange will submit, along with any filing proposing such amendments to the Pilot Program, an additional Pilot Program Report covering the period during which the Pilot Program was in effect and including the details referenced above, along with the nominal dollar value of the underlying security of each trade. The Pilot Program Report would be submitted to the Commission at least two months prior to the expiration date of the Pilot Program and would be provided on a confidential basis.

The Exchange notes that any positions established under this Pilot Program would not be impacted by the expiration of the Pilot Program. For example, a 10-contract FLEX Equity Option opening position that overlies less than $1 million in the underlying security and expires in January 2015 could be established during the Pilot Program. If the Pilot Program were not extended, the position would continue to exist and any further trading in the series would be subject to the minimum value size requirements for continued trading in that series.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the

[3] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 240.19b–4(f)(6).

[4] *See* Securities Exchange Act Release No. 64107 (March 22, 2011), 76 FR 17178 (March 28, 2011) (SR–NYSEAmex–2011–15).

[5] *Id.*

''Act''),[6] in general, and furthers the objectives of Section 6(b)(5),[7] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system. Specifically, the Exchange believes that the proposed extension of the Pilot Program, which eliminates the minimum value size applicable to FLEX Options, would provide greater opportunities for investors to manage risk through the use of FLEX Options. Further, the Exchange notes that it has not experienced any adverse effects from the operation of the Pilot Program.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the 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 prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[8] and Rule 19b–4(f)(6) thereunder.[9]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act[10] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)[11] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission notes that waiving the 30-day operative delay would prevent the expiration of the Pilot Program on March 30, 2012, prior to the extension to March 29, 2013 taking effect, and believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest.[12] Therefore, the Commission designates the proposal 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–NYSEAMEX–2012–18 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–NYSEAMEX–2012–18. 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–NYSEAMEX–2012–18 and should be submitted on or before April 19, 2012.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–7517 Filed 3–28–12; 8:45 am]

BILLING CODE 8011–01–P

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file 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 satisfied this requirement.

[10] 17 CFR 240.19b–4(f)(6).

[11] 17 CFR 240.19b–4(f)(6).

[12] 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).

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–66650; File No. SR–NYSEARCA–2012–20]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending Its Option Trading Rules To Extend the Operation of Its Pilot Program Regarding Minimum Value Sizes for Flexible Exchange Options Until March 29, 2013

March 23, 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 March 12, 2012, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange has designated the proposed rule change as

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

constituting a 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

The Exchange proposes to amend its option trading rules to extend the operation of its pilot program (''Pilot Program'') regarding minimum value sizes for flexible exchange options (''FLEX Options''), currently scheduled to expire on March 30, 2012, until March 29, 2013. The text of the proposed rule change is available at the Exchange, the Commission's Public Reference Room, and *www.nyse.com.*

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 self-regulatory organization 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 those 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 parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange hereby proposes to amend its option trading rules to extend the operation of its Pilot Program regarding minimum value sizes for FLEX Options, currently scheduled to expire on March 30, 2012,[4] until March 29, 2013. This filing does not propose any substantive changes to the Pilot Program and contemplates that all other terms of FLEX Options will remain the same. The Exchange is proposing a minor modification to its rule text to make that text consistent with the comparable rule text of NYSE Amex LLC (''NYSE Amex'').[5] In particular, the Exchange proposes to modify its rule text to specify that the minimum value size for an opening FLEX Options transaction will be one (1) contract. Overall, the Exchange believes that extending the Pilot Program will benefit public customers and other market participants who will be able to use FLEX Options to manage risk for smaller portfolios.

In support of the proposed extension of the Pilot Program, and as required by the terms of the Pilot Program's implementation,[6] the Exchange has submitted to the Securities and Exchange Commission (''SEC'' or ''Commission'') a Pilot Program Report that provides an analysis of the Pilot Program covering the period during which the Pilot Program has been in effect. This Pilot Program Report includes (i) data and analysis on the open interest and trading volume in (a) FLEX Equity Options that have opening transactions with a minimum size of 0 to 249 contracts and less than $1 million in underlying value; (b) FLEX Index Options that have opening transactions with a minimum opening size of less than $10 million in underlying equivalent value; and (ii) analysis on the types of investors that initiated opening FLEX Equity and Index Options transactions (i.e., institutional, high net worth, or retail). The report has been submitted to the Commission on a confidential basis.

The Exchange believes that there is sufficient investor interest and demand in the Pilot Program to warrant extension for an additional year. The Exchange believes that the Pilot Program has provided investors with additional means of managing their risk exposures and carrying out their investment objectives. The Exchange has not experienced any adverse market effects with respect to the Pilot Program.

If, in the future, the Exchange proposes an additional extension of the Pilot Program, or should the Exchange propose to make the Pilot Program permanent, the Exchange will submit, along with any filing proposing such amendments to the Pilot Program, an additional Pilot Program Report covering the period during which the Pilot Program was in effect and including the details referenced above, along with the nominal dollar value of the underlying security of each trade. The Pilot Program Report would be submitted to the Commission at least two months prior to the expiration date of the Pilot Program and would be provided on a confidential basis.

The Exchange notes that any positions established under this Pilot Program would not be impacted by the expiration of the Pilot Program. For example, a 10-contract FLEX Equity Option opening position that overlies less than $1 million in the underlying security and expires in January 2015 could be established during the Pilot Program. If the Pilot Program were not extended, the position would continue to exist and any further trading in the series would be subject to the minimum value size requirements for continued trading in that series.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the ''Act''),[7] in general, and furthers the objectives of Section 6(b)(5),[8] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system. Specifically, the Exchange believes that the proposed extension of the Pilot Program, which eliminates the minimum value size applicable to FLEX Options, would provide greater opportunities for investors to manage risk through the use of FLEX Options. Further, the Exchange notes that it has not experienced any adverse effects from the operation of the Pilot Program.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant

[3] 17 CFR 240.19b–4(f)(6).

[4] *See* Securities Exchange Act Release No. 64111 (March 23, 2011), 76 FR 17176 (March 28, 2011) (SR–NYSEArca–2011–10).

[5] *See* Commentary .01 to NYSE Amex Rule 903G.

[6] *Id.* [sic] The Commission notes that based on the context of the footnoted sentence, the Commission believes this footnote should refer to footnote 4 above.

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [9] and Rule 19b–4(f)(6) thereunder.[10]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act [11] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6) [12] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission notes that waiving the 30-day operative delay would prevent the expiration of the Pilot Program on March 30, 2012, prior to the extension to March 29, 2013 taking effect, and believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest.[13] Therefore, the Commission designates the proposal 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–NYSEARCA–2012–20 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–NYSEARCA–2012–20. 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–NYSEARCA–2012–20 and should be submitted on or before April 19, 2012.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–7518 Filed 3–28–12; 8:45 am]

BILLING CODE 8011–01–P

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file 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 satisfied this requirement.

