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Contents

Federal Register

Vol. 77, No. 127

Monday, July 2, 2012

Agricultural Marketing Service
RULES
Avocados Grown in South Florida:
Decreased Assessment Rate, 39150–39153
PROPOSED RULES
Grapes Grown in Designated Areas of Southeastern California:
Increased Assessment Rate, 39184–39186

Agriculture Department
See Agricultural Marketing Service
See Forest Service

Alcohol, Tobacco, Firearms, and Explosives Bureau
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Environmental Information, 39263–39264
Student and Supervisor Training Validation Surveys, 39262–39263

Arts and Humanities, National Foundation
See National Foundation on the Arts and the Humanities

Bureau of Consumer Financial Protection
NOTICES
Consumer Use of Reverse Mortgages, 39222–39224

Centers for Disease Control and Prevention
NOTICES
Meetings:
Office for State, Tribal, Local and Territorial Support, 39244

Children and Families Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
National Medical Support Notice, 39244–39245

Coast Guard
RULES
Eighth Coast Guard District Annual Safety Zones:
Blue Angels Air Show; Gulf of Mexico and Santa Rosa Sound; Pensacola, FL, 39169–39170
Safety Zones:
July 4th Fireworks, Skagway Harbor, Skagway, AK, 39172–39174
KULLUK, Outer Continental Shelf Mobile Offshore Drilling Unit, Beaufort Sea, AK, 39164–39169
Mississippi River, Mile Marker 230.0 to Mile Marker 237.0, in the Vicinity of Baton Rouge, LA, 39170–39172
Safety Zones; Temporary Change for Recurring Fifth Coast Guard District Fireworks Displays:
Cavalier Golf & Yacht Club Independence Day Fireworks Display, Broad Bay, Virginia Beach, VA, 39174–39177
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 39248–39249
Solicitations for Membership:
Boston Area Maritime Security Advisory Committee; Vacancies, 39249–39250

Commerce Department
See Foreign-Trade Zones Board
See Industry and Security Bureau
See International Trade Administration
See National Oceanic and Atmospheric Administration
See Patent and Trademark Office

Education Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Annual Vocational Rehabilitation Program, Cost Report, 39224
Case Service Report, 39224–39225
Grantee Reporting Form, Rehabilitation Services Administration Annual Payback Report, 39225–39226
Applications for New Awards:
Technical Assistance Center to Support Implementation of Evidence-based Practices, 39226–39234

Employment and Training Administration
NOTICES
Determinations Regarding Eligibility to Apply for Worker Adjustment Assistance, 39265–39268
Investigations Regarding Eligibility to Apply for Worker Adjustment Assistance, 39268–39269

Energy Department
See Federal Energy Regulatory Commission
NOTICES
Meetings:
Environmental Management Site-Specific Advisory Board, Nevada, 39234–39235
Environmental Management Site-Specific Advisory Board, Northern New Mexico, 39234
Environmental Management Site-Specific Advisory Board, Savannah River Site, 39235

Environmental Protection Agency
RULES
Approvals and Promulgations of Air Quality Implementation Plans:
Ohio; Regional Haze, 39177–39180
California State Implementation Plan, South Coast Air Quality Management District; Withdrawal, 39180–39181
Revisions to California State Implementation Plans:
Mojave Desert Air Quality Management District, Yolo–Solano Air Quality Management District, 39181–39182
Revisions to the Unregulated Contaminant Monitoring Regulation for Public Water Systems, 39182–39183
PROPOSED RULES
National Ambient Air Quality Standards for Particulate Matter; Public Hearings, 39205–39206

NOTICES
Nanomaterial Case Study; Public Comment Period and Public Information Exchange Meeting:
Comparison of Multiwalled Carbon Nanotubes and Decabromodiphenyl Ether Flame-Retardant Coatings Applied to Upholstery Textiles, 39236–39238

Equal Employment Opportunity Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Elementary–Secondary Staff Information Report, 39238–39239

Farm Credit Administration
NOTICES
Meetings; Sunshine Act, 39239

Federal Aviation Administration
RULES
Airworthiness Directives:
Empresa Brasileria de Aeronautica S.A. (EMBRAER) Airplanes, 39159–39162
Rolls–Royce Deutschland Ltd & Co KG (RRD) Turbofan Engines, 39156–39157
Rolls–Royce PLC Turbofan Engines, 39157–39159
The Boeing Company Airplanes, 39153–39156
PROPOSED RULES
Airworthiness Directives:
Airbus Airplanes, 39186–39188
The Boeing Company Airplanes, 39188–39194
Combined Drug and Alcohol Testing Programs, 39194–39201
NOTICES
Categorical Exclusions from Further Environmental Reviews for Standard Instrument Departures:
La Guardia Airport, 39321
Meetings:
RTCA Special Committee 225, Rechargeable Lithium Battery and Battery Systems – Small and Medium Sizes, 39321

Federal Communications Commission
PROPOSED RULES
Petitions for Reconsiderations of Actions in Rulemaking Proceedings, 39206
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 39239–39243

Federal Deposit Insurance Corporation
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 39243–39244

Federal Energy Regulatory Commission
NOTICES
Combined Filings, 39235–39236

Federal Highway Administration
NOTICES
Environmental Impact Statements; Availability, etc.:
Kootenai County, ID; Rescission, 39322

Federal Reserve System
NOTICES
Changes in Bank Control:
Acquisitions of Shares of Bank or Bank Holding Company, 39244

Federal Trade Commission
PROPOSED RULES
Guides for the Jewelry, Precious Metals, and Pewter Industries, 39201–39205

Fiscal Service
NOTICES
Companies Holding Certificates Of Authority As Acceptable Sureties On Federal Bonds And As Acceptable Reinsuring Companies, 39322–39341

Fish and Wildlife Service
NOTICES
Endangered and Threatened Wildlife and Plants:
Permit Applications, 39251–39252
Meetings:
North American Wetlands Conservation Council, 39252–39253

Food and Drug Administration
NOTICES
Debarment Orders:
Sami Arshak Yanikian, 39245–39246

Foreign-Trade Zones Board
NOTICES
Proposed Production Activities:
J.D. Neuhaus LP, Foreign-Trade Zone 74, Baltimore, MD, 39209

Forest Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Ride-Along Program, 39208
Environmental Impact Statements; Availability, etc.:
North Fork Eagle Creek Wells Special Use Authorization, 39208–39209

Government Ethics Office
RULES
Executive Branch Qualified Trusts, 39143–39150

Health and Human Services Department
See Centers for Disease Control and Prevention
See Children and Families Administration
See Food and Drug Administration
See National Institutes of Health
See Substance Abuse and Mental Health Services Administration

Homeland Security Department
See Coast Guard
NOTICES
Meetings:
National Infrastructure Advisory Council, 39247–39248

Housing and Urban Development Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Home Equity Conversion Mortgage Counseling Client Survey, 39250–39251
Opinion by Counsel to the Mortgagor, 39251

Industry and Security Bureau
RULES
Implementation of Understandings Reached at 2011 Australia Group (AG) Plenary Meeting and Other AG-Related Clarifications to EAR, 39162–39164
Wassenaar Arrangement 2011 Plenary Agreements Implementation:
Commerce Control List, Definitions, New Participating State (Mexico) and Reports, 39354–39383
NOTICES
Meetings:
Emerging Technology and Research Advisory Committee, 39209–39210

Interior Department
See Fish and Wildlife Service
See National Park Service

International Trade Administration
NOTICES
Antidumping Duty Administrative Investigations; Results, Extensions, Amendments, etc.:
Xanthan Gum from Austria and the People's Republic of China, 39210–39215
Antidumping or Countervailing Duty Orders, Findings, Suspended Investigations, etc.:
Advance Notification of Sunset Reviews, 39215–39216
Opportunity to Request Administrative Review, 39216–39218
Initiation of Five-Year Sunset Reviews, 39218–39220

International Trade Commission
NOTICES
Institution of Five-year Reviews of Antidumping Duty Orders:
Steel Concrete Reinforcing Bar from Belarus, China, Indonesia, Latvia, Moldova, Poland, and Ukraine, 39254–39257
Institution of Five-year Reviews of Countervailing Duty Orders:
Honey from Argentina and China, 39257–39259

Justice Department
See Alcohol, Tobacco, Firearms, and Explosives Bureau
See Justice Programs Office
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Applications for Special Deputations, 39261
Body Armor in Correctional Institutions Survey, 39259–39260
Jurors Information Form, 39260–39261
Notice of Appeal to Board of Immigration Appeals from Decision of DHS Officer, 39261–39262
Lodgings of Consent Decrees under Clean Air Act, 39262

Justice Programs Office
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Census of Juveniles on Probation, 39264
Meetings:
Attorney General's National Task Force on Children Exposed to Violence, 39264–39265
Requests for Manufacturer Involvement in National Institute of Justice Standard Development Efforts, 39265

Labor Department
See Employment and Training Administration
NOTICES
North American Agreement on Labor Cooperation:
Extension of Period of Review for Submission, 39265

National Foundation on the Arts and the Humanities
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
IMLS Museum Web Database, MuseumsCount.gov, 39269–39270

National Highway Traffic Safety Administration
PROPOSED RULES
Heavy Vehicle Electronic Stability Control Systems; Public Hearing, 39206–39207

National Institutes of Health
NOTICES
Meetings:
Center for Scientific Review, 39246–39247

National Labor Relations Board
NOTICES
Meetings; Sunshine Act, 39270

National Oceanic and Atmospheric Administration
RULES
Fisheries of the Exclusive Economic Zone Off Alaska:
Pacific Cod by Vessels Using Jig Gear in Central Regulatory Area of Gulf of Alaska, 39183
NOTICES
Advisory Committee on Commercial Remote Sensing; Charter Renewal, 39220
Applications:
Endangered Species; File No. 17183, 39220
Public Hearings and Scoping Meetings:
Caribbean Fishery Management Council, 39221–39222

National Park Service
NOTICES
Environmental Impact Statements; Availability, etc.:
Denali Park Road Vehicle Management Plan, Denali National Park and Preserve, 39253–39254

National Science Foundation
NOTICES
Meetings; Sunshine Act, 39270

Nuclear Regulatory Commission
NOTICES
Orders Prohibiting Involvement in NRC-Licensed Activities:
Timothy Goold, 39270–39273

Occupational Safety and Health Review Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 39273

Patent and Trademark Office
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 39222

Postal Regulatory Commission
NOTICES
Express Mail Rates, 39273–39274

Product List Changes, 39274–39277

Public Debt Bureau
See Fiscal Service

Securities and Exchange Commission
NOTICES
Self-Regulatory Organizations; Proposed Rule Changes:
BOX Options Exchange LLC, 39315–39317
Chicago Mercantile Exchange, Inc., 39287–39288
EDGA Exchange, Inc., 39302–39305
EDGX Exchange, Inc., 39300–39302
Financial Industry Regulatory Authority, Inc., 39313–39314
NASDAQ OMX BX, Inc., 39277–39287
NASDAQ Stock Market LLC, 39314–39315
New York Stock Exchange LLC, 39292–39296
NYSE Arca, Inc., 39296–39300, 39305–39309
NYSE MKT LLC, 39288–39292, 39309–39313

State Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Supplemental Questionnaire to Determine Entitlement for U.S. Passport, 39318–39319
Supplemental Questionnaire to Determine Identity for a U.S. Passport, 39317–39318
Culturally Significant Objects Imported for Exhibition Determinations:
Bodies and Shadows—Caravaggio and His Legacy, 39319
Determination Under Foreign Assistance Act and Department of State, Foreign Operations, and Related Programs Appropriations Acts, 39319
United States – Korea Environmental Cooperation Agreement:
Work Program; Preparation and Request for Comments, 39319–39320
United States – Singapore Plan of Action for Environmental Cooperation:
Memorandum of Intent; Preparation and Request for Comments, 39320

Substance Abuse and Mental Health Services Administration

NOTICES
Funding Opportunities; Fiscal Year 2012:
Single Source Grant to Current Grantee of Suicide Prevention Resource Center Program, 39247

Transportation Department
See Federal Aviation Administration
See Federal Highway Administration
See National Highway Traffic Safety Administration

Treasury Department
See Fiscal Service

Veterans Affairs Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 39341–39342
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Application for Accreditation as Service Organization Representative, 39344–39345
Description of Materials, 39345
Fiduciary Agreement, 39345–39346
Financial Status Report, 39343
Homeless Providers Grant and Per Diem Program, 39342–39343
Income–Net Worth and Employment Statement, 39343–39344
Post-9/11 GI Bill Longitudinal Study Survey, 39344
Statement of Accredited Representative in Appealed Case, 39346
Privacy Act; Systems of Records, 39346–39352

Separate Parts In This Issue

Part II
Commerce Department, Industry and Security Bureau, 39354–39383

Reader Aids
Consult the Reader Aids section at the end of this page for phone numbers, online resources, finding aids, reminders, and notice of recently enacted public laws.

To subscribe to the Federal Register Table of Contents LISTSERV electronic mailing list, go to http://listserv.access.gpo.gov and select Online mailing list archives, FEDREGTOC-L, Join or leave the list (or change settings); then follow the instructions.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

5 CFR
2634.....39143

7 CFR
915.....39150

Proposed Rules:
925.....39184

14 CFR
39 (4 documents) 39153, 39156, 39157, 39159

Proposed Rules:
39 (2 documents) 39186, 39188
120.....39194

15 CFR
734.....39354
738.....39354
740.....39354
742.....39354
743.....39354
744.....39354
746.....39354
748.....39354
752.....39354
770.....39354
772.....39354
774 (2 documents) 39162, 39354

16 CFR

Proposed Rules:
23.....39201

33 CFR
147.....39164
165 (4 documents) 39169, 39170, 39172, 39174

40 CFR
52 (3 documents) 39177, 39180, 39181
141.....39182
142.....39182

Proposed Rules:
50.....39205
51.....39205
52.....39205
53.....39205
58.....39205

47 CFR

Proposed Rules:
15.....39206

49 CFR

Proposed Rules:
571.....39206

50 CFR
679.....39183

Rules and Regulations

Federal Register
Vol. 77, No. 127
Monday, July 2, 2012

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

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

OFFICE OF GOVERNMENT ETHICS

5 CFR Part 2634

RIN 3209–AA00

Executive Branch Qualified Trusts

AGENCY: Office of Government Ethics (OGE).

ACTION: Final rule.

SUMMARY: The Office of Government Ethics is issuing a final rule to amend the executive branch regulation regarding qualified trusts. These final rule amendments make a few minor substantive changes, but primarily put the regulation in a more logical order, make it more readable, and eliminate redundant provisions.

DATES: *Effective Date:* August 1, 2012.

FOR FURTHER INFORMATION CONTACT: Deborah J. Bortot, Associate Director for Nominee Financial Disclosure, Office of General Counsel and Legal Policy, Office of Government Ethics; telephone: 202–482–9300; TYY: 800–877–8339; FAX: 202–482–9237.

SUPPLEMENTARY INFORMATION:

I. Background: History of the Executive Branch Qualified Trusts Program

The Ethics in Government Act established standards for the creation, composition, and administration of two types of qualified trusts for executive branch officials: qualified blind trusts and qualified diversified trusts. The purpose of these qualified trusts is to reduce the potential for conflicts of interest by generally preventing an employee from knowing the identity and nature of his financial interests.

With a qualified blind trust, the independent trustee will, over time, sell or dispose of some or all of the initial assets placed in the trust. The executive branch employee will be blind with regard to the assets added by the independent trustee. The most significant objective to be achieved through the use of a qualified blind trust is the lack of knowledge, or actual ''blindness,'' by an executive branch employee with respect to the holdings in his trust.

The same goal may be achieved through the use of a diversified trust, if that trust holds securities from different issuers in different economic sectors, and if the trust's interest in any one issuer and sector is limited. Under these conditions, it is unlikely that official actions taken by the executive branch employee who holds a beneficial interest in the trust would affect individual securities or sectors to such a degree that the overall value of the trust's portfolio would be materially enhanced. Additionally, as with the blind trust, the employee is not told what assets the independent trustee adds to the trust.

OGE has implemented the qualified trusts provisions for the executive branch in subparts D and E of 5 CFR part 2634. *See* 57 FR 11800–11830, at 11814–11821 (Apr. 7, 1992).

II. Analysis of Comments and Amendments

The proposed rule provided a 60-day comment period. *See* 76 FR 60757–60765, at 60757 (Sept. 30, 2011). OGE received no comments on its proposed revisions to 5 CFR part 2634, subparts D and E. After consulting with the Office of Personnel Management and the Department of Justice in accordance with section 402(b) of the Ethics in Government Act, OGE is publishing this final rule with no changes from the proposed rule.

OGE is amending cross-references in §§ 2634.310(b)(1), 2634.702(a)–(b), and 2634.907(i)(2)(i) and Appendices A and B to Part 2634. These technical cross-reference amendments are included in this final rulemaking.

III. Matters of Regulatory Procedure

Regulatory Flexibility Act

As Acting Director of OGE, I certify under the Regulatory Flexibility Act (5 U.S.C. chapter 6) that this final rule will not have a significant economic impact on a substantial number of small entities because it primarily affects Federal executive branch employees.

Paperwork Reduction Act

No additional clearance is needed under the Paperwork Reduction Act (44 U.S.C. chapter 35) for these final rule amendments, because they would not affect the qualified trusts information collection requirements in the regulation that are currently approved under OMB paperwork control number 3209–0007.

Unfunded Mandates Reform Act

For purposes of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. chapter 25, subchapter II), this final amendatory rule will not significantly or uniquely affect small governments and will not result in increased expenditures by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more (as adjusted for inflation) in any one year.

Congressional Review Act

The Office of Government Ethics has determined that this final rulemaking involves a nonmajor rule under the Congressional Review Act (5 U.S.C. chapter 8) and will submit a report thereon to the U.S. Senate, House of Representatives and Government Accountability Office in accordance with that law at the same time this rulemaking document is sent to the Office of the Federal Register for publication in the **Federal Register**.

Executive Order 12866

In promulgating this final rulemaking, OGE has adhered to the regulatory philosophy and the applicable principles of regulation set forth in section 1 of Executive Order 12866, Regulatory Planning and Review. These final amendments have also been reviewed by the Office of Management and Budget under that Executive order. Moreover, in accordance with section 6(a)(3)(B) of E.O. 12866, the preamble to this final rulemaking, which revises 5 CFR part 2634, notes the legal basis and benefits of, as well as the need for, the final regulatory action. There should be no appreciable increase in costs to OGE or the executive branch of the Federal Government in administering this amended regulation, since the revisions only make a few minor substantive changes as well as reorganize and improve OGE's qualified trusts regulatory provisions under the Ethics Act. Finally, this final rulemaking is not

economically significant under the Executive order and will not interfere with State, local or tribal governments.

Executive Order 12988

As Acting Director of the Office of Government Ethics, I have reviewed this final amendatory regulation in light of section 3 of Executive Order 12988, Civil Justice Reform, and certify that it meets the applicable standards provided therein.

List of Subjects in 5 CFR Part 2634

Certificates of divestiture, Conflicts of interest, Financial disclosure, Government employees, Penalties, Privacy, Reporting and recordkeeping requirements, Trusts and trustees.

Approved: June 25, 2012.

Don W. Fox,

Acting Director, Office of Government Ethics.

Accordingly, for the reasons set forth in the preamble, the Office of Government Ethics is amending part 2634 of subchapter B of chapter XVI of title 5 of the Code of Federal Regulations, as follows:

PART 2634—EXECUTIVE BRANCH FINANCIAL DISCLOSURE, QUALIFIED TRUSTS, AND CERTIFICATES OF DIVESTITURE

■ 1. The authority citation for part 2634 continues to read as follows:

Authority: 5 U.S.C. App. (Ethics in Government Act of 1978); 26 U.S.C. 1043; Pub. L. 101–410, 104 Stat. 890, 28 U.S.C. 2461 note (Federal Civil Penalties Inflation Adjustment Act of 1990), as amended by Sec. 31001, Pub. L. 104–134, 110 Stat. 1321 (Debt Collection Improvement Act of 1996); E.O. 12674, 54 FR 15159, 3 CFR, 1989 Comp., p. 215, as modified by E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306.

Subpart C—Contents of Public Reports

§ 2634.310 [Amended]

■ 2. Section 2634.310(b)(1) is amended by removing the cross-references to ''§ 2634.403'' and ''§ 2634.404'' in the first sentence and replacing both cross-references with ''§ 2634.402''.

■ 3. Subparts D and E are revised to read as follows:

Subpart D—Qualified Trusts

Sec.

2634.401 Overview.
2634.402 Definitions.
2634.403 General description of trusts.
2634.404 Summary of procedures for creation of a qualified trust.
2634.405 Standards for becoming an independent trustee or other fiduciary.
2634.406 Initial portfolio.
2634.407 Certification of qualified trust by the Office of Government Ethics.
2634.408 Administration of a qualified trust.
2634.409 Pre-existing trusts.
2634.410 Dissolution.
2634.411 Reporting on financial disclosure reports.
2634.412 Sanctions and enforcement.
2634.413 Public access.
2634.414 OMB control number.

Subpart E—Revocation of Trust Certificates and Trustee Approvals

Sec.

2634.501 Purpose and scope.
2634.502 Definitions.
2634.503 Determinations.

Subpart D—Qualified Trusts

§ 2634.401 Overview.

(a) *Purpose.* The Ethics in Government Act of 1978 created two types of qualified trusts, the qualified blind trust and the qualified diversified trust, that may be used by employees to reduce real or apparent conflicts of interest. The primary purpose of an executive branch qualified trust is to confer on an independent trustee and any other designated fiduciary the sole responsibility to administer the trust and to manage trust assets without participation by, or the knowledge of, any interested party or any representative of an interested party. This responsibility includes the duty to decide when and to what extent the original assets of the trust are to be sold or disposed of, and in what investments the proceeds of sale are to be reinvested. Because the requirements set forth in the Ethics in Government Act and this regulation assure true ''blindness,'' employees who have a qualified trust cannot be influenced in the performance of their official duties by their financial interests in the trust assets. Their official actions, under these circumstances, should be free from collateral attack arising out of real or apparent conflicts of interest.

(b) *Scope.* Two characteristics of the qualified trust assure that true ''blindness'' exists: the independence of the trustee and the restriction on communications between the independent trustee and the interested parties. In order to serve as a trustee for an executive branch qualified trust, an entity must meet the strict requirements for independence set forth in the Ethics in Government Act and this regulation. Restrictions on communications also reinforce the independence of the trustee from the interested parties. During both the establishment of the trust and the administration of the trust, communications are limited to certain reports that are required by the Act and to written communications that are pre-screened by the Office of Government Ethics. No other communications, even about matters not connected to the trust, are permitted between the independent trustee and the interested parties.

§ 2634.402 Definitions.

As used in this subpart:

Director means the Director of the Office of Government Ethics.

Employee means an officer or employee of the executive branch of the United States.

Independent trustee means a trustee who meets the requirements of § 2634.405 of this subpart and who is approved by the Director under this subpart.

Interested party means an employee, the employee's spouse, and any minor or dependent child, in any case in which the employee, spouse, or minor or dependent child has a beneficial interest in the principal or income of a trust proposed for certification under this subpart or certified under this subpart.

Qualified blind trust means a trust in which the employee, his spouse, or his minor or dependent child has a beneficial interest and which:

(1) Is certified pursuant to § 2634.407 by the Director;

(2) Has a portfolio as specified in § 2634.406(a);

(3) Follows the model trust document prepared by the Office of Government Ethics; and

(4) Has an independent trustee as defined in § 2634.405.

Qualified diversified trust means a trust in which the employee, his spouse, or his minor or dependent child has a beneficial interest and which:

(1) Is certified pursuant to § 2634.407 by the Director;

(2) Has a portfolio as specified in § 2634.406(b);

(3) Follows the model trust document prepared by the Office of Government Ethics; and

(4) Has an independent trustee as defined in § 2634.405.

Qualified trust means a trust described in the Ethics in Government Act of 1978 and this regulation and certified by the Director under this subpart. There are two types of qualified trusts, the qualified blind trust and the qualified diversified trust.

§ 2634.403 General description of trusts.

(a) *Qualified blind trust.* (1) The qualified blind trust is the most universally adaptable qualified trust. An interested party may put most types of assets (such as cash, stocks, bonds, mutual funds or real estate) into a qualified blind trust.

(2) In the case of a qualified blind trust, 18 U.S.C. 208 and other Federal

conflict of interest statutes and regulations apply to the assets that an interested party transfers to the trust until such time as he or she is notified by the independent trustee that such asset has been disposed of or has a value of less than $1,000. Because the employee knows what assets he or she placed in the trust and there is no requirement that these assets be diversified, the possibility still exists that the employee could be influenced in the performance of official duties by those interests.

(b) *Qualified diversified trust.* (1) An interested party may put only readily marketable securities into a qualified diversified trust. In addition, the portfolio must meet the diversification requirements of § 2634.406(b)(2).

(2) In the case of a qualified diversified trust, the conflict of interest laws do not apply to the assets that an interested party transfers to the trust. Because the assets that an interested party puts into this trust must meet the diversification requirements set forth in this regulation, the diversification achieves ''blindness'' with regard to the initial assets.

(3) *Special notice for Presidential appointees*—(i) *In general.* In any case in which the establishment of a qualified diversified trust is contemplated with respect to an individual whose nomination is being considered by a Senate committee, that individual shall inform the committee of the intention to establish a qualified diversified trust at the time of filing a financial disclosure report with the committee. There is a section on the public financial disclosure form, the OGE Form 278, for the individual to indicate whether he or she intends to create a qualified diversified trust.

(ii) *Applicability.* Paragraph (b)(3)(i) of this section is not applicable to members of the uniformed services or Foreign Service officers. The special notice requirement of this section shall not preclude an individual from seeking the certification of a qualified blind trust or qualified diversified trust after the Senate has given its advice and consent to a nomination.

(c) *Conflict of interest laws.* In the case of each type of trust, the conflict of interest laws do not apply to the assets that the independent trustee or any other designated fiduciary adds to the trust.

§ 2634.404 Summary of procedures for creation of a qualified trust.

(a) *Consultation with the Office of Government Ethics.* Any employee, spouse, or minor or dependent child (or that party's representative) who is interested in setting up a qualified blind or qualified diversified trust must contact the Office of Government Ethics prior to beginning the process of creating the trust. The Office of Government Ethics is the only entity that has the authority to certify a qualified trust. Because an interested party must propose, for the approval of the Office of Government Ethics, an entity to serve as the independent trustee, the Office of Government Ethics will explain the requirements that an entity must meet in order to qualify as an independent trustee. Such information is essential in order for the employee to interview entities for the position of independent trustee. The Office of Government Ethics will also explain the restrictions on the communications between the interested parties and the proposed trustee.

(b) *Selecting an independent trustee.* After consulting with the Office of Government Ethics, the interested party may interview entities who meet the requirements of § 2634.405(a) in order to find one to serve as an independent trustee. At an interview, the interested party may ask general questions about the institution, such as how long it has been in business, its policies and philosophy in managing assets, the types of clients it serves, its prior performance record, and the qualifications of the personnel who would be handling the trust. Because the purpose of a qualified trust is to give an independent trustee the sole responsibility to manage the trust assets without the interested party having any knowledge of the identity of the assets in the trust, the interested party may communicate his or her general financial interests and needs to any institution which he or she interviews. For example, the interested party may communicate a preference for maximizing income or long-term capital gain or for balancing safety of capital with growth. The interested party may not give more specific instructions to the proposed trustee, such as instructing it to maintain a specific allocation between stocks and bonds, or choosing stocks in a particular industry.

(c) *The proposed independent trustee.* (1) The entity selected by an interested party as a possible trustee must contact the Office of Government Ethics to receive guidance on the qualified trust program. The Office of Government Ethics will ask the proposed trustee to submit a letter describing its past and current contacts, including banking and client relationships, with the employee, spouse, and minor or dependent children. The extent of these contacts will determine whether the proposed trustee is independent under the Act and this regulation.

(2) In addition, an interested party may select an investment manager or other fiduciary. Other proposed fiduciaries selected by an interested party, such as an investment manager, must meet the independence requirements.

(d) *Approval of the independent trustee.* If the Director determines that the proposed trustee meets the requirements of independence, the Director will approve, in writing, that entity as the trustee for the qualified trust.

(e) *Confidentiality agreement.* If any person other than the independent trustee or designated fiduciary has access to information that must not be shared with an interested party or that party's representative, that person must file a Confidentiality Agreement with the Office of Government Ethics. Persons filing a Confidentiality Agreement must certify that they will not make prohibited contacts with an interested party or that party's representative.

(f) *Drafting the trust instrument.* The representative of the interested party will use the model documents provided by the Office of Government Ethics to draft the trust instrument. There are two annexes to the model trust document: An annex describing any current, permissible banking or client relationships between any interested parties and the independent trustee or other fiduciaries and an annex listing the initial assets that the interested party transfers to the trust. Any deviations from the model trust documents must be approved by the Director.

(g) *Certification of the trust.* The representative then presents the unexecuted trust instrument to the Office of Government Ethics for review. If the Director finds that the instrument conforms to one of the model documents, the Director will certify the qualified trust. After certification, the employee and the independent trustee will sign the trust instrument. They will submit a copy of the executed instrument to the Office of Government Ethics within 30 days of execution. The employee will then transfer the assets to the trust.

Note to Paragraph (g): Existing qualified trusts approved under any State law or by the legislative or judicial branches of the Federal Government of the United States will not be recertified by the Director. Individuals with existing qualified trusts who are required to file a financial disclosure report upon entering the executive branch, becoming a nominee for a position appointed by the

President and subject to confirmation by the Senate, or becoming a candidate for President or Vice President must file a complete financial disclosure form that includes a full disclosure of items in the trust. After filing a complete form, the individual may establish a qualified trust under the policies and provisions of this rule.

§ 2634.405 Standards for becoming an independent trustee or other fiduciary.

(a) *Eligible entities.* An interested party must select an entity that meets the requirements of this regulation to serve as an independent trustee or other fiduciary. The type of entity that is allowed to serve as an independent trustee is a financial institution, not more than 10 percent of which is owned or controlled by a single individual, which is:

(1) A bank, as defined in 12 U.S.C. 1841(c); or

(2) An investment adviser, as defined in 15 U.S.C. 80b–2(a)(11).

Note to Paragraph (a): By the terms of paragraph (3)(A)(i) of section 102(f) of the Act, an individual who is an attorney, a certified public accountant, a broker, or an investment advisor is also eligible to serve as an independent trustee. However, experience of the Office of Government Ethics over the years dictates the necessity of limiting service as a trustee or other fiduciary to the financial institutions referred to in this paragraph, to maintain effective administration of trust arrangements and preserve confidence in the Federal qualified trust program. Accordingly, under its authority pursuant to paragraph (3)(D) of section 102(f) of the Act, the Office of Government Ethics will not approve proposed trustees or other fiduciaries who are not financial institutions, except in unusual cases where compelling necessity is demonstrated to the Director, in his or her sole discretion.

(b) *Orientation.* After the interested party selects a proposed trustee, that proposed trustee should contact the Office of Government Ethics for an orientation about the qualified trust program.

(c) *Independence requirements.* The Director shall determine that a proposed trustee is independent if:

(1) The entity is independent of and unassociated with any interested party so that it cannot be controlled or influenced in the administration of the trust by any interested party;

(2) The entity is not and has not been affiliated with any interested party, and is not a partner of, or involved in any joint venture or other investment or business with, any interested party; and

(3) Any director, officer, or employee of such entity:

(i) Is independent of and unassociated with any interested party so that such director, officer, or employee cannot be controlled or influenced in the administration of the trust by any interested party;

(ii) Is not and has not been employed by any interested party, not served as a director, officer, or employee of any organization affiliated with any interested party, and is not and has not been a partner of, or involved in any joint venture or other investment with, any interested party; and

(iii) Is not a relative of any interested party.

(d) *Required documents.* In order to make this determination, the proposed trustee must submit the following documentation to the Director:

(1) A letter describing its past and current contacts, including banking and client relationships, with the employee, spouse, or minor or dependent child; and

(2) The Certificate of Independence, which must be executed in the form prescribed in appendix A to this part.

(e) *Determination.* If the Director determines that the current relationships, if any, between the interested party and the independent trustee do not violate the independence requirements, these relationships will be disclosed in an annex to the trust instrument. No additional relationships with the independent trustee may be established unless they are approved by the Director.

(f) *Approval of the trustee.* If the Director determines that the proposed trustee meets applicable requirements, the Office of Government Ethics will send the interested parties and their representatives a letter indicating its approval of a proposed trustee.

(g) *Revocation.* The Director may revoke the approval of a trustee or any other designated fiduciary pursuant to the rules of subpart E of this part.

(h) *Adding fiduciaries.* An independent trustee may employ or consult other entities, such as investment counsel, investment advisers, accountants, and tax preparers, to assist in any capacity to administer the trust or to manage and control the trust assets, if all of the following conditions are met:

(1) When any interested party or any representative of an interested party learns about such employment or consultation, the person must sign the trust instrument as a party, subject to the prior approval of the Director;

(2) Under all the facts and circumstances, the person is determined pursuant to the requirements for eligible entities under paragraphs (a) through (f) of this section to be independent of an interested party with respect to the trust arrangement;

(3) The person is instructed by the independent trustee or other designated fiduciary not to disclose publicly or to any interested party information which might specifically identify current trust assets or those assets which have been sold or disposed of from trust holdings, other than information relating to the sale or disposition of original trust assets in the case of the blind trust; and

(4) The person is instructed by the independent trustee or other designated fiduciary to have no direct communication with respect to the trust with any interested party or any representative of an interested party, and to make all indirect communications with respect to the trust only through the independent trustee, pursuant to § 2634.408(a).