[11] 17 CFR 240.19b–4(f)(6).

[12] 17 CFR 240.19b–4(f)(6).

[13] 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).

[14] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: Notice of reporting requirements submitted for OMB Review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

DATES: Submit comments on or before April 30, 2012. If you intend to comment but cannot prepare comments promptly, please advise the OMB Reviewer and the Agency Clearance Officer before the deadline.

Copies: Request for clearance (OMB 83–1), supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer.

ADDRESSES: Address all comments concerning this notice to: *Agency Clearance Officer,* Curtis Rich, Small Business Administration, 409 3rd Street SW., 5th Floor, Washington, DC 20416; and *OMB Reviewer,* Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Curtis Rich, Agency Clearance Officer, (202) 205–7030.

SUPPLEMENTARY INFORMATION:

Title: ''Transaction Report on Loans Serviced by lenders''.

Frequency: On Occasion.

SBA Form Number: 172.

Description of Respondents: SBA Lenders.

Responses: 4,724.

Annual Burden: 56,688.

Curtis Rich,

Acting Chief, Administrative Information Branch.

[FR Doc. 2012–7501 Filed 3–28–12; 8:45 am]

BILLING CODE 8025–01–P

SUSQUEHANNA RIVER BASIN COMMISSION

Actions Taken at December 15, 2011, Meeting

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: As part of its regular business meeting held on December 15, 2011, in Wilkes-Barre, Pennsylvania, the Commission convened a public hearing, at which it took the following actions: (1) Rescinded approval for three water resources projects; and (2) approved, denied, or tabled the applications of certain water resources projects. The

Commission took additional actions at its business meeting as set forth in the Supplementary Information below.

DATES: December 15, 2011.

ADDRESSES: Susquehanna River Basin Commission, 1721 N. Front Street, Harrisburg, PA 17102–2391.

FOR FURTHER INFORMATION CONTACT: Richard A. Cairo, General Counsel, telephone: (717) 238–0423, ext. 306; fax: (717) 238–2436; email: *rcairo@srbc.net*. Regular mail inquiries may be sent to the above address. See also Commission Web site at *www.srbc.net*.

SUPPLEMENTARY INFORMATION: In addition to the public hearing and its related actions on projects identified in the summary above and the listings below, the following items were also presented or acted on at the business meeting: (1) Presentation of the SRBC Anthracite Remediation Strategy; (2) presentation of the Commission's William W. Jeanes, Sr. Award to Mr. Bernie McGurl, Executive Director of the Lackawanna River Corridor Association; (3) a report on hydrologic conditions in the Susquehanna River Basin; (4) FY–2013 funding of the Susquehanna Flood Forecast and Warning System, the National Streamflow Information Program, and the National Weather Service Advanced Hydrologic Prediction Services; (5) approval of a final rulemaking amending 18 CFR Parts 806; and (6) a preliminary introduction to dockets. The Commission also heard counsel's report on legal matters affecting the Commission. The Commission convened a public hearing and took the following specific actions:

Public Hearing—Rescissions of Project Approvals

The following project approvals were rescinded by the Commission:

1. *Project Sponsor and Facility:* EXCO Resources (PA), LLC (Pine Creek) (Docket No. 20081203), Cummings Township, Lycoming County, Pa.

2. *Project Sponsor and Facility:* EXCO Resources (PA), LLC (Unnamed Tributary to Sandy Run) (Docket No. 20081209), Burnside Township, Centre County, Pa.

3. *Project Sponsor and Facility:* Possum Valley Municipal Authority (Docket No. 20090636), Menallen Township, Adams County, Pa.

Public Hearing—Project Application Tabled

The following project application was tabled by the Commission:

1. *Project Sponsor and Facility:* Stanley S. Karp Sr. (Tunkhannock Creek), Nicholson Township, Wyoming County, Pa. Application for surface water withdrawal of up to 0.510 mgd (peak day).

Public Hearing—Project Application Denied

The following project application was denied by the Commission:

1. *Project Sponsor:* Anadarko E&P Company LP. Project Facility: Sproul State Forest—Council Run, Snow Shoe Township, Centre County, Pa. Application for groundwater withdrawal of up to 0.715 mgd (30-day average) from Well PW–11.

Public Hearing—Project Applications Approved

The Commission approved the following project applications:

1. *Project Sponsor:* Bioenergy International, LLC. Project Facility: Bionol Clearfield, LLC, Clearfield Borough, Clearfield County, Pa. Modification to conditions of the surface water withdrawal approval (Docket No. 20070904).

2. *Project Sponsor:* Borough of Ephrata. Project Facility: Ephrata Area Joint Authority, Ephrata Borough, Lancaster County, Pa. Modification to conditions of the groundwater withdrawal approval (Docket No. 20110902).

3. *Project Sponsor and Facility:* Carrizo (Marcellus), LLC (Mosquito Creek–2), Karthaus Township, Clearfield County, Pa. Surface water withdrawal of up to 2.160 mgd.

4. *Project Sponsor and Facility:* Central New York Oil and Gas Company, LLC (Susquehanna River), Wilmot Township, Bradford County, Pa. Surface water withdrawal of up to 0.540 mgd.

5. *Project Sponsor and Facility:* Central New York Oil and Gas Company, LLC, Wilmot Township, Bradford County, Pa. Consumptive water use of up to 0.105 mgd.

6. *Project Sponsor and Facility:* Chesapeake Appalachia, LLC (Susquehanna River—Babcock), Ulster Township, Bradford County, Pa. Surface water withdrawal of up to 3.000 mgd.

7. *Project Sponsor and Facility:* Chesapeake Appalachia, LLC (Susquehanna River—Elmglade), Wilmot Township, Bradford County, Pa. Surface water withdrawal of up to 2.016 mgd.

8. *Project Sponsor and Facility:* Chesapeake Appalachia, LLC (Towanda Creek—Sechrist), Canton Township, Bradford County, Pa. Surface water withdrawal of up to 0.504 mgd.

9. *Project Sponsor:* Clark Trucking, LLC. Project Facility: Northeast Division (Lycoming Creek), Lewis Township, Lycoming County, Pa. Surface water withdrawal of up to 0.500 mgd.

10. *Project Sponsor:* Clark Trucking, LLC. Project Facility: Northeast Division (Muncy Creek), Muncy Creek Township, Lycoming County, Pa. Surface water withdrawal of up to 0.700 mgd.

11. *Project Sponsor and Facility:* Dunn Lake LLC (Dunn Pond), Ararat Township, Susquehanna County, Pa. Surface water withdrawal of up to 0.999 mgd.

12. *Project Sponsor and Facility:* EXCO Resources (PA), LLC (Muncy Creek—McClintock), Penn Township, Lycoming County, Pa. Surface water withdrawal of up to 1.500 mgd.

13. *Project Sponsor:* Glenn O. Hawbaker, Inc. Project Facility: Greens Landing Aggregate Plant, Athens Township, Bradford County, Pa. Surface water withdrawal of up to 0.249 mgd.

14. *Project Sponsor:* Glenn O. Hawbaker, Inc. Project Facility: Greens Landing Aggregate Plant, Athens Township, Bradford County, Pa. Consumptive water use of up to 0.249 mgd.

15. *Project Sponsor:* Hazleton Creek Properties, LLC. Project Facility: Hazleton Mine Reclamation, Hazleton City, Luzerne County, Pa. Modification to increase groundwater withdrawal by an additional 0.145 mgd, for a total of 0.200 mgd (30-day average) (Docket No. 20110307).

16. *Project Sponsor and Facility:* Keystone Clearwater Solutions, LLC (Babb Creek), Morris Township, Tioga County, Pa. Surface water withdrawal of up to 0.950 mgd.

17. *Project Sponsor and Facility:* Sugar Hollow Trout Park and Hatchery, Eaton Township, Wyoming County, Pa. Modification to project features and conditions of the groundwater withdrawal approval (Docket No. 20100913).

18. *Project Sponsor and Facility:* Sugar Hollow Water Services, LLC (Susquehanna River—Chellis), Eaton Township, Wyoming County, Pa. Surface water withdrawal of up to 1.500 mgd.

19. *Project Sponsor:* The Municipal Authority of the Borough of Berlin. Project Facility: Berlin Borough Municipal Authority, Allegheny Township, Somerset County, Pa. Modification to conditions of the groundwater withdrawal approval (Docket No. 19980702).

20. *Project Sponsor and Facility:* Walker Township Water Association, Walker Township, Centre County, Pa. Modification to increase the total groundwater system withdrawal limit from 0.523 mgd to 0.753 mgd (30-day average) (Docket No. 20070905).

21. *Project Sponsor and Facility:* Williams Production Appalachia, LLC (Middle Branch Wyalusing Creek), Forest Lake Township, Susquehanna County, Pa. Surface water withdrawal of up to 0.750 mgd.

22. *Project Sponsor and Facility:* Williams Production Appalachia, LLC (Snake Creek–2), Franklin Township, Susquehanna County, Pa. Surface water withdrawal of up to 0.999 mgd.

23. *Project Sponsor and Facility:* Williams Production Appalachia, LLC (Susquehanna River), Great Bend Township, Susquehanna County, Pa. Commission-initiated modification to project features and conditions of the surface water withdrawal approval (Docket No. 20090303), making a correction and reducing the approved surface water withdrawal amount from 3.00 mgd to 1.00 mgd.

24. *Project Sponsor and Facility:* Williams Production Appalachia, LLC (Susquehanna River–2), Great Bend Township, Susquehanna County, Pa. Surface water withdrawal of up to 2.000 mgd.

Authority: Pub. L. 91–575, 84 Stat. 1509 et seq., 18 CFR parts 806, 807, and 808.

Dated: March 23, 2012.

Thomas W. Beauduy,

Deputy Executive Director.

[FR Doc. 2012–7552 Filed 3–28–12; 8:45 am]

BILLING CODE 7040–01–P

SUSQUEHANNA RIVER BASIN COMMISSION

Actions Taken at March 15, 2012, Meeting

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: As part of its regular business meeting held on March 15, 2012, in Harrisburg, Pennsylvania, the Commission took the following actions: (1) Reconsidered certain actions taken at its December 15, 2011, public hearing; (2) upon reconsideration, approved or denied the applications of certain water resources projects, originally considered at the December 15, 2011, public hearing; (3) rescinded approval for one additional water resources project; (4) approved, tabled or denied the applications of certain additional water resources projects; and (5) took additional actions as set forth in the Supplementary Information below.

DATES: March 15, 2012.

ADDRESSES: Susquehanna River Basin Commission, 1721 N. Front Street, Harrisburg, PA 17102–2391.

FOR FURTHER INFORMATION CONTACT: Richard A. Cairo, General Counsel, telephone: (717) 238–0423, ext. 306; fax: (717) 238–2436; email: *rcairo@srbc.net.* Regular mail inquiries may be sent to the above address. See also Commission Web site at *www.srbc.net.*

SUPPLEMENTARY INFORMATION: In addition to its related actions on projects identified in the summary above and the listings below, the following items were also presented or acted on at the business meeting: (1) Adoption of a resolution encouraging the use of lesser quality waters; (2) approval for expenditures for the Susquehanna River Flow Management Project; (3) adoption of an investment policy statement and amendments of the By-Laws; (4) approval of a partial waiver of the fee for transfer of approvals to SWEPI, LP; (5) adoption of the revised operating budget and a capital budget for FY–2013; (6) approval for staff to release a draft Low Flow Protection Policy for public review and comment; (7) ratification of a settlement agreement with C&N Dining; and (8) ratification of grants/contracts. The Commission also took the following specific actions:

Project Applications Originally Considered at the December 15, 2011, Public Hearing, Approved

Upon reconsideration, the Commission approved the following project applications originally acted upon at the December 15, 2011, public hearing:

1. *Project Sponsor:* Bioenergy International, LLC. Project Facility: Bionol Clearfield, LLC, Clearfield Borough, Clearfield County, Pa. Modification to conditions of the surface water withdrawal approval (Docket No. 20070904).

2. *Project Sponsor:* Borough of Ephrata. Project Facility: Ephrata Area Joint Authority, Ephrata Borough, Lancaster County, Pa. Modification to conditions of the groundwater withdrawal approval (Docket No. 20110902).

3. *Project Sponsor and Facility:* Carrizo (Marcellus), LLC (Mosquito Creek–2), Karthaus Township, Clearfield County, Pa. Surface water withdrawal of up to 2.160 mgd.

4. *Project Sponsor and Facility:* Central New York Oil and Gas Company, LLC (Susquehanna River), Wilmot Township, Bradford County, Pa. Surface water withdrawal of up to 0.540 mgd.

5. *Project Sponsor and Facility:* Central New York Oil and Gas Company, LLC, Wilmot Township, Bradford County, Pa. Consumptive water use of up to 0.105 mgd.