§ 2634.406 Initial portfolio.

(a) *Qualified blind trust.* (1) None of the assets initially placed in the portfolio of the blind trust shall include assets the holding of which by any interested party would be prohibited by the Act, by the implementing regulations, or by any other applicable Federal law, Executive order, or regulation.

(2) Except as described in paragraph (a)(1) of this section, an interested party may put most types of assets (such as cash, stocks, bonds, mutual funds or real estate) into a qualified blind trust.

(b) *Qualified diversified trust.* (1) The initial portfolio may not contain securities of entities having substantial activities in the employee's primary area of Federal responsibility. If requested by the Director, the designated agency ethics official for the employee's agency shall certify whether the proposed portfolio meets this standard.

(2) The initial assets of a diversified trust shall comprise a widely diversified portfolio of readily marketable securities.

(i) A portfolio will be widely diversified if:

(A) The value of the securities concentrated in any particular or limited economic or geographic sector is no more than twenty percent of the total; and

(B) The value of the securities of any single entity (other than the United States Government) is no more than five percent of the total.

(ii) A security will be readily marketable if:

(A) Daily price quotations for the security appear regularly in newspapers of general circulation; and

(B) The trust holds the security in a quantity that does not unduly impair liquidity.

(iii) The interested party or the party's representative shall provide the Director with a detailed list of the securities proposed for inclusion in the portfolio, specifying their fair market value and demonstrating that these securities meet the requirements of this paragraph. The Director will determine whether the initial assets of the trust proposed for certification comprise a widely diversified portfolio of readily marketable securities.

(iv) The independent trustee shall not acquire additional securities in excess of the diversification standards.

(c) *Hybrid qualified trust.* A qualified trust may contain both a blind portfolio of assets and a diversified portfolio of assets. The Office of Government Ethics refers to this arrangement as a hybrid qualified trust.

§ 2634.407 Certification of qualified trust by the Office of Government Ethics.

(a) *General.* After the Director approves the independent trustee, the employee or a representative will prepare the trust instrument for review by the Director. The representative of the interested party will use the model documents provided by the Office of Government Ethics to draft the trust instrument. Any deviations from the model trust documents must be approved by the Director. No trust will be considered qualified for purposes of the Act until the Office of Government Ethics certifies the trust prior to execution.

(b) *Certification procedures.* (1) After the Director has approved the trustee, the interested party or the party's representative must submit the following documents to the Office of Government Ethics for review:

(i) A copy of the proposed, unexecuted trust instrument;

(ii) A list of the assets which the employee, spouse, or minor or dependent child proposes to place in the trust; and

(iii) In the case of a pre-existing trust as described in § 2634.409 of this subpart which the employee asks the Office of Government Ethics to certify, a copy of the pre-existing trust instrument and a list of that trust's assets categorized as to value in accordance with § 2634.301(d).

(2) In order to assure timely trust certification, the interested parties and their representatives shall be responsible for the expeditious submission to the Office of Government Ethics of all required documents and responses to requests for information.

(3) The Director will indicate that he or she has certified the trust in a letter to the interested parties or their representatives. The interested party and the independent trustee may then execute the trust instrument.

(4) Within thirty days after the trust is certified under this section by the Director, the interested party or that party's representative must file with the Director a copy of the executed trust instrument and all annexed schedules (other than those provisions which relate to the testamentary disposition of the trust assets), including a list of the assets which were transferred to the trust, categorized as to value of each asset in accordance with § 2634.301(d).

(5) Once a trust is classified as a qualified blind or qualified diversified trust in the manner discussed in this section, § 2634.310(b) applies less inclusive financial disclosure requirements to the trust assets.

(c) *Certification standard.* A trust will be certified for purposes of this subpart only if:

(1) It is established to the Director's satisfaction that the requirements of section 102(f) of the Act and this subpart have been met; and

(2) The Director determines that approval of the trust arrangement as a qualified trust is appropriate to assure compliance with applicable laws and regulations.

(d) *Revocation.* The Director may revoke certification of a trust pursuant to the rules of subpart E of this part.

§ 2634.408 Administration of a qualified trust.

(a) *General rules on communications between the independent fiduciaries and the interested parties.* (1) There shall be no direct or indirect communications with respect to the qualified trust between an interested party or the party's representative and the independent trustee or any other designated fiduciary with respect to the trust unless:

(i) In the case of the blind trust, the proposed communication is approved in advance by the Director and it relates to:

(A) A distribution of cash or other unspecified assets of the trust;

(B) The general financial interest and needs of the interested party including, but not limited to, a preference for maximizing income or long-term capital gain;

(C) Notification to the independent trustee by the employee that the employee is prohibited by a subsequently applicable statute, Executive order, or regulation from holding an asset, and to direction to the independent trustee that the trust shall not hold that asset; or

(D) Instructions to the independent trustee to sell all of an asset which was initially placed in the trust by an interested party, and which in the determination of the employee creates a real or apparent conflict due to duties the employee subsequently assumed (but nothing herein requires such instructions); or

(ii) In the case of the diversified trust, the proposed communication is approved in advance by the Director and it relates to:

(A) A distribution of cash or other unspecified assets of the trust;

(B) The general financial interest and needs of the interested party including, but not limited to, a preference for maximizing income or long-term capital gain; or

(C) Information, documents, and funds concerning income tax obligations arising from sources other than the property held in trust that are required by the independent trustee to enable him to file, on behalf of an interested party, the personal income tax returns and similar tax documents which may contain information relating to the trust.

(2) The person initiating a communication approved under paragraphs (a)(1)(i) or (a)(1)(ii) of this section shall file a copy of the communication with the Director within five days of the date of its transmission.

Note to Paragraph (a): By the terms of paragraph (3)(C)(vi) of section 102(f) of the Act, communications which solely consist of requests for distributions of cash or other unspecified assets of the trust are not required to be in writing. Further, there is no statutory mechanism for pre-screening of proposed communications. However, experience of the Office of Government Ethics over the years dictates the necessity of prohibiting any oral communications between the trustee and an interested party with respect to the trust and pre-screening all proposed written communications, to prevent inadvertent prohibited communications and preserve confidence in the Federal qualified trust program. Accordingly, under its authority pursuant to paragraph (3)(D) of section 102(f) of the Act, the Office of Government Ethics will not approve proposed trust instruments that do not contain language conforming to this policy, except in unusual cases where compelling necessity is demonstrated to the Director, in his or her sole discretion.

(b) *Required reports from the independent trustee to the interested parties*—(1) *Quarterly reports.* The independent trustee shall, without identifying specifically an asset or holding, report quarterly to the interested parties and their representatives the aggregate market value of the assets representing the interested party's interest in the trust. The independent trustee must follow the model document for this report and

shall file a copy of the report, within five days of the date of its transmission, with the Director.

(2) *Annual report.* In the case of a qualified blind trust, the independent trustee shall, without identifying specifically an asset or holding, report annually to the interested parties and their representatives the aggregate amount of the trust's income attributable to the interested party's beneficial interest in the trust, categorized in accordance with § 2634.302(b) to enable the employee to complete the public financial disclosure form. In the case of a qualified diversified trust, the independent trustee shall, without identifying specifically an asset or holding, report annually to the interested parties and their representatives the aggregate amount actually distributed from the trust to the interested party or applied for the party's benefit. Additionally, in the case of the blind trust, the independent trustee shall report on Schedule K–1 the net income or loss of the trust and any other information necessary to enable the interested party to complete an individual tax return. The independent trustee must follow the model document for each report and shall file a copy of the report, within five days of the date of its transmission, with the Director.

(3) *Report of sale of asset.* In the case of the qualified blind trust, the independent trustee shall promptly notify the employee and the Director when any particular asset transferred to the trust by an interested party has been completely disposed of or when the value of that asset is reduced to less than $1,000. The independent trustee shall file a copy of the report, within five days of the date of its transmission, with the Director.

(c) *Communications regarding trust and beneficiary taxes.* The Act establishes special tax filing procedures to be used by the independent trustee and the trust beneficiaries in order to maintain the substantive separation between trust beneficiaries and trust administrators.

(1) *Trust taxes.* Because a trust is a separate entity distinct from its beneficiaries, an independent trustee must file an annual fiduciary tax return for the trust (IRS Form 1041). The independent trustee is prohibited from providing the interested parties and their representatives with a copy of the trust tax return.

(2) *Beneficiary taxes.* The trust beneficiaries must report income received from the trust on their individual tax returns.

(i) For beneficiaries of qualified blind trusts, the independent trustee sends a modified K–1 summarizing trust income in appropriate categories to enable the beneficiaries to file individual tax returns. The independent trustee is prohibited from providing the interested parties or their representatives with the identity of the assets.

(ii) For beneficiaries of qualified diversified trusts, the Act requires the independent trustee to file the individual tax returns on behalf of the trust beneficiaries. The interested parties shall give the independent trustee a power of attorney to prepare and file, on their behalf, the personal income tax returns and similar tax documents which may contain information relating to the trust. Appropriate Internal Revenue Service power of attorney forms shall be used for this purpose. The beneficiaries must transmit to the trustee materials concerning taxable transactions and occurrences outside of the trust, pursuant to the requirements in each trust instrument which detail this procedure. This communication must be approved in advance by the Director in accordance with paragraph (a) of this section.

(iii) Some qualified trust beneficiaries may pay estimated income taxes.

(A) In order to pay the proper amount of estimated taxes each quarter, the beneficiaries of a qualified blind trust will need to receive information about the amount of income, if any, generated by the trust each quarter. To assist the beneficiaries, the independent trustee is permitted to send, on a quarterly basis, information about the amount of income generated by the trust in that quarter. This communication must be approved in advance by the Director in accordance with paragraph (a) of this section.

(B) In order to pay the proper amount of estimated taxes each quarter, the independent trustee of a qualified diversified trust will need to receive information about the amount of income, if any, earned by the beneficiaries on assets that are not in the trust. To assist the independent trustee, the beneficiaries are permitted to send, on a quarterly basis, information about the amount of income they earned in that quarter on assets that are outside of the trust. This communication must be approved in advance by the Director in accordance with paragraph (a) of this section.

(d) *Responsibilities of the independent trustee and other fiduciaries.* (1) Any independent trustee or any other designated fiduciary of a qualified trust shall not knowingly and willfully, or negligently:

(i) Disclose any information to an interested party or that party's representative with respect to the trust that may not be disclosed under title I of the Act, the implementing regulations or the trust instrument;

(ii) Acquire any holding:

(A) Directly from an interested party or that party's representative without the prior written approval of the Director; or

(B) The ownership of which is prohibited by, or not in accordance with, title I of the Act, the implementing regulations, the trust instrument, or with other applicable statutes and regulations;

(iii) Solicit advice from any interested party or any representative of that party with respect to such trust, which solicitation is prohibited by title I of the Act, the implementing regulations, or the trust instrument; or

(iv) Fail to file any document required by the implementing regulations or the trust instrument.

(2) The independent trustee and any other designated fiduciary, in the exercise of their authority and discretion to manage and control the assets of the trust, shall not consult or notify any interested party or that party's representative.

(3) The independent trustee shall not acquire by purchase, grant, gift, exercise of option, or otherwise, without the prior written approval of the Director, securities, cash, or other property from any interested party or any representative of an interested party.

(4) *Certificate of Compliance.* An independent trustee and any other designated fiduciary shall file, with the Director by May 15th following any calendar year during which the trust was in existence, a properly executed Certificate of Compliance in the form prescribed in appendix B to this part. In addition, the independent trustee and such fiduciary shall maintain and make available for inspection by the Office of Government Ethics, as it may from time to time direct, the trust's books of account and other records and copies of the trust's tax returns for each taxable year of the trust.

(e) *Responsibilities of the interested parties and their representatives.* (1) Interested parties to a qualified trust and their representatives shall not knowingly and willfully, or negligently:

(i) Solicit or receive any information about the trust that may not be disclosed under title I of the Act, the implementing regulations or the trust instrument; or

(ii) Fail to file any document required by this subpart or the trust instrument.

(2) The interested parties and their representatives shall not take any action to obtain, and shall take reasonable action to avoid receiving, information with respect to the holdings and the sources of income of the trust, including a copy of any trust tax return filed by the independent trustee, or any information relating to that return, except for the reports and information specified in paragraphs (b) and (c) of this section.

(3) In the case of any qualified trust, the interested party shall, within thirty days of transferring an asset, other than cash, to a previously established qualified trust, file a report with the Director, which identifies each asset, categorized as to value in accordance with § 2634.301(d).

(4) Any portfolio asset transferred to the trust by an interested party shall be free of any restriction with respect to its transfer or sale, except as fully described in schedules attached to the trust instrument, and as approved by the Director.

(5) During the term of the trust, the interested parties shall not pledge, mortgage, or otherwise encumber their interests in the property held by the trust.

(f) *Amendment of the trust.* The independent trustee and the interested parties may amend the terms of a qualified trust only with the prior written approval of the Director and upon a showing of necessity and appropriateness.

§ 2634.409 Pre-existing trusts.

An interested party may place a pre-existing irrevocable trust into a qualified trust, which may then be certified by the Office of Government Ethics. This arrangement should be considered in the case of a pre-existing trust whose terms do not permit amendments that are necessary to satisfy the rules of this subpart. All of the relevant parties (including the employee, any other interested parties, the trustee of the pre-existing trust, and all of the other parties and beneficiaries of the pre-existing trust) will be required pursuant to section 102(f)(7) of the Act to enter into an umbrella trust agreement. The umbrella trust agreement will specify that the pre-existing trust will be administered in accordance with the provisions of this subpart. A parent or guardian may execute the umbrella trust agreement on behalf of a required participant who is a minor child. The Office of Government Ethics has prepared model umbrella trust agreements that the employee can use in this circumstance. The umbrella trust agreement will be certified as a qualified trust if all of the requirements of this subpart are fulfilled under conditions where required confidentiality with respect to the trust can be assured.

§ 2634.410 Dissolution.

Within thirty days of dissolution of a qualified trust, the interested party shall file a report of the dissolution with the Director and a list of assets of the trust at the time of the dissolution, categorized as to value in accordance with § 2634.301(d).

§ 2634.411 Reporting on financial disclosure reports.

An employee who files a public or confidential financial disclosure report shall report the trust on the financial disclosure report.

(a) *Public financial disclosure report.* If the employee files a public financial disclosure report, the employee shall report the trust as an asset, including the overall category of value of the trust. Additionally, in the case of a qualified blind trust, the employee shall disclose the category of value of income earned by the trust. In the case of a qualified diversified trust, the employee shall report the category of value of income received from the trust by the employee, the employee's spouse, or dependent child, or applied for the benefit of any of them.

(b) *Confidential financial disclosure report.* In the case of a confidential financial disclosure report, the employee shall report the trust as an asset.

§ 2634.412 Sanctions and enforcement.

Section 2634.702 sets forth civil sanctions, as provided by sections 102(f)(6)(C)(i) and (ii) of the Act and as adjusted in accordance with the Federal Civil Penalties Inflation Adjustment Act, which apply to any interested party, independent trustee, or other trust fiduciary who violates his obligations under the Act, its implementing regulations, or the trust instrument. Subpart E of this part delineates the procedure which must be followed with respect to the revocation of trust certificates and trustee approvals.

§ 2634.413 Public access.

(a) *Documents subject to public disclosure requirements.* The following qualified trust documents filed by a public filer, nominee, or candidate are subject to the public disclosure requirements of § 2634.603:

(1) The executed trust instrument and any amendments (other than those provisions which relate to the testamentary disposition of the trust assets), and a list of the assets which were transferred to the trust, categorized as to the value of each asset;

(2) The identity of each additional asset (other than cash) transferred to a qualified trust by an interested party during the life of the trust, categorized as to the value of each asset;

(3) The report of the dissolution of the trust and a list of the assets of the trust at the time of the dissolution, categorized as to the value of each asset;

(4) In the case of a blind trust, the lists provided by the independent trustee of assets placed in the trust by an interested party which have been sold; and

(5) The Certificates of Independence and Compliance.

(b) *Documents exempt from public disclosure requirements.* The following documents are exempt from the public disclosure requirements of § 2634.603 and also shall not be disclosed to any interested party:

(1) Any document (and the information contained therein) filed under the requirements of § 2634.408(a) and (c); and

(2) Any document (and the information contained therein) inspected under the requirements of § 2634.408(d)(4) (other than a Certificate of Compliance).

§ 2634.414 OMB control number.

The various model trust documents and Certificates of Independence and Compliance referenced in this subpart, together with the underlying regulatory provisions (and appendices A, B and C to this part for the Certificates), are all approved by the Office of Management and Budget under control number 3209–0007.

Subpart E—Revocation of Trust Certificates and Trustee Approvals [Amended]

§ 2634.501 Purpose and scope.

(a) *Purpose.* This subpart establishes the procedures of the Office of Government Ethics for enforcement of the qualified blind trust, qualified diversified trust, and independent trustee provisions of title I of the Ethics in Government Act of 1978, as amended, and the regulation issued thereunder (subpart D of this part).

(b) *Scope.* This subpart applies to all trustee approvals and trust certifications pursuant to §§ 2634.405 and 2634.407, respectively.

§ 2634.502 Definitions.

For purposes of this subpart (unless otherwise indicated), the term ''trust

restrictions'' means the applicable provisions of title I of the Ethics in Government Act of 1978, subpart D of this part, and the trust instrument.

§ 2634.503 Determinations.

(a) *Violations.* If the Office of Government Ethics learns that violations or apparent violations of the trust restrictions exist that may warrant revocations of trust certification or trustee approval previously granted under § 2634.407 or § 2634.405, the Director may, pursuant to the procedure specified in paragraph (b) of this section, appoint an attorney on the staff of the Office of Government Ethics to review the matter. After completing the review, the attorney will submit findings and recommendations to the Director.

(b) *Review procedure.* (1) In the review of the matter, the attorney shall perform such examination and analysis of violations or apparent violations as the attorney deems reasonable.

(2) The attorney shall provide an independent trustee and, if appropriate, the interested parties, with:

(i) Notice that revocation of trust certification or trustee approval is under consideration pursuant to the procedures in this subpart;

(ii) A summary of the violation or apparent violations that shall state the preliminary facts and circumstances of the transactions or occurrences involved with sufficient particularity to permit the recipients to determine the nature of the allegations; and

(iii) Notice that the recipients may present evidence and submit statements on any matter in issue within ten business days of the recipient's actual receipt of the notice and summary.

(c) *Determination.* (1) In making determinations with respect to the violations or apparent violations under this section, the Director shall consider the findings and recommendations submitted by the attorney, as well as any written statements submitted by the independent trustee or interested parties.

(2) The Director may take one of the following actions upon finding a violation or violations of the trust restrictions:

(i) Issue an order revoking trust certification or trustee approval;

(ii) Resolve the matter through any other remedial action within the Director's authority;

(iii) Order further examination and analysis of the violation or apparent violation; or

(iv) Decline to take further action.

(3) If the Director issues an order of revocation, parties to the trust instrument will receive prompt written notification. The notice shall state the basis for the revocation and shall inform the parties of the consequence of the revocation, which will be either of the following:

(i) The trust is no longer a qualified blind or qualified diversified trust for any purpose under Federal law; or

(ii) The independent trustee may no longer serve the trust in any capacity and must be replaced by a successor, who is subject to the prior written approval of the Director.

Subpart G—Penalties

§ 2634.702 [Amended]

■ 4. Section 2634.702 is amended as follows:

■ a. Paragraph (a) is amended by removing the cross-reference to ''§ 2634.407'' in the first sentence and replacing it with ''§ 2634.408(d)(1) or (e)(1)''.

■ b. Paragraph (b) is amended by removing the cross-reference to ''§ 2634.407'' in the first sentence and replacing it with ''§ 2634.408(d)(1) or (e)(1)''.

Subpart I—Confidential Financial Disclosure Reports

§ 2634.907 [Amended]

■ 5. Section 2634.907(i)(2)(i) is amended by removing the cross-references to ''§ 2634.403'' and ''§ 2634.404'' and replacing both with ''§ 2634.402''.

APPENDIX A TO PART 2634 [Amended]

■ 6. The instruction following the Appendix A heading is amended by removing the cross-reference to ''§ 2634.406(b)'' and replacing it with ''§ 2634.405(d)(2)''.

APPENDIX B TO PART 2634 [Amended]

■ 7. Appendix B is amended as follows:

■ a. The instruction following the Appendix B heading is amended by removing the cross-reference to ''§ 2634.408(b)'' and replacing it with ''§ 2634.408(d)(4)''.

■ b. The first paragraph of the CERTIFICATE OF COMPLIANCE form is amended by removing the cross-reference to ''5 CFR 2634.406'' and replacing it with ''5 CFR 2634.405''.

■ c. Subparagraph (A) of the CERTIFICATE OF COMPLIANCE form is amended by removing ''(including 5 CFR 2634.403(b)(12)(i) for a qualified blind trust, and 5 CFR 2634.404(c)(12)(i) for a qualified diversified trust)'' and replacing it with ''(including 5 CFR 2634.408(d)(1)(i))''.

■ d. Subparagraph (C) of the CERTIFICATE OF COMPLIANCE form is amended by removing ''(including 5 CFR 2634.403(b)(12)(iii) for a qualified blind trust and 5 CFR 2634.404(c)(12)(iii), for a qualified diversified trust)'' and replacing it with ''(including 5 CFR 2634.408(d)(1)(iii))''.

■ e. Subparagraph (D) of the CERTIFICATE OF COMPLIANCE form is amended by removing ''(5 CFR 2634.408(b) and (c))'' and replacing it with ''(5 CFR 2634.408)''.

[FR Doc. 2012–15998 Filed 6–29–12; 8:45 am]

BILLING CODE 6345–03–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 915

[Doc. No. AMS–FV–11–0094; FV12–915–1 IR]

Avocados Grown in South Florida; Decreased Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim rule with request for comments.

SUMMARY: This rule decreases the assessment rate established for the Avocado Administrative Committee (Committee) for the 2012–13 and subsequent fiscal periods from $0.37 to $0.25 per 55-pound bushel container of Florida avocados handled. The Committee locally administers the marketing order which regulates the handling of avocados grown in South Florida. Assessments upon Florida avocado handlers are used by the Committee to fund reasonable and necessary expenses of the program. The fiscal period begins April 1 and ends March 31. The assessment rate will remain in effect indefinitely unless modified, suspended, or terminated.

DATES: Effective July 3, 2012. Comments received by August 31, 2012, will be considered prior to issuance of a final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this rule. Comments must be sent to the Docket Clerk, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Fax: (202) 720–8938; or Internet: *http://www.regulations.gov.* Comments should reference the document number and the

date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: *http://www.regulations.gov.* All comments submitted in response to this rule will be included in the record and will be made available to the public. Please be advised that the identity of the individuals or entities submitting the comments will be made public on the Internet at the address provided above.

FOR FURTHER INFORMATION CONTACT: Doris Jamieson, Marketing Specialist or Christian D. Nissen, Regional Manager, Southeast Marketing Field Office, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA; Telephone: (863) 324–3375, Fax: (863) 325–8793, or Email: *Doris.Jamieson@ams.usda.gov* or *Christian.Nissen@ams.usda.gov.*

Small businesses may request information on complying with this regulation by contacting Laurel May, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or Email: *Laurel.May@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Order No. 915, as amended (7 CFR part 915), regulating the handling of avocados grown in South Florida, hereinafter referred to as the ''order.'' The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The Department of Agriculture (USDA) is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the marketing order now in effect, Florida avocado handlers are subject to assessments. Funds to administer the order are derived from such assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable Florida avocados beginning April 1, 2012, and continue until amended, suspended, or terminated.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This rule decreases the assessment rate established for the Committee for the 2012–13 and subsequent fiscal periods from $0.37 to $0.25 per 55-pound bushel container of avocados.

The Florida avocado marketing order provides authority for the Committee, with the approval of USDA, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. The members of the Committee are producers and handlers of Florida avocados. They are familiar with the Committee's needs and with the costs for goods and services in their local area and are thus in a position to formulate an appropriate budget and assessment rate. The assessment rate is formulated and discussed in a public meeting. Thus, all directly affected persons have an opportunity to participate and provide input.

For the 2010–11 and subsequent fiscal periods, the Committee recommended, and USDA approved, an assessment rate that would continue in effect from fiscal period to fiscal period unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Committee or other information available to USDA.

The Committee met on December 14, 2011, and unanimously recommended 2012–13 expenditures of $324,575 and an assessment rate of $0.25 per 55-pound bushel container of avocados. In comparison, last year's budgeted expenditures were $349,575. The assessment rate of $0.25 is $0.12 lower than the rate currently in effect. The Committee recommended the decrease in assessment rate due to a reduction in expenditures for research and to help reduce industry costs.

The major expenditures recommended by the Committee for the 2012–13 year include $101,705 for salaries, $75,000 for research, $48,000 for employee benefits, and $25,800 for insurance and bonds. Budgeted expenses for these items in 2011–12 were $101,705, $100,000, $48,000, and $25,800, respectively.

The assessment rate recommended by the Committee was derived by reviewing anticipated expenses, expected shipments of Florida avocados, and available reserves. Florida avocado shipments for the year are estimated at 1,000,000 55-pound bushel containers which should provide $250,000 in assessment income. Income derived from handler assessments, along with interest income and funds from the Committee's authorized reserve, will be adequate to cover budgeted expenses. Funds in the reserve (currently $315,000) will be kept within the maximum permitted by the order (approximately three fiscal periods' expenses as stated in § 915.42).

The assessment rate established in this rule will continue in effect indefinitely unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Committee or other available information.

Although this assessment rate is effective for an indefinite period, the Committee will continue to meet prior to or during each fiscal period to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of Committee meetings are available from the Committee or USDA. Committee meetings are open to the public and interested persons may express their views at these meetings. USDA will evaluate Committee recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking will be undertaken as necessary. The Committee's 2012–13 budget and those for subsequent fiscal periods will be reviewed and, as appropriate, approved by USDA.

Initial Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf.

There are approximately 30 handlers of Florida avocados subject to regulation under the order and approximately 300 producers of avocados in the production area. Small agricultural service firms, which include avocado handlers, are defined by the Small Business Administration (SBA) as those whose annual receipts are less than $7,000,000, and small agricultural producers are defined as those having annual receipts less than $750,000 (13 CFR 121.201).

According to Committee data and information from the National Agricultural Statistical Service (NASS), the average price for Florida avocados during the 2011–12 season was around $16.50 per 55-pound bushel container and total shipments were near 1,200,000 55-pound bushels. Using the average price and shipment information provided by the Committee, the majority of avocado handlers could be considered small businesses under SBA's definition. In addition, based on avocado production, producer prices, and the total number of Florida avocado producers, the average annual producer revenue is less than $750,000. Consequently, the majority of avocado handlers and producers may be classified as small entities.

This rule decreases the assessment rate established for the Committee and collected from handlers for the 2012–13 and subsequent fiscal periods from $0.37 to $0.25 per 55-pound bushel container of avocados. The Committee unanimously recommended 2012–13 expenditures of $324,575 and an assessment rate of $0.25 per 55-pound bushel container. The assessment rate of $0.25 is $0.12 lower than the 2011–12 rate. The quantity of assessable Florida avocados for the 2012–13 season is estimated at 1,000,000. Thus, the $0.25 rate should provide $250,000 in assessment income. Income derived from handler assessments, along with interest income and funds from the Committee's authorized reserves, will be adequate to cover budgeted expenses.

The major expenditures recommended by the Committee for the 2012–13 year include $101,705 for salaries, $75,000 for research, $48,000 for employee benefits, and $25,800 for insurance and bonds. Budgeted expenses for these items in 2011–12 were $101,705, $100,000, $48,000, and $25,800, respectively.

The Committee recommended the decrease in assessment rate due to a reduction in expenditures for research and to help reduce industry costs.

The Committee reviewed and unanimously recommended 2012–13 expenditures of $324,575 which included decreases in research programs. Prior to arriving at this budget, alternative expenditure levels were discussed based upon the relative value of various research projects to the Florida avocado industry. The assessment rate of $0.25 per 55-lb bushel container of assessable avocados was then determined by reviewing the total recommended budget, the quantity of assessable avocados, estimated at 1,000,000 55-lb bushel containers for the 2012–13 season, and available reserves. Assessments will be approximately $74,575 less than the anticipated expenses, which the Committee determined to be acceptable.

A review of historical information and preliminary information pertaining to the upcoming crop year indicates that the grower price for the 2010–11 season could range between $5.00 and $56.00 per 55-pound bushel container of avocados. Therefore, the estimated assessment revenue for the 2012–13 season as a percentage of total grower revenue could range between .4 and 5 percent.

This action decreases the assessment obligation imposed on handlers. Assessments are applied uniformly on all handlers, and some of the costs may be passed on to producers. However, decreasing the assessment rate reduces the burden on handlers, and may reduce the burden on producers. In addition, the Committee's meeting was widely publicized throughout the Florida avocado industry and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the December 14, 2011, meeting was a public meeting and all entities, both large and small, were able to express views on this issue. Finally, interested persons are invited to submit comments on this interim rule, including the regulatory and informational impacts of this action on small businesses.

In accordance with the Paperwork Reduction Act of 1995, (44 U.S.C. chapter 35), the order's information collection requirements have been previously approved by the Office of Management and Budget (OMB) and assigned OMB No. 0581–0189 Generic OMB Fruit Crops. No changes in those requirements as a result of this action are necessary. Should any changes become necessary, they would be submitted to OMB for approval.

This action imposes no additional reporting or recordkeeping requirements on either small or large Florida avocado handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

AMS is committed to complying with the E-Government Act, to promote the use of the Internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *www.ams.usda.gov/MarketingOrdersSmallBusinessGuide.* Any questions about the compliance guide should be sent to Laurel May at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant material presented, including the information and recommendation submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect, and that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because: (1) The 2012–13 fiscal period begins on April 1, 2012, and the marketing order requires that the rate of assessment for each fiscal period apply to all assessable Florida avocados handled during such fiscal period; (2) the Committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis; (3) handlers are aware of this action which was unanimously recommended by the Committee at a public meeting and is similar to other assessment rate actions issued in past years; and (4) this interim rule provides a 60-day comment period, and all comments timely received will be considered prior to finalization of this rule.

List of Subjects in 7 CFR Part 915

Avocados, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 915 is amended as follows:

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

■ 1. The authority citation for 7 CFR part 915 continues to read as follows:

Authority: 7 U.S.C. 601–674.

■ 2. Section 915.235 is revised to read as follows:

§ 915.235 Assessment rate.

On and after April 1, 2012, an assessment rate of $0.25 per 55-pound container or equivalent is established for avocados grown in South Florida.

Dated: June 26, 2012.

David R. Shipman,

Administrator, Agricultural Marketing Service.

[FR Doc. 2012–16063 Filed 6–29–12; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2012–0673; Directorate Identifier 2012–NM–091–AD; Amendment 39–17109; AD 2012–13–07]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for all The Boeing Company Model 737–100, –200, –200C, –300, –400, and –500 series airplanes. This AD requires inspecting parts or doing a records review to determine if certain trailing edge flap carriages are installed, doing repetitive inspections for corrosion, and flaking or missing thermal coating on suspect carriage spindles, and related investigative and corrective actions, if necessary; this AD also provides optional terminating action for the repetitive inspections. This AD was prompted by reports of corrosion found on carriage that are located on the outboard flaps. We are issuing this AD to detect and correct corrosion of the carriage spindle, which could result in a fracture; fracture of both the inboard and outboard carriage spindles, at the forward ends through the large diameters, on a single flap assembly, could adversely affect the continued safe flight and landing of the airplane.

DATES: This AD is effective July 17, 2012.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the AD as of July 17, 2012.

We must receive comments on this AD by August 16, 2012.

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

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

For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, Washington 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com.* You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

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

FOR FURTHER INFORMATION CONTACT: Nancy Marsh, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, Washington 98057–3356; phone: (425) 917–6440; fax: (425) 917–6590; email: *Nancy.Marsh@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We received reports of corrosion found on carriages that are located on the outboard flaps. Each of the suspect carriages had accumulated fewer than 7,000 total flight cycles. The suspect carriages had tungsten-carbide-cobalt-chrome coating applied with high velocity oxygenated fuel (HVOF) thermal coating on the spindle. The HVOF thermal coating had flaked off the lower surface of the spindle, at the root of the spindle. Cracked, flaking, or missing thermal coating can lead to moisture ingress, which might begin corroding the alloy steel base metal. Corrosion pits in this area could create a stress concentration where a crack can start in the base metal, resulting in the inability of the carriage to sustain limit load. Corrosion of the carriage spindle, if not detected and corrected, could result in fracture of the spindle. One fractured carriage spindle on a flap can be compensated for with pilot inputs to the aileron or rudder (increasing pilot workload). However, fracture of both the inboard and outboard carriage spindles, at the forward ends through the large diameters, on a single flap, could adversely affect the continued safe flight and landing of the airplane.