6. *Project Sponsor and Facility:* Chesapeake Appalachia, LLC (Susquehanna River—Babcock), Ulster Township, Bradford County, Pa. Surface water withdrawal of up to 3.000 mgd.

7. *Project Sponsor and Facility:* Chesapeake Appalachia, LLC (Susquehanna River—Elmglade), Wilmot Township, Bradford County, Pa. Surface water withdrawal of up to 2.016 mgd.

8. *Project Sponsor and Facility:* Chesapeake Appalachia, LLC (Towanda Creek—Sechrist), Canton Township, Bradford County, Pa. Surface water withdrawal of up to 0.504 mgd.

9. *Project Sponsor:* Clark Trucking, LLC. Project Facility: Northeast Division (Lycoming Creek), Lewis Township, Lycoming County, Pa. Surface water withdrawal of up to 0.500 mgd.

10. *Project Sponsor:* Clark Trucking, LLC. Project Facility: Northeast Division (Muncy Creek), Muncy Creek Township, Lycoming County, Pa. Surface water withdrawal of up to 0.700 mgd.

11. *Project Sponsor and Facility:* Dunn Lake LLC (Dunn Pond), Ararat Township, Susquehanna County, Pa. Surface water withdrawal of up to 0.999 mgd.

12. *Project Sponsor and Facility:* EXCO Resources (PA), LLC (Muncy Creek—McClintock), Penn Township, Lycoming County, Pa. Surface water withdrawal of up to 1.500 mgd.

13. *Project Sponsor:* Glenn O. Hawbaker, Inc. Project Facility: Greens Landing Aggregate Plant, Athens Township, Bradford County, Pa. Surface water withdrawal of up to 0.249 mgd.

14. *Project Sponsor:* Glenn O. Hawbaker, Inc. Project Facility: Greens Landing Aggregate Plant, Athens Township, Bradford County, Pa. Consumptive water use of up to 0.249 mgd.

15. *Project Sponsor:* Hazleton Creek Properties, LLC. Project Facility: Hazleton Mine Reclamation, Hazleton City, Luzerne County, Pa. Modification to increase groundwater withdrawal by an additional 0.145 mgd, for a total of 0.200 mgd (30-day average) (Docket No. 20110307).

16. *Project Sponsor and Facility:* Keystone Clearwater Solutions, LLC (Babb Creek), Morris Township, Tioga County, Pa. Surface water withdrawal of up to 0.950 mgd.

17. *Project Sponsor and Facility:* Sugar Hollow Trout Park and Hatchery, Eaton Township, Wyoming County, Pa. Modification to project features and conditions of the groundwater withdrawal approval (Docket No. 20100913).

18. *Project Sponsor and Facility:* Sugar Hollow Water Services, LLC

(Susquehanna River—Chellis), Eaton Township, Wyoming County, Pa. Surface water withdrawal of up to 1.500 mgd.

19. *Project Sponsor:* The Municipal Authority of the Borough of Berlin. Project Facility: Berlin Borough Municipal Authority, Allegheny Township, Somerset County, Pa. Modification to conditions of the groundwater withdrawal approval (Docket No. 19980702).

20. *Project Sponsor and Facility:* Walker Township Water Association, Walker Township, Centre County, Pa. Modification to increase the total groundwater system withdrawal limit from 0.523 mgd to 0.753 mgd (30-day average) (Docket No. 20070905).

21. *Project Sponsor and Facility:* Williams Production Appalachia, LLC (Middle Branch Wyalusing Creek), Forest Lake Township, Susquehanna County, Pa. Surface water withdrawal of up to 0.750 mgd.

22. *Project Sponsor and Facility:* Williams Production Appalachia, LLC (Snake Creek–2), Franklin Township, Susquehanna County, Pa. Surface water withdrawal of up to 0.999 mgd.

23. *Project Sponsor and Facility:* Williams Production Appalachia, LLC (Susquehanna River), Great Bend Township, Susquehanna County, Pa. Commission-initiated modification to project features and conditions of the surface water withdrawal approval (Docket No. 20090303), making a correction and reducing the approved surface water withdrawal amount from 3.00 mgd to 1.00 mgd.

24. *Project Sponsor and Facility:* Williams Production Appalachia, LLC (Susquehanna River–2), Great Bend Township, Susquehanna County, Pa. Surface water withdrawal of up to 2.000 mgd.

Project Application Originally Considered at the December 15, 2011, Public Hearing, Denied

Upon reconsideration, the Commission denied the following project application originally acted upon at the December 15, 2011, public hearing:

1. *Project Sponsor:* Anadarko E&P Company LP. Project Facility: Sproul State Forest—Council Run, Snow Shoe Township, Centre County, Pa. Application for groundwater withdrawal of up to 0.715 mgd (30-day average) from Well PW–11.

Rescission of Project Approval

The Commission rescinded approval for the following project:

1. *Project Sponsor and Facility:* Texas Eastern Transmission LP (Susquehanna River) (Docket No. 20110314), East Donegal Township, Lancaster County, Pa.

Project Applications Approved

The Commission approved the following project applications:

1. *Project Sponsor and Facility:* Anadarko E&P Company LP (Lycoming Creek), Lewis Township, Lycoming County, Pa. Surface water withdrawal of up to 1.340 mgd (peak day).

2. *Project Sponsor and Facility:* Aqua Infrastructure, LLC (West Branch Susquehanna River), Piatt Township, Lycoming County, Pa. Surface water withdrawal of up to 3.000 mgd (peak day).

3. *Project Sponsor and Facility:* Black Bear Waters, LLC (Lycoming Creek), Lewis Township, Lycoming County, Pa. Surface water withdrawal of up to 0.400 mgd (peak day).

4. *Project Sponsor and Facility:* Blossburg Municipal Authority, Bloss Township, Tioga County, Pa. Groundwater withdrawal of up to 0.396 mgd (30-day average) from Route 15 Well.

5. *Project Sponsor and Facility:* Buck Ridge Stone, LLC (Salt Lick Creek), New Milford Township, Susquehanna County, Pa. Modification to increase surface water withdrawal by an additional 0.637 mgd, for a total of 0.720 mgd (peak day) (Docket No. 20100905).

6. *Project Sponsor and Facility:* Cabot Oil & Gas Corporation (Susquehanna River), Susquehanna Depot Borough, Susquehanna County, Pa. Modification to increase surface water withdrawal by an additional 0.780 mgd, for a total of 1.500 mgd (peak day) (Docket No. 20080908).

7. *Project Sponsor and Facility:* Cabot Oil & Gas Corporation (Susquehanna River), Great Bend Township, Susquehanna County, Pa. Modification to increase surface water withdrawal by an additional 1.280 mgd, for a total of 2.000 mgd (peak day) (Docket No. 20080905).

8. *Project Sponsor and Facility:* Carrizo (Marcellus), LLC (Middle Branch Wyalusing Creek), Forest Lake Township, Susquehanna County, Pa. Modification to conditions of the surface water withdrawal approval (Docket No. 20110604).

9. *Project Sponsor and Facility:* Carrizo (Marcellus), LLC (Moshannon Creek), Decatur Township, Clearfield County, Pa. Surface water withdrawal of up to 2.590 mgd (peak day).

10. *Project Sponsor and Facility:* Carrizo (Marcellus), LLC (Unnamed Tributary of Middle Branch Wyalusing Creek), Forest Lake Township, Susquehanna County, Pa. Modification to conditions of the surface water withdrawal approval (Docket No. 20110605).

11. *Project Sponsor and Facility:* EQT Production Company (Bennett Branch Power), Jay Township, Elk County, Pa. Surface water withdrawal of up to 2.500 mgd (peak day).

12. *Project Sponsor and Facility:* EQT Production Company (Wilson Creek), Duncan Township, Tioga County, Pa. Surface water withdrawal of up to 0.740 mgd (peak day).

13. *Project Sponsor:* IBM Corporation. Project Facility: Endicott Facility, Village of Endicott, Broome County, N.Y. Modification to increase total groundwater system withdrawal by an additional 0.499 mgd, for a total of 1.509 mgd (30-day average) (Docket No. 20090329).

14. *Project Sponsor and Facility:* Keystone Landfill, Inc., Dunmore Borough, Lackawanna County, Pa. Modification to increase groundwater withdrawal by an additional 0.150 mgd, for a total of 0.160 mgd (30-day average) (Docket No. 20080611).

15. *Project Sponsor and Facility:* Keystone Landfill, Inc., Dunmore Borough, Lackawanna County, Pa. Modification to increase consumptive water use by an additional 0.260 mgd, for a total of up to 0.360 mgd (30-day average) (Docket No. 20080611).

16. *Project Sponsor:* Pine Creek Municipal Authority. Project Facility: Wastewater Treatment Plant, Pine Creek Township, Clinton County, Pa. Withdrawal of treated wastewater effluent of up to 0.999 mgd.

17. *Project Sponsor and Facility:* Roaring Spring Water–Division of Roaring Spring Blank Book (Roaring Spring), Roaring Spring Borough, Blair County, Pa. Surface water withdrawal of up to 0.302 mgd (peak day).

18. *Project Sponsor and Facility:* Roaring Spring Water–Division of Roaring Spring Blank Book, Roaring Spring Borough, Blair County, Pa. Consumptive water use of up to 0.255 mgd (30-day average).

19. *Project Sponsor and Facility:* Southwestern Energy Production Company (Blockhouse Creek), Jackson Township, Lycoming County, Pa. Surface water withdrawal of up to 0.999 mgd (peak day).

20. *Project Sponsor and Facility:* Southwestern Energy Production Company (Susquehanna River), Oakland Township, Susquehanna County, Pa. Surface water withdrawal of up to 3.000 mgd (peak day).

21. *Project Sponsor and Facility:* Southwestern Energy Production Company (Tunkhannock Creek), Lenox Township, Susquehanna County, Pa.

Surface water withdrawal of up to 1.500 mgd (peak day).

22. *Project Sponsor and Facility:* SWEPI LP (Cowanesque River—Egleston), Nelson Township, Tioga County, Pa. Modification to increase surface water withdrawal by an additional 0.267 mgd, for a total of 0.534 mgd (peak day) (Docket No. 20100604).

Project Applications Tabled

The following project applications were tabled by the Commission:

1. *Project Sponsor and Facility:* Aqua Resources, Inc. (Susquehanna River), Athens Township, Bradford County, Pa. Application for surface water withdrawal of up to 0.900 mgd (peak day).

2. *Project Sponsor and Facility:* Empire Kosher Poultry, Inc., Walker Township, Juniata County, Pa. Modification to increase total groundwater system withdrawal by an additional 0.499 mgd, for a total of 1.269 mgd (30-day average) (Docket No. 20030809).

3. *Project Sponsor and Facility:* Jo Jo Oil Company, Inc. (Tunkhannock Creek), Tunkhannock Township, Wyoming County, Pa. Application for surface water withdrawal of up to 0.999 mgd (peak day).

4. *Project Sponsor and Facility:* Northwestern Lancaster County Authority, Penn Township, Lancaster County, Pa. Application for groundwater withdrawal of up to 0.324 mgd (30-day average) from Well 2.

5. *Project Sponsor and Facility:* Northwestern Lancaster County Authority, Penn Township, Lancaster County, Pa. Application for groundwater withdrawal of up to 1.000 mgd (30-day average) from Well 3.

6. *Project Sponsor and Facility:* Southwestern Energy Production Company (East Branch Tunkhannock Creek), Lenox Township, Susquehanna County, Pa. Application for surface water withdrawal of up to 1.500 mgd (peak day).

7. *Project Sponsor:* Viking Energy of Northumberland, LLC. Project Facility: Power Plant, Point Township, Northumberland County, Pa. Application for consumptive water use of up to 0.387 mgd (30-day average).

8. *Project Sponsor:* Viking Energy of Northumberland, LLC. Project Facility: Power Plant, Point Township, Northumberland County, Pa. Application for groundwater withdrawal of up to 0.172 mgd from Well 1, and a total system withdrawal limit of up to 0.391 mgd (30-day average).

9. *Project Sponsor:* Viking Energy of Northumberland, LLC. Project Facility: Power Plant, Point Township, Northumberland County, Pa. Application for groundwater withdrawal of up to 0.172 mgd from Well 2, and a total system withdrawal limit of up to 0.391 mgd (30-day average).

10. *Project Sponsor:* Viking Energy of Northumberland, LLC. Project Facility: Power Plant, Point Township, Northumberland County, Pa. Application for groundwater withdrawal of up to 0.172 mgd from Well 4, and a total system withdrawal limit of up to 0.391 mgd (30-day average).

Project Applications Denied

The following project applications were denied by the Commission:

1. *Project Sponsor and Facility:* Stanley S. Karp Sr. (Tunkhannock Creek), Nicholson Township, Wyoming County, Pa. Application for surface water withdrawal of up to 0.510 mgd (peak day).

2. *Project Sponsor and Facility:* Water Treatment Solutions, LLC (South Mountain Lake), Woodward Township, Lycoming County, Pa. Application for surface water withdrawal of up to 0.499 mgd (peak day).

Authority: Pub. L. 91–575, 84 Stat. 1509 *et seq.*, 18 CFR parts 806, 807, and 808.

Dated: March 23, 2012.