Relevant Service Information

We reviewed Boeing Alert Service Bulletin 737–57A1319, dated April 16, 2012, as revised by Boeing Alert Service Bulletin 737–57A1319, Revision 1, dated June 6, 2012. This service information describes the following procedures.

- For all airplanes, inspection of parts or review of maintenance records to determine if a carriage, i.e., a carriage with HVOF thermal coating, is installed at wing butt line (WBL) 254 or WBL 355.
- For any suspect carriage or carriage with an unidentifiable part number (P/N): Repetitive detailed inspections for corrosion, missing, or flaking thermal coating on the forward end of the carriage spindle at the root (with the option to do a borescope inspection instead), and related investigative and corrective actions if necessary.
- Related investigative action is a detailed inspection for corrosion inhibiting compound (CIC) coverage on the lower surface of the spindle at the root.
- The corrective actions include applying or reapplying CIC, and replacing the suspect carriage with a new or serviceable carriage.
- Replacement of the suspect carriage with a new or serviceable non-HVOF thermal coated carriage eliminates the need for the repetitive inspections for that carriage only.

FAA's Determination

We are issuing 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.

AD Requirements

This AD requires accomplishing the actions specified in the service information described previously.

Interim Action

We consider this AD interim action. The manufacturer is currently developing a modification that will address the unsafe condition identified in this AD. Once this modification is developed, approved, and available, we might consider additional rulemaking.

FAA's Justification and Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because corrosion occurring on the exposed base metal can quickly lead to cracking and full fracture of the carriage spindle. Fracture of both the inboard and outboard carriage spindles, in the forward ends through the large diameters, on a single flap, could adversely affect the continued safe flight and landing of the airplane. Because of our requirement to promote safe flight of civil aircraft and thus, the critical need to assure the structural integrity of the carriage spindle and the short compliance time involved with this action, this AD must be issued immediately. Therefore, we find that notice and opportunity for prior public comment are impracticable and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety and was not preceded by notice and an opportunity for public comment. However, we invite you to send any written data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include the docket number FAA–2012–0673 and Directorate Identifier 2012–NM–091–AD at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this AD because of those comments.

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

Costs of Compliance

We estimate that this AD affects 494 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Number of U.S. operators	Cost on U.S. operators
Inspection or records review to determine installation of suspect carriage	1 work-hour × $85 per hour = $85	$0	$85	494	$41,990

We estimate the following costs to do any necessary actions that would be required based on the results of the inspection. We have no way of determining the number of aircraft that might need these actions.

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Inspection of suspect carriages	3 work-hours × $85 per hour = $255 per inspection cycle.	$0	$255 per inspection cycle.
Replacement of carriage spindle, per spindle (four spindles per airplane).	17 work-hours × $85 per hour = $1,445.	We have received no definitive data that would enable us to provide a cost estimate for parts necessary for the replacement specified in this AD.	$1,445.

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

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

For the reasons discussed above, I certify that this AD:

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),

(3) Will not affect intrastate aviation in, and

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 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):

2012–13–07 The Boeing Company: Amendment 39–17109; Docket No. FAA–2012–0673; Directorate Identifier 2012–NM–091–AD.

(a) Effective Date

This AD is effective July 17, 2012.

(b) Affected ADs

This AD affects AD 2011–04–10, Amendment 39–16609 (76 FR 9498, February 18, 2011).

(c) Applicability

This AD applies to all The Boeing Company Model 737–100, –200, –200C, –300, –400, and –500 series airplanes, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC)/ Air Transport Association (ATA) of America Code 57, Wings.

(e) Unsafe Condition

This AD was prompted by reports of corrosion found on carriage spindles that are located on the outboard flaps. We are issuing this AD to detect and correct corrosion of the carriage spindle, which could result in a fracture; fracture of both the inboard and outboard carriage spindles, at the forward ends through the large diameters, on a single flap, could adversely affect the continued safe flight and landing of the airplane.

(f) Compliance

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

(g) Inspection To Determine Suspect Carriage Spindle

Within 90 days after the effective date of this AD, do an inspection of the part or a records review to determine whether a suspect carriage with a high velocity oxygenated fuel (HVOF) thermal coating is installed at wing butt line (WBL) 254 or WBL 355, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 737–57A1319, dated April 16, 2012, as revised by Boeing Alert Service Bulletin 737–57A1319, Revision 1, dated June 6, 2012. If no suspect carriage is installed, no further action is required by this paragraph.

(h) Repetitive Inspections, Related Investigative Actions, and Corrective Action

(1) For airplanes on which any suspect carriage is installed, or if the part number of the carriage cannot be determined: Within 90 days after the effective date of this AD, or within 180 days after installation of a suspect carriage, whichever occurs later, do a detailed or borescope inspection of the forward end of the carriage spindle for corrosion and flaking and missing thermal coating, and do all applicable related investigative and corrective actions, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 737–57A1319, dated April 16, 2012, as revised by Boeing Alert Service Bulletin 737–57A1319, Revision 1, dated June 6, 2012. Do all applicable related investigative and corrective actions before further flight. Repeat the detailed or borescope inspection thereafter at intervals not to exceed 180 days.

(2) For the purposes of this AD, a ''serviceable part'' can be either a suspect part (i.e., a carriage with HVOF thermal coating) or a non-suspect part (i.e., a carriage that does not have HVOF thermal coating).

(i) Optional Terminating Action

Replacement of a suspect carriage with a new or serviceable carriage without HVOF thermal coating, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 737–57A1319, dated April 16, 2012, as revised by Boeing Alert Service Bulletin 737–57A1319, Revision 1, dated June 6, 2012, terminates the requirements of paragraph (h) of this AD for that carriage spindle only.

(j) Parts Installation

As of the effective date of this AD, a serviceable HVOF-coated carriage may not be installed on an airplane unless the actions required by paragraph (h)(1) of this AD are done on that carriage prior to installation.

(k) Credit for Previous Actions

This paragraph provides credit for the inspections required by paragraphs (g) and (h) of this AD, and the replacement specified in paragraph (i) of this AD, if those actions were performed before the effective date of this AD using Boeing Alert Service Bulletin 737–57A1319, dated April 16, 2012.

(l) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in the Related Information section of this AD. Information may be emailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov.*

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/ certificate holding district office.

(3) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD if it is approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) that has been authorized by the Manager, Seattle ACO to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(4) The inspection required by paragraph (h) of this AD may be used as an AMOC for the initial and repetitive detailed or borescope inspections required by paragraphs (h) and (i) of AD 2011–04–10, Amendment 39–16609 (76 FR 9498, February 18, 2011), provided the inspections are accomplished at the compliance times required by that AD.

(m) Related Information

For more information about this AD, contact Nancy Marsh, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, Washington 98057–3356; phone: (425) 917–6440; fax: (425) 917–6590; email: *Nancy.Marsh@faa.gov.*

(n) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the following service information under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use the following service information to do the actions required by this AD, unless the AD specifies otherwise.

(i) Boeing Alert Service Bulletin 737–57A1319, dated April 16, 2012.

(ii) Boeing Alert Service Bulletin 737–57A1319, Revision 1, dated June 6, 2012.

(3) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, Washington 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com.*

(4) You may review copies of the service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington. For information on the availability of this material at the FAA, call 425–227–1221.

(5) You may also review copies of the service information that is incorporated by

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

Issued in Renton, Washington, on June 21, 2012.

John P. Piccola,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2012–15898 Filed 6–29–12; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2008–0224; Directorate Identifier 2007–NE–44–AD; Amendment 39–17085; AD 2009–07–01 R1]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce Deutschland Ltd & Co KG (RRD) Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; rescission.

SUMMARY: We are rescinding an airworthiness directive (AD) for RRD BR700–715A1–30, BR700–715B1–30, and BR700–715C1–30 turbofan engines. The existing AD resulted from the need to reduce the published life limits of high-pressure (HP) turbine stage 1 discs, part numbers (P/Ns) BRH20130 and BRH20131, and HP turbine stage 2 discs, P/Ns BRH19423 and BRH19427. We are rescinding the existing AD because RRD has revised the approved published life limits of these parts to the same or higher limits as originally certified.

DATES: This AD is effective August 6, 2012.

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov;* or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is Document Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Mark Riley, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: 781–238–7758; fax: 781–238–7199; email: *mark.riley@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to rescind an AD that would apply to the specified products. That NPRM published in the **Federal Register** on February 21, 2012 (77 FR 9869). That NPRM proposed to rescind AD 2009–07–01 (74 FR 12086, March 23, 2009) for RRD BR700–715A1–30, BR700–715B1–30, and BR700–715C1–30 turbofan engines. AD 2009–07–01 resulted from the need to reduce the published life limits of HP turbine stage 1 discs, P/Ns BRH20130 and BRH20131, and HP turbine stage 2 discs, P/Ns BRH19423 and BRH19427. We are rescinding that AD because RRD has revised the approved published life limits of these parts to the same or higher limits as originally certified. We evaluated all information and determined that allowing the increase in the published part life limits is acceptable.

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM (77 FR 9869, February 21, 2012).

Conclusion

We reviewed the relevant data and determined that air safety and the public interest require adopting the AD as proposed.

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

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

For the reasons discussed above, I certify that this AD:

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),

(3) Will not affect intrastate aviation in Alaska, and

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 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 rescinding airworthiness directive (AD) 2009–07–01, Amendment 39–15860 (74 FR 12086, March 23, 2009):

2009–07–01 R1 Rolls-Royce Deutschland Ltd & Co KG (formerly BMW Rolls-Royce GmbH, formerly BMW Rolls-Royce Aero Engines): Amendment 39–17085; Docket No. FAA–2008–0224; Directorate Identifier 2007–NE–44–AD.

(a) Effective Date

This AD is effective August 6, 2012.

(b) Affected ADs

This AD rescinds AD 2009–07–01 (74 FR 12086, March 23, 2009).

(c) Applicability

This AD applies to Rolls-Royce Deutschland Ltd & Co KG BR700–715A1–30, BR700–715B1–30, and BR700–715C1–30 turbofan engines.

(d) Related Information

For more information about this AD, contact Mark Riley, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: 781–238–7758; fax: 781–238–7199; email: *mark.riley@faa.gov.*

(e) Material Incorporated by Reference

None.

Issued in Burlington, Massachusetts, on June 7, 2012.

Peter A. White,

Manager, Engine & Propeller Directorate, Aircraft Certification Service.

[FR Doc. 2012–15961 Filed 6–29–12; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2010–0748; Directorate Identifier 2010–NE–13–AD; Amendment 39–17082; AD 2012–12–03]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce plc Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are superseding an existing airworthiness directive (AD) for all Rolls-Royce plc (RR) models RB211–Trent 970–84, 970B–84, 972–84, 972B–84, 977–84, 977B–84, and 980–84 turbofan engines. That AD currently requires inspecting the intermediate-pressure (IP) shaft rigid coupling splines for wear resulting in rearward movement of the IP turbine. This AD requires the same inspections, and new inspections based on possible changes in wear rate. This AD was prompted by RR identifying wear beyond engine manual limits on the abutment faces of the splines. RR also determined that an additional IP shaft rigid coupling configuration requires inspection. We are issuing this AD to detect wear on the abutment faces of the splines, which could result in loss of disc integrity, an uncontained failure of the engine, and damage to the airplane.

DATES: This AD is effective July 17, 2012.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the AD as of July 17, 2012.

We must receive any comments on this AD by August 16, 2012.

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

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

For service information identified in this AD, contact Rolls-Royce plc, P.O. Box 31, Derby, DE24 8BJ, United Kingdom; phone: 011 44 1332 242424; fax: 011 44 1332 249936; email: *http://www.rolls-royce.com/contact/civil_team.jsp;* or Web: *https://www.aeromanager.com.* You may review copies of the referenced service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

Examining the AD Docket

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

FOR FURTHER INFORMATION CONTACT: Alan Strom, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; email: *alan.strom@faa.gov;* phone: 781–238–7143; fax: 781–238–7199.

SUPPLEMENTARY INFORMATION:

Discussion

On July 26, 2010, we issued AD 2010–16–07, Amendment 39–16384 (75 FR 49368, August 13, 2010), for RR model RB211–Trent 970–84, 970B–84, 972–84, 972B–84, 977–84, 977B–84, and 980–84 turbofan engines. That AD requires inspecting the IP shaft rigid coupling splines for wear resulting in rearward movement of the IP turbine. That AD resulted from RR identifying wear beyond engine manual limits on the abutment faces of the splines on the Trent 900 IP shaft rigid coupling on several engines during engine disassembly. We issued that AD to detect wear on the abutment faces of the splines, which could result in loss of disc integrity, an uncontained failure of the engine, and damage to the airplane.

Actions Since AD Was Issued

Since we issued AD 2010–16–07 (75 FR 49368, August 13, 2010), RR determined that engines that are moved from one position to another on the same airplane or to a different airplane, may exhibit a change in the rate of IP shaft rigid coupling spline wear. RR also determined that an additional IP shaft rigid coupling configuration requires inspection, because it also exhibits wear.

Relevant Service Information

We reviewed RR RB211 Trent 900 Series Propulsion Systems Alert Non-Modification Service Bulletin (NMSB) No. RB.211–72–AG329, Revision 4, dated March 23, 2012. That Alert NMSB describes procedures for inspecting and replacing the IP shaft rigid coupling.

We also reviewed RR RB211 Trent 900 Series Propulsion Systems Alert NMSB No. RB.211–72–AG871, dated March 23, 2012. That Alert NMSB describes procedures for inspecting the IP shaft rigid coupling on engines that have incorporated RR RB211 Trent 900 Series Propulsion Systems Service Bulletin (SB) No. RB.211–72–G585, Original Issue, or any revision. Service Bulletin No. RB.211–72–G585 is the SB that introduces the additional configuration that this AD adds.

FAA's Determination

We are issuing 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.

AD Requirements

This AD requires accomplishing the actions specified in the service information described previously.

FAA's Justification and Determination of the Effective Date

No domestic operators use this product. Therefore, we find that notice and opportunity for prior public comment are unnecessary and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and

we did not provide you with notice and an opportunity to provide your comments before it becomes effective. However, we invite you to send any written data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include the docket number FAA–2010–0748 and directorate identifier 2010–NE–13–AD at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this AD because of those comments.

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

Costs of Compliance

We estimate that this AD will affect no engines installed on airplanes of U.S. registry. We also estimate that it would take about 4 work-hours per engine to perform one borescope inspection required by the AD. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of the AD on U.S. operators to be $0.

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

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

For the reasons discussed above, I certify that this AD:

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),

(3) Will not affect intrastate aviation in Alaska, and

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends part 39 of the Federal Aviation Regulations (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) 2010–16–07, Amendment 39–16384 and adding the following new AD:

2012–12–03 Rolls-Royce plc: Amendment 39–17082; Docket No. FAA–2010–0748; Directorate Identifier 2010–NE–13–AD.

(a) Effective Date

This AD is effective July 17, 2012.

(b) Affected ADs

This AD supersedes AD 2010–16–07, Amendment 39–16384 (75 FR 49368, August 13, 2010).

(c) Applicability

This AD applies to Rolls-Royce plc (RR) models RB211–Trent 970–84, 970B–84, 972–84, 972B–84, 977–84, 977B–84, and 980–84 turbofan engines.

(d) Unsafe Condition

This AD was prompted by RR identifying wear beyond engine manual limits on the abutment faces of the splines on the Trent 900 intermediate pressure (IP) shaft rigid coupling on several engines during engine disassembly. RR also determined that engines that are moved from one position to another on the same airplane or to a different airplane, may exhibit a change in the rate of IP shaft rigid coupling spline wear. RR also determined that an additional IP shaft rigid coupling configuration requires inspection. We are issuing this AD to detect wear on the abutment faces of the splines, which could result in loss of disc integrity, an uncontained failure of the engine, and damage to the airplane.

(e) Compliance

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

(f) Engines That Have Not Incorporated RR RB211 Trent 900 Series Propulsion Systems Service Bulletin (SB) No. RB.211–72–G585, Original Issue, or Any Revision

(1) On-Wing Borescope Inspections

(i) Initially borescope-inspect the IP shaft rigid coupling splines. Use paragraphs 3.A.(2)(a) through 3.A.(2)(k) of RR RB211 Trent 900 Series Propulsion Systems Alert Non-Modification Service Bulletin (NMSB) No. RB.211–72–AG329, Revision 4, dated March 23, 2012, to do the inspection. Inspect per the following:

(A) If the IP shaft rigid coupling has 250 or fewer flight cycles-since-new (FCSN) on the effective date of this AD, inspect before accumulating 400 FCSN; or

(B) If the IP shaft rigid coupling has more than 250 FCSN on the effective date of this AD, inspect within 150 additional flight cycles.

(ii) Repetitively borescope-inspect the IP shaft rigid coupling splines. Use paragraphs 3.A.(2)(a) through 3.A.(2)(l) of RR RB211 Trent 900 Series Propulsion Systems Alert NMSB No. RB.211–72–AG329, Revision 4, dated March 23, 2012, to determine the re-inspection interval and to do the inspections.

(iii) If during the initial or any repetitive inspection, the average spline crest length measured dimension is less than 0.5 millimeters (mm), remove the engine from service before further flight.

(2) In-Shop Inspections

(i) At every shop visit after the effective date of this AD, where the IP shaft rigid coupling is exposed, visually inspect and magnetic particle inspect (MPI) the IP shaft rigid coupling splines.

(ii) At every shop visit after the effective date of this AD, where the IP shaft rigid coupling is not exposed:

(A) Inspect the IP shaft as specified in paragraph (f)(1) of this AD and determine the next inspection interval using Figure 10 of RR RB211 Trent 900 Series Propulsion Systems Alert NMSB No. RB.211–72–AG329, Revision 4, dated March 23, 2012; and

(B) Reject any IP shaft with an average spline crest length measured dimension less than 1.0 mm.

(3) After Any Shop Inspection

After any shop inspection, where the IP shaft rigid coupling is exposed, perform a borescope inspection per paragraph (f)(1) of this AD within 400 cycles after the in-shop visual inspection and MPI.

(4) Engine Installation

(i) Before installing an engine in a new position on the same airplane, or before installing an engine on a different airplane in any position:

(A) Inspect the IP shaft rigid coupling splines as specified in paragraphs (f)(1) or (f)(2) of this AD as applicable and determine the next inspection interval using Figure 10 of RR RB211 Trent 900 Series Propulsion Systems Alert NMSB No. RB.211–72–AG329, Revision 4, dated March 23, 2012; and

(B) Do not install an engine that has an IP shaft with an average spline crest length measured dimension of less than 0.5 mm.

(ii) Before installing an engine in the same position on the airplane it was removed from:

(A) Inspect the IP shaft rigid coupling splines using paragraph (f)(1) or (f)(2) of this AD as applicable and determine the next inspection interval; and

(B) Do not install an engine that has an IP shaft with an average spline crest length measured dimension of less than 0.5 mm.

(g) Engines That Have Incorporated RR RB211 Trent 900 Series Propulsion Systems SB No. RB.211–72–G585, Original Issue, or Any Revision

(1) On-Wing Borescope Inspections

(i) Initially borescope-inspect the IP shaft rigid coupling splines before accumulating 400 FCSN or 400 cycles since the last inspection per paragraph (g)(2)(i) of this AD. Use paragraph 3.A.(2) of RR RB211 Trent 900 Series Propulsion Systems Alert NMSB No. RB.211–72–AG871, dated March 23, 2012, to do the inspection.

(ii) Repetitively borescope-inspect the IP shaft rigid coupling splines. Use paragraphs 3.A.(2)(e), 3.A.(2)(f), and 3.A.(3) of RR RB211 Trent 900 Series Propulsion Systems Alert NMSB No. RB.211–72–AG871, dated March 23, 2012, to determine the re-inspection interval and to do the inspections.

(2) In-Shop Inspections

(i) At every shop visit after the effective date of this AD, where the IP shaft rigid coupling is exposed, visually inspect and MPI the IP shaft rigid coupling splines.

(ii) At every shop visit after the effective date of this AD, where the IP shaft rigid coupling is not exposed, borescope-inspect using paragraphs 3.A.(2)(a) through 3.A.(2)(f) of RR RB211 Trent 900 Series Propulsion Systems Alert NMSB No. RB.211–72–AG871, dated March 23, 2012.

(A) If at the time of initial inspection, the average value of length ''B'' is equal to, or less than, 6.00 mm, repeat the borescope inspection using paragraph (g)(1) or (g)(2) of this AD within 400 flight cycles.

(B) If at the time of initial inspection the average value of length ''B'' is greater than 6.00 mm, MPI the IP turbine shaft, and visually inspect and MPI the intermediate turbine shaft and IP rigid coupling.

(3) After Any Shop Inspection

After any shop inspection, where the rigid shaft coupling is exposed, perform a borescope inspection per paragraph (g)(1) of this AD within 400 cycles after the in-shop visual inspection and MPI.

(h) Definition

For the purpose of this AD, a shop visit is the induction of an engine into the shop for maintenance involving the separation of pairs of major mating engine flanges, except that the separation of engine flanges solely for the purposes of transportation without subsequent engine maintenance does not constitute an engine shop visit.

(i) Credit for Previous Actions for Engines That Have Not Incorporated RR RB211 Trent 900 Series Propulsion Systems SB No. RB.211–72–G585

If you performed inspections and corrective actions that are required by paragraph (f) of this AD using RR RB211 Trent 900 Series Propulsion Systems Alert NMSB No. RB.211–72–AG329, Original Issue, dated November 26, 2009; Revision 1, dated January 13, 2010; Revision 2, dated July 7, 2010; or Revision 3, dated November 25, 2010, before the effective date of this AD, you have met the requirements of paragraph (f) of this AD.

(j) Alternative Methods of Compliance (AMOCs)

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

(k) Related Information

(1) For more information about this AD, contact Alan Strom, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: 781–238–7143; fax: 781–238–7199; email: *alan.strom@faa.gov.*

(2) Refer to European Aviation Safety Agency AD 2012–0057, dated April 3, 2012, and AD 2012–0057 (corrected), dated April 20, 2012, for related information.

(3) RB211–Trent 900 Engine Manual, tasks 72–33–21–200–804 and 72–00–00–200–808, pertain to the visual inspections and MPIs required by this AD.

(l) Material Incorporated by Reference

(1) You must use the following service information to do the actions required by this AD, unless the AD specifies otherwise. The Director of the Federal Register approved the incorporation by reference (IBR) under 5 U.S.C. 552(a) and 1 CFR part 51 of the following service information:

(i) Rolls-Royce plc RB211 Trent 900 Series Propulsion Systems Alert Non-Modification Service Bulletin No. RB.211–72–AG329, Revision 4, dated March 23, 2012.

(ii) Rolls-Royce plc RB211 Trent 900 Series Propulsion Systems Alert Non-Modification Service Bulletin No. RB.211–72–AG871, dated March 23, 2012.

(2) For service information identified in this AD, contact Rolls-Royce plc, Corporate Communications, P.O. Box 31, Derby, England, DE248BJ, phone: 011–44–1332–242424; fax: 011–44–1332–245418, or email: *http://www.rolls-royce.com/contact/civil_team.jsp.*

(3) You may review copies at the FAA, New England Region, 12 New England Executive Park, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

(4) You may also review copies of the service information that is incorporated by reference 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/cfr/ibr-locations.html.*

Issued in Burlington, Massachusetts, on June 5, 2012.

Peter A. White,

Manager, Engine & Propeller Directorate, Aircraft Certification Service.

[FR Doc. 2012–15985 Filed 6–29–12; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2012–0441; Directorate Identifier 2012–CE–011–AD; Amendment 39–17106; AD 2012–13–04]

RIN 2120–AA64

Airworthiness Directives; Empresa Brasileria de Aeronáutica S.A. (EMBRAER) Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Empresa Brasileria de Aeronáutica S.A. (EMBRAER) Model EMB–505 airplanes. This AD results from mandatory continuing airworthiness information (MCAI) issued by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as an inadequate amount of drain holes in the primary control surfaces (rudder, elevator, and aileron) and their tab surfaces, which may allow water to accumulate in the control surfaces. This condition could cause unbalanced flight control surfaces and reduced flutter margins, which could result in loss of control of the airplane. We are issuing this AD to require actions to address the unsafe condition on these products.

DATES: This AD is effective August 6, 2012.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the AD as of August 6, 2012.

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov* or in person at Document Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

For service information identified in this AD, contact Empresa Brasileira de Aeronautica S.A. (EMBRAER), Phenom Maintenance Support, Av. Brigadeiro Faria Lima, 2170, São José dos Campos—SP, CEP: 12227–901—PO Box 36/2, BRASIL; fax ++55 12 3927–2619; email *phenom.reliability@embraer.com.br;* Internet: *http://www.embraer.com.* You may review copies of the referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

FOR FURTHER INFORMATION CONTACT: Jim Rutherford, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4165; fax: (816) 329–4090; email: *jim.rutherford@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to the specified products. That NPRM was published in the **Federal Register** on April 24, 2012 (77 FR 24425). That NPRM proposed to correct an unsafe condition for the specified products. The MCAI states:

> It has been found that certain regions of the rudder, elevator, ailerons, and their tabs surfaces does not present adequate drainage capacity to avoid water accumulation inside of these control surfaces. Internal water accumulation may lead to flight control surfaces unbalancing possibly reducing the flutter margins, which could result in loss of airplane control.

The MCAI requires visually inspecting the control surfaces (rudder, elevator, and aileron) and their tab surfaces for the existence of required drain holes and modifying the control surfaces by drilling drain holes. You may obtain further information by examining the MCAI in the AD docket.

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM (77 FR 24425, April 24, 2012) or on the determination of the cost to the public.

Conclusion

We reviewed the relevant data and determined that air safety and the public interest require adopting the AD as proposed except for minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM (77 FR 24425, April 24, 2012) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (77 FR 24425, April 24, 2012).

Costs of Compliance

We estimate that this AD will affect 38 products of U.S. registry.

We also estimate that it will take from .5 work-hour to 2 work-hours per product for 10 of the affected airplanes to comply with the basic inspection requirements of this AD. The average labor rate is $85 per work-hour.

Based on these figures, we estimate the cost of the inspection on U.S. operators to be from $425 to $1,700, or $42.50 to $170 per product.

In addition, we estimate that any necessary follow-on actions will take from 2 work-hours to 38 work-hours and require parts costing $50, for a cost from $220 to $3,280 per product. We have no way of determining the number of products that may need these actions.

We also estimate that it will take from 19 work-hours to 27 work-hours per product for 36 of the affected airplanes to comply with basic modification requirements of this AD. The average labor rate is $85 per work-hour. Required parts will cost about $100 per product.

Based on these figures, we estimate the cost of the modification on U.S. operators to be from $61,740, to $86,220, or $1,715 to $2,395 per product.

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this AD:

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),

(3) Will not affect intrastate aviation in Alaska, and

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

Examining the AD Docket

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2012–13–04 Empresa Brasileria de Aeronáutica S.A. (EMBRAER): Amendment 39–17106; Docket No. FAA–2012–0441; Directorate Identifier 2012–CE–011–AD.

(a) Effective Date

This airworthiness directive (AD) becomes effective August 6, 2012.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the following Empresa Brasileria de Aeronáutica S.A. (EMBRAER) Model EMB–505 airplanes certificated in any category.

(1) *Group 1:* Serial numbers (S/Ns) 50500030, 50500033 through 50500037, 50500039, 50500040, 50500044, and 50500046.

(2) *Group 2:* S/Ns 5050004 through 50500029, 50500031, 50500032, 50500038, 50500041 through 50500043, 50500045, 50500047 through 50500059, 50500061, 50500063, 50500065 through 50500068, 50500070, 50500074, and 50500075.

(3) *Group 3:* S/N 50500072.

(4) *Group 4:* S/Ns 50500069, 50500071, and 50500073.

(d) Subject

Air Transport Association of America (ATA) Code 27: Flight Controls.

(e) Reason

This AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as an inadequate amount of drain holes in the primary control surfaces (rudder, elevator, aileron) and their tab surfaces, which may allow water to accumulate in the control surfaces. We are issuing this AD to prevent unbalanced flight control surfaces and reduced flutter margins, which could result in loss of control of the airplane.

(f) Actions and Compliance

Unless already done, do the following actions:

(1) *Group 1 airplanes specified in paragraph (c)(1) of this AD:*

(i) Within the next 100 hours time-in-service after August 6, 2012 (the effective date of this AD) or within the next 3 calendar months after August 6, 2012 (the effective date of this AD), whichever occurs first, visually inspect the right-hand (RH) and left-hand (LH) aileron lower skin for the existence of required drain holes.

(ii) Before further flight after the inspection required in paragraph (f)(1)(i) of this AD, if the required drain holes do not exist, drill the drain holes.

(iii) Within the next 24 months after August 6, 2012 (the effective date of this AD), rework the ailerons, aileron trim-tabs, aileron horn covers, rudder, rudder trim-tab, elevators, and elevator auto-tab surfaces by drilling additional drain holes.

(iv) Do the actions required in paragraphs (f)(1)(i) and (f)(1)(ii) of this AD following the Accomplishment Instructions in EMBRAER Phenom Service Bulletin No. 505–57–0003, dated November 16, 2011.

(v) Do the actions required in paragraph (f)(1)(iii) of this AD following Part I of the Accomplishment Instructions in EMBRAER Phenom Service Bulletin No. 505–57–0002, dated February 13, 2012.

(2) *Group 2 airplanes specified in paragraph (c)(2) of this AD:* Within the next 24 months after August 6, 2012 (the effective date of this AD), rework the ailerons, aileron trim-tabs, aileron horn covers, rudder, rudder trim-tab, elevators, and elevators auto-tab surfaces by drilling additional drain holes. Do the modifications following Part I of the Accomplishment Instructions in EMBRAER Phenom Service Bulletin No. 505–57–0002, dated February 13, 2012.

(3) *Group 3 airplanes specified in paragraph (c)(3) of this AD:*

(i) Within the next 24 months after August 6, 2012 (the effective date of this AD), rework the rudder, rudder trim-tab, elevators, and elevators auto-tab surfaces by drilling additional drain holes.

(ii) Within the next 24 months after August 6, 2012 (the effective date of this AD), inspect the ailerons for the existence of required drain holes.

(iii) Before further flight after the inspection required in paragraph (f)(3)(ii) of this AD, if the required drain holes do not exist, drill the drain holes.

(iv) Do the actions required in paragraph (f)(3)(i) of this AD following Part II of the Accomplishment Instructions in EMBRAER Phenom Service Bulletin No. 505–57–0002, dated February 13, 2012.

(v) Do the actions required in paragraphs (f)(3)(ii) and (f)(3)(iii) of this AD following Part II of the Accomplishment Instructions in EMBRAER Phenom Service Bulletin No. 505–57–0004, dated February 16, 2012.

(4) *Group 4 airplanes specified in paragraph (c)(4) of this AD:*

(i) Within the next 24 months after August 6, 2012 (the effective date of this AD), inspect the ailerons, elevators, and rudder for the existence of required drain holes.

(ii) Before further flight after the inspection required in paragraph (f)(4)(i) of this AD, if the required drain holes do not exist, drill the drain holes.

(iii) Do the actions required in paragraphs (f)(4)(i) and (f)(4)(ii) of this AD following Part I of the Accomplishment Instructions in EMBRAER Phenom Service Bulletin No. 505–57–0004, dated February 16, 2012.

(g) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Jim Rutherford, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4165; fax: (816) 329–4090; email: *jim.rutherford@faa.gov.* Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(2) *Airworthy Product:* For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(3) *Reporting Requirements:* For any reporting requirement in this AD, a federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to be approximately 5 minutes per response, including the time for reviewing instructions, completing and reviewing the collection of information. All responses to this collection of information are mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at: 800 Independence Ave. SW., Washington, DC 20591, Attn: Information Collection Clearance Officer, AES–200.

(h) Related Information

Refer to MCAI Agência Nacional de Aviação Civil (ANAC) Brazilian Airworthiness Directive 2012–03–01, dated March 20, 2012; EMBRAER Phenom Service Bulletin No. 505–57–0002, dated February 13, 2012; EMBRAER Phenom Service Bulletin No. 505–57–0003, dated November 16, 2011; and EMBRAER Phenom Service Bulletin No. 505–57–0004, dated February 16, 2012, for related information.

(i) Material Incorporated by Reference

(1) You must use the following service information to do the actions required by this AD, unless the AD specifies otherwise. The Director of the Federal Register approved the incorporation by reference (IBR) under 5 U.S.C. 552(a) and 1 CFR part 51 of the following service information on:

(i) EMBRAER Phenom Service Bulletin No. 505–57–0002, dated February 13, 2012;

(ii) EMBRAER Phenom Service Bulletin No. 505–57–0003, dated November 16, 2011; and

(iii) EMBRAER Phenom Service Bulletin No. 505–57–0004, dated February 16, 2012.

(2) For service information identified in this AD, contact Empresa Brasileira de Aeronautica S.A. (EMBRAER), Phenom Maintenance Support, Av. Brigadeiro Faria Lima, 2170, São José dos Campos—SP, CEP: 12227–901—P.O. Box 36/2, BRASIL; fax ++55 12 3927–2619; email *phenom.reliability@embraer.com.br;* Internet: *http://www.embraer.com.*

(3) You may review copies of the service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the

availability of this material at the FAA, call (816) 329–4148.