Thomas W. Beauduy,

Deputy Executive Director.

[FR Doc. 2012–7528 Filed 3–28–12; 8:45 am]

BILLING CODE 7040–01–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2000–7257; Notice No. 68]

Railroad Safety Advisory Committee; Notice of Meeting

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

ACTION: Announcement of Railroad Safety Advisory Committee (RSAC) meeting.

SUMMARY: FRA announces the forty-sixth meeting of the RSAC, a Federal Advisory Committee that develops railroad safety regulations through a consensus process. The RSAC meeting topics will include opening remarks from the FRA Administrator, and status reports will be provided by the Track Safety Standards, Critical Incident, Dark Territory, Fatigue Management, Risk Reduction, Electronic Device Distraction, and Passenger Safety Working Groups. This agenda is subject to change, including the possible addition of further proposed tasks under the Rail Safety Improvement Act of 2008.

DATES: The meeting of the RSAC is scheduled to commence at 9:30 a.m. on Thursday, April 26, 2012, and will adjourn by 4:30 p.m.

ADDRESSES: The RSAC meeting will be held at the National Housing Center, 1201 15th Street NW., Washington, DC 20005. The meeting is open to the public on a first-come, first-served basis, and is accessible to individuals with disabilities. Sign and oral interpretation can be made available if requested 10 calendar days before the meeting.

FOR FURTHER INFORMATION CONTACT: Mr. Larry Woolverton, RSAC Administrative Officer/Coordinator, FRA, 1200 New Jersey Avenue SE., Mailstop 25, Washington, DC 20590, (202) 493–6212; or Mr. Robert C. Lauby, Deputy Associate Administrator for Regulatory and Legislative Operations, FRA, 1200 New Jersey Avenue SE., Mailstop 25, Washington, DC 20590, (202) 493–6404.

SUPPLEMENTARY INFORMATION: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), FRA is giving notice of a meeting of the RSAC. The RSAC was established to provide advice and recommendations to FRA on railroad safety matters. The RSAC is composed of 54 voting representatives from 31 member organizations, representing various rail industry perspectives. In addition, there are non-voting advisory representatives from the agencies with railroad safety regulatory responsibility in Canada and Mexico, the National Transportation Safety Board, and the Federal Transit Administration. The diversity of the Committee ensures the requisite range of views and expertise necessary to discharge its responsibilities. See the RSAC Web site for details on prior RSAC activities and pending tasks at: *http://rsac.fra.dot.gov/.* Please refer to the notice published in the **Federal Register** on March 11, 1996 (61 FR 9740), for additional information about the RSAC.

Issued in Washington, DC, on March 22, 2012.

Robert C. Lauby,

Deputy Associate Administrator for Regulatory and Legislative Operations.

[FR Doc. 2012–7492 Filed 3–28–12; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2012–0028; Notice 1]

Morgan Olson, LLC, Receipt of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Receipt of Petition.

SUMMARY: Morgan Olson, LLC (Morgan Olson) [1] has determined that certain model year 2009, 2010, and 2011 Morgan Olson walk-in van-type trucks having a gross vehicle weight rating (GVWR) over 4,536 kg and manufactured between September 1, 2009, and January 18, 2012, do not fully comply with paragraph S4.2.1 of Federal Motor Vehicle Safety Standard (FMVSS) No. 206, *Door Locks and Door Retention Components.* Morgan Olson has filed an appropriate report dated January 19, 2012, pursuant to 49 CFR Part 573, *Defect and Noncompliance Responsibility and Reports.*

Pursuant to 49 U.S.C. 30118(d) and 30120(h) (see implementing rule at 49 CFR part 556), Morgan Olson submitted a petition for an exemption from the notification and remedy requirements of 49 U.S.C. chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety.

This notice of receipt of Morgan Olson's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Vehicles involved: Affected are approximately 6430 Morgan Olson model year 2009, 2010, and 2011 walk-in van-type trucks having a GVWR over 4,536 kg and manufactured between September 1, 2009 and January 18, 2012.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, these provisions only apply to the subject 6430 [2] model year 2009, 2010, and 2011 trucks that Morgan Olson no longer controlled at the time it determined that the noncompliance existed.

Noncompliance: Morgan Olson explains that the noncompliance is that the affected vehicles do not contain a primary door latch system or door closure warning system as prescribed by paragraph S4.2.1 of FMVSS No. 206. As a result of an erroneous interpretation as to the scope of FMVSS No. 206's application, Morgan Olson mistakenly believed that the requirement for either a primary door latch system or door closure warning system applied only to its vehicles having a GVWR under 4,536 kg.

Morgan Olson explains that the latch systems in the noncompliant vehicles do not meet the standard of a primary door latch, because these latch systems do not have a secondary latched position. Nor are these vehicles equipped with a door closure warning system.

Rule text: Paragraph S4.2.1 of FMVSS No. 206 requires in pertinent part:

> S4.2 Sliding Side Doors.
>
> S4.2.1 Latch System. Each sliding door system shall be equipped with either:
>
> (a) At least one primary door latch system, or
>
> (b) A door latch system with a fully latched position and a door closure warning system. The door closure warning system shall be located where it can be clearly seen by the driver. Upon certification a manufacturer may not thereafter alter the designation of a primary latch. Each manufacturer shall, upon request from the National Highway Traffic Safety Administration, provide information regarding such designation * * *

Summary of Morgan Olson's Analysis and Arguments

In describing the operation of the affected doors Morgan Olson explained that when the sliding door is closed but not latched, there is a ½ inch gap between the door and its frame. Thus the rubber seal in the door jam as well as the exterior paint are clearly visible. When the door is latched, none of this is visible.

Morgan Olson stated that its customers are delivery and like companies whose drivers are trained commercial drivers. A trained commercial driver, such as one driving a walk-in van manufactured by Morgan Olson, would immediately notice this gap and realize that the door is not latched.

Morgan Olson also stated its belief that even if the driver did not notice that the door was not latched by means of observing the ½ inch gap, the door would slowly begin to slide open as the vehicle began to accelerate, which a driver would certainly notice. Accordingly, if the sliding door is not latched, this would be apparent to the driver as soon as he accelerates.

In addition, Morgan Olson stated its belief that this noncompliance in walk-in van type vehicles is distinguishable from the primary focus of FMVSS No. 206 sliding door standards. In adopting the standards, NHTSA noted a particular concern with sliding door failures in passenger vans, which often contain children in the back seat(s).[3]

Morgan Olson argued that with passenger vans, the sliding doors are situated behind the driver and therefore out of the driver's line of sight. And, that this is not true for subject trucks that are used for commercial purposes and driven by commercial drivers without passengers.