(4) You may also review copies of the service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at an NARA facility, call 202–741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

Issued in Kansas City, Missouri, on June 21, 2012.

James E. Jackson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2012–15752 Filed 6–29–12; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Part 774

[Docket No. 120112039–2176–03]

RIN 0694–AF45

Implementation of the Understandings Reached at the 2011 Australia Group (AG) Plenary Meeting and Other AG-Related Clarifications to the EAR

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Final rule.

SUMMARY: The Bureau of Industry and Security (BIS) publishes this final rule to amend the Export Administration Regulations (EAR) to implement the understandings reached at the June 2011 plenary meeting of the Australia Group (AG). This rule amends the Commerce Control List (CCL) entry in the EAR that controls human and zoonotic pathogens and ''toxins'' and the entry that controls genetic elements and genetically modified organisms to reflect changes to the AG ''List of Biological Agents for Export Control'' that were made based on the understandings adopted at the June 2011 AG plenary meeting. In addition, this rule amends the CCL entries in the EAR that control chemical manufacturing facilities and equipment, and equipment capable of use in handling biological materials to reflect the June 2011 AG plenary changes to the ''Control List of Dual-Use Chemical Manufacturing Facilities and Equipment and Related Technology and Software'' and the ''Control List of Dual-Use Biological Equipment and Related Technology and Software,'' respectively.

DATES: This rule is effective July 2, 2012.

ADDRESSES: Send comments regarding this collection of information, including suggestions for reducing the burden, to Jasmeet Seehra, Office of Management and Budget (OMB), by email to *Jasmeet_K._Seehra@omb.eop.gov*, or by fax to (202) 395–7285; and to the Regulatory Policy Division, Bureau of Industry and Security, Department of Commerce, 14th Street & Pennsylvania Avenue NW., Room 2705, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Elizabeth Sangine, Director, Chemical and Biological Controls Division, Office of Nonproliferation and Treaty Compliance, Bureau of Industry and Security, Telephone: (202) 482–3343.

SUPPLEMENTARY INFORMATION:

Background

The Bureau of Industry and Security (BIS) is amending the Export Administration Regulations (EAR) to implement the understandings reached at the June 2011 plenary meeting of the Australia Group (AG). The AG is a multilateral forum consisting of 40 participating countries that maintain export controls on a list of chemicals, biological agents, and related equipment and technology that could be used in a chemical or biological weapons program. The AG periodically reviews items on its control list to enhance the effectiveness of participating governments' national controls and to achieve greater harmonization among these controls.

The June 2011 AG plenary meeting adopted understandings that affected the AG ''List of Biological Agents for Export Control,'' the AG ''Control List of Dual-Use Chemical Manufacturing Facilities and Equipment and Related Technology and Software'' and the AG ''Control List of Dual-Use Biological Equipment and Related Technology and Software.''

This rule amends Export Control Classification Numbers (ECCNs) 1C351 and 1C353 to reflect the AG changes to the ''List of Biological Agents for Export Control.'' Specifically, ECCN 1C351 (Human and zoonotic pathogens and ''toxins'') is amended by removing and reserving paragraph .b (Rickettsiae), since these organisms are more appropriately identified as bacteria. Coxiella burnetii and Rickettsia prowasecki (a.k.a. Rickettsia prowazekii), which were previously controlled under ECCN 1C351.b.2 and .b.3, respectively, are now controlled as bacteria under ECCN 1C351.c.10 and .c.13, respectively. Bartonella Quintana (Rochalimea Quintana, Rickettsia Quintana) and Rickettsia rickettsii, which were previously controlled under ECCN 1C351.b.1 and .b.4, respectively, are removed from ECCN 1C351, since they are no longer included on the AG ''List of Biological Agents.''

ECCN 1C353 (Genetic elements and genetically modified organisms) is amended by revising Technical Note 1 and adding a new Technical Note 4 to clarify that this ECCN controls certain de novo chemically synthesized genetic material and artificially-produced organisms. Specifically, Technical Note 1 to ECCN 1C353 is revised to indicate that ''genetic elements'' also include chromosomes, genomes, plasmids, transposons, and vectors that have been ''chemically synthesized in whole or in part.'' New Technical Note 4 to ECCN 1C353 indicates that ''genetically modified organisms'' include ''organisms in which the genetic material (nucleic acid sequences) has been altered in a way that does not occur naturally by mating and/or natural recombination, and encompasses those produced artificially in whole or in part.''

This rule also amends ECCN 2B350 (Chemical manufacturing facilities and equipment) by adding a new Technical Note 3, at the end of the entry, to clarify that materials used for gaskets, packing, seals, screws or washers, or other materials performing a sealing function, do not determine the control status of the items listed in ECCN 2B350, provided that such components are designed to be interchangeable.

In addition, this rule amends ECCN 2B352 (Equipment capable of use in handling biological materials) by revising the introductory text of paragraph .d.1 to remove the phrase ''without propagation of aerosols.'' Participating countries at the 2011 AG plenary agreed that this phrase was redundant, as it applied to cross (tangential) flow filtration equipment capable of separation of pathogenic microorganisms, viruses, toxins or cell cultures.

Finally, this rule amends ECCNs 2B350 and 2B352 to clarify certain control parameters for pumps (*i.e.,* multiple-seal and seal-less pumps and vacuum pumps) and steam sterilizable freeze-drying (lyophilization) equipment, respectively. Specifically, ECCN 2B350.i is amended by adding two parenthetical phrases in the introductory text to specify the maximum flow-rate of such pumps in liters of water per hour, as follows: ''multiple-seal and seal-less pumps with manufacturer's specified maximum flow-rate greater than 0.6 m^3/hour (600 liters/hour), or vacuum pumps with manufacturer's specified maximum flow-rate greater than 5 m^3/hour (5,000 liters/hour).'' ECCN 2B352.e is amended

by adding two parenthetical phrases that specify the condenser capacity of such equipment in liters of water per 24 hours, as follows: ''10 kgs of ice or greater in 24 hours (10 liters of water or greater in 24 hours), but less than 1,000 kgs of ice in 24 hours (less than 1,000 liters of water in 24 hours).'' These changes are being made by BIS in order to indicate these AG control parameters in units of measure that are more commonly used in the United States.

None of the changes made by this rule increase the scope of the controls in ECCNs 1C351, 1C353, 2B350 and 2B352. Except for the removal of Bartonella Quintana and Rickettsia rickettsii from ECCN 1C351, the items that are controlled under these ECCNs remain the same.

Although the Export Administration Act expired on August 20, 2001, the President, through Executive Order 13222 of August 17, 2001, 3 CFR, 2001 Comp., p. 783 (2002), as extended by the Notice of August 12, 2011, 76 FR 50661 (August 16, 2011), has continued the EAR in effect under the International Emergency Economic Powers Act.

Rulemaking Requirements

1. Executive Orders 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, 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 rule has been designated a ''significant regulatory action'' although not economically significant, under section 3(f) of Executive Order 12866. Accordingly, the rule has been reviewed by the Office of Management and Budget.

2. Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. This rule contains a collection of information subject to the requirements of the PRA. This collection has been approved by OMB under Control Number 0694–0088 (Multi-Purpose Application), which carries a burden hour estimate of 58 minutes to prepare and submit form BIS–748. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Jasmeet Seehra, Office of Management and Budget (OMB), and to the Regulatory Policy Division, Bureau of Industry and Security, Department of Commerce, as indicated in the **ADDRESSES** section of this rule.

3. This rule does not contain policies with Federalism implications as that term is defined in Executive Order 13132.

4. The provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public participation, and a delay in effective date, are inapplicable because this regulation involves a military and foreign affairs function of the United States (See 5 U.S.C. 553(a)(1)). Immediate implementation of these amendments is non-discretionary and fulfills the United States' international obligation to the Australia Group (AG). The AG contributes to international security and regional stability through the harmonization of export controls and seeks to ensure that exports do not contribute to the development of chemical and biological weapons. The AG consists of 40 member countries that act on a consensus basis and the amendments set forth in this rule implement the understandings reached at the June 2011 AG plenary meeting and other changes that are necessary to ensure consistency with the controls maintained by the AG. Since the United States is a significant exporter of the items in this rule, immediate implementation of this provision is necessary for the AG to achieve its purpose. Any delay in implementation will create a disruption in the movement of affected items globally because of disharmony between export control measures implemented by AG members, resulting in tension between member countries. Export controls work best when all countries implement the same export controls in a timely and coordinated manner.

Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this final rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under the Administrative Procedure Act or by any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable. Therefore, this regulation is issued in final form.

List of Subjects in 15 CFR Part 774

Exports, Foreign trade, Reporting and recordkeeping requirements.

Accordingly, part 774 of the Export Administration Regulations (15 CFR parts 730–774) is amended as follows:

PART 774—[AMENDED]

■ 1. The authority citation for 15 CFR part 774 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* 10 U.S.C. 7420; 10 U.S.C. 7430(e); 22 U.S.C. 287c, 22 U.S.C. 3201 *et seq.,* 22 U.S.C. 6004; 30 U.S.C. 185(s), 185(u); 42 U.S.C. 2139a; 42 U.S.C. 6212; 43 U.S.C. 1354; 15 U.S.C. 1824a; 50 U.S.C. app. 5; 22 U.S.C. 7201 *et seq.;* 22 U.S.C. 7210; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 12, 2011, 76 FR 50661 (August 16, 2011).

■ 2. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 1, ECCN 1C351 is amended under the ''Items'' paragraph in the List of Items Controlled section by removing and reserving paragraph b. and by revising paragraph c. to read as follows:

Supplement No. 1 to Part 774—The Commerce Control List

* * * * *

1C351 Human and zoonotic pathogens and ''toxins'', as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Items:

* * * * *

b. [Reserved]

c. Bacteria, as follows:

c.1. Bacillus anthracis;

c.2. Brucella abortus;

c.3. Brucella melitensis;

c.4. Brucella suis;

c.5. Burkholderia mallei (Pseudomonas mallei);

c.6. Burkholderia pseudomallei (Pseudomonas pseudomallei);

c.7. Chlamydophila psittaci (formerly known as Chlamydia psittaci);

c.8. Clostridium botulinum;

c.9. Clostridium perfringens, epsilon toxin producing types;

c.10. Coxiella burnetii;

c.11. Enterohaemorrhagic Escherichia coli, serotype O157 and other verotoxin producing serotypes;

c.12. Francisella tularensis;

c.13. Rickettsia prowasecki (a.k.a. Rickettsia prowazekii);

c.14. Salmonella typhi;

c.15. Shigella dysenteriae;

c.16. Vibrio cholerae; or

c.17. Yersinia pestis.

* * * * *

■ 3. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 1,

ECCN 1C353 is amended under the ''Items'' paragraph in the List of Items Controlled section by revising Technical Note 1 and by adding a new Technical Note 4 in numerical order, to read as follows:

1C353 Genetic elements and genetically modified organisms, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Items:

* * * * *

Technical Notes: 1. ''Genetic elements'' include, inter alia, chromosomes, genomes, plasmids, transposons, and vectors, whether genetically modified or unmodified, or chemically synthesized in whole or in part.

* * * * *

4. ''Genetically modified organisms'' include organisms in which the genetic material (nucleic acid sequences) has been altered in a way that does not occur naturally by mating and/or natural recombination, and encompasses those produced artificially in whole or in part.

■ 4. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 2, ECCN 2B350 is amended under the ''*Items''* paragraph in the List of Items Controlled section by revising the introductory text of paragraph i. and by adding a new ''Technical Note 3,'' in numerical order, to read as follows:

2B350 Chemical manufacturing facilities and equipment, except valves controlled by 2A226 or 2A292, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Items:

* * * * *

i. Multiple-seal and seal-less pumps with manufacturer's specified maximum flow-rate greater than 0.6 m^3/hour (600 liters/hour), or vacuum pumps with manufacturer's specified maximum flow-rate greater than 5 m^3/hour (5,000 liters/hour) (under standard temperature (273 K (0 °C)) and pressure (101.3 kPa) conditions), and casings (pump bodies), preformed casing liners, impellers, rotors or jet pump nozzles designed for such pumps, in which all surfaces that come into direct contact with the chemical(s) being processed are made from any of the following materials:

* * * * *

Technical Note 3: The materials used for gaskets, packing, seals, screws or washers, or other materials performing a sealing function, do not determine the control status of the items in this ECCN, provided that such components are designed to be interchangeable.

■ 5. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 2, ECCN 2B352 is amended under the *''Items''* paragraph in the List of Items Controlled section by revising the introductory text of paragraph d.1 and by revising paragraph e to read as follows:

2B352 Equipment capable of use in handling biological materials, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Items:

* * * * *

d. * * *

d.1. Cross (tangential) flow filtration equipment capable of separation of pathogenic microorganisms, viruses, toxins or cell cultures having all of the following characteristics:

* * * * *

e. Steam sterilizable freeze-drying (lyophilization) equipment with a condenser capacity of 10 kgs of ice or greater in 24 hours (10 liters of water or greater in 24 hours), but less than 1,000 kgs of ice in 24 hours (less than 1,000 liters of water in 24 hours).

* * * * *

Dated: June 22, 2012.

Kevin J. Wolf

Assistant Secretary for Export Administration.

[FR Doc. 2012–16001 Filed 6–29–12; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 147

[Docket No. USCG–2011–1143]

RIN 1625–AA00

Safety Zone; KULLUK, Outer Continental Shelf Mobile Offshore Drilling Unit (MODU), Beaufort Sea, AK

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a 500-meter safety zone in the navigable waters, from the surface to seabed, around the MODU KULLUK while anchored or deploying and recovering moorings on location in order to drill exploratory wells at various prospects located in the Beaufort Sea Outer Continental Shelf, Alaska, on or about July 1, 2012, through November 30, 2012. See TABLE 1. The purpose of the temporary safety zone is to protect the MODU from surface and subsurface vessels that are operating outside the normal shipping channels and fairways. Placing a safety zone around the MODU will significantly reduce the threat of allisions that could result in oil spills, and releases of natural gas, and thereby protect the safety of life, property, and the environment. Lawful demonstrations may be conducted outside of the safety zone.

DATES: The temporary safety zone becomes effective on July 1, 2012, and terminates on December 1, 2012, unless sooner terminated by the Commander, Seventeenth Coast Guard District.

ADDRESSES: Comments and material received from the public, as well as documents mentioned in this preamble as being available in the docket, are part of docket USCG–2011–1143 and are available online by going to *http://www.regulations.gov,* inserting USCG–2011–1143 in the ''Keyword'' box, and then clicking ''Search.'' This material is also available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email LT Jason Smilie, Seventeenth Coast Guard District (dpi); telephone 907–463–2809, *Jason.A.Smilie@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Regulatory Information

On February 23, 2012, the Coast Guard published a notice of proposed rulemaking (NPRM) entitled ''Safety Zone; KULLUK, Outer Continental Shelf Mobile Offshore Drilling Unit (MODU), Beaufort Sea, Alaska'' in the **Federal Register** (77 FR 10711). The NPRM included a 30-day comment period. We received 2 (two) submissions with comments on the proposed rule. No public meeting was requested, and none was held.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. The Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication because to do otherwise would be contrary to the public interest since immediate action is required to protect mariners, vessels, and the

environment from potential harm while the MODU KULLUK is anchored or deploying and recovering moorings on location.

Basis and Purpose

The legal basis for the rule is 14 U.S.C. 85; 43 U.S.C. 1333; Department of Homeland Security Delegation No. 0170.1. Collectively they provide the authority for the Coast Guard to establish safety zones on the Outer Continental Shelf.

The Coast Guard is establishing a temporary safety zone in the navigable waters, from the surface to seabed, around the MODU KULLUK while anchored or deploying and recovering moorings on location in order to drill exploratory wells in several prospects located in the Beaufort Sea during the 2012 drilling season.

The request for the temporary safety zone was made by Shell Exploration & Production Company due to safety concerns for both the personnel aboard the KULLUK and the environment. Shell Exploration & Production Company indicated that it is highly likely that any allision or inability to identify, monitor or mitigate any risks or threats, including ice-related hazards that might be encountered, could result in a catastrophic event. Incursions into the safety zone by unapproved vessels, including subsurface vessels such as submersibles, could degrade the ability to monitor and mitigate such risks. In evaluating this request, the Coast Guard explored relevant safety factors and considered several criteria, including but not limited to: (1) The level of shipping activity around the operation; (2) safety concerns for personnel aboard the vessel; (3) concerns for the environment given the sensitivity of the environmental and subsistence importance to the indigenous population; (4) the lack of any established shipping fairways, fueling and supply storage/operations, and size of the crew increase the likelihood that an allision could result in a catastrophic event; (5) the recent and potential future maritime traffic in the vicinity of the areas; (6) the types of vessels navigating in the vicinity of the area; (7) the structural configuration of the vessel, and (8) the need to allow for lawful demonstrations without endangering the safe operation of the KULLUK. Navigation in the vicinity of the safety zone could consist of large commercial shipping vessels, fishing vessels, cruise ships, tugs with tows and the occasional recreational vessel. For any group or individual intending to conduct lawful demonstrations in the vicinity of the KULLUK, these demonstrations must be conducted outside the safety zone.

Results from a thorough and comprehensive examination of the criteria, IMO guidelines, and existing regulations warrant the establishment of the temporary safety zone. The regulation will significantly reduce the threat of allisions that could result in oil spills and releases. Furthermore, the regulation will increase the safety of life, property, and the environment in the Beaufort Sea by prohibiting entry into the zone unless specifically authorized by the Commander, Seventeenth Coast Guard District, or a designated representative. Due to the remote location and the need to protect the environment, the Coast Guard may use criminal sanctions to enforce the safety zone as appropriate.

The temporary safety zone will be around the KULLUK while anchored or deploying and recovering moorings on location in order to drill exploratory wells in various locations in the Beaufort Sea Outer Continental Shelf, Alaska, during the 2012 timeframe.

Shell Exploration & Production Company has four proposed drill sites within the Suvulliq and Torpedo prospects, Beaufort Sea, Alaska (See Table 1).

TABLE 1—PROSPECT LOCATIONS

Drill site	Lease file No.	NR06–04 Flaxman Island lease block No.	Surface location (NAD 83)*		Distance to mainland shore mi (km)
			Latitude (N)	Longitude (W)	
Sivulliq G	OCS–Y 1805	6658	70°23′46.82″	146°01′03.46″	16.6 (26.7)
Sivulliq N	OCS–Y 1805	6658	70°23′29.58″	145°58′52.53″	16.2 (26.1)
Torpedo H	OCS–Y 1941	6610	70°27′01.62″	145°49′32.07″	20.8 (33.5)
Torpedo J	OCS–Y 1936	6559	70°28′56.94″	145°53′47.15″	23.1 (37.2)

During the 2012 timeframe, Shell Exploration & Production Company has proposed drilling up to two exploration wells at the identified Beaufort Sea prospects depending on favorable ice conditions, weather, sea state, and any other pertinent factors. Each of these drill sites will be permitted for drilling in 2012 to allow for operational flexibility in the event sea ice conditions prevent access to one of the locations. The number of actual wells that will be drilled will depend on ice conditions and the length of time available for the 2012 drilling season. The predicted ''average'' drilling season, constrained by prevailing ice conditions and regulatory restrictions, is long enough for two to three typical exploration wells to be drilled.

The actual order of drilling activities will be controlled by an interplay between actual ice conditions immediately prior to movement of the KULLUK, ice forecasts, any regulatory restrictions with respect to the dates of allowed operating windows, whether the planned drilling activity involves only drilling the shallow non-objective section or penetrating potential hydrocarbon zones, the availability of permitted sites having approved shallow hazards clearance, the anticipated duration of each contemplated drilling activity, the results of preceding wells and Marine Mammal Monitoring and Mitigation plan requirements.

The planned exploration drilling in the identified lease blocks will be conducted with the KULLUK. The KULLUK is a true Mobile Offshore Drilling Unit, and is a large self-contained drilling vessel that offers full accommodations for up to 108 persons. The hull has been reinforced for ice resistance.

The KULLUK has a ''persons on board'' capacity of 108, and it is expected to be at capacity for most of its operating period. The KULLUK's personnel will include its crew, as well as Shell employees, third party contractors, Alaska Native Marine Mammal Observers and possibly Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE) personnel.

While conducting exploration drilling operations, the KULLUK will be anchored. The KULLUK has an Arctic Class IV hull design, is capable of drilling in up to 600 feet (ft) [182.9 meters (m)]) of water and is moored using a 12-point anchor system. The KULLUK's mooring system consists of

12 Hepburn winches located on the outboard side of the main deck, Anchor wires lead off the bottom of each winch drum inboard for approximately 55 ft (16.8 m). The wire is then redirected by a sheave, down through a hawse pipe to an underwater, ice protected, swivel fairlead. The wire travels from the fairlead directly under the hull to the anchor system on the seafloor. The KULLUK will have an anchor radius of 3,117 ft (950 m) for the Sivulliq drill sites and 2,995 ft (913 m) for the Torpedo drill sites. Anchor marker buoys will delineate the outer edge of the anchor spread. The anchor spread, which radiates from the center of the KULLUK, may pose a fouling hazard to any vessel attempting to anchor within the anchor spread. Fouling of the KULLUK anchor lines may endanger the MODU, its 108 persons onboard, the third party vessel, persons onboard the third party vessel and the environment.

The center point of the KULLUK will be positioned within the prospect location in the Beaufort Sea at the coordinates listed below (See Table 1).

The KULLUK will transit through the Bering Strait on or about July 1, 2012, and onto a prospect location when ice allows. Drilling will be curtailed on or before October 31, 2012. The MODU and support vessels will depart the Beaufort Sea at the conclusion of the 2012 drilling season.

Discussion of Comments and Changes

Two submissions with comments on the proposed rule were received. No public meeting was requested, and none was held.

One comment was received suggesting that the safety zone be issued for a multi-year period similar to safety zones in the Gulf of Mexico. The Coast Guard disagrees. While the Coast Guard understands that the underlying justifications for the safety zone are not likely to change from year to year, we find that there are several operational and permitting variables with respect to these activities to support not continuing the safety zones period beyond the current 2012 drilling season as originally requested. Many of these variables would be considered substantive changes. Some of the factors that dictate a season by season publication of the safety zone include the possibility that a different vessel will be utilized for the exploratory wells; changes in the published prospect/drilling locations and corresponding latitude/longitude coordinates; significant changes in any approved future Outer Continental Shelf Lease Exploration Plans, and the limited timeframe each year (approximately 4 to 5 months) associated with actual on site activity. The nature of this activity as noted above is not comparable to the ''manned production facility'' operations in the Gulf of Mexico in that those safety zones are established for year-round operations on permanent structures that are engaged in the exploration and production of sub-sea resources. The Coast Guard will reconsider the temporary nature of these safety zones should the nature of the operations significantly change from solely seasonal exploratory drilling operations.

One comment asked for a clarification with regard to the probability of a catastrophic event resulting from an incident. The Coast Guard agrees and has amended the ''Basis and Purpose'' section of the Final Rule by changing the word ''would'' to ''could'' as it relates to the outcome of an ''allision or inability to identify, monitor or mitigate ice-related hazards that might be encountered.''

One comment requested flexibility with respect to the effective dates of the temporary safety zone to allow for certain non-drilling demobilization activities. The Coast Guard understands the nature of the post-drilling activity and agrees that the safety zone effective period should be extended to provide that needed flexibility through November 30, 2012, but only while the vessel is on location as listed in Table 1 of the rule. The purpose of this change is to ensure the rule remains effective while the KULLUK completes demobilization activities on location, thereby enhancing the safety of the personnel aboard the OCS facility and the environment. The Coast Guard has amended the final rule to reflect the new effective termination date of December 1, 2012, so long as the vessel is on location and engaged in exploratory drilling demobilization activities until this date.

One comment requested flexibility with respect to dates the drilling rigs will be engaged in exploratory drilling, noting that the commencement of drilling activities may not be on July 1, 2012. The Coast Guard agrees and is amending language in the preamble relating to the commencement of drilling activity to be ''on or about'' July 1, 2012.

One comment requested the rule be amended to have the safety zone in effect once the vessel is ''on location'' while the mooring system is being deployed or recovered not only when the vessel is anchored. The Coast Guard agrees. The safety factors that were evaluated in determining that a safety zone was warranted while the vessel was anchored on location are substantially similar for when the vessel is on location and the mooring system is in the process of being deployed or recovered. The Coast Guard has amended § 147.T17–1143 to read: ''The navigable waters, from the surface to seabed, within 500 meters (1,640.4 feet) from each point on the outer edge of the vessel, while anchored or deploying and recovering moorings on location, is a safety zone.''

Two comments recommended an extension of the outer boundaries of the safety zone to include the anchor chain extending from the OCS facilities; one comment recommended an extension to 1,500 meters from the vessel, the other recommended the zone extend to 50 meters beyond the anchor marker buoys of the mobile drilling vessel. The safety zone extends the maximum distance permitted as per 33 CFR 147.15, which establishes the limits of a safety zone at a distance of ''500 meters around the OCS facility.'' Further, the determination that the outer edge of the OCS facility is marked by the physical structure of the MODU not to include any area encompassed by the anchor spread is consistent with other safety zones established for other similar OCS facilities operating on the Outer Continental Shelf, which is a 500 meter enforcement radius from the outer edge of the OCS facility structure.

One comment stated the safety zone should be a moving safety zone and that it should be extended to all support and tow vessels involved in the operation and referenced previous safety zones established by the Coast Guard as precedent. The safety zones referenced by the commenter were established under the Ports and Waterways Safety Act (PWSA) (33 U.S.C. 1226(b)), under which the Coast Guard agrees it has the authority to establish moving safety zones for any vessel operating within the U.S. territorial seas. The safety zone encompasses areas outside of the U.S. territorial seas and extends to the maximum extent permitted by 33 CFR 147.10 which provides a maximum enforcement area of 500 meters from the OCS facility. 33 CFR 147 does not permit establishment of safety zones for non-OCS facilities. With respect to moving safety zones, safety zones may only be enforced while the OCS facility is being constructed, maintained, or operated on the Outer Continental Shelf. The Coast Guard, in conjunction with the Department of State, has determined that this definition does not include times where the OCS facility is in transit and not directly engaged in activity related to the exploration or extraction of mineral resources. Accordingly, the

safety zone cannot be implemented or enforced during times where the OCS facility is transiting through the Exclusive Economic Zone (EEZ). With respect to vessel movements within the U.S. territorial seas, the Coast Guard is establishing separate moving safety zones under the PWSA through a separate rulemaking process which will include safety zones for support and tow vessels in addition to OCS facilities during periods of transit within the 12 nautical mile territorial sea in the vicinity of Dutch Harbor, Alaska.

One comment requested specific language granting State and Local officer's enforcement authority under 46 U.S.C. 70118, similar to safety zones established by the Coast Guard for the Columbia and Snake Rivers. Title 46 U.S.C. 70118 provides authority for state or local law enforcement officers to make arrests for safety zones established under the PWSA or Deepwater Port Act of 1974 (DPA) (33 U.S.C. 1509(d)). The PWSA does not apply for safety zones established outside of the territorial seas of the United States, and the DPA does not apply to the MODU to which the safety zone applies. The authority to implement this particular safety zone is based upon the Outer Continental Shelf Lands Act and 33 C.F.R 147. Accordingly, State and Local law enforcement officers do not have the authority to take law enforcement action due to the location of the safety zone.

One comment stated that the safety zone is overbroad and unnecessarily restricts first amendment rights. We disagree. The safety zones were created to facilitate safe navigation and promote the conduct of safe operations for entities engaging in lawful activities. However, actions taken which may potentially endanger or threaten either the individuals operating within this zone or the OCS facility within this zone will be subject to law enforcement action. There are no prohibitions on persons exercising free speech; however, actions that endanger persons or property within the safety zone are prohibited. Unauthorized vessels operating within this safety zone create an unnecessary risk to all vessels within the zone, including themselves. The Coast Guard determined this to be the best course of action given the complexities in the Arctic, which includes ice management issues, Marine Mammal Monitoring and Mitigation plan requirements, the lack of infrastructure in the Arctic, and a harsh, dynamic offshore environment. These complexities dictate reducing unnecessary risks associated with vessels not engaged in natural resource extraction activities operating near the KULLUK in order to significantly reduce the threat of allisions and oil spills, and at the same time increase the safety of life, property, and the environment in the Beaufort Sea. The Coast Guard believes that the 500-meter safety zone is ideal because it still provides sufficient area for persons to peacefully assemble or engage in legitimate protest activities outside of the safety zone.

One comment opined that the Coast Guard should be required to prepare an Environmental Assessment (EA) and Environmental Impact Statement (EIS) under NEPA. While safety zones are typically categorically excluded from NEPA analysis, the Coast Guard anticipates that it will have more assets operating in the Arctic than normal due to increased vessel traffic in the Arctic. Consequently, the Coast Guard has undertaken an EA to determine the environmental impacts of its operations in the Arctic during the summer of 2012, and the enforcement of the subject safety zone has been included for consideration of cumulative impacts.

One comment pointed out that a preliminary environmental analysis checklist and categorical exclusion determination were stated to be available in the online record, but was not available. A preliminary determination was not completed. The Coast Guard is not required to provide a preliminary environmental analysis checklist and categorical exclusion determination for a temporary safety zone until publication of the Final Rule. The reasoning is that safety zones are generally categorically excluded, and the Coast Guard wanted to review all public comments before completing the environmental analysis checklist and categorical exclusion determination in order to ensure that it accounted for all concerns. The environmental analysis checklist and categorical exclusion determination for this temporary safety zone is available in the docket, and can be obtained online following the direction provided in the **ADDRESSES** section above.

One comment stated that the safety zone will cause increased air pollution because the air permits issued for the KULLUK exclude air within the safety zones, and, therefore, the Coast Guard must undertake a ''NEPA analysis'' to determine the affects of any air emissions within the safety zone. The Coast Guard does not have the authority or agency expertise to issue air permits, and, therefore, does not have the authority to determine whether the issuance of those permits is appropriate. The safety zone is being implemented to enhance the safety of vessel operations during a period of increased vessel traffic at locations where any marine casualty will present unique challenges due to the remote locations, lack of infrastructure and unforgiving environmental variables.

One comment supported the determination to prohibit all vessels, irrespective of size from the safety zone. The Coast Guard determined this to be the best course of action given the complexities of this Arctic operation, which includes ice management issues, Marine Mammal and Mitigation plan requirements, and a harsh, dynamic offshore environment. The safety zones will significantly reduce the threat of allisions and oil spills, and at the same time increase the safety of life, property, and the environment in the Beaufort Sea.

A change was also made to clarify that the subject safety zones include ''the navigable waters, from the surface to seabed.''

Regulatory Analyses

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

Regulatory Planning and Review

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

This rule is not a significant regulatory action due to the location of the MODU KULLUK on the Outer Continental Shelf and its distance from both land and safety fairways. Additional considerations were the relatively short period of time that the safety zone will be in effect and the limited size of the safety zone. Vessels traversing waters near the safety zone will be able to safely travel around the zone without incurring additional costs.

Small Entities

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

governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule would not have a significant economic impact on a substantial number of small entities. This rule could affect the following entities, some of which might be small entities: The owners or operators of vessels intending to transit or anchor in the Sivulliq and Torpedo Prospect of the Beaufort Sea, including Flaxman Island blocks 6610, 6658 and 6659 (See Table 1).

This safety zone will not have a significant economic impact or a substantial number of small entities for the following reasons: This rule will enforce a temporary safety zone around a MODU facility that is in an area of the Beaufort Sea not frequented by vessel traffic and is not in close proximity to a safety fairway. Further, vessel traffic can pass safely around the safety zone without incurring additional costs.

Assistance for Small Entities

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

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

Collection of Information

This rule 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 rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

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

Taking of Private Property

This 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 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

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

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it 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

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

Technical Standards

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

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

Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321–4370f), and have concluded this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule is categorically excluded, under figure 2–1, paragraph (34)(g), of the Instruction. This rule involves a temporary final rule for a safety zone that will be established for 1 week or longer. An environmental analysis checklist and a categorical exclusion determination are included in the docket, and can be obtained online by following the directions delineated in the **ADDRESSES** section above. Nevertheless, while safety zones are typically categorically excluded from NEPA analysis the Coast Guard anticipates that it will have more assets operating in the Arctic Ocean than normal due to increased vessel traffic in the Arctic Ocean. Consequently, the Coast Guard has undertaken an Environmental Assessment (EA) to determine the environmental impacts of its overall operations in the Arctic Ocean during the summer of 2012, and the enforcement of the subject safety zones has been included for

consideration of cumulative impacts. Public hearings on the draft EA were held on May 30, 2012, in Anchorage, Alaska, and on May 31, 2012, in Barrow, Alaska.

List of Subjects in 33 CFR Part 147

Continental shelf, Marine safety, Navigation (water).

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 147 as follows:

PART 147—SAFETY ZONES

■ 1. The authority citation for part 147 continues to read as follows:

Authority: 14 U.S.C. 85; 43 U.S.C. 1333; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 147.T17–1143 to read as follows:

§ 147.T17–1143 Safety Zone; KULLUK, Outer Continental Shelf Mobile Offshore Drilling Unit (MODU), Beaufort Sea, Alaska.

(a) *Description.* (1) The KULLUK will be engaged in exploratory drilling operations at various locations in the Beaufort Sea on or about July 1, 2012, through November 30, 2012. The MODU will be anchored while conducting exploratory drilling operations with the center point of the vessel located at the coordinates listed in Table 1. These coordinates are based upon [NAD 83] UTM Zone 3.

TABLE 1—PROSPECT LOCATIONS

Drill Site	Lease file No.	NR06–04 Flaxman Island lease block No.	Surface location (NAD 83)*		Distance to mainland shore mi (km)
			Latitude (N)	Longitude (W)	
Sivulliq G	OCS–Y 1805	6658	70°23′46.82″	146°01′03.46″	16.6 (26.7)
Sivulliq N	OCS–Y 1805	6658	70°23′29.58″	145°58′52.53″	16.2 (26.1)
Torpedo H	OCS–Y 1941	6610	70°27′01.62″	145°49′32.07″	20.8 (33.5)
Torpedo J	OCS–Y 1936	6559	70°28′56.94″	145°53′47.15″	23.1 (37.2)

(2) The navigable waters, from the surface to seabed, within 500 meters (1,640.4 feet) from each point on the outer edge of the vessel, while anchored or deploying and recovering moorings on location, is a safety zone. Lawful demonstrations may be conducted outside of the safety zone.

(b) *Regulation.* No vessel may enter or remain in this safety zone except the following:

(1) An attending vessel; or

(2) A vessel authorized by the Commander, Seventeenth Coast Guard District, or a designated representative. A ''designated representative'' is any Coast Guard commissioned, warrant or petty officer of the U.S. Coast Guard who has been designated by the Commander, Seventeenth Coast Guard District to act on his or her behalf.

(c) *Penalties.* Violation of this regulation may result in criminal or civil penalties, or both.

(d) *Effective period.* This rule is effective from July 1, 2012, and terminates on December 1, 2012, unless sooner terminated by the Commander, Seventeenth Coast Guard District.

Dated: June 13, 2012.

Thomas P. Ostebo,

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

[FR Doc. 2012–16116 Filed 6–29–12; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2012–0429]

RIN 1625–AA00

Eighth Coast Guard District Annual Safety Zones; Blue Angels Air Show; Gulf of Mexico & Santa Rosa Sound; Pensacola, FL

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce a Safety Zone for the Blue Angels Air Show in the Gulf of Mexico and Santa Rosa Sound, Pensacola, Florida from 12:01 a.m. July 11, 2012 through 11:59 p.m. July 15, 2012. This action is necessary for the safeguard of participants and spectators, including all crews, vessels, and persons on navigable waters during the Blue Angels Air Show. During the enforcement period, entry into, transiting or anchoring in the Safety Zone is prohibited to all vessels not registered with the sponsor as participants or official patrol vessels, unless specifically authorized by the Captain of the Port (COTP) Mobile or a designated representative.

DATES: The regulations in 33 CFR 165.801 will be enforced from 12:01 a.m. July 11, 2012, through 11:59 p.m. July 15, 2012.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice of enforcement, call or email LT Lenell J. Carson, Coast Guard Sector Mobile, Waterways Division; telephone 251–441–5940 or email *Lenell.J.Carson@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the Safety Zone for the annual Blue Angels Air Show event listed in 33 CFR 165.801 Table 1, Table No. 152; Sector Mobile, No. 11 on July 11 to July 15, 2012.

Under the provisions of 33 CFR 165.801, entry into the safety zone listed in Table 1, Table No. 152; Sector Mobile, No. 11 is prohibited unless authorized by the Captain of the Port or a designated representative. Persons or vessels desiring to enter into or passage through the Safety Zone must request permission from the Captain of the Port or a designated representative. If permission is granted, all persons and vessels shall comply with the instructions of the Captain of the Port or designated representative.

This notice is issued under authority of 5 U.S.C. 552 (a); 33 U.S.C. 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1. In addition to this document in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of this enforcement period via Local Notice to Mariners and Marine Information Broadcasts.

If the Captain of the Port Mobile or Patrol Commander determines that the

Safety Zone need not be enforced for the full duration stated in this notice of enforcement, he or she may use a Broadcast Notice to Mariners to grant general permission to enter the regulated area.

Dated: May 31, 2012.

D.J. Rose,

Captain, U.S. Coast Guard, Captain of the Port Mobile.

[FR Doc. 2012–16113 Filed 6–29–12; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2012–0393]

RIN 1625–AA00

Safety Zone; Mississippi River, Mile Marker 230.0 to Mile Marker 237.0, in the Vicinity of Baton Rouge, LA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for all waters of the Lower Mississippi River (LMR) beginning at mile marker (MM) 230.0 and ending at MM 237.0, in the vicinity of Baton Rouge, Louisiana. The safety zone is needed to protect persons and vessels from the potential safety hazards associated with a maritime salvage operation. Entry into this zone is prohibited unless vessels have met the specified instructions or are specifically authorized by the Captain of the Port New Orleans or a designated representative.

DATES: *Effective date:* This rule is effective in the CFR from July 2, 2012, until 7 a.m. CST October 1, 2012. This rule is effective with actual notice for purposes of enforcement beginning 7 a.m. CST on June 2, 2012.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket USCG–2012–0393 and are available online by going to *http://www.regulations.gov,* inserting USCG–2012–0393 in the ''Keyword'' box, and then clicking ''Search.'' They are also available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary rule, call or email Lieutenant (LT) Chris Norton, Marine Safety Unit Baton Rouge, at 225–298–5400 x230, *Christopher.R.Norton@uscg.mil.* If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

DHS Department of Homeland Security
FR **Federal Register**
NPRM Notice of Proposed Rulemaking
LMR Lower Mississippi River
MM Mile Marker

A. Regulatory History and Information

A temporary safety zone for salvage operations resulting from high water incidents in the spring of 2011 was established under docket number USCG–2011–1077 (76 FR 60733). That safety zone was required as a safety measure to ensure protection for persons and vessels involved in the salvage operations and expired on February 15, 2012 when salvage was suspended due to river and weather conditions. This temporary final rule establishes a new safety zone implementing safety measures required for these salvage operations to now resume.

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.''

Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule. The Coast Guard received notice on May 14, 2012 that McKinney Salvage and Heavy Lift Inc. would resume maritime salvage operations in the vicinity of Baton Rouge, Louisiana. Due to forecasted river level stages averaging in the teens on the Baton Rouge river gauge around June 2, 2012, the opportunity to resume salvage operations is ideal and presents an immediate need for this safety zone. There is not time to perform the NPRM process for this rule without delaying the effective date for the temporary safety zone. Delaying this safety measure is contrary to the public interest because immediate action is necessary to protect the salvage crew, vessels, and mariners from the hazards associated with ongoing maritime salvage operations.

For the same reasons, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. The Coast Guard received notice on May 14, 2012 that McKinney Salvage and Heavy Lift Inc. would resume maritime salvage operations in the vicinity of Baton Rouge, Louisiana. Providing 30 days notice would be contrary to the public interest because it would delay the immediate action necessary to protect the salvage crew, vessels, and mariners from the hazards associated with ongoing maritime salvage operations.

B. Basis and Purpose

On May 14, 2012 the Coast Guard received notice that salvage operations would resume on the LMR from MM 230.0 to MM 237.0. These operations will begin on 7 a.m. CST June 2, 2012, and continue until 7 a.m. CST October 1, 2012. The Coast Guard determined that a safety zone is needed to protect the public, mariners, and vessels from the hazards associated with salvage operations the waterway. The operations that will be conducted are critical to maintaining safe navigation on the LMR. Any wake, beyond that created at minimum safe speed, or external force exerted on the salvage platform can compromise the safety of the salvage crew.

The legal basis and authorities for this rule are found in 33 U.S.C. 1231, 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; and Department of Homeland Security Delegation No. 0170.1, which collectively authorize the Coast Guard to establish and define regulatory safety zones. To safeguard persons and property from the hazards associated with salvage operations performed on a waterway, the COTP New Orleans will establish a safety zone on the LMR from MM 230.0 to MM 237.0, 7 a.m. CST June 2, 2012, until 7 a.m. CST October 1, 2012.

C. Discussion of the Rule

The Captain of the Port New Orleans will implement a Safety Zone on the LMR extending the entire width of the river from MM 230.0 to MM 237.0. Mariners will be subject to requirements that will be listed in Marine Safety Information Bulletins from 7 a.m. CST on June 2, 2012 until 7 a.m. CST on October 1, 2012.

The temporary safety zone is needed due to McKinney Salvage and Heavy Lift Inc. conducting ongoing maritime

salvage operations in the vicinity of MM 230.0 to MM 237.0 on the LMR. The operations that will be conducted are critical to maintaining safe navigation on the LMR. Any wake, beyond that created at minimum safe speed, or external force exerted on the salvage platform can compromise the safety of the salvage crew.

D. Regulatory Analyses

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

1. Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under that those Orders. It is not ''significant'' under the regulatory policies and procedures of the Department of Homeland Security (DHS).

This rule establishes additional safety restrictions necessary for transit on the LMR from MM 230.0 to MM 237.0, in the vicinity of Baton Rouge. These additional safety restrictions do not prevent safe transit through the area. Due to its duration and limited scope, this rule does not pose a significant regulatory impact.

Additionally, notifications of this rule's effective dates and times and any changes to the rule will be made to the marine community through Marine Safety Information Bulletin's (MSIB) & Broadcast Notice to Mariners (BNM).

2. Impact on Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule will affect the following entities, some of which may be small entities: The owners or operators of vessels intending to transit the LMR between MM 230.0 and 237.0 from 7 a.m. CST on June 2, 2012 until 7 a.m. CST on October 1, 2012. This safety zone will not have a significant economic impact on a substantial number of small entities because vessels are still able to transit the area under the established safety restrictions which are also listed in Marine Safety Information Bulletins. Additionally, Broadcast Notices to Mariners will provide dates and times when the salvage operations will take place during the effective period and any changes in the intended salvage operations schedule. If you are a small business entity, contact LT Chris Norton, Marine Safety Unit Baton Rouge, at (225) 298–5400 or *Christopher.R.Norton@uscg.mil*.

3. Assistance for Small Entities

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

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

4. Collection of Information

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

5. Federalism

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

6. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INTFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children

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

11. Indian Tribal Governments

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

12. Energy Effects

This action is not a ''significant energy action'' under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.

13. Technical Standards

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

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule is categorically excluded, under figure 2–1, paragraph (34)(g), of the Instruction. This rule establishes a temporary safety zone on the Mississippi River to protect persons and vessels from the potential safety hazards associated with maritime salvage operations and is over one week in duration. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add temporary § 165.T08–0393 to read as follows:

§ 165.T08–0393 Safety Zone; Mississippi River, Mile Marker 230.0 to Mile Marker 237.0, in the Vicinity of Baton Rouge, LA.

(a) *Location.* The following area is a safety zone: All waters of the Lower Mississippi River (LMR) beginning at mile marker (MM) 230.0 and ending at MM 237.0, extending the entire width of the river, in the vicinity of Baton Rouge, Lousiana.

(b) *Effective and enforcement date.* This section is effective during the transits of all vessels upriver and downriver from 7 a.m. CST June 2, 2012, until 7 a.m. CST October 1, 2012. This rule is effective with actual notice for purposes of enforcement beginning 7 a.m. CST on June 2, 2012.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited unless vessels have met the specific instructions or are authorized by the Captain of the Port New Orleans or designated representative as further explained below.

(2) Persons or vessels requiring entry into or passage through must have met the specific instructions or request permission from the Captain of the Port New Orleans or a designated representative.

(3) All persons and vessels shall comply with the instructions of the Captain of the Port New Orleans and designated personnel. Designated personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard.

(4) The instructions of the Captain of the Port are as follows: The Captain of the Port New Orleans has implemented a Safety Zone on the LMR extending the entire width of the river from MM 230.0 to MM 237.0. This operation will continue from 7 a.m. CST on June 2, 2012 until 7 a.m. CST on October 1, 2012.

(d) *Informational broadcasts.* The Captain of the Port, New Orleans or a designated representative will inform the public through Broadcast Notices to Mariners and/or Marine Safety Information Bulletins of the effective period for the safety zone, requirements, and of any changes in the effective period, requirements or size of the safety zone.

Dated: May 29, 2012.

J.J. Arenstam,

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

[FR Doc. 2012–16114 Filed 6–29–12; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2012–0512]

RIN 1625–AA00

Safety Zone: Skagway Harbor, Skagway, AK for 4th of July Fireworks

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard has established a temporary safety zone on the navigable waters within a 1,000 foot radius of the fireworks launching point located on the White Pass and Yukon Railway Dock in position 59°26.70′ north and 135°19.58′ west in the vicinity of the mouth of the Small Boat Harbor, Skagway, Alaska, to limit access for the duration of the 4th of July Fireworks display. Persons desiring to transit within this safety zone must contact the Captain of the Port Southeast Alaska, or the designated on scene representative via VHF radio channel 16 or 13 (156.650 MHz) to receive permission.

DATES: This rule is effective on July 3, 2012 from 9:00 p.m. local time through July 10, 2012, 1:00 a.m. local time.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket USCG–2012–0512 and are available online by going to *http://www.regulations.gov,* inserting USCG–2012–0512 in the ''Keyword'' box, and then clicking ''Search.'' They are also available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary rule, call or email LT Patrick Drayer, Chief of Waterways Management, U.S. Coast Guard Sector Juneau; telephone (907) 463–2468, email *Patrick.A. Drayer@uscg.mil.* If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Regulatory Information

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a)

of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(3)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because publishing an NPRM would be impracticable and contrary to the public interest since immediate action is needed to minimize potential danger to the public during the event. Any delay in the effective date of this rule would prevent this community event from occurring safely. The Coast Guard will issue a broadcast notice to mariners to advise mariners of the temporary safety zone and on-scene Coast Guard assets will provide notice to mariners during the event.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register** because immediate action is needed to minimize potential danger to the public during the event. Any delay in the effective date of this rule would prevent this community event from occurring safely.

Basis and Purpose

The legal basis for this temporary rule is 33 U.S.C. 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Public Law 107–295, 116 Stat. 2064; and Department of Homeland Security Delegation No. 0170.1, which collectively authorize the Coast Guard to define regulatory safety zones.

The temporary safety zone is necessary for the safety of mariners in the vicinity of the fireworks display. The impact of this rule on commercial and recreational traffic is expected to be minimal because of the limited area and time of the safety zone.

Discussion of Rule

The Coast Guard is establishing a safety zone in the waters in the immediate vicinity of the location where the fireworks will be launched in Taiya Inlet for the City of Skagway, Alaska, sponsored 4th of July fireworks display. A no-action alternative was considered, but not employed because of the increased safety hazards posed to mariners during the fireworks display.

Regulatory Analyses

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

Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. This rule is not a significant regulatory action because the rule is applicable to a one-time event, and also because the temporary safety zone is limited in location and duration. The small size of the safety zone allows for mariners to safely navigate around the safety zone.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. However, this rule may affect the following entities, some of which may be small entities: the owners or operators of vessels intending to transit, anchor, or fish in a portion of the Taiya Inlet from 9:00 p.m. local time, July 3, 2012, to 1:00 a.m. local time on July 4, 2012. This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons; this rule will be enforced for only a four hour period and mariners will be able to easily navigate safely around the zone by staying outside of the 1,000-foot radius of the position from which fireworks will be launched. During the effective period, we will issue maritime advisories widely available to the mariners that transit Taiya Inlet.

Assistance for Small Entities

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

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

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of

Children From Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

Indian Tribal Governments

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

Energy Effects

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

Technical Standards

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

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

Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This rule is categorically excluded, under figure 2–1, paragraph (34)(g), of the Instruction.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add temporary § 165.T17–0512, to read as follows:

§ 165.T17–0512 Safety Zone: Taiya Inlet, City of Skagway, Alaska, for 4th of July Fireworks Display.

(a) *Location.* The following area is a safety zone: All navigable waters, from surface to bottom, of Taiya Inlet within a 1000 foot radius of position of 59°26.70′ N and 135°19.58′ W.

(b) *Definitions.* The following definition applies to this section: ''Designated representative'' means any commissioned, warrant, and petty officer of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, and local, state, and federal law enforcement vessels who have been authorized to act on the behalf of the Captain of the Port Southeast Alaska.

(c) *Regulations.* (1) Under the general regulations contained in § 165.23 of this title, entry into, transiting, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port Southeast Alaska or his designated representative.

(2) The safety zone is closed to all vessel traffic, except as may be permitted by the Coast Guard Captain of the Port Southeast Alaska or his designated representative.

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

(4) Persons desiring to enter the safety zone may request permission from the Captain of the Port Southeast Alaska via VHF Channel 16 or 13 (156.650 MHz), or via telephone at (907) 463–2990.

(5) The Coast Guard will issue a broadcast notice to mariners to advise mariners of the temporary safety zone and on-scene Coast Guard representatives will provide notice to mariners during the event.

(d) *Enforcement Period.* This rule will be enforced from 9:00 p.m. local time on July 3, 2012, to 1:00 a.m. local time on July 4, 2012. If the event is postponed due to weather, the rule may be enforced on a succeeding date between July 5, 2012, and July 10, 2012. The Coast Guard will issue a broadcast notice to mariners to advise mariners of the date change for the temporary safety zone and on-scene Coast Guard representatives will provide notice to mariners during the event.

Dated: June 7, 2012.

S.W. Bornemann,

Captain, U.S. Coast Guard, Captain of the Port Southeast Alaska.

[FR Doc. 2012–16117 Filed 6–29–12; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2012–0227]

RIN 1625–AA00

Safety Zone, Temporary Change for Recurring Fifth Coast Guard District Fireworks Displays, Cavalier Golf & Yacht Club Independence Day Fireworks Display, Broad Bay; Virginia Beach, VA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone regulation for one recurring fireworks display within the Fifth Coast Guard District. This regulation refers to the fireworks display event that takes place on the navigable waters of Broad Bay in Virginia Beach, VA. This action is necessary to provide for the safety of life on navigable waters during the Cavalier Golf & Yacht Club Independence Day Fireworks Display. This action is intended to restrict vessel traffic movement to protect mariners from the hazards associated with fireworks displays.

DATES: This rule will be effective on July 1, 2012 and enforced from 9:30 p.m. to 10 p.m.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket USCG–2012–0227 and are available online by going to *http://www.regulations.gov,* inserting USCG–2012–0227 in the ''Search'' box, and then clicking ''Search.'' They are also available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary rule, call or email LCDR Hector Cintron, Waterways Management Division Chief, Sector Hampton Roads, Coast Guard; telephone 757–668–5581, email *Hector.L.Cintron@uscg.mil*. If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

DHS Department of Homeland Security
FR **Federal Register**
NPRM Notice of Proposed Rulemaking

SUPPLEMENTARY INFORMATION:

A. Regulatory History and Information

On May 9, 2012, we published a notice of proposed rulemaking (NPRM) entitled Cavalier Golf & Yacht Club Independence Day Fireworks Display, Broad Bay; Virginia Beach, Virginia in the **Federal Register** (76 FR 27156). We received no comments on the proposed rule. No public meeting was requested, and none was held. Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Due to the need for immediate action, the restriction of vessel traffic is necessary to protect life, property and the environment therefore, a 30-day notice is impracticable. Delaying the effective date would be contrary to the safety zone's intended objectives of protecting persons and vessels involved in the event, and enhancing public and maritime safety.

B. Basis and Purpose

On July 1, 2012 Cavalier Golf & Yacht Club will host a fireworks display on the shoreline of the navigable waters of Broad Bay in Virginia Beach, VA. The fireworks will be launched from a shore based platform centered on position 36°52′08″ N/076°00′46″ W (NAD 1983). Due to the need to protect mariners and spectators from the hazards associated with the fireworks display, such as the accidental discharge of fireworks, dangerous projectiles, and falling hot embers or other debris, vessel traffic will be temporarily restricted on all navigable waters within 400 yard radius of the fireworks launch site.

C. Discussion of Comments, Changes and the Final Rule

The Captain of the Port Hampton Roads has changed the enforcement period of the safety zone for one recurring fireworks event within the Fifth Coast Guard District. This regulation applies to the July 4th fireworks event listed at (c)(4), in the Table to 33 CFR 165.506. The event will not be taking place on July 4th.

The Table to 33 CFR 165.506, event (c)(4), establishes the enforcement date for the fireworks event held in Virginia Beach, VA on specified waters of the Broad Bay within the area bounded by 400 yard radius centered on position 36°52′08″ N/076°00′46″ W (NAD 1983). The area of the safety zone enforcement will not change; the date of enforcement of the safety zone has changed. This temporary safety zone will be enforced from 9:30 p.m. to 10 p.m. on July 1, 2012. In the interest of public safety, general navigation within the safety zone will be restricted during the specified date and times. Except for participants and vessels authorized by the Coast Guard Captain of the Port or his representative, no person or vessel may enter or remain in the regulated area.

D. Regulatory Analyses

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

1. Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. Although this regulation restricts access to the safety zone, the effect of this rule will not be significant because: (i) The safety zone will be in effect for a limited duration; (ii) the zone is of limited size; (iii) mariners may transit the waters in and around this safety zone at the discretion of the Captain of the Port or designated representative; and (iv), the Coast Guard will make notifications via maritime advisories so mariners can adjust their plans accordingly.

2. Impact on Small Entities

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

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

The rule would affect the following entities, some of which might be small entities: The owners or operators of vessels intending to transit or anchor in that portion of the Broad Bay from 9:30 p.m. until 10 p.m. on July 1, 2012. This safety zone would not have a significant economic impact on a substantial number of small entities for the following reasons. This safety zone would be activated, and thus subject to enforcement, for only one-half hour in the evening, when vessel traffic is low. Although the safety zone would apply to the entirety of Broad Bay, traffic would be allowed to pass through the zone with the permission of the Captain of the Port. Before the activation of the zone, we would issue maritime advisories widely available to users of the river.

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.

3. Assistance for Small Entities

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

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman

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

4. Collection of Information

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

5. Federalism

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

6. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children

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

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

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

14. Environment

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. In § 165.506, in ''Table to § 165.506'', under ''(c) Coast Guard Sector Hampton Roads-COTP Zone,'' suspend number 4, and add number 23, to read as follows:

§ 165.506 Safety Zones; Fifth Coast Guard District Fireworks Displays.

* * * * *

TABLE TO § 165.506

[All coordinates listed in the Table to § 165.506 reference Datum NAD 1983]

Number	Date	Location	Regulated area
*	*	*	* * *
23.	July 1st	Broad Bay, Virginia Beach, VA Safety Zone.	All Waters of the Broad Bay within a 400 yard radius of the fireworks display in approximate position latitude 36°52′08″ N, longitude 076°00′46″ W, located on the shoreline near Cavalier Golf and Yacht Club, Virginia Beach, Virginia.

Dated: June 11, 2012.

Mark S. Ogle,

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

[FR Doc. 2012–16232 Filed 6–28–12; 11:15 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2011–0329; FRL–9683–4]

Approval and Promulgation of Air Quality Implementation Plans; Ohio; Regional Haze

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is finalizing a limited approval of revisions to the Ohio State Implementation Plan (SIP), submitted on March 11, 2011, addressing regional haze for the first implementation period that ends 2018. This action is being taken in accordance with the requirements of the Clean Air Act (CAA) and EPA's rules for states to prevent and remedy future and existing anthropogenic impairment of visibility in mandatory Class I areas through a regional haze program.

DATES: This final rule is effective on August 1, 2012.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R05–OAR–2011–0329. All documents in the docket are listed on the *www.regulations.gov* Web site. Although listed in the index, 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 at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Charles Hatten, Environmental Engineer, at (312) 886–6031 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Charles Hatten, Environmental Engineer, Control Strategies Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6031, *hatten.charles@epa.gov.*

SUPPLEMENTARY INFORMATION: This supplementary information section is arranged as follows:

I. Synopsis of Proposed Rule
II. Public Comments and EPA's Responses
III. What action is EPA taking?
IV. Statutory and Executive Order Reviews

I. Synopsis of Proposed Rule

Ohio submitted a plan to address regional haze on March 11, 2011. This plan was intended to address the requirements in CAA section 169A, and interpreted in EPA's Regional Haze Rule as codified at 40 CFR 51.308. This rule was promulgated on July 1, 1999 (64 FR 35713). Further significant provisions were promulgated on July 6, 2005, providing further guidance on provisions related to best available retrofit technology (BART).

EPA proposed a limited approval of Ohio's submittal on January 25, 2012 (77 FR 3712). The proposal notice described the nature of the regional haze problem and the statutory and regulatory background for EPA's review of Ohio's regional haze plan. The proposal provided a lengthy delineation of the requirements that Ohio intended to meet and that EPA proposed to approve, including requirements for mandating BART, consultation with other states in establishing goals representing reasonable further progress in mitigating anthropogenic visibility impairment, and adoption of limitations as necessary to implement a long term strategy (LTS) for reducing visibility impairment.

Of particular interest were EPA's proposed findings regarding BART. Using modeling performed by the Lake Michigan Air Directors Consortium (LADCO), Ohio identified one non-electric generating unit (non-EGU) source, P.H. Glatfelter facility in Ross County, as having sufficient visibility impact to warrant being subject to a requirement representing BART.

Ohio determined that BART was the use of flue gas desulfurization on the two BART-subject boilers. P.H. Glatfelter then requested limits that would allow an alternative strategy. In response to P.H. Glatfelter's request, Ohio adopted sulfur dioxide (SO_2) limits governing the combined emissions from P.H. Glatfelter's boilers #7 and #8, with limits requiring flue gas desulfurization more stringent than BART on individual boilers. In the notice of proposed rulemaking, EPA proposed to approve Ohio's alternative-to-BART limits for SO_2, and continued operation of particulate matter (PM) and nitrogen oxide (NO_X) controls for P.H. Glatfelter. These limits are enforceable at P.H. Glatfelter in a permit issued by Ohio. EPA proposed that Ohio's new, tighter emission limits for the Glatfelter facility in Ross County satisfies the BART requirements for non-EGUs.

II. Public Comments and EPA's Responses

The publication of EPA's proposed rule on January 25, 2012 (77 FR 3712) initiated a 30-day public comment period that ended on February 24, 2012. During that public comment period we received comments from the United States Forest Service (FS), the United States National Park Service (NPS), the Ohio Utility Group, and Earth Justice (on behalf of conservation organizations representing the National Parks Conservation Association, Natural Resources Defense Council, and the Sierra Club) on the proposed rulemaking on the Ohio regional haze

plan. For convenience, comments from Earthjustice will be labeled hereafter as comments by the ''conservation organizations.'' These comments and EPA's responses are addressed in detail below.

Comment #1: FS and NPS recommended additional review of the BART determination for P.H. Glatfelter. The commenters assert that the alternative BART determination for P.H. Glatfelter, boilers #7 and #8, may not result in equivalent reduction in SO_2 emissions compared to application of BART. NPS commented that the SO_2 emission limit of 24,930 pounds per day (4,550 tons per year), represents only a 77 percent reduction from 2002 emission rates. NPS agrees with Ohio's determination that P.H. Glatfelter's alternative BART approach to include a process capable of 90 percent SO_2 removal was appropriate. However, NPS believes that because P.H. Glatfelter could also choose to operate its boilers at reduced capacity or shut down one boiler, and still meet the emission limit with no additional control of SO_2, this does not meet the intent of the BART regulation. Thus, NPS recommends that in addition to the daily maximum SO_2 emission rate, Ohio also set a 30-day rolling average SO_2 limit that would be equivalent to a continuous 90 percent emissions reduction to reflect the performance capability of the control equipment. The conservation organizations raise similar concerns.

Response #1: EPA believes that Ohio has used an adequate representation of emissions for the baseline period. EPA believes further that Ohio's alternative BART limit for SO_2 is slightly more stringent than what BART would achieve. Therefore, EPA believes that Ohio's limit is sufficiently stringent to satisfy requirements for BART for this source. EPA believes that the alternative BART limit, expressed as a daily emission limit, mandates control that is slightly more stringent than BART. Consequently, EPA does not believe that the daily limit needs to be supplemented with a 30-day limit.

Comment #2: The Ohio Utility Group recommends that EPA should fully approve the State of Ohio's Regional Haze SIP revision submitted on March 11, 2011, for the following reasons: (1) The SIP revision is consistent with the regional haze rule, (2) the Clean Air Interstate Rule (CAIR) is in place, and (3) Ohio will continue to reduce emissions under CAIR. Additionally, EPA should approve Ohio's Regional Haze SIP as a result of the U.S. District Court's decision on December 30, 2011, to 'stay' the Cross-State Air Pollution Rule (CSAPR). Since the court's decision states that EPA should continue administering CAIR pending resolution of the appeal, EPA should approve Ohio's regional haze SIP as submitted and rescind its partial disapproval, or let Ohio revise its SIP later when EPA finalizes action on other (rules) such as CSAPR.

Conversely, the conservation organizations comment that EPA must disapprove Ohio's Haze SIP because the state plan improperly relies on CAIR instead of requiring BART limits for coal-fired power plants. Specifically, the conservation organizations comment, ''Because of the deficiencies identified in CAIR by the court and the impact of the Transport Rule on CAIR, it is inappropriate to fully approve states with LTS's that rely upon the emissions reductions predicted to result from CAIR to meet BART requirement for EGU's or to meet the reasonable progress goals (RPGs) in the states' regional haze SIPs.'' The conservation organizations comment that this shortcoming cannot be corrected through reliance on CSAPR.

Response #2: On December 30, 2011, EPA proposed to find that the trading programs of CSAPR can substitute for source-specific BART for EGUs in the states covered by CSAPR requirements (including Ohio) (76 FR 82219). The preamble to that action details EPA's position on the relationship between state SIPs that have relied on CAIR, CSAPR, and the CSAPR stay. EPA is responding to similar comments in the context of that rulemaking.

Comment #3: The conservation organizations assert that Ohio's regional haze plan does not ensure that Ohio will do its part to reduce visibility impacts to Class I areas in other states. The conservation organizations find that Ohio's plan does not provide reasonable progress and note that Ohio's plan fails to satisfy the ''Mid-Atlantic/Northeast Visibility Union (MANE–VU) Ask.[1]'' The conservation organizations list a number of controls sought by MANE–VU (''the MANE–VU ask''), including 90 percent control of SO_2 from each of 167 stacks in 19 states, 28 percent control of non-EGU SO_2 emissions, and consideration of other measures. The conservation organizations acknowledge Ohio's response to these requests but find Ohio's response inadequate, for example finding that the power plant controls cited by Ohio do not necessarily reduce emissions by 90 percent, and finding that the plant shutdowns cited by Ohio are not legally binding.

Response #3: As noted in the proposed rulemaking for this action, specifically in section IV. C—Reasonable Progress Goals, Class I states must set RPGs that achieve reasonable progress toward achieving natural visibility conditions. However, Ohio does not have any Class I areas, so it does not need to set RPGs. In accordance with 40 CFR 51.308(d)(i), Ohio did consult with affected Class I states through the Midwest Regional Planning Organization (MRPO) to ensure that it achieves its fair share of the overall emission reductions necessary to achieve the RPGs of Class I areas that it affects. Minutes from these calls can be found on MRPO's Web site at *http://www.ladco.org/report/rpo/consultation/index.php.* [See section 11 of Ohio's plan.] EPA believes that Ohio has conducted a suitable analysis of the measures that might be considered reasonable and has included an appropriate set of measures in its long term strategy for addressing reasonable progress requirements.

Regarding MANE–VU's ''ask,'' the letters sent in 2007 from MANE–VU invited Ohio to participate in future consultation meetings where emissions from the state are reasonably anticipated to contribute to visibility impairment in Class I areas outside the state. The states' letters cite to the report entitled, Contributions to Regional Haze in the Northeast and Mid-Atlantic United States, NESCAUM, August 2006, *http://www.nescaum.org/documents/contributions-to-regional-haze-in-the-northeast-and-mid-atlantic—united-states/.*

A consultation summary was provided by MANE–VU on August 6, 2007. In October 2007, Ohio responded noting that a number of the stacks from the 14 sources located in Ohio and listed by the MANE–VU in the ''ask'' had already installed or were planning to install scrubbers, which Ohio EPA deemed to be sufficient progress towards MANE–VU's request. Section 10.2 of Ohio's plan discusses MANE–VU's request in greater detail and describes control measures implemented that provide for further reduction in emission from Ohio sources identified compared to the 2002 emissions used by MANE–VU. Based on more recent modeling for MANE–VU (*http://www.nescaum.org/topics/regional-haze/regional-haze-documents*), for projecting visibility in 2018 (''2018 Visibility Projections,'' May

[1] MANE–VU's document entitled ''Assessment of Reasonable Progress for Regional Haze in MANE–VU Class I Areas—Methodology for Source Selection, Evaluation of Control Options, and Four Factor Analysis, July 2007'' requests states outside of the MANE–VU area to examine controls for specific types of sources (i.e., ''MANE–VU Ask'').

13, 2018), MANE–VU found the ''uniform rate is achieved and exceeded at all MANE–VU Class I sites.''