In summation, Morgan Olson believes that the described noncompliance of its vehicles is inconsequential to motor vehicle safety, and that its petition, to exempt from providing recall notification of noncompliance as required by 49 U.S.C. 30118 and remedying the recall noncompliance as required by 49 U.S.C. 30120, should be granted.

Comments: Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited at the beginning of this notice and be submitted by any of the following methods:

a. *By mail addressed to:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

b. By hand delivery to U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except Federal Holidays.

c. *Electronically:* By logging on to the Federal Docket Management System (FDMS) Web site at *http://www.regulations.gov/.* Follow the online instructions for submitting comments.

[1] Morgan Olson, LLC, is manufacturer of motor vehicles and is registered under the laws of the state of Michigan.

[2] Morgan Olson's petition, which was filed under 49 CFR Part 556, requests an agency decision to exempt Morgan Olson as a vehicle manufacturer from the notification and recall responsibilities of 49 CFR part 573 for the 6430 affected vehicles. However, a decision on this petition cannot relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after Morgan Olson notified them that the subject noncompliance existed.

[3] 72 FR 5385.

Comments may also be faxed to 1–202–493–2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that your comments were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Documents submitted to a docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the Internet at *http://www.regulations.gov* by following the online instructions for accessing the dockets. DOT's complete Privacy Act Statement is available for review in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

The petition, supporting materials, and all comments received before the close of business on the closing date indicated below will be filed and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice of the decision will be published in the **Federal Register** pursuant to the authority indicated below.

Comment Closing Date: April 30, 2012.

Authority: 49 U.S.C. 30118, 30120: delegations of authority at CFR 1.50 and 501.8.

Issued on: March 23, 2012.

Claude H. Harris,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2012–7591 Filed 3–28–12; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

March 26, 2012.

The Department of the Treasury will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13, on or after the date of publication of this notice.

DATES: Comments should be received on or before April 30, 2012 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestion for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.GOV* and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW., Suite 11020, Washington, DC 20220, or on-line at *www.PRAComment.gov.*

FOR FURTHER INFORMATION CONTACT: Copies of the submission(s) may be obtained by calling (202) 927–5331, email at *PRA@treasury.gov,* or the entire information collection request maybe found at *www.reginfo.gov.*

Bureau of Engraving and Printing (BEP)

OMB Number: 1520–0001.

Type of Review: Extension without change of currently approved collection.

Title: Owner's Affidavit of Partial Destruction of Mutilated Currency.

Form: BEP 5283.

Abstract: The Office of Currency Standards, Bureau of Engraving & Printing, requests owners of partially destroyed U.S. currency to complete a notarized affidavit (BEP 5283) for each claim submitted when substantial portions of notes are missing.

Affected Public: Individuals or Households.

Estimated Total Burden Hours: 90.

Dawn D. Wolfgang,

Treasury PRA Clearance Officer.

[FR Doc. 2012–7523 Filed 3–28–12; 8:45 am]

BILLING CODE 4840–01–P

DEPARTMENT OF TREASURY

Internal Revenue Service

Information Reporting Program Advisory Committee (IRPAC); Nominations

AGENCY: Internal Revenue Service, Department of Treasury.

ACTION: Request for Nominations.

SUMMARY: The Internal Revenue Service (IRS) requests nominations of individuals for selection to the Information Reporting Program Advisory Committee (IRPAC). Nominations should describe and document the proposed member's qualifications for IRPAC membership, including the applicant's past or current affiliations and dealings with the particular tax segment or segments of the community that he or she wishes to represent on the committee. In addition to individual nominations, the IRS is soliciting nominations from professional and public interest groups that wish to have representatives on the IRPAC. IRPAC is comprised of 22 members. There are seven positions open for calendar year 2013. It is important that IRPAC continue to represent a diverse taxpayer and stakeholder base. Accordingly, to maintain membership diversity, selection is based on the applicant's qualifications as well as the taxpayer or stakeholder base he/she represents.

The IRPAC advises the IRS on information reporting issues of mutual concern to the private sector and the federal government. The committee works with the Commissioner of Internal Revenue and other IRS leadership to provide recommendations on a wide range of information reporting administration issues. Membership is balanced to include representation from the tax professional community, small and large businesses, banks, insurance companies, state tax administration, colleges and universities, and industries such as securities, payroll, finance and software.

DATES: Written nominations must be received on or before May 31, 2012.

ADDRESSES: Nominations should be sent to: Ms. Caryl Grant, National Public Liaison, CL:NPL:SRM, Room 7559 IR, 1111 Constitution Avenue NW., Washington, DC 20224, Attn: IRPAC Nominations. Applications may be submitted via fax to 202–622–8345. Application packages are available on the Tax Professional's Page of the IRS Web site at *http://www.irs.gov/taxpros/index.html.* Application packages may also be requested by telephone from National Public Liaison, 202–927–3641 (not a toll-free number).

FOR FURTHER INFORMATION CONTACT: Ms. Caryl Grant at 202–927–3641 (not a toll-free number) or **Public_Liaison@irs.gov.*

SUPPLEMENTARY INFORMATION: Established in 1991 in response to an administrative recommendation in the final Conference Report of the Omnibus Budget Reconciliation Act of 1989, the IRPAC works closely with the IRS to provide recommendations on a wide range of issues intended to improve the information reporting program and achieve fairness to taxpayers. Conveying the public's perception of IRS activities to the Commissioner, the IRPAC is comprised of individuals who bring substantial, disparate experience and diverse backgrounds to the Committee's activities.

Each IRPAC member is nominated by the Commissioner with the concurrence of the Secretary of Treasury to serve a three-year term. Working groups address policies and administration issues specific to information reporting. Members are not paid for their services. However, travel expenses for working sessions, public meetings and orientation sessions, such as airfare, per diem, and transportation are reimbursed within prescribed federal travel limitations.

Receipt of applications will be acknowledged, and all individuals will be notified when selections have been made. In accordance with Department of Treasury Directive 21–03, a clearance process including fingerprints, annual tax checks, a Federal Bureau of Investigation criminal check and a practitioner check with the Office of Professional Responsibility will be conducted. Federally registered lobbyists cannot be members of the IRPAC.

Equal opportunity practices will be followed for all appointments to the IRPAC in accordance with the Department of Treasury and IRS policies. The IRS has special interest in assuring that women and men, members of all races and national origins, and individuals with disabilities are adequately represented on advisory committees. Therefore, it extends particular encouragement to nominations from such appropriately qualified candidates.

Dated: March 22, 2012.

John Lipold,

Designated Federal Official, National Public Liaison.

[FR Doc. 2012–7499 Filed 3–28–12; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Bureau of the Public Debt

Proposed Collection: Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A). Currently the Bureau of the Public Debt within the Department of the Treasury is soliciting comments concerning the Supporting Statement of Ownership for Overdue United States Bearer Securities.

DATES: Written comments should be received on or before May 30, 2012 to be assured of consideration.

ADDRESSES: Direct all written comments to Bureau of the Public Debt, Bruce A. Sharp, 200 Third Street A4–A, Parkersburg, WV 26106–1328, or *bruce.sharp@bpd.treas.gov.* The opportunity to make comments online is also available at *www.pracomment.gov*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies should be directed to Bruce A. Sharp, Bureau of the Public Debt, 200 Third Street A4–A, Parkersburg, WV 26106–1328, (304) 480–8150.

SUPPLEMENTARY INFORMATION:

Title: Supporting Statement of Ownership for Overdue United States Bearer Securities.

OMB Number: 1535–0102.

Form Number: PD F 1071.

Abstract: The information is requested to establish ownership and support a request for payment.

Current Actions: None.

Type of Review: Extension.

Affected Public: Individuals or businesses.

Estimated Number of Respondents: 900.

Estimated Time per Respondent: 15 minutes.

Estimated Total Annual Burden Hours: 225.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: March 26, 2012.

Bruce A. Sharp,

Bureau Clearance Officer.

[FR Doc. 2012–7548 Filed 3–28–12; 8:45 am]

BILLING CODE 4810–39–P

DEPARTMENT OF THE TREASURY

Bureau of the Public Debt

Proposed Collection: Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A). Currently the Bureau of the Public Debt within the Department of the Treasury is soliciting comments concerning the creditor's request for payment of Treasury securities belonging to a decedent's estate being settled without administration.

DATES: Written comments should be received on or before May 30, 2012 to be assured of consideration.

ADDRESSES: Direct all written comments to Bureau of the Public Debt, Bruce A. Sharp, 200 Third Street A4–A, Parkersburg, WV 26106–1328, or *bruce.sharp@bpd.treas.gov.* The opportunity to make comments online is also available at *www.pracomment.gov*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies should be directed to Bruce A. Sharp, Bureau of the Public Debt, 200 Third Street A4–A, Parkersburg, WV 26106–1328, (304) 480–8150.

SUPPLEMENTARY INFORMATION:

Title: Creditor's Request for Payment of Treasury Securities Belonging to a Decedent's Estate Being Settled Without Administration.

OMB Number: 1535–0055.

Form Number: PD F 1050.

Abstract: The information is requested to obtain a creditor's consent to dispose of savings bonds/notes in settlement of a deceased owner's estate without administration.

Current Actions: None.

Type of Review: Extension.

Affected Public: Individuals or Businesses.

Estimated Number of Respondents: 1,500.

Estimated Time per Respondent: 6 minutes.

Estimated Total Annual Burden Hours: 150.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All

comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: March 26, 2012.

Bruce A. Sharp,

Bureau Clearance Officer.

[FR Doc. 2012–7553 Filed 3–28–12; 8:45 am]

BILLING CODE 4810–39–P

DEPARTMENT OF THE TREASURY

Bureau of the Public Debt

Proposed Collection: Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A). Currently the Bureau of the Public Debt within the Department of the Treasury is soliciting comments concerning the Disposition Treasury Securities Belonging to a Decedent's Estate Being Settled Without Administration

DATES: Written comments should be received on or before May 30, 2012 to be assured of consideration.

ADDRESSES: Direct all written comments to Bureau of the Public Debt, Bruce A. Sharp, 200 Third Street A4–A, Parkersburg, WV 26106–1328, or *bruce.sharp@bpd.treas.gov.* The opportunity to make comments online is also available at *www.pracomment.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies should be directed to Bruce A. Sharp, Bureau of the Public Debt, 200 Third Street A4–A, Parkersburg, WV 26106–1328, (304) 480–8150.

SUPPLEMENTARY INFORMATION:

Title: Disposition Treasury Securities Belonging to a Decedent's Estate Being Settled Without Administration.

OMB Number: 1535–0118.

Form Number: PD F 5336.

Abstract: The information is requested to support a request for distribution when a decedent's estate is not being administered.

Current Actions: None.

Type of Review: Extension.

Affected Public: Individuals or households.

Estimated Number of Respondents: 25,350.

Estimated Time per Respondent: 30 minutes.

Estimated Total Annual Burden Hours: 12,675.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: March 26, 2012.

Bruce A. Sharp,

Bureau Clearance Officer.

[FR Doc. 2012–7549 Filed 3–28–12; 8:45 am]

BILLING CODE 4810–39–P

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Former Prisoners of War, Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under Public Law 92–463 (Federal Advisory Committee Act) that the Advisory Committee on Former Prisoners of War has scheduled a meeting on April 9–11, 2012, in Room 230 at the Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC. The meeting will begin at 1 p.m. and end at 4 p.m. on April 9 and from 9 a.m. to 4 p.m. on April 10 and 11.

The purpose of the Committee is to advise the Secretary of Veterans Affairs on the administration of benefits under Title 38, United States Code, for Veterans who are former prisoners of war, and to make recommendations on the needs of such Veterans for compensation, health care, and rehabilitation.

On April 9, the Committee will hear from its Chairman and receive a briefing on the Employee Education System and annual ethics training. On April 10, the Committee will receive additional briefings by its Chairman, the Under Secretary of Benefits, and the Director, Compensation Service. They will also receive briefings on the Robert E. Mitchell Center; home care programs available to former prisoners of war through the Veterans Health Administration for those physically unable to visit a VA health care facility; and outreach to the former prisoners of war community. On April 11, the Committee will discuss its recommendations and topics for future discussion. Time will be allocated for receiving public comments at 2 p.m.

Individuals who speak are invited to submit 1–2 page summaries of their comments at the end of the meeting for inclusion in the official meeting record. Members of the public may also submit written statements for the Committee's review to Ms. Pam Burd, Program Analyst, Compensation Service (212), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, or email at *pamela.burd@va.gov.* Any member of the public seeking additional information should contact Ms. Burd at (202) 461–9149.

Dated: March 23, 2012.

By Direction of the Secretary.

Vivian Drake,

Committee Management Officer.

[FR Doc. 2012–7512 Filed 3–28–12; 8:45 am]

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S. 1134/P.L. 112–100
St. Croix River Crossing Project Authorization Act (Mar. 14, 2012; 126 Stat. 268)

S. 1710/P.L. 112–101
To designate the United States courthouse located at 222 West 7th Avenue, Anchorage, Alaska, as the James M. Fitzgerald United States Courthouse. (Mar. 14, 2012; 126 Stat. 270)

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