EPA's primary criterion for judging the adequacy of Ohio's long-term strategy for addressing reasonable progress requirements is based more on the collective set of measures rather than on individual mandates at individual facilities. Ohio's plan includes substantial reductions at a broader set of facilities than the 14 facilities noted by the commenters. The shutdown of facilities may be considered to be a compliance strategy for meeting the CSAPR requirement for emission reductions, and EPA finds these reductions may plausibly be considered an outcome of CAIR requirements notwithstanding the absence of a legal mandate for the plants not to operate. Irrespective of whether any individual plant achieves 90 percent reduction, and irrespective of whether plants listed by MANE–VU remain uncontrolled and other plants are controlled instead, EPA believes that the set of reductions in Ohio's plan suffice to provide its share of reductions toward satisfying reasonable progress goals.

Comment #4: The conservation organizations objected to Ohio's exclusion of EGUs from being subject to source-specific BART requirements.

Response #4: The commenters are referring to action taken in a separate rulemaking, proposed on December 30, 2011, at 76 FR 82219. [See description of action in Response #2] EPA directs the commenters to that action for EPA's determination regarding state SIPs that have relied on CAIR.

Comment #5: The conservation organizations found minimal detail in the permit for the P.H. Glatfelter facility. In their opinion, ''EPA should reserve final approval of the permit * * * until the Agency has had the opportunity to review and provide feedback on the compliance plan submitted by the company.''

Response #5: EPA is under a consent decree obligation to act on the permit for the P.H. Glatfelter facility by May 30, 2012. EPA believes that it has sufficient information to warrant approving the permit now. EPA believes that Ohio has made an appropriate determination of the control measures that represent BART at this facility. Ohio has established a limit on SO_2 emissions from P.H. Glatfelter facility that allows the company flexibility in how it complies with the limit but still mandates slightly greater emission reduction than would be achieved with direct application of BART. EPA believes further that this permit satisfies the BART requirement without need for EPA review of the details of the approach by which P.H. Glatfelter meets this limit.

Comment #6: The conservation organizations believe that Glatfelter ''significantly overestimated the per ton cost of SO_2 controls by amortizing the capital cost of the controls over only 10 years at a rate of 15 percent.''

Response #6: EPA agrees that amortizing the capital cost of controls over 10 years and using a 15 percent interest rate yields a substantially overstated estimate of the annualized capital costs. However, the conservation organizations do not assert that correction of the cost estimate would change the appropriate BART determination for this facility. In fact, Ohio selected the most stringent control option as BART. The overstatement of costs did not result in elimination of any control options or selection of a less stringent control option. Therefore, EPA believes that Ohio has mandated an appropriate BART requirement for this facility notwithstanding the company's overestimate of the cost of control.

Comment #7: The conservation organizations question the methodology upon which Ohio relied to exempt sources from BART and request that EPA review this methodology.

Response #7: EPA reexamined Ohio's methodology, as requested, and reaffirms its conclusion that Ohio's analysis reflects an acceptable methodology that does not wrongly exclude any sources that should have been subject to BART.

Comment #8: The conservation organizations assert that the proposed actions are illegal and invalid, as the CAA does not provide EPA with authority to issue ''limited approvals'' or ''limited disapprovals.'' The conservation organizations contend that section 110(k) of CAA only allows EPA to fully approve, partially approve and partially disapprove, conditionally approve, or fully disapprove a SIP.

Response #8: EPA disagrees with the conservation organizations assertions. Although section 110(k) of the CAA may not expressly provide authority for limited approvals, the plain language of section 301(a) does provide ''gap-filling'' authority authorizing the Agency to ''prescribe such regulations as are necessary to carry out'' EPA's CAA functions. EPA may rely on section 301(a) in conjunction with the Agency's SIP approval authority in section 110(k)(3) to issue limited approvals where it has determined that a submittal strengthens a given state SIP and that the provisions meeting the applicable requirements of CAA are not separable from the provisions that do not meet CAA's requirements. EPA's limited approval of Ohio's SIP revision addressing regional haze is appropriate because it addresses regional haze rule requirements and approvable provisions are not separable from the provisions that do not meet CAA's requirements.

As explained in the September 7, 1992, EPA Memorandum from John Calcagni, ''through a limited approval, EPA [will] concurrently, or within a reasonable period of time thereafter, disapprove the rule * * * for not meeting all of the applicable requirements of the Act. * * * [T]he limited disapproval is a rulemaking action, and it is subject to notice and comment.'' In a separate action, published December 30, 2011 (76 FR 82219), EPA did in fact propose a limited disapproval of the Ohio regional haze SIP for the SIPs reliance on CAIR.

III. What action is EPA taking?

EPA is finalizing a limited approval of Ohio's regional haze plan. EPA is approving Ohio's plan for BART for non-EGUs, mostly notably approving limits satisfying BART requirements for P.H. Glatfelter. EPA also concludes that Ohio's submission provides an approvable analysis of the emission reductions needed to satisfy reasonable progress and other regional haze planning requirements, and Ohio's submission meets other regional haze planning requirements such as identification of affected Class I areas and provision of a monitoring plan. Therefore, EPA is finalizing limited approval of Ohio's regional haze plan as strengthening the SIP and helping address regional haze for the first implementation period by helping remedy any existing anthropogenic and prevent future impairment of visibility at Class I areas.

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 approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under

Executive Order 12866 (58 FR 51735, October 4, 1993);

• Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);

• Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

• Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);

• Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

• Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

• Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

• Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and

• Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

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

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 August 31, 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. 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, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: May 29, 2012.

Susan Hedman,

Regional Administrator, Region 5.

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 KK—Ohio

■ 2. Section 52.1870 is amended by adding paragraph (c)(155) to read as follows:

§ 52.1870 Identification of plan.

* * * * *

(c) * * *

(155) On March 11, 2011, the Ohio Environmental Protection Agency submitted Ohio's regional haze plan addressing the first implementation period of the regional haze rule requirements. This plan includes a long-term strategy with emission limits for mandating emission reductions equivalent to the reductions from implement best available retrofit technology and with emission reductions to provide Ohio's contribution toward achievement of reasonable progress goals at Class I areas affected by Ohio. The plan specifically satisfies BART requirements for non-EGUs, most notably by providing new, tighter emission limits for the P.H. Glatfelter facility in Ross County, Ohio. The plan establishes a combined daily sulfur dioxide emission limit of 24,930 pounds per day for boiler #7 and #8. The plan also includes permit number P0103673 that will impose these emission limitations on P.H. Glatfelter Company.

(i) Incorporation by reference.

(A) Permit-to-Install Number P0103673, issued to P.H. Glatfelter Company—Chillicothe Facility by the Ohio Environmental Protection Agency, signed by Scott J. Nally and effective on March 7, 2011.

[FR Doc. 2012–16033 Filed 6–29–12; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2012–0236; FRL–9690–9]

Withdrawal of Direct Final Rule Revising the California State Implementation Plan, South Coast Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of direct final rule.

SUMMARY: On June 1, 2012 (77 FR 32398), EPA published a direct final approval of a revision to the California State Implementation Plan (SIP). This revision concerned South Coast Air Quality Management District (SCAQMD) Rule 1156, Further Reductions of Particulate Emissions from Cement Manufacturing Facilities. The direct final action was published without prior proposal because EPA anticipated no adverse comment. The direct final rule stated that if adverse comments were received by July 2, 2012, EPA would publish a timely withdrawal in the **Federal Register**. EPA received a timely adverse comment. Consequently, with this revision we are withdrawing the direct final approval of SCAQMD Rule 1156. EPA will either address the comment in a subsequent final action based on the parallel proposal also published on June 1, 2012 (77 FR 32398), or repropose an alternative action. As stated in the parallel proposal, EPA will not institute a second comment period on a subsequent final action.

DATES: The addition of 40 CFR 52.220 (c)(362)(i)(B)(*2*) published at 77 FR 32398 on June 1, 2012 is withdrawn as of July 2, 2012.

ADDRESSES: EPA has established docket number EPA–R09–OAR–2012–0236 for this action. Generally, documents in the docket for this action are available electronically at *www.regulations.gov* and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the

docket are listed at *www.regulations.gov,* some information may be publicly available only at the hard copy location (e.g., copyrighted material, large maps), and some may not be publicly available in either location (e.g., CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Christine Vineyard, EPA Region IX, (415) 947–4125, *vineyard.christine@epa.gov.*

List of Subjects in 40 CFR Part 52

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

Dated: June 11, 2012.

Jared Blumenfeld,

Regional Administrator, Region IX.

Accordingly, the amendment to 40 CFR 52.220 published in the **Federal Register** on June 1, 2012 (77 FR 32398) which was to become effective on July 31, 2012 is withdrawn.

[FR Doc. 2012–15724 Filed 6–29–12; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2012–0027; FRL–9686–6]

Revisions to the California State Implementation Plan, Mojave Desert Air Quality Management District (MDAQMD) and Yolo-Solano Air Quality Management District (YSAQMD)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is finalizing approval of revisions to the MDAQMD and the YSAQMD portions of the California State Implementation Plan (SIP). These rules were proposed in the **Federal Register** on February 28, 2012 and concern glass furnaces and biomass boilers. We are approving local rules that regulate these emission sources under the Clean Air Act as amended in 1990 (CAA or the Act).

DATES: These rules will be effective on August 1, 2012.

ADDRESSES: EPA has established docket number EPA–R09–OAR–2012–0027 for this action. Generally, documents in the docket for this action are available electronically at *http://www.regulations.gov* or in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed at *http://www.regulations.gov*, some information may be publicly available only at the hard copy location (e.g., copyrighted material, large maps, multi-volume reports), and some may not be available in either location (e.g., confidential business information (CBI)). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Andy Steckel, EPA Region IX, (415) 947–4115, *steckel.andrew@epa.gov.*

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Proposed Action
II. Public Comments and EPA Responses
III. EPA Action
IV. Statutory and Executive Order Reviews

I. Proposed Action

On February 28, 2012 (77 FR 11990), EPA proposed to approve the following rules into the California SIP.

Local agency	Rule No.	Rule title	Adopted	Submitted
MDAQMD	1165	Glass Melting Furnaces	08/12/08	12/23/08
YSAQMD	2.43	Biomass Boilers	11/10/10	04/05/11

We proposed to approve these rules because we determined that they complied with the relevant CAA requirements. Our proposed action contains more information on the rules and our evaluation.

II. Public Comments and EPA Responses

EPA's proposed action provided a 30-day public comment period. During this period, we received no comments.

III. EPA Action

No comments were submitted. Therefore, as authorized in section 110(k)(3) of the Act, EPA is fully approving these rules into the California SIP.

IV. Statutory and Executive Order Reviews

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

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

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

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 August 31, 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.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, VOCs, Reporting and recordkeeping requirements.

Dated: May 10, 2012.

Jared Blumenfeld,

Regional Administrator, Region IX.

Therefore, 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.*

■ 2. Amend § 52.220 by adding paragraphs (c)(364)(i)(D) and (c)(388)(i)(F) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(364) * * *

(i) * * *

(D) Mojave Desert Air Quality Management District.

(*1*) Rule 1165, ''Glass Melting Furnaces,'' amended on August 25, 2008.

* * * * *

(388) * * *

(i) * * *

(F) Yolo-Solano Air Quality Management District.

(*1*) Rule 2.43, ''Biomass Boilers,'' adopted on November 10, 2010.

* * * * *

[FR Doc. 2012–16060 Filed 6–29–12; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 141 and 142

[Docket No. EPA–HQ–OW–2009–0090; FRL–9660–4]

RIN 2040–AF10

Revisions to the Unregulated Contaminant Monitoring Regulation (UCMR 3) for Public Water Systems

Correction

In rule document 2012–9978 appearing on pages 26072–26101 in the issue of Wednesday, May 2, 2012, make the following correction:

On pages 26072–26073, the table entitled ''EXHIBIT 1—APPLICABILITY OF UCMR 3 TO WATER UTILITIES BY SYSTEM TYPE AND SIZE'' should read as set forth below:

EXHIBIT 1—APPLICABILITY OF UCMR 3 TO WATER UTILITIES BY SYSTEM TYPE AND SIZE

System Type	*System size*[1]	
	Serving > 10,000	*Serving ≤ 10,000*
UCMR 3 Assessment Monitoring		
CWS & NTNCWS	Requires all systems to monitor for List 1 chemicals	Requires 800 randomly selected systems to monitor for List 1 chemicals. EPA will pay for the analysis of samples.
TNCWS	No requirements	No Requirements.
UCMR 3 Screening Survey		
CWS & NTNCWS	Requires all systems serving more than 100,000, and 320 randomly selected systems serving 10,001 to 100,000 to monitor for List 2 chemicals.	Requires 480 randomly selected systems to monitor for List 2 chemicals. EPA will pay for the analysis of samples.
TNCWS	No requirements	No Requirements.
UCMR 3 Pre-Screen Testing		
CWS, TNCWS & NTNCWS	No requirements	Requires 800 randomly selected systems to permit EPA to sample and analyze List 3 microbes. The selected systems will be served by non-disinfecting ground water wells in vulnerable areas. EPA will pay for the analysis of samples.

[1] Based on the retail population, as indicated by SDWIS/Fed on December 31, 2010.

[FR Doc. C1–2012–9978 Filed 6–29–12; 8:45 am]
BILLING CODE 1505–01–D

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 111207737–2141–2]

RIN 0648–XC079

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

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

ACTION: Temporary rule; closure.

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

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), June 29, 2012, through 2400 hrs, A.l.t., December 31, 2012.

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

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

The 2012 Pacific cod total allowable catch (TAC) apportioned to vessels using jig gear in the Central Regulatory Area of the GOA is 427 metric tons (mt), as established by the final 2012 and 2013 harvest specifications for groundfish of the GOA (77 FR 15194, March 14, 2012).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator) has determined that the 2012 Pacific cod TAC apportioned to vessels using jig gear in the Central Regulatory Area of the GOA will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 427 mt and is setting aside the remaining 0 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by vessels using jig gear in the Central Regulatory Area of the GOA.

After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

This action responds to the best available information recently obtained from the fishery. The Acting Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of directed fishing for Pacific cod by vessels using jig gear in the Central Regulatory Area of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of June 26, 2012.

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

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

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

Dated: June 27, 2012.

James P. Burgess,

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

[FR Doc. 2012–16151 Filed 6–29–12; 8:45 am]
BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 77, No. 127
Monday, July 2, 2012

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 925

[Doc. No. AMS–FV–11–0090; FV12–925–1 PR]

Grapes Grown in Designated Area of Southeastern California; Increased Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This rule would increase the assessment rate established for the California Desert Grape Administrative Committee (Committee) for the 2012 and subsequent fiscal periods from $0.0125 to $0.0150 per 18-pound lug of grapes handled. The Committee locally administers the marketing order, which regulates the handling of grapes grown in a designated area of southeastern California. Assessments upon grape handlers are used by the Committee to fund reasonable and necessary expenses of the program. The fiscal period begins January 1 and ends December 31. The assessment rate would remain in effect indefinitely unless modified, suspended or terminated.

DATES: Comments must be received by August 1, 2012.

ADDRESSES: Interested persons are invited to submit written comments concerning this rule. Comments must be sent to the Docket Clerk, Marketing Orders Agreements Division, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Fax: (202) 720–8938; or Internet: *http://www.regulations.gov.* Comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: *http://www.regulations.gov.* All comments submitted in response to this rule will be included in the record and will be made available to the public. Please be advised that the identity of the individuals or entities submitting the comments will be made public on the Internet at the address provided above.

FOR FURTHER INFORMATION CONTACT: Kathie M. Notoro, Marketing Specialist, or Kurt J. Kimmel, Regional Manager, California Marketing Field Office, Marketing Orders and Agreements Division, Fruit and Vegetable Programs, AMS, USDA; Telephone: (559) 487–5901, Fax: (559) 487–5906, or Email: *Kathie.Notoro@ams.usda.gov* or *Kurt.Kimmel@ams.usda.gov.*

Small businesses may request information on complying with this regulation by contacting Laurel May, Marketing Orders and Agreements Division, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or Email: *Laurel.May@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Order No. 925, as amended (7 CFR part 925), regulating the handling of grapes grown in a designated area of southeastern California, hereinafter referred to as the ''order.'' The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The Department of Agriculture (USDA) is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the marketing order now in effect, grape handlers in a designated area of southeastern California are subject to assessments. Funds to administer the order are derived from such assessments. It is intended that the assessment rate as proposed herein would be applicable to all assessable grapes beginning on January 1, 2012, and continue until amended, suspended, or terminated.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This rule would increase the assessment rate established for the Committee for the 2012 and subsequent fiscal periods from $0.0125 to $0.0150 per 18-pound lug of grapes.

The grape order provides authority for the Committee, with the approval of USDA, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. The members of the Committee are producers and handlers of grapes grown in a designated area of southeastern California. They are familiar with the Committee's needs and with the costs for goods and services in their local area and are thus in a position to formulate an appropriate budget and assessment rate. The assessment rate is formulated and discussed in a public meeting. Thus, all directly affected persons have an opportunity to participate and provide input.

For the 2011 and subsequent fiscal periods, the Committee recommended, and the USDA approved, an assessment rate that would continue in effect from fiscal period to fiscal period unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Committee or other information available to USDA.

The Committee met on November 3, 2011, and unanimously recommended 2012 expenditures of $95,500 and an assessment rate of $0.0150 per 18-pound lug of grapes handled. In comparison, last year's budgeted expenditures were $89,616. The assessment rate of $0.0150 per 18-pound lug of grapes handled recommended by the Committee is $0.0025 higher than the $0.0125 rate currently in effect. The higher assessment rate is necessary to cover the Committee's budgeted expenses which include an increase in research and general office expenses. While the

Committee's crop estimate of 5.8 million 18-pound lugs is higher than the 5.4 million 18-pound lugs handled last year, the higher assessment rate would generate $87,000 of revenue. This revenue plus the operating reserve would be sufficient to cover the increase in anticipated expenses.

The major expenditures recommended by the Committee for the 2012 fiscal period include $15,500 for research, $17,500 for general office expenses, and $62,500 for management and compliance expenses. The $15,500 research project is a for a new vine study proposed by the University of California Riverside. In comparison, major expenditures for the 2011 fiscal period included $10,000 for research, $15,616 for general office expenses, and $64,000 management and compliance expenses.

The assessment rate recommended by the Committee was derived by the following formula: Anticipated 2012 expenses ($95,500) plus the desired 2012 ending reserve ($70,000), minus the 2012 beginning reserve ($78,500), divided by the estimated 2012 shipments (5.8 million 18-pound lugs) equals $0.0150 per lug.

Income generated through the $0.0150 assessment ($87,000) plus carry-in reserve funds ($78,500) should be sufficient to meet anticipated expenses ($95,500). Reserve funds by the end of 2012 are projected at $70,000 or about one fiscal period's expenses. Section 925.41 of the order permits the Committee to maintain about one fiscal period's expenses in reserve.

The proposed assessment rate would continue in effect indefinitely unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Committee or other available information.

Although this assessment rate would be in effect for an indefinite period, the Committee would continue to meet prior to or during each fiscal period to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of Committee meetings are available from the Committee or USDA. Committee meetings are open to the public and interested persons may express their views at these meetings. USDA would evaluate the Committee recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking would be undertaken as necessary. The Committee's 2012 budget and those for subsequent fiscal periods would be reviewed and, as appropriate, approved by USDA.

Initial Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf.

There are approximately 13 handlers of southeastern California grapes who are subject to regulation under the order and about 41 grape producers in the production area. Small agricultural service firms are defined by the Small Business Administration (13 CFR 121.201) as those having annual receipts of less than $7,000,000, and small agricultural producers are defined as those whose annual receipts are less than $750,000. Nine of the 13 handlers subject to regulation have annual grape sales of less than $7 million. Based on data from the National Agricultural Statistics Service and the Committee, the crop value for the 2011 season was about $46,574,000. Dividing this figure by the number of producers (41) yields an average annual producer revenue estimate of about $1,135,951. However, according to the Committee, at least ten of 41 producers would be considered small businesses under the Small Business Administration threshold of $750,000. Based on the foregoing, it may be concluded that a majority of grape handlers and at least ten of the producers could be classified as small entities.

This rule would increase the assessment rate established for the Committee and collected from handlers for the 2012 and subsequent fiscal periods from $0.0125 to $0.0150 per 18-pound lug of grapes. The Committee unanimously recommended 2012 expenditures of $95,500 and an assessment rate of $0.0150 per 18-pound lug of grapes handled. The proposed assessment rate of $0.0150 is $0.0025 higher than the 2011 rate currently in effect. The higher assessment rate is necessary to cover the Committee's budgeted expenses, including increases in research and general office expenses.

While the Committee's crop estimate of 5.8 million 18-pound lugs is higher than the 5.4 million 18-pound lugs handled last year, the higher assessment rate would generate $87,000 of revenue. This revenue plus the operating reserve would be sufficient to cover the increase in anticipated expenses. Reserve funds by the end of 2012 are projected at $70,000 or about one fiscal period's expenses.

The major expenditures recommended by the Committee for the 2012 fiscal period include $15,500 for research, $17,500 for general office expenses, and $62,500 for management and compliance expenses. The $15,500 research project is for a new vine study proposed by the University of California Riverside. In comparison, major expenditures for the 2011 fiscal period included $10,000 for research, $15,616 for general office expenses, and $64,000 management and compliance expenses.

The assessment rate recommended by the Committee was derived by the following formula: Anticipated 2012 expenses ($95,500) plus the desired 2012 ending reserve ($70,000), minus the 2012 beginning reserve ($78,500), divided by the estimated 2012 shipments (5.8 million 18-pound lugs) equals $0.0150 per lug.

The Committee reviewed and unanimously recommended 2012 expenditures of $95,500 which included increases in research and general office expenses. Prior to arriving at this budget, the Committee considered alternative expenditures and assessment rates, to include not increasing the $0.0125 assessment rate currently in effect. Based on a crop estimate of 5.8 million 18-pound lugs, the Committee ultimately determined that increasing the assessment rate to $0.0150 combined with funds generated from the reserve would adequately cover increased expenses and provide an adequate 2012 ending reserve.

A review of historical crop and price information, as well as preliminary information pertaining to the upcoming fiscal period indicates that the producer price for the 2012 season could average about $8.03 per 18-pound lug of grapes handled for California grapes. To calculate the percentage of producer revenue represented by the assessment rate for 2011, the assessment rate of $0.0125 per 18-pound lug is divided by the estimated average producer price of $8.03 per 18-pound lug. NASS data for 2012 is not yet available. However, applying these same calculations above using the 2011 producer price would result in an estimated assessment revenue as a percentage of total producer revenue of 0.187 percent for

the 2012 season ($0.0150 divided by $8.03 per 18-pound lug). Thus, the assessment revenue should be well below the 1 percent of estimated producer revenue in 2012.

This action would increase the assessment obligation imposed on handlers. While assessments impose some additional costs on handlers, the costs are minimal and uniform on all handlers. Some of the additional costs may be passed on to producers. However, these costs would be offset by the benefits derived by the operation of the order. In addition, the Committee's meeting was widely publicized throughout the grape production area and all interested persons were invited to attend and participate in Committee deliberations on all issues. Like all Committee meetings, the November 3, 2011, meeting was a public meeting and all entities, both large and small, were able to express views on this issue. Finally, interested persons are invited to submit comments on this proposed rule, including the regulatory and informational impacts of this action on small businesses.

In accordance with the Paperwork Reduction Act of 1995, (44 U.S.C. Chapter 35), the order's information collection requirements have been previously approved by the Office of Management and Budget (OMB) and assigned OMB No. 0581–0189. No changes in those requirements as a result of this action are necessary. Should any changes become necessary, they would be submitted to OMB for approval.

This proposed rule would impose no additional reporting or recordkeeping requirements on either small or large California grape handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

AMS is committed to complying with the E–Government Act, to promote the use of the Internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *www.ams.usda.gov/MarketingOrdersSmallBusinessGuide.* Any questions about the compliance guide should be sent to Laurel May at the previously-mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

A 30-day comment period is provided to allow interested persons to respond to this proposed rule. Thirty days is deemed appropriate because: (1) The 2012 fiscal period begins on January 1, 2012, and the order requires that the rate of assessment for each fiscal period apply to all assessable grapes handled during such fiscal period; (2) the Committee needs to have sufficient funds to pay its expenses, which are incurred on a continuous basis; and (3) handlers are aware of this action, which was unanimously recommended by the Committee at a public meeting and is similar to other assessment rate actions issued in past years.

List of Subjects in 7 CFR Part 925

Grapes, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 925 is proposed to be amended as follows:

PART 925—GRAPES GROWN IN A DESIGNATED AREA OF SOUTHEASTERN CALIFORNIA

1. The authority citation for 7 CFR part 925 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. Section 925.215 is revised to read as follows:

§ 925.215 Assessment rate.

On or after January 1, 2012, an assessment rate of $0.0150 per 18-pound lug is established for grapes grown in a designated area of southeastern California.

Dated: June 26, 2012.

David R. Shipman,

Administrator, Agricultural Marketing Service.

[FR Doc. 2012–16064 Filed 6–29–12; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2012–0676; Directorate Identifier 2011–NM–182–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all Airbus Model A318, A319, A320, and A321 series airplanes. This proposed AD was prompted by reports of the escape slide of the raft inflation system not deploying when activated due to the rotation of the cable guide in a direction which resulted in jamming of the inflation control cable. This proposed AD would require modifying the affected slide rafts. We are proposing this AD to prevent non-deployment of the inflation system of the escape slide raft, which could result in delayed evacuation from the airplane during an emergency, and consequent injury to the passengers.

DATES: We must receive comments on this proposed AD by August 16, 2012.

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

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

For Airbus service information identified in this proposed AD, contact Airbus, Airworthiness Office—EAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com*; Internet *http://www.airbus.com.* For Air Cruisers service information identified in this proposed AD, contact Zodiac Services Americas, Cage Code 567V9, 4900, St. Joe Boulevard, Building 200, Suite 400, College Park, Georgia 30337; telephone 678–228–8153; fax 404–599–0041; email *techpubs@zodiac.com*; Internet *http://www.zodiacaerospace.com.* You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington. For information on the availability of this material at the FAA, call 425–227–1221.

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 regulatory 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: Sanjay Ralhan, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone (425) 227–1405; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2012–0676; Directorate Identifier 2011–NM–182–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2011–0160, dated August 26, 2011 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> Two occurrences on Airbus A320 aeroplanes have been reported where the escape slide raft inflation system did not deploy when activated, due to the rotation of the cable guide in a direction which resulted in jamming of the inflation control cable. Additionally, there has been one reported case where the system did not deploy properly due to a cracked inflation hose fitting.
>
> Investigation conducted by the slide raft manufacturer showed that the hose fitting could be subject to a bending moment if improperly packed. Subsequently, the hose fitting could separate from the reservoir and the inflation of the slide raft may be impaired.
>
> This condition, if not corrected, could delay the evacuation from the aeroplane in case of emergency, possibly resulting in injury to the occupants.
>
> For the reasons described above, this [EASA] AD requires modification of the affected slide rafts or [optional] replacement thereof with modified units.

The modification includes installing a cable guide adaptor, an anti-rotation bracket, and a new hose assembly. You may obtain further information by examining the MCAI in the AD.

Relevant Service Information

Airbus has issued Service Bulletin A320–25–1723, dated December 17, 2010 (for Model A319, A320, and A321 series airplanes); and Service Bulletin A320–25–1724, dated December 17, 2010 (for Model A318 series airplanes). Air Cruisers Company has issued Service Bulletin A320 004–25–85, dated November 30, 2010 (for Model A318, A319, A320, and A321 series airplanes). The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of This Proposed AD

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

Costs of Compliance

Based on the service information, we estimate that this proposed AD would affect about 745 products of U.S. registry. We also estimate that it would take about 19 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour. Required parts would cost about $341 per product. Where the service information lists required parts costs that are covered under warranty, we have assumed that there will be no charge for these parts. As we do not control warranty coverage for affected parties, some parties may incur costs higher than estimated here. Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $1,457,220, or $1,956 per product.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

1. Is not a ''significant regulatory action'' under Executive Order 12866;

2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);

3. Will not affect intrastate aviation in Alaska; and

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

We prepared a regulatory 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 AD:

Airbus: Docket No. FAA–2012–0676; Directorate Identifier 2011–NM–182–AD.

(a) Comments Due Date

We must receive comments by August 16, 2012.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Airbus Model A318–111, –112, –121, and –122 airplanes; Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes; Model A320–111, –211, –212, –214, –231, –232, and –233 airplanes; and Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes; certificated in any category; all manufacturer serial numbers.

(d) Subject

Air Transport Association (ATA) of America Code 25: Equipment/Furnishings.

(e) Reason

This AD was prompted by reports of the escape slide of the raft inflation system not deploying when activated due to the rotation of the cable guide in a direction which resulted in jamming of the inflation control table. We are issuing this AD to prevent non-deployment of the inflation system of the escape slide raft, which could result in delayed evacuation from the airplane during an emergency, and consequent injury to the passengers.

(f) Compliance

You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

(g) Modification

Except as provided by paragraph (i) of this AD, within 36 months after the effective date of this AD: Modify the escape slide rafts that have a part number specified in table 1 of this AD, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–25–1723, dated December 17, 2010 (for Model A319, A320, and A321 series airplanes); or Airbus Service Bulletin A320–25–1724, dated December 17, 2010 (for Model A318 series airplanes).

TABLE 1—ESCAPE SLIDE RAFTS

Air Cruisers and Aerazur Escape Slide Rafts Part Number if Fitted With a Reservoir and Valve Assembly P/N D18309–105 or P/N D18309–205
D30664–105
D30664–107
D30664–109
D30664–305
D30664–307
D30664–309
D30664–311
D30665–105
D30665–107
D30665–109
D30665–305
D30665–307
D30665–309
D30665–311

(h) Replacement in Accordance With Air Cruisers Service Bulletin

Replacement of all affected escape slide rafts on any affected airplane with slide rafts that have been modified in accordance with the Accomplishment Instructions of Air Cruisers Service Bulletin S.B. A320 004–25–85, dated November 30, 2010, is acceptable for compliance with the requirements of paragraph (g) of this AD.

(i) Airplanes Not Affected by Paragraph (g) This AD

Airplanes on which Airbus modification 151459 or modification 151502 has been embodied in production, and on which no escape slide raft replacements have been made since first flight, are not affected by the requirement specified in paragraph (g) of this AD.

(j) Parts Installation

(1) For airplanes other than those identified in paragraph (i) of this AD: After accomplishment of the modification required by paragraph (g) of this AD or after accomplishment the replacement specified in paragraph (h) of this AD, no person may install, on any airplane, an escape slide raft specified in table 1 of this AD, unless it has been modified in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–25–1723, dated December 17, 2010 (for Model A319, A320, and A321 series airplanes); Airbus Service Bulletin A320–25–1724, dated December 17, 2010 (for Model A318 series airplanes); or Air Cruisers Service Bulletin A320 004–25–85, dated November 30, 2010 (for Model A318, A319, A320, and A321 series airplanes).

(2) For airplanes identified in paragraph (i) of this AD: As the effective date of this AD, no person may install, on any airplane, an escape slide raft specified in table 1 of this AD, unless it has been modified in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–25–1723, dated December 17, 2010 (for Model A319, A320, and A321 series airplanes); Airbus Service Bulletin A320–25–1724, dated December 17, 2010 (for Model A318 series airplanes); or Air Cruisers Service Bulletin A320 004–25–85, dated November 30, 2010 (for Model A318, A319, A320, and A321 series airplanes).

(k) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to ATTN: Sanjay Ralhan, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone (425) 227–1405; fax (425) 227–1149. Information may be emailed to: *9–ANM–116–AMOC–REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

(2) *Airworthy Product:* For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(l) Related Information

Refer to MCAI EASA Airworthiness Directive 2011–0160, dated August 26, 2011; and the service information specified in paragraphs (1)(1) through (1)(3) of this AD; for related information.

(1) Airbus Service Bulletin A320–25–1723, dated December 17, 2010.

(2) Airbus Service Bulletin A320–25–1724, dated December 17, 2010.

(3) Air Cruisers Service Bulletin A320 004–25–85, dated November 30, 2010.

Issued in Renton, Washington, on June 26, 2012.

Kalene C. Yanamura,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2012–16096 Filed 6–29–12; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2010–1160; Directorate Identifier 2010–NM–148–AD]

RIN 2120–AA64

Airworthiness Directives; the Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Supplemental notice of proposed rulemaking (NPRM); reopening of comment period.

SUMMARY: We are revising an earlier proposed airworthiness directive (AD) to supersede an existing AD for all The Boeing Company Model 767 airplanes. The existing AD currently requires repetitive inspections to detect discrepancies of the wiring and surrounding Teflon sleeves of the fuel tank boost pumps and override/jettison pumps; replacement of the sleeves with new sleeves, for certain airplanes; and repair or replacement of the wiring and sleeves with new parts, as necessary. The previous NPRM proposed to reduce the initial compliance time and repetitive inspection interval in the existing AD. The previous NPRM was prompted by fleet information indicating that the repetitive inspection interval in the existing AD is too long because excessive chafing of the sleeving continues to occur much earlier than expected between scheduled inspections. This action revises the previous NPRM by proposing a terminating action for the repetitive inspections, to eliminate wire damage. This action also removes certain airplanes from the applicability of the previous NPRM. We are proposing this supplemental NPRM to detect and correct chafing of the fuel pump wire insulation and consequent exposure of the electrical conductor, which could result in electrical arcing between the wires and conduit and consequent fire or explosion of the fuel tank.

Since these actions impose an additional burden over that proposed in the previous NPRM, we are reopening the comment period to allow the public the chance to comment on these proposed changes.

DATES: We must receive comments on this supplemental NPRM by August 16, 2012.

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

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

For service information identified in this proposed AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P. O. Box 3707, MC 2H–65, Seattle, Washington 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com.* You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

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

FOR FURTHER INFORMATION CONTACT: Rebel Nichols, Aerospace Engineer, Propulsion Branch, ANM–140S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, Washington 98057–3356; phone: 425–917–6509; fax: 425–917–6590; email: rebel.nichols@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2010–1160; Directorate Identifier 2010–NM–148–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

We issued an NPRM to amend 14 CFR part 39 to supersede AD 2000–11–06, Amendment 39–11754 (65 FR 34928, June 1, 2000; corrected August 1, 2000 (65 FR 46862)), that would apply to all Model 767–200, –300, –300F, and –400ER series airplanes. That NPRM published in the **Federal Register** on December 14, 2010 (75 FR 77790). The existing AD currently requires repetitive inspections to detect discrepancies of the wiring and surrounding Teflon sleeves of the fuel tank boost pumps and override/jettison pumps; replacement of the sleeves with new sleeves, for certain airplanes; and repair or replacement of the wiring and sleeves with new parts, as necessary. That NPRM proposed to reduce the initial compliance time and repetitive inspection interval in the existing AD.

Actions Since Previous NPRM (75 FR 77790, December 14, 2010) Was Issued

Since we issued the previous NPRM (75 FR 77790, December 14, 2010), the manufacturer has issued Boeing Alert Service Bulletin 767–28A0104, Revision 1, dated March 2, 2012, to replace the fuel boost pump and override/jettison pump wire bundles inside the in-tank conduits with new wire bundles. The new wire bundles have liners which hold the fuel pump power wires away from the sides of the metal conduit, to eliminate chafing. Boeing Alert Service Bulletin 767–28A0104, Revision 1, dated March 2, 2012, also removes certain airplanes from the effectivity.

Comments

We gave the public the opportunity to comment on the previous NPRM (75 FR 77790, December 14, 2010). The following presents the comments received on the previous NPRM and the FAA's response to each comment.

Request To Delay Issuance of the Previous NPRM (75 FR 77790, December 14, 2010)

Continental Airlines (CAL) asked that we delay issuance of the previous NPRM (75 FR 77790, December 14, 2010) until Boeing Alert Service Bulletin 767–28A0104, dated January 25, 2011, is revised to include a change to the airplane fuel boost pump and override jettison pump wiring. CAL stated that it was informed that the revised bulletin was currently in the approval process. CAL noted that, in accordance with Boeing Alert Service Bulletin 767–28A0104, dated January 25, 2011, paragraph (e) of the previous NPRM provides the information regarding the unsafe condition and reduction of repetitive inspection intervals. CAL also stated that, although these repetitive inspection intervals may detect and correct chafing of the fuel pump wire insulation and consequent exposure of the electrical conductor,

which could result in an unsafe condition, the following issues are created by the service information referenced in the previous NPRM:

- Does not provide requirements of system design changes to permanently eliminate the unsafe condition.
- Does impose operational and logistical difficulties to operator with the scheduling of the short repetitive inspection intervals.
- Does impose additional economic burden to operator with the repetitive maintenance inspection requirements in lieu of one-time low cost terminating action.

We do not agree to delay issuing the supplemental NPRM because the proposed actions are required to address the unsafe condition. However, we do agree that the revised service information should be included in this supplemental NPRM. As explained previously, Boeing has issued Alert Service Bulletin 767–28A0104, Revision 1, dated March 2, 2012. That service bulletin includes procedures for a wiring change to the fuel boost pump and override/jettison pump. We reviewed that service bulletin and have included it in a new terminating action specified in paragraph (l) of this supplemental NPRM.

Requests To Clarify Applicability

Boeing asked that we revise the applicability identified in the previous NPRM (75 FR 77790, December 14, 2010) to include specific airplane effectivities. Boeing stated that production-certified changes implemented at line number 990 and on constituted terminating action against inspection requirements of the Teflon sleeves around the wiring. Boeing noted that the service information referenced in the previous NPRM is being revised to limit the airplane effectivity up to and including line number 989. CAL stated that, in the Boeing 767 Airplane Maintenance Manual there are two fuel pump wire installation configurations for the Model 767 fleet. CAL added that the previous NPRM does not provide a specific clarification as to which airplane configuration the regulatory requirements apply, other than the effectivity of Boeing Alert Service Bulletin 767–28A0053, Revision 2, dated June 24, 2010.

We agree that the applicability (all Model 767–200, –300, –300F, and –400ER series airplanes) specified in the previous NPRM (75 FR 77790, December 14, 2010) should be clarified, and have determined that not all airplanes are affected. Boeing has issued Service Bulletin 767–28A0053, Revision 3, dated November 11, 2011. Boeing Service Bulletin 767–28A0053, Revision 1, dated August 5, 1999; and Boeing Alert Service Bulletin 767–28A0053, Revision 2, dated June 24, 2010; were referred to as the sources of service information for accomplishing certain actions in the previous NPRM. Revision 3 of Boeing Service Bulletin 767–28A0053, dated November 11, 2011, specifies no more work is necessary on airplanes changed in accordance with Boeing Service Bulletin 767–28A0053, Revision 1, dated August 5, 1999; or Boeing Alert Service Bulletin 767–28A0053, Revision 2, dated June 24, 2010. Boeing Service Bulletin 767–28A0053, Revision 3, dated November 11, 2011, clarifies the effectivity and certain procedures in the Accomplishment Instructions, and removes the optional fuel pump check. We have added Boeing Service Bulletin 767–28A0053, Revision 3, dated November 11, 2011, as a source of service information for accomplishing the required actions in this supplemental NPRM. We have also changed the applicability in this supplemental NPRM from ''all'' to ''as identified in Boeing Service Bulletin 767–28A0053, Revision 3, dated November 11, 2011.''

Requests To Include Information Notice

United Airlines (UAL) asked that we include Boeing Service Bulletin Information Notice 767–28A0053 IN05, dated August 12, 2010, in the previous NPRM (75 FR 77790, December 14, 2010). UAL stated that this information notice informs operators that Boeing Alert Service Bulletin 767–28A0053, Revision 2, dated June 24, 2010, will be revised to provide optional connector part numbers and delete the optional fuel pump check. UAL noted that this would allow operators to use the information notice without the need to request an alternative method of compliance (AMOC). All Nippon Airways also asked that we allow the use of optional connectors.

As noted above, Boeing has issued Service Bulletin 767–28A0053, Revision 3, dated November 11, 2011. Boeing Service Bulletin 767–28A0053, Revision 3, dated November 11, 2011, incorporates the changes in Boeing Service Bulletin Information Notice 767–28A0053 IN05, dated August 12, 2010, into the Accomplishment Instructions. Therefore, no change to this supplemental NPRM is necessary in this regard.

Request To Include Terminating Action

UAL asked that terminating action for the repetitive inspections be added to the previous NPRM (75 FR 77790, December 14, 2010). UAL noted that Boeing may be developing a solution that would terminate the inspections proposed by the previous NPRM.

As noted above, Boeing has issued Alert Service Bulletin 767–28A0104, Revision 1, dated March 2, 2012. Boeing Alert Service Bulletin 767–28A0104, Revision 1, dated March 2, 2012, adds replacement of the fuel boost pump and override/jettison pump wire bundles with new wire bundles; which eliminates the need for the repetitive inspections. We have added a new paragraph (l) to this supplemental NPRM to include that terminating action.

Requests To Clarify Certain Requirement

American Airlines (AAL) asked for clarification on the following items:

- Paragraph (g) of the previous NPRM (75 FR 77790, December 14, 2010) used the word ''splice'' in the examples of discrepancies; however, AAL noted that the referenced service bulletin does not use the word ''splice'' and it is not aware of any practical methods to splice Teflon. AAL did not ask for a change.
- Paragraphs (h) and (i) of the previous NPRM (75 FR 77790, December 14, 2010) refer to paragraph D. of the Accomplishment Instructions of Boeing Alert Service Bulletin 767–28A0053, Revision 2, dated June 24, 2010. This reference is correct in Boeing Service Bulletin 767–28A0053, Revision 1, dated August 5, 1999, but is incorrect in Boeing Alert Service Bulletin 767–28A0053, Revision 2, dated June 24, 2010, because the numbering scheme in the revised service information has changed.
- Paragraph (i)(2)(ii) of the previous NPRM (75 FR 77790, December 14, 2010) refers to ''paragraph (a) of this AD.'' However, this reference should be changed to paragraph (g) of this AD because the numbering scheme of the previous NPRM has changed from that specified in the existing AD.
- Paragraph (j) of the previous NPRM (75 FR 77790, December 14, 2010) refers to paragraphs G., H., I., or J. of Boeing Service Bulletin 767–28A0053, Revision 1, dated August 5, 1999, but omits references to Boeing Alert Service Bulletin 767–28A0053, Revision 2, dated June 24, 2010.

We agree with the commenter's concerns and offer the following clarifications:

- We have removed the word ''splices'' from paragraph (g) of this supplemental NPRM for clarity.
- We have removed the specific reference to ''paragraph D.'' of the Accomplishment Instructions from

paragraphs (h) and (i) of this supplemental NPRM for clarity.

• We have changed the reference to paragraph (a) in paragraph (i)(2)(ii) of the previous NPRM (75 FR 77790, December 14, 2010) to paragraph (g) in this supplemental NPRM to refer to the correct paragraph identifier.

• We have removed the reference to paragraphs G., H., I., or J. in paragraph (j) of this supplemental NPRM, since there are three versions of the service bulletin. We have included references to Boeing Alert Service Bulletin 767–28A0053, Revision 2, dated June 24, 2010; and Boeing Service Bulletin 767–28A0053, Revision 3, dated November 11, 2011; in paragraph (j) of this supplemental NPRM.

UAL also asked that paragraphs (h) and (i) of the previous NPRM (75 FR 77790, December 14, 2010) be revised for clarification. UAL stated that those paragraphs refer to paragraph D. of the Accomplishment Instructions of Boeing Alert Service Bulletin 767–28A0053, Revision 2, dated June 24, 2010, and there is no paragraph D. in Revision 2 of that service bulletin. UAL asked that we change those paragraphs for clarification. In addition, UAL asked that we refer to Boeing Alert Service Bulletin 767–28A0053, Revision 2, dated June 24, 2010; or Revision 3, dated November 11, 2011; in paragraph (j) of the previous NPRM.

As noted above, we agree and have removed the specific reference to ''paragraph D.'' of the Accomplishment Instructions of Boeing Alert Service Bulletin 767–28A0053, Revision 2, dated June 24, 2010, from paragraphs (h) and (i) of this supplemental NPRM. We also revised paragraph (j) of this supplemental NPRM to refer to Boeing Alert Service Bulletin 767–28A0053, Revision 2, dated June 24, 2010; or Revision 3, dated November 11, 2011.

Request To Remove Reporting Requirement

AAL asked that the reporting requirement in paragraph (k) of the previous NPRM (75 FR 77790, December 14, 2010) be removed. AAL stated that paragraph (k) of the previous NPRM contains the following language, ''Submit a report of positive inspection findings (findings of discrepancies only), along with any damaged wiring and sleeves, to the Seattle Manufacturing Inspection District Office (MIDO) * * *'' AAL noted that this statement is identical to paragraph (e) of the existing AD, and added that any additional damaged wiring and sleeving reports sent to the FAA in Seattle would not have an appreciable benefit in finding a solution to the chafing problem. AAL asked that this paragraph be removed, or if not removed, extended due to the nature of the inspections and the ability to report any damaged wiring and sleeving within the 10-day compliance time.

We agree with the commenter because the benefit of reporting after so many years is minimal. The data necessary for determining a permanent fix for the wiring has been compiled, and there is a terminating modification for the wiring specified in paragraph (l) of this supplemental NPRM. Therefore, we have removed paragraph (k) of the previous NPRM (75 FR 77790, December 14, 2010), and the related paperwork reduction act language in paragraph (m) of the previous NPRM, and reidentified subsequent paragraphs in this supplemental NPRM accordingly.

Request To Restate Incorporation by Reference and Special Flight Permit Paragraphs

AAL noted the absence of the Special Flight Permits and Incorporation by Reference paragraphs, in paragraphs (g) and (h) of the existing AD, and asked that those paragraphs be restated in the previous NPRM (75 FR 77790, December 14, 2010).

We acknowledge the commenter's concerns. However, the Special Flight Permits paragraph specified in the existing AD has now been removed from all ADs because that information is contained in sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199). The Incorporation by Reference section of an AD is only included in final rules to incorporate the required service information. Therefore, those paragraphs are not restated in this supplemental NPRM.

Request To Include Alternative Methods of Compliance

CAL and UAL asked that Boeing Service Bulletins 767–28A0079 and 767–28A0080, which have been approved by the Seattle Aircraft Certification Office (ACO) as an AMOC to AD 2000–11–06, Amendment 39–11754 (65 FR 34928, June 1, 2000; corrected August 1, 2000 (65 FR 46862)), be approved as an AMOC for the corresponding requirements in the previous NPRM (75 FR 77790, December 14, 2010).

All Nippon Airways noted that its AMOC, Letter 140S–10–385, dated October 21, 2010, is also approved by the Seattle ACO as an AMOC to AD 2000–11–06, Amendment 39–11754 (65 FR 34928, June 1, 2000; corrected August 1, 2000 (65 FR 46862)). We infer that All Nippon Airways is asking that the letter be approved as an AMOC for the corresponding requirements in the previous NPRM (75 FR 77790, December 14, 2010).

We agree with the commenters' requests. Paragraph (n)(3) of this supplemental NPRM includes previously approved AMOCs to AD 2000–11–06, Amendment 39–11754 (65 FR 34928, June 1, 2000; corrected August 1, 2000 (65 FR 46862)), as AMOCs with the corresponding requirements of this supplemental NPRM. The terminating action and reduced inspection intervals in this supplemental NPRM have no corresponding action in AD 2000–11–06. Therefore, no change to the supplemental NPRM is necessary in this regard.

Request To Change Compliance Time

UAL asked that the compliance time for certain inspections specified in the previous NPRM (75 FR 77790, December 14, 2010) be changed. UAL stated that paragraph (l)(1) of the previous NPRM requires inspecting within 15,000 flight hours after the most recent inspection or within 6,000 flight hours after the effective date of the AD, whichever occurs later, but not to exceed 60,000 flight hours after the most recent inspection required by paragraph (g) of the previous NPRM. UAL suggested that the compliance time be changed to within 60,000 flight hours or 30,000 flight cycles after the effective date of the AD, whichever occurs first.

We do not agree with the commenter. In developing an appropriate compliance time for the inspections, we considered not only the degree of urgency associated with addressing the subject unsafe condition, but the manufacturer's recommendation for an appropriate compliance time, and the practical aspect of accomplishing the required inspections within a period of time that corresponds to the normal scheduled maintenance for most affected operators. However, under the provisions of paragraph (n) of this supplemental NPRM, we will consider requests for approval of a change to the compliance time if sufficient data are submitted to substantiate that the new compliance time would provide an acceptable level of safety. No change to this supplemental NPRM is necessary in this regard.

Request To Increase Work-Hours in Costs of Compliance

UAL asked that we increase the number of work-hours specified in the previous NPRM (75 FR 77790, December 14, 2010) for the actions done

on airplanes with and without jettison pumps. UAL stated that Boeing Alert Service Bulletin 767–28A0053, Revision 2, dated June 24, 2010, specifies 6.5 work-hours to do the actions for airplanes with jettison pumps, and 5.25 work-hours to do the actions for airplanes without jettison pumps.

We agree with the commenter for the reasons provided. We have increased the number of work-hours for those airplanes in the Costs of Compliance section of this supplemental NPRM accordingly.

Changes to Supplemental NPRM

We have added a new paragraph (m) to this supplemental NPRM to provide credit for actions performed before the effective date of the AD using Boeing Service Bulletin 767–28A0104, dated January 25, 2011.

We have removed Note 1 of the previous NPRM (75 FR 77790, December 14, 2010).

We have revised certain headings throughout this supplemental NPRM.

FAA's Determination

We are proposing this supplemental NPRM 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. Certain changes described above expand the scope of the previous NPRM (75 FR 77790, December 14, 2010). As a result, we have determined that it is necessary to reopen the comment period to provide additional opportunity for the public to comment on this supplemental NPRM.

Proposed Requirements of the Supplemental NPRM

This supplemental NPRM would require accomplishing the actions specified in the service information described previously.

Costs of Compliance

We estimate that this proposed AD affects 414 airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Actions for airplanes with jettison pumps, required by AD 2000–11–06, Amendment 39–11754 (65 FR 34928, June 1, 2000; corrected August 1, 2000 (65 FR 46862)).	7 work-hours × $85 per hour = $595 per inspection cycle.	None	$595 per inspection cycle.	Up to $246,330 per inspection cycle.
Actions for airplanes without jettison pumps, required by AD 2000–11–06, Amendment 39–11754 (65 FR 34928, June 1, 2000; corrected August 1, 2000 (65 FR 46862)).	5 work-hours × $85 per hour = $425 per inspection cycle.	None	$425 per inspection cycle.	Up to $175,950 per inspection cycle.
New proposed action: Replace existing wire bundles with new wire bundles.	33 work hours × $85 per hour = $2,805.	$6,061	$8,866	$3,670,524

We estimate the following costs to do any necessary repairs that would be required based on the results of the inspections. We have no way of determining the number of aircraft that might need these repairs:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replace wire bundle sleeves if damage found during inspections.	1 work hour × $85 per hour = $85	$1,452	$1,537

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),

(3) Will not affect intrastate aviation in Alaska, and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. The FAA amends § 39.13 by removing airworthiness directive (AD) 2000–11–06, Amendment 39–11754 (65 FR 34928, June 1, 2000; corrected August 1, 2000 (65 FR 46862)), and adding the following new AD:

The Boeing Company: Docket No. FAA–2010–1160; Directorate Identifier 2010–NM–148–AD.

(a) Comments Due Date

We must receive comments by August 16, 2012.

(b) Affected ADs

This AD supersedes AD 2000–11–06, Amendment 39–11754 (65 FR 34928, June 1, 2000; corrected August 1, 2000 (65 FR 46862)).

(c) Applicability

This AD applies to The Boeing Company Model 767–200, –300, –300F, and –400ER series airplanes; certificated in any category; as identified in Boeing Service Bulletin 767–28A0053, Revision 3, dated November 11, 2011.

(d) Subject

Air Transport Association (ATA) of America Code 28: Fuel.

(e) Unsafe Condition

This AD was prompted by fleet information indicating that the repetitive inspection interval in the existing AD is too long because excessive chafing of the sleeving continues to occur much earlier than expected between scheduled inspections. We are issuing this AD to detect and correct chafing of the fuel pump wire insulation and consequent exposure of the electrical conductor, which could result in electrical arcing between the wires and conduit and consequent fire or explosion of the fuel tank.

(f) Compliance

You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

(g) Retained Repetitive Inspections

This paragraph restates the requirements of paragraph (a) of AD 2000–11–06, Amendment 39–11754 (65 FR 34928, June 1, 2000; corrected August 1, 2000 (65 FR 46862)), with revised service information. Perform a detailed visual inspection to detect discrepancies—including the presence of cuts, splits, holes, worn areas, and lacing ties installed on the outside of the sleeves (except at the sleeve ends)—of the Teflon sleeves surrounding the wiring of the fuel tank boost pumps and override/jettison pumps, at the earlier of the times specified in paragraphs (g)(1) and (g)(2) of this AD, in accordance with Boeing Service Bulletin 767–28A0053, Revision 1, dated August 5, 1999; Boeing Alert Service Bulletin 767–28A0053, Revision 2, dated June 24, 2010; or Boeing Service Bulletin 767–28A0053, Revision 3, dated November 11, 2011. Repeat the inspection thereafter at intervals not to exceed 60,000 flight hours or 30,000 flight cycles, whichever occurs first. As of the effective date of this AD, only Boeing Alert Service Bulletin 767–28A0053, Revision 3, dated November 11, 2011, may be used to do the actions required by this paragraph.

(1) Prior to the accumulation of 50,000 total flight hours, or within 90 days after July 6, 2000 (the effective date of AD 2000–11–06, Amendment 39–11754 (65 FR 34928, June 1, 2000; corrected August 1, 2000 (65 FR 46862)), whichever occurs later.

(2) Within 18 months after July 6, 2000 (the effective date of AD 2000–11–06, Amendment 39–11754 (65 FR 34928, June 1, 2000; corrected August 1, 2000 (65 FR 46862)).

(h) Retained Corrective Actions

This paragraph restates the requirements of paragraph (b) of AD 2000–11–06, Amendment 39–11754 (65 FR 34928, June 1, 2000; corrected August 1, 2000 (65 FR 46862)), with revised service information. If any discrepancy is detected during any inspection required by paragraph (g) of this AD: Prior to further flight, remove the Teflon sleeves and perform a detailed visual inspection to detect damage of the wiring, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 767–28A0053, Revision 1, dated August 5, 1999; Boeing Alert Service Bulletin 767–28A0053, Revision 2, dated June 24, 2010; or Boeing Service Bulletin 767–28A0053, Revision 3, dated November 11, 2011. As of the effective date of this AD, only Boeing Alert Service Bulletin 767–28A0053, Revision 3, dated November 11, 2011, may be used to do the actions required by this AD.

(1) If no damage to the wiring is detected, prior to further flight, install new Teflon sleeves, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 767–28A0053, Revision 1, dated August 5, 1999; Boeing Alert Service Bulletin 767–28A0053, Revision 2, dated June 24, 2010; or Boeing Service Bulletin 767–28A0053, Revision 3, dated November 11, 2011. As of the effective date of this AD, only Boeing Alert Service Bulletin 767–28A0053, Revision 3, dated November 11, 2011, may be used to do the actions required by this AD.

(2) If any damage to the wiring is detected, prior to further flight, accomplish the requirements of paragraph (i) of this AD.

(i) Retained Corrective Actions

This paragraph restates the requirements of paragraph (c) of AD 2000–11–06, Amendment 39–11754 (65 FR 34928, June 1, 2000; corrected August 1, 2000 (65 FR 46862)), with revised service information. If any damage to the wiring is detected during any inspection required by paragraph (h) of this AD: Prior to further flight, perform a detailed visual inspection to determine if the wiring damage was caused by arcing, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 767–28A0053, Revision 1, dated August 5, 1999; Boeing Alert Service Bulletin 767–28A0053, Revision 2, dated June 24, 2010; or Boeing Service Bulletin 767–28A0053, Revision 3, dated November 11, 2011. As of the effective date of this AD, only Boeing Alert Service Bulletin 767–28A0053, Revision 3, dated November 11, 2011, may be used to do the actions required by this AD.

(1) If the wire damage was not caused by arcing: Prior to further flight, repair any damaged wires or replace the wires with new or serviceable wires, as applicable, and install new Teflon sleeves, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 767–28A0053, Revision 1, dated August 5, 1999; Boeing Alert Service Bulletin 767–28A0053, Revision 2, dated June 24, 2010; or Boeing Service Bulletin 767–28A0053, Revision 3, dated November 11, 2011. As of the effective date of this AD, only Boeing Alert Service Bulletin 767–28A0053, Revision 3, dated November 11, 2011, may be used to do the actions required by this AD.

(2) If any damage caused by arcing is found: Prior to further flight, perform an inspection for signs of fuel inside the conduit or on the wires, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 767–28A0053, Revision 1, dated August 5, 1999; Boeing Alert Service Bulletin 767–28A0053, Revision 2, dated June 24, 2010; or Boeing Service Bulletin 767–28A0053, Revision 3, dated November 11, 2011. As of the effective date of this AD, only Boeing Alert Service Bulletin 767–28A0053, Revision 3, dated November 11, 2011, may be used to do the actions required by this AD.

(i) If no sign of fuel is found, accomplish the actions specified by paragraphs (i)(2)(i)(A), (i)(2)(i)(B), (i)(2)(i)(C), and (i)(2)(i)(D) of this AD.

(A) Prior to further flight, repair the wires or replace the wires with new or serviceable wires, as applicable, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 767–28A0053, Revision 1, dated August 5, 1999; Boeing Alert Service Bulletin 767–28A0053, Revision 2, dated June 24, 2010; or Boeing Service Bulletin 767–28A0053, Revision 3, dated November 11, 2011. As of the effective date of this AD, only Boeing Alert Service Bulletin 767–28A0053, Revision 3, dated November 11, 2011, may be used to do the actions required by this AD.

(B) Prior to further flight, install new Teflon sleeves, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 767–28A0053, Revision 1, dated August 5, 1999; Boeing Alert Service Bulletin 767–28A0053, Revision 2, dated June 24, 2010; or Boeing Service Bulletin 767–28A0053, Revision 3, dated November 11, 2011. As of the effective date of this AD, only Boeing Alert Service Bulletin 767–28A0053, Revision 3, dated November 11, 2011, may be used to do the actions required by this AD.

(C) Repeat the inspection for signs of fuel inside the conduit thereafter at intervals not to exceed 500 flight hours, until the

requirements of paragraph (h)(2)(i)(D) of this AD have been accomplished. If any fuel is found inside the conduit during any inspection required by this paragraph, prior to further flight, replace the conduit with a new or serviceable conduit in accordance with the Accomplishment Instructions of Boeing Service Bulletin 767–28A0053, Revision 1, dated August 5, 1999; Boeing Alert Service Bulletin 767–28A0053, Revision 2, dated June 24, 2010; or Boeing Service Bulletin 767–28A0053, Revision 3, dated November 11, 2011. Thereafter, repeat the inspection specified in paragraph (g) of this AD at intervals not to exceed 60,000 flight hours or 30,000 flight cycles, whichever occurs first. As of the effective date of this AD, only Boeing Alert Service Bulletin 767–28A0053, Revision 3, dated November 11, 2011, may be used to do the actions required by this AD.

(D) Within 6,000 flight hours or 18 months after the initial fuel inspection specified by paragraph (h)(2) of this AD, whichever occurs first, replace the conduit with a new or serviceable conduit, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 767–28A0053, Revision 1, dated August 5, 1999; Boeing Alert Service Bulletin 767–28A0053, Revision 2, dated June 24, 2010; or Boeing Service Bulletin 767–28A0053, Revision 3, dated November 11, 2011. Such conduit replacement constitutes terminating action for the repetitive fuel inspections required by paragraph (i)(2)(i)(C) of this AD. As of the effective date of this AD, only Boeing Alert Service Bulletin 767–28A0053, Revision 3, dated November 11, 2011, may be used to do the actions required by this AD.

(ii) If any fuel is found in the conduit or on any wire: Prior to further flight, replace the conduit with a new or serviceable conduit, replace damaged wires with new or serviceable wires, and install new Teflon sleeves; in accordance with the Accomplishment Instructions of Boeing Service Bulletin 767–28A0053, Revision 1, dated August 5, 1999; Boeing Alert Service Bulletin 767–28A0053, Revision 2, dated June 24, 2010; or Boeing Service Bulletin 767–28A0053, Revision 3, dated November 11, 2011. Thereafter, repeat the inspection specified in paragraph (g) of this AD at intervals not to exceed 60,000 flight hours or 30,000 flight cycles, whichever occurs first. As of the effective date of this AD, only Boeing Alert Service Bulletin 767–28A0053, Revision 3, dated November 11, 2011, may be used to do the actions required by this AD.

(j) Retained Pump Retest

This paragraph restates the requirements of paragraph (d) of AD 2000–11–06, Amendment 39–11754 (65 FR 34928, June 1, 2000; corrected August 1, 2000 (65 FR 46862)), with revised service information. For any wire bundle removed and reinstalled during any inspection required by this AD: Prior to further flight after such reinstallation, retest the fuel pump in accordance with the Accomplishment Instructions of Boeing Service Bulletin 767–28A0053, Revision 1, dated August 5, 1999; Boeing Alert Service Bulletin 767–28A0053, Revision 2, dated June 24, 2010; or Boeing Service Bulletin 767–28A0053, Revision 3, dated November 11, 2011. As of the effective date of this AD, only Boeing Alert Service Bulletin 767–28A0053, Revision 3, dated November 11, 2011, may be used to do the actions required by this AD.

(k) New Repetitive Inspections With Reduced Inspection Intervals

Do the inspection required by paragraph (g) of this AD at the time specified in paragraph (l)(1) or (l)(2) of this AD, as applicable, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 767–28A0053, Revision 3, dated November 11, 2011. Repeat the inspection thereafter at intervals not to exceed 15,000 flight hours. Accomplishing the first inspection in this paragraph ends the repetitive inspection requirements in paragraph (g) of this AD.

(1) For airplanes on which the inspection required by paragraph (g) of this AD has been done as of the effective date of this AD: Do the inspection within 15,000 flight hours after the most recent inspection or within 6,000 flight hours after the effective date of this AD, whichever occurs later; but not to exceed 60,000 flight hours after the most recent inspection required by paragraph (g) of this AD.

(2) For airplanes on which the inspection required by paragraph (g) of this AD has not been done as of the effective date of this AD: Do the inspection before the accumulation of 15,000 total flight hours or within 6,000 flight hours after the effective date of this AD, whichever occurs later.

(l) New Terminating Action

Within 60 months after the effective date of this AD: Replace the fuel boost pump and override/jettison pump wire bundles inside the in-tank electrical conduit with new wire bundles, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 767–28A0104, Revision 1, dated March 2, 2012. Accomplishing the replacement specified in this paragraph ends the repetitive inspection requirements in paragraph (k) of this AD.

(m) Credit for Previous Actions

This paragraph provides credit for the actions required by paragraph (l) of this AD, if those actions were performed before the effective date of this AD using Boeing Alert Service Bulletin 767–28A0104, dated January 25, 2011.

(n) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in the Related Information section of this AD. Information may be emailed to: *9–ANM–Seattle-ACO–AMOC–Requests@faa.gov.*

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(3) AMOCs approved previously in accordance with AD 2000–11–06, Amendment 39–11754 (65 FR 34928, June 1, 2000; corrected August 1, 2000 (65 FR 46862)), are approved as AMOCs with the corresponding requirements of this AD. Compliance time extensions approved previously in accordance with AD 2000–11–06 are not approved as AMOCs for the compliance times required by paragraph (k) of this AD.

(o) Related Information

(1) For more information about this AD, contact Rebel Nichols, Aerospace Engineer, Propulsion Branch, ANM–140S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, Washington 98057–3356; phone: 425–917–6509; fax: 425–917–6590; email: rebel.nichols@faa.gov.

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P. O. Box 3707, MC 2H–65, Seattle, Washington 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com.*

(3) You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on June 22, 2012.

Jeffrey Duven,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2012–16099 Filed 6–29–12; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 120

[Docket No.: FAA–2012–0688; Notice No. 12–04]

RIN 2120–AK01

Combined Drug and Alcohol Testing Programs

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This rulemaking would allow air carrier operators and commuter or on-demand operators that also conduct commercial air tour operations to combine the drug and alcohol testing required for each operation into one testing program. The current rule requires those operators to conduct separate testing programs for their air

tour operations. This results in an unnecessary duplication of effort. The intended effect of this rulemaking is to decrease operating costs by eliminating the requirement for duplicate programs while maintaining the level of safety intended by the current drug and alcohol testing regulations. This proposal would also clarify existing instructions within the rule, correct an inadvertent typographical error, clarify an existing requirement by rearranging its numerical order, and remove language that describes a practice that has been discontinued.

DATES: Send comments on or before August 31, 2012.

ADDRESSES: Send comments identified by docket number FAA–2012–0688 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: The FAA will post all comments it receives, without change, to *http://www.regulations.gov,* including any personal information the commenter provides. Using the search function of the docket Web site, anyone can find and read the electronic form of all comments received into any FAA docket, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477–19478), as well as at *http://DocketsInfo.dot.gov.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: For technical questions concerning this action, contact Rafael Ramos, Office of Aerospace Medicine, Drug Abatement Division, AAM–800, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267–8442; facsimile (202) 267–5200; email: *drugabatement@faa.gov.*

For legal questions concerning this action, contact Neal O'Hara, Attorney, Regulations Division, AGC–240, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267–5348.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

This rulemaking is promulgated under the authority described in Subtitle VII, Part A Chapter 451, Section 45102—Alcohol and Controlled Substances Testing. Under that section, the FAA is charged with prescribing regulations for air carriers to establish and to conduct pre-employment, reasonable suspicion, random and post-accident drug and alcohol testing. Parts of this rule, for example those sections dealing with contract air traffic controllers, were promulgated under the FAA's general rulemaking authority in 40 U.S.C. 44701(a)(5). This regulation is within the scope of that authority.

I. Overview of Proposed Rule

Some part 121 air carrier operators and part 135 flight-for-hire and on-demand operators also conduct commercial air tours. Parts 121 and 135 each contain requirements for drug and alcohol testing and, until 2007, commercial air tour operators were required to be tested for drugs and alcohol under those parts.

In 2007, the National Air Tour Safety Standards rule (72 FR 6884, February 13, 2007) established a separate subpart in part 91 to govern commercial air tour operators. That rule contained requirements for drug and alcohol testing for commercial air tour operations that were separate from, and in addition to the testing required by parts 121 and 135. This proposal is intended to give part 121 and 135 operators with commercial air tour operations the option of administering one drug and alcohol testing program for both operations. The intent of this action is to lessen the administrative burden on such operators. In addition, this rulemaking would make it clear that operators must obtain a Letter of Authorization from the local Flight Standards District Office in order to conduct air tour operations. It would correct the omission of a reference indicating that on-duty use of alcohol is grounds for permanent disqualification from service. That reference was inadvertently left out of the May 2009 Drug and Alcohol Testing Program final rule. This rulemaking would reorganize existing rule text to alleviate any confusion about the requirement that supervisory training, as well as employee training, must be documented as part of each employer's employee assistance program (EAP). Finally, this rulemaking would make it clear that the agency's practice of approving the employer's drug and alcohol testing plan has been discontinued

II. Background

On May 14, 2009, the FAA published a final rule titled ''Drug and Alcohol Testing Program'' (74 FR 22653) that moved the drug and alcohol testing regulations into a new part 120.

Part 120 of Title 14 prescribes, in pertinent part, a drug and alcohol testing program designed to prevent accidents and injuries that result from the use of prohibited drugs and the misuse of alcohol. Specifically, the rule requires implementation of a drug and alcohol testing program by three groups of operators:

- Part 119 certificate holders authorized to conduct part 121 operations.
- Part 119 certificate holders authorized to conduct 135 operations.
- Air Tour operators defined in § 91.147.

These requirements are meant to ensure that any person who performs safety-sensitive functions, directly or by contract (including subcontractor at any tier), is subject to drug and alcohol testing.

Under the current rules, operators who are conducting part 121 or part 135 operations and also conducting commercial air tour operations must implement separate drug and alcohol testing programs as if each operation is conducted by different companies. These operators are petitioning the FAA for exemption from the requirement to maintain two drug and alcohol testing programs. They are asking to have a single FAA-regulated drug and alcohol testing program because having two such programs often requires testing the same employees twice. This duplication of testing unnecessarily adds administrative and financial burdens for the operator. The operators also suggest that the additional burden of

maintaining two separate testing programs yields no corresponding increase in safety for the public.

Between 2008 and 2010 the FAA has granted approximately 50 exemptions allowing operators to implement a single testing program. Given the large number of exemptions that the Agency has granted, the FAA believes it is appropriate to simply amend the existing rule. This approach relieves operators from seeking an operator-specific exemption. In granting these exemptions, the FAA has recognized that in most cases, the same employees and equipment are used interchangeably between the part 121 or 135 operation and commercial air tour operation. Therefore, the FAA has found that when a part 119 certificate holder operates both a part 121 or a part 135 operation and a § 91.147 air tour operation, combining the two testing programs maintains a level of safety equivalent to that provided by the current regulations. Under one testing program employees are still subject to drug and alcohol testing in accordance with part 120.

III. Discussion of the Proposal

This proposal would give part 121 and 135 operators the option to combine the drug and alcohol testing programs for a part 121 or part 135 operation with the program for a part 91 commercial air tour operation. It is expected that this proposal would relieve the existing regulatory burden of requiring a part 121 or 135 operator to maintain a separate testing program for its part 91 commercial air tour operation. We believe that this will have a positive economic impact.

This proposal would amend §§ 120.117 and 120.225 to give a part 121 or part 135 operator the option of including its commercial air tour operation employees under § 91.147 in a combined drug and alcohol testing program.

The removal of duplicate testing requirements would eliminate an unnecessary financial burden for the operators while still ensuring the level of safety required by the current rules. This proposal would also benefit such operators by eliminating the need to request an exemption from the FAA to combine drug and alcohol testing programs.

The part 121 or 135 operator is ultimately responsible for compliance with all requirements of part 120 for both the air carrier and air tour operations. For example, under a combined program, if the § 91.147 air tour operator hires a new pilot to conduct only air tour operations, and the operator fails to conduct the pre-employment drug test, the part 121 or part 135 operator will be responsible for the error. Any civil penalties for regulatory violations will be assessed at the part 121 or part 135 operator level, not at the level for a part 91 air tour operator. The part 121 or 135 air operator would be responsible for and would accept all compliance responsibility, regardless of the type of operation, when choosing to combine testing programs. This is consistent with the exemptions issued to part 119 certificate holders allowing them to combine their part 121 or part 135 operation drug and alcohol testing program with their § 91.147 air tour drug and alcohol testing program.

Current § 91.147 specifies that operators intending to begin commercial air tour operations must obtain a Letter of Authorization. The current § 120.117, which contains the drug and alcohol testing requirements that apply to air tour operations, refers to a need for operators intending to begin commercial air tours to ''register with the FAA''. This proposal would change that reference in § 120.117 to ''Obtain a Letter of Authorization'' in order to align it with the wording of § 91.147 and clarify the requirements—to make it clear that operators must obtain a Letter of Authorization from their local Flight Standards District Office if they intend to begin commercial air tour operations. This correction would provide clarity to such operators in the process of implementing their drug and alcohol testing program.

Finally, other errors in the Agency's 2009 Drug and Alcohol Testing Program final rule have been brought to our attention. In § 120.221(b), ''(c)'' was inadvertently omitted in the reference to §§ 120.19 and 120.37. The omitted reference would indicate that one occurrence of on-duty alcohol use as described in §§ 120.19(c) and 120.37(c) carries the consequence of permanent disqualification from service. We are proposing to correct this error. Additionally, when we combined part 121 appendices I and J to form part 120, we renumbered the requirements. This reorganization has created some confusion. The requirement remains such that employers must include documentation of the training given to both supervisors and employees in their employee assistance programs. However, the requirements are currently numbered in such a way that it appears that employers need only retain employee training records. We propose to reorder the wording to make the requirement clear that supervisory training must be documented as well. Finally, in 2004, we discontinued the practice of approving drug and alcohol testing plans. That language was never removed from the Code of Federal Regulations. However, we are proposing to remove it now.

IV. Regulatory Notices and Analyses

Introduction

Changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 and Executive Order 13563 direct that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 (Pub. L. 96–354) requires agencies to analyze the economic impact of regulatory changes on small entities. Third, the Trade Agreements Act (Pub. L. 96–39) prohibits agencies from setting standards that create unnecessary obstacles to the foreign commerce of the United States. In developing U.S. standards, this Trade Act requires agencies to consider international standards and, where appropriate, that they be the basis of U.S. standards. Fourth, the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of $100 million or more annually (adjusted for inflation with base year of 1995). This portion of the preamble summarizes the FAA's analysis of the economic impacts of this proposed rule.

Regulatory Evaluation

Department of Transportation Order DOT 2100.5 prescribes policies and procedures for simplification, analysis, and review of regulations. If the expected cost impact is so minimal that a proposed or final rule does not warrant a full evaluation, this order permits that a statement to that effect and the basis for it be included in the preamble if a full regulatory evaluation of the cost and benefits is not prepared. Such a determination has been made for this proposed rule. The reasoning for this determination follows:

(1) The proposed rule is voluntary. It does not impose new regulatory requirements. For entities that choose to follow this proposed rule, it is likely that regulatory requirements and costs would be reduced.

(2) The proposed rule is not an economically ''significant regulatory

action'' as defined in section 3(f) of Executive Order 12866;

(3) The proposed rule would not have a significant economic impact on a substantial number of small entities;

(4) The proposed rule would not have a significant effect on international trade; and

(5) The proposed rule would not impose an unfunded mandate on state, local, or tribal governments, or on the private sector by exceeding the monetary threshold identified.

This rulemaking would allow part 119 certificate holders with operations under part 121 or 135 who also conduct commercial air tour operations under § 91.147 to combine drug and alcohol testing programs. The current rule requires the part 121 operator or part 135 operators to conduct a separate testing program for its air tour operations resulting in an unnecessary duplication of effort. The intended effect of this rulemaking is to decrease operating costs by eliminating the requirement of duplicate programs while maintaining the level of safety required by the current drug and alcohol testing regulations. In addition, this rulemaking would allow the agency to clarify that air tour operators must obtain a Letter of Authorization from the local Flight Standards District Office. This rulemaking would allow the agency to address the omission of a reference indicating that on-duty use of alcohol is grounds for permanent disqualification from service. The reference was inadvertently omitted from the May 2009 Drug and Alcohol Testing Program final rule. This rulemaking would also allow the agency to clarify the requirement that documentation of both employee training as well as supervisory training must be a component of each employer's employee assistance program (EAP). Finally, this rulemaking would make it clear that the practice of agency approval of the employer's drug and alcohol testing plan has been discontinued.

Although the FAA cannot quantify the benefits of the proposed rule, the FAA believes that the cost savings associated with reducing the costs of compliance could be significant. The FAA therefore believes that the proposed rule would be cost beneficial.

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) establishes ''as a principle of regulatory issuance that agencies shall endeavor, consistent with the objective of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of the businesses, organizations, and governmental jurisdictions subject to regulation.'' To achieve that principle, the RFA requires agencies to solicit and consider flexible regulatory proposals and to explain the rationale for their actions. The RFA covers a wide-range of small entities, including small businesses, not-for-profit organizations and small governmental jurisdictions.

Agencies must perform a review to determine whether a proposed or final rule will have a significant economic impact on a substantial number of small entities. If the agency determines that it will, the agency must prepare a regulatory flexibility analysis as described in the Act.

However, if an agency determines that a proposed or final rule is not expected to have a significant economic impact on a substantial number of small entities, section 605(b) of the 1980 RFA provides that the head of the agency may so certify and a regulatory flexibility analysis is not required. The certification must include a statement providing the factual basis for this determination, and the reasoning should be clear.

Size Standards

Size standards for small entities are published by the Small Business Administration (SBA) on their Web site at *http://www.sba.gov/size.* The size standards used herein are from ''SBA U.S. Small Business Administration, Table of Small Business Size Standards, Matched to North American Industry Classification System Codes''. The Table is effective November 5, 2010, and uses the 2007 NAICS codes. Scheduled Passenger Air Transportation is listed in Sector 48–49—Transportation and Warehousing; Subsector 481—Air Transportation; NAICS Code 48111. Non-Scheduled Chartered Passenger Air Transportation is listed under the same Sector and Subsector with NAICS code 481211. In both cases the small entity size standard is 1,500 employees.

It is estimated that most of the air carriers involved in this type of activity are small entities. Therefore the proposed rule would affect a substantial number of small entities.

However, the proposed rule imposes no costs and may result in a cost reduction for an entity that should choose to use the proposed rule. Therefore, the FAA certifies that this proposed rule would not have a significant economic impact on a substantial number of small entities.

International Trade Impact Assessment

The Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. Pursuant to these Acts, the establishment of standards is not considered an unnecessary obstacle to the foreign commerce of the United States, so long as the standard has a legitimate domestic objective, such as the protection of safety, and does not operate in a manner that excludes imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. The FAA has assessed the potential effect of this proposed rule and determined that it would have only a domestic impact, and therefore no effect on international trade.

Unfunded Mandates Assessment

Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final agency rule that may result in an expenditure of $100 million or more (adjusted annually for inflation) in any one year by State, local, and tribal governments, in the aggregate, or by the private sector; such a mandate is deemed to be a ''significant regulatory action''. The FAA currently uses an inflation-adjusted value of $143.1 million in lieu of $100 million. This proposed rule does not contain such a mandate; therefore, the requirements of Title II do not apply.

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) requires that the FAA consider the impact of paperwork and other information collection burdens imposed on the public. According to the 1995 amendments to the Paperwork Reduction Act (5 CFR 1320.8(b)(2)(vi)), an agency may not collect or sponsor the collection of information, nor may it impose an information collection requirement unless it displays a currently valid Office of Management and Budget (OMB) control number.

The FAA has determined that there would be no new information collection associated with the proposed requirement that would allow operators to combine drug and alcohol testing programs. Combining programs would reduce the paperwork burden for drug and alcohol testing.

International Compatibility

In keeping with U.S. obligations under the Convention on International Civil Aviation, it is FAA policy to conform to International Civil Aviation Organization (ICAO) Standards and Recommended Practices to the maximum extent practicable. The FAA has reviewed the corresponding ICAO Standards and Recommended Practices and has identified no differences with these proposed regulations.

Environmental Analysis

FAA Order 1050.1E identifies FAA actions that are categorically excluded from preparation of an environmental assessment or environmental impact statement under the National Environmental Policy Act in the absence of extraordinary circumstances. The FAA has determined this rulemaking action qualifies for the categorical exclusion identified in paragraph 312(d) and involves no extraordinary circumstances.

Regulations Affecting Intrastate Aviation in Alaska

Section 1205 of the FAA Reauthorization Act of 1996 (110 Stat. 3213) requires the Administrator, when modifying regulations in title 14 of the CFR in a manner affecting intrastate aviation in Alaska, to consider the extent to which Alaska is not served by transportation modes other than aviation, and to establish appropriate regulatory distinctions. Because this proposed rule would only affect operators' drug and alcohol testing programs and not their operations, it would not affect intrastate aviation in Alaska.

V. Executive Order Determinations

A. Executive Order 13132, Federalism

The FAA has analyzed this proposed rule under the principles and criteria of Executive Order 13132, Federalism. The agency has determined that this action would not have a substantial direct effect on the States, or the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government, and, therefore, would not have Federalism implications.

B. Executive Order 13211, Regulations That Significantly Affect Energy Supply, Distribution, or Use

The FAA analyzed this proposed rule under Executive Order 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (May 18, 2001). The agency has determined that it would not be a ''significant energy action'' under the executive order and would not be likely to have a significant adverse effect on the supply, distribution, or use of energy.

VI. Additional Information

A. Comments Invited

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. The agency also invites 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.

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

Proprietary or Confidential Business Information

Commenters should not file proprietary or confidential business information in the docket. Such information must be sent or delivered directly to the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this document, and marked as proprietary or confidential. If submitting information on a disk or CD–ROM, mark the outside of the disk or CD–ROM, and identify electronically within the disk or CD–ROM the specific information that is proprietary or confidential.

Under 14 CFR 11.35(b), if the FAA is aware of proprietary information filed with a comment, the agency does not place it in the docket. It is held in a separate file to which the public does not have access, and the FAA places a note in the docket that it has received it. If the FAA receives a request to examine or copy this information, it treats it as any other request under the Freedom of Information Act (5 U.S.C. 552). The FAA processes such a request under Department of Transportation procedures found in 49 CFR part 7.

B. Availability of Rulemaking Documents

An electronic copy of rulemaking documents may be obtained from the Internet by—

1. Searching the Federal eRulemaking Portal (*http://www.regulations.gov*);

2. Visiting the FAA's Regulations and Policies web page at *http://www.faa.gov/regulations_policies;* or

3. Accessing the Government Printing Office's web page at *http://www.gpo.gov/fdsys.*

Copies may also be obtained by sending a request to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267–9680. Commenters must identify the docket or notice number of this rulemaking.

All documents the FAA considered in developing this proposed rule, including economic analyses and technical reports, may be accessed from the Internet through the Federal eRulemaking Portal referenced in item (1) above.

List of Subjects in 14 CFR Part 120

Alcoholism, Air carriers, Air traffic control, Airmen, Alcohol abuse, Alcohol testing, Aviation safety, Charter flights, Commercial air tour operators, Contract air traffic controllers, Drug abuse, Drug testing, Operators, reporting and recordkeeping requirements, Safety, Safety-sensitive, Transportation.

The Proposed Amendment

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

PART 120—DRUG AND ALCOHOL TESTING PROGRAM

1. The authority citation for part 120 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40101–40103, 40113, 40120, 41706, 41721, 44106, 44701, 44702, 44703, 44709, 44710, 44711, 45101–45105, 46105, 46306.

2. Amend § 120.115 as follows:

a. Revise paragraph (c)(1)(iii) and redesignate it as (c)(5);

b. Revise paragraph (c)(5) and redesignate it as (c)(6);

§ 120.115 Employee Assistance Program (EAP).

* * * * *

(c) * * *

(5) Documentation of all training given to employees and supervisory

personnel must be included in the training program.

(6) The employer shall identify the employee and supervisor EAP training in the employer's drug testing plan.

3. Amend § 120.117 as follows:

a. Revise paragraphs (a) and (b);

b. Revise paragraph (e) and redesignate it as (f);

c. Add new paragraph (e).

§ 120.117 Implementing a drug testing program.

(a) Each company must meet the requirements of this subpart. Use the following chart to determine whether your company must obtain an Antidrug and Alcohol Misuse Prevention Program Operations Specification, Letter of Authorization or Drug and Alcohol Testing Program Registration from the FAA:

If you are . . .	You must . . .
(1) A part 119 certificate holder with authority to operate under part 121 or 135.	Obtain an Antidrug and Alcohol Misuse Prevention Program Operations Specification by contacting your FAA Principal Operations Inspector.
(2) An operator as defined in § 91.147 of this chapter.	Obtain a Letter of Authorization by contacting the Flight Standards District Office nearest to your principal place of business.
(3) A part 119 certificate holder with authority to operate under part 121 or 135 and an operator as defined in § 91.147 of this chapter.	Complete the requirements in sections 1 and 2 of this chart and advise the Flight Standards District Office and the Drug Abatement Division that the § 91.147 operation will be included under the part 119 testing program.
(4) An air traffic control facility not operated by the FAA or by or under contract to the U.S. Military.	Register with the FAA, Office of Aerospace Medicine, Drug Abatement Division (AAM–800), 800 Independence Avenue SW., Washington, DC 20591.
(5) A part 145 certificate holder who has your own drug testing program.	Obtain an Antidrug and Alcohol Misuse Prevention Program Operations Specification by contacting your Principal Maintenance Inspector or register with the FAA, Office of Aerospace Medicine, Drug Abatement Division (AAM–800), 800 Independence Avenue SW., Washington, DC 20591, if you opt to conduct your own drug testing program.
(6) A contractor who has your own drug testing program.	Register with the FAA, Office of Aerospace Medicine, Drug Abatement Division (AAM–800), 800 Independence Avenue SW., Washington, DC 20591, if you opt to conduct your own drug testing program.

(b) Use the following chart for implementing a drug testing program if you are applying for a part 119 certificate with authority to operate under parts 121 or 135 of this chapter, if you intend to begin operations as defined in § 91.147 of this chapter, or if you intend to begin air traffic control operations (not operated by the FAA or by or under contract to the U.S. Military). Use it to determine whether you need to have an Antidrug and Alcohol Misuse Prevention Program Operations Specification, Letter of Authorization or Drug and Alcohol Testing Program Registration from the FAA. Your employees who perform safety-sensitive functions must be tested in accordance with this subpart. The chart follows:

If you . . .	You must . . .
(1) Apply for a part 119 certificate with authority to operate under parts 121 or 135.	(i) Have an Antidrug and Alcohol Misuse Prevention Program Operations Specification, (ii) Implement an FAA drug testing program no later than the date you start operations, and (iii) Meet the requirements of this subpart.
(2) Intend to begin operations as defined in § 91.147 of this chapter.	(i) Have a Letter of Authorization, (ii) Implement an FAA drug testing program no later than the date you start operations, and (iii) Meet the requirements of this subpart.
(3) Apply for a part 119 certificate with authority to operate under parts 121 or 135 and intend to begin operations as defined in § 91.147 of this chapter.	(i) Have an Antidrug and Alcohol Misuse Prevention Program Operations Specification and a Letter of Authorization, (ii) Implement your combined FAA drug testing program no later than the date you start operations, and (iii) Meet the requirements of this subpart.
(4) Intend to begin air traffic control operations (at an air traffic control facility not operated by the FAA or by or under contract to the U.S. military).	(i) Register with the FAA, Office of Aerospace Medicine, Drug Abatement Division (AAM–800), 800 Independence Avenue SW., Washington, DC 20591 prior to starting operations, (ii) Implement an FAA drug testing program no later than the date you start operations, and (iii) Meet the requirements of this subpart.

* * * * *

(e) *Obtaining a Letter of Authorization from the FAA.* (1) To obtain a Letter of Authorization from the FAA, you must submit, in duplicate, the following information to the Flight Standards District Office nearest your principal place of business:

(i) Company name.

(ii) Telephone number.

(iii) Address where your drug and alcohol testing program records are kept.

(iv) Type of safety-sensitive functions you perform for an employer (such as flight instruction duties, aircraft dispatcher duties, maintenance or preventive maintenance duties, ground security coordinator duties, aviation screening duties, air traffic control duties).

(v) Whether you have 50 or more covered employees, or 49 or fewer covered employees.

(vi) A signed statement indicating that your company will comply with this part and 49 CFR part 40.

(2) This Letter of Authorization will satisfy the requirements for both your drug testing program under this subpart and your alcohol testing program under subpart F of this part.

(3) Update the Letter of Authorization information as changes occur. Send the updates, in duplicate, to the Flight Standards District Office nearest your principal place of business.

(4) If you are a part 119 certificate holder with authority to operate under part 121 or 135 and intend to begin operations as defined in § 91.147 of this chapter, you must also advise the FAA's Drug Abatement Division at the Federal Aviation Administration, Office of Aerospace Medicine, Drug Abatement Division (AAM–800), 800 Independence Avenue SW., Washington, DC 20591.

(f) *Obtaining a Drug and Alcohol Testing Program Registration from the FAA.* (1) To obtain a Drug and Alcohol Testing Program Registration from the FAA, you must submit, in duplicate, the following information to the Office of Aerospace Medicine, Drug Abatement Division:

(i) Company name.

(ii) Telephone number.

(iii) Address where your drug and alcohol testing program records are kept.

(iv) Type of safety-sensitive functions you perform for an employer (such as flight instruction duties, aircraft dispatcher duties, maintenance or preventive maintenance duties, ground security coordinator duties, aviation screening duties, air traffic control duties).

(v) Whether you have 50 or more covered employees, or 49 or fewer covered employees.

(vi) A signed statement indicating that: Your company will comply with this part and 49 CFR part 40; and you intend to provide safety-sensitive functions by contract (including subcontract at any tier) to a part 119 certificate holder with authority to operate under part 121 or part 135 of this chapter, an operator as defined in § 91.147 of this chapter, or an air traffic control facility not operated by the FAA or by or under contract to the U.S. military.

(2) Send this information, in duplicate, to the Federal Aviation Administration, Office of Aerospace Medicine, Drug Abatement Division (AAM–800), 800 Independence Avenue SW., Washington, DC 20591.

(3) This Drug and Alcohol Testing Program Registration will satisfy the registration requirements for both your drug testing program under this subpart and your alcohol testing program under subpart F of this part.

(4) Update the registration information as changes occur. Send the updates, in duplicate, to the address specified in paragraph (f)(2) of this section.

4. Amend § 120.221 by revising paragraph (b) to read as follows:

§ 120.221 Consequences for employees engaging in alcohol-related conduct.

* * * * *

(b) *Permanent disqualification from service.* An employee who violates §§ 120.19(c) or 120.37(c), or who engages in alcohol use that violates another alcohol misuse provision of §§ 120.19 or 120.37, and who had previously engaged in alcohol use that violated the provisions of §§ 120.19 or 120.37 after becoming subject to such prohibitions, is permanently precluded from performing for an employer the safety-sensitive duties the employee performed before such violation.

* * * * *

5. Amend § 120.225 as follows:

a. Revise paragraphs (a) and (b);

b. Revise paragraph (e) and redesignate it as (f);

c. Add new paragraph (e).

§ 120.225 How to implement an alcohol testing program.

(a) Each company must meet the requirements of this subpart. Use the following chart to determine whether your company must obtain an Antidrug and Alcohol Misuse Prevention Program Operations Specification, Letter of Authorization or Drug and Alcohol Testing Program Registration from the FAA:

If you are . . .	You must . . .
(1) A part 119 certificate holder with authority to operate under part 121 or 135.	Obtain an Antidrug and Alcohol Misuse Prevention Program Operations Specification by contacting your FAA Principal Operations Inspector.
(2) An operator as defined in § 91.147 of this chapter.	Obtain a Letter of Authorization by contacting the Flight Standards District Office nearest to your principal place of business.
(3) A part 119 certificate holder with authority to operate under part 121 or 135 and an operator as defined in § 91.147 of this chapter.	Complete the requirements in sections 1 and 2 of this chart and advise the Flight Standards District Office and Drug Abatement Division that the § 91.147 operation will be included under the part 119 testing program.
(4) An air traffic control facility not operated by the FAA or by or under contract to the U.S. Military.	Register with the FAA, Office of Aerospace Medicine, Drug Abatement Division (AAM–800), 800 Independence Avenue SW., Washington, DC 20591.
(5) A part 145 certificate holder who has your own alcohol testing program.	Obtain an Antidrug and Alcohol Misuse Prevention Program Operations Specification by contacting your Principal Maintenance Inspector or register with the FAA Office of Aerospace Medicine, Drug Abatement Division (AAM–800), 800 Independence Avenue SW., Washington, DC 20591 if you opt to conduct your own alcohol testing program.
(6) A contractor who has your own alcohol testing program.	Register with the FAA, Office of Aerospace Medicine, Drug Abatement Division (AAM–800), 800 Independence Avenue SW., Washington, DC 20591 if you opt to conduct your own alcohol testing program.

(b) Use the following chart for implementing an alcohol testing program if you are applying for a part 119 certificate with authority to operate under part 121 or 135 of this chapter, if you intend to begin operations as defined in § 91.147 of this chapter, or if you intend to begin operations as defined air traffic control operations (not operated by the FAA or by or under contract to the U.S. Military). Use it to determine whether you need to have an Antidrug and Alcohol Misuse Prevention Program Operations Specification, Letter of Authorization or Drug and Alcohol Testing Program Registration from the FAA. Your employees who perform safety-sensitive duties must be tested in accordance with this subpart. The chart follows:

If you . . .	You must . . .
(1) Apply for a part 119 certificate with authority to operate under part 121 or 135.	(i) Have an Antidrug and Alcohol Misuse Prevention Program Operations Specification, (ii) Implement an FAA alcohol testing program no later than the date you start operations, and (iii) Meet the requirements of this subpart.
(2) Intend to begin operations as defined in § 91.147 of this chapter.	(i) Have a Letter of Authorization, (ii) Implement an FAA alcohol testing program no later than the date you start operations, and (iii) Meet the requirements of this subpart.
(3) Apply for a part 119 certificate with authority to operate under parts 121 or 135 and intend to begin operations as defined in § 91.147 of this chapter.	(i) Have an Antidrug and Alcohol Misuse Prevention Program Operations Specification and a Letter of Authorization, (ii) Implement your combined FAA alcohol testing program no later than the date you start operations, and (iii) Meet the requirements of this subpart.
(4) Intend to begin air traffic control operations (at an air traffic control facility not operated by the FAA or by or under contract to the U.S. military).	(i) Register with the FAA, Office of Aerospace Medicine, Drug Abatement Division (AAM–800), 800 Independence Avenue SW., Washington, DC 20591 prior to starting operations, (ii) Implement an FAA alcohol testing program no later than the date you start operations, and (iii) Meet the requirements of this subpart.

* * * * *

(e) *Obtaining a Letter of Authorization from the FAA.* (1) To obtain a Letter of Authorization from the FAA, you must submit, in duplicate, the following information to the Flight Standards District Office nearest your principal place of business:

(i) Company name.

(ii) Telephone number.

(iii) Address where your drug and alcohol testing program records are kept.

(iv) Type of safety-sensitive functions you perform for an employer (such as flight instruction duties, aircraft dispatcher duties, maintenance or preventive maintenance duties, ground security coordinator duties, aviation screening duties, air traffic control duties).

(v) Whether you have 50 or more covered employees, or 49 or fewer covered employees.

(vi) A signed statement indicating that your company will comply with this part and 49 CFR part 40.

(2) This Letter of Authorization will satisfy the requirements for both your drug testing program under subpart E of this part and your alcohol testing program under this subpart.

(3) Update the Letter of Authorization information as changes occur. Send the updates, in duplicate, to the Flight Standards District Office nearest your principal place of business.

(4) If you are a part 119 certificate holder with authority to operate under part 121 or 135 and intend to begin operations as defined in § 91.147 of this chapter, you must also advise the FAA's Drug Abatement Division at the Federal Aviation Administration, Office of Aerospace Medicine, Drug Abatement Division (AAM–800), 800 Independence Avenue SW., Washington, DC 20591.

(f) *Obtaining a Drug and Alcohol Testing Program Registration from the FAA.* (1) To obtain a Drug and Alcohol Testing Program Registration from the FAA you must submit, in duplicate, the following information to the Office of Aerospace Medicine, Drug Abatement Division:

(i) Company name.

(ii) Telephone number.

(iii) Address where your drug and alcohol testing program records are kept.

(iv) Type of safety-sensitive functions you perform for an employer (such as flight instruction duties, aircraft dispatcher duties, maintenance or preventive maintenance duties, ground security coordinator duties, aviation screening duties, air traffic control duties).

(v) Whether you have 50 or more covered employees, or 49 or fewer covered employees.

(vi) A signed statement indicating that: Your company will comply with this part and 49 CFR part 40; and you intend to provide safety-sensitive functions by contract (including subcontract at any tier) to a part 119 certificate holder with authority to operate under part 121 or part 135 of this chapter, an operator as defined in § 91.147 of this chapter, or an air traffic control facility not operated by the FAA or by or under contract to the U.S. military.

(2) Send this information, in duplicate, to the Federal Aviation Administration, Office of Aerospace Medicine, Drug Abatement Division (AAM–800), 800 Independence Avenue SW., Washington, DC 20591.

(3) This Drug and Alcohol Testing Program Registration will satisfy the registration requirements for both your drug testing program under subpart E of this part and your alcohol testing program under this subpart.

(4) Update the registration information as changes occur. Send the updates, in duplicate, to the address specified in paragraph (f)(2) of this section.

Issued in Washington, DC, on June 20, 2012.

Frederick E. Tilton,

Federal Air Surgeon.

[FR Doc. 2012–16009 Filed 6–29–12; 8:45 am]

BILLING CODE 4910–13–P

FEDERAL TRADE COMMISSION

16 CFR Part 23

Guides for the Jewelry, Precious Metals, and Pewter Industries

AGENCY: Federal Trade Commission (''FTC'' or ''Commission'').

ACTION: Guides; request for public comments.

SUMMARY: The Commission systematically reviews all of its current rules and guides to ensure that they continue to achieve their intended purpose without unduly burdening commerce. As part of this review, the Commission requests public comments on the overall costs, benefits, necessity,

regulatory and economic impact of, and possible modifications to, the FTC's Guides for the Jewelry, Precious Metals, and Pewter Industries.

DATES: Comments must be received on or before August 27, 2012.

ADDRESSES: Interested parties may file comments online or on paper by following the instructions in the Request for Comments part of the **SUPPLEMENTARY INFORMATION** section below. Write ''Jewelry Guides, 16 CFR Part 23, Project No. G711001'' on your comment, and file your comment online at *https://ftcpublic.commentworks.com/ftc/jewelryguidesreview* by following the instructions on the web-based form. If you prefer to file your comment on paper, mail or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Room H–113 (Annex O), 600 Pennsylvania Avenue NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Reenah L. Kim, Attorney, (202) 326–2272, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW., Washington, DC 20580.

SUPPLEMENTARY INFORMATION:

I. Background

The Guides for the Jewelry, Precious Metals, and Pewter Industries (''Jewelry Guides'' or ''Guides'') address claims made about precious metal, pewter, diamond, gemstone, and pearl products. 16 CFR part 23. The Guides explain how to avoid making deceptive claims and, for certain products, discuss when disclosures should be made to avoid unfair or deceptive trade practices.[1]

The Commission completed its last comprehensive review of the Jewelry Guides in 1996, and has modified the Guides four times since. As a result of the 1996 review, the Commission: consolidated certain provisions of the former Watch Band Guides with the Jewelry Guides; added new provisions, such as those regarding use of the terms vermeil and pewter, and the disclosure of certain treatments to diamond and gemstone jewelry products; and eliminated or substantively revised several existing provisions.[2] Additionally, in 1997, the Commission revised Section 7 of the Guides regarding platinum products, to simplify and align its guidance more closely with international standards.[3] In 1999, the Commission amended the Guides to remove a footnote reference to the Watch Guides, which it had rescinded earlier.[4] In response to petitions from jewelry trade associations, the Commission again revised the Guides in 2000 to provide for disclosure of permanent gemstone treatments that significantly affect the value of the gemstone, such as the laser-drilling of diamonds.[5] In 2010, the Commission amended Section 7 regarding platinum to provide guidance on how to mark and describe non-deceptively certain platinum alloys.[6]

II. Regulatory Review Program

Since 1992, the Commission has systematically reviewed all its regulations and guides to ensure that they continue to achieve their intended goals without unduly burdening commerce. The Commission schedules its regulations and guides for review on a ten-year cycle; *i.e.,* all rules and guides are scheduled to be reviewed ten years after implementation and ten years after the completion of each review. The Commission publishes this schedule annually, with adjustments in response to public input, changes in the marketplace, and resource demands.[7]

When the Commission reviews a rule or guide, it publishes a notice in the **Federal Register** seeking public comments on the continuing need for the rule or guide, as well as its costs and benefits to consumers and businesses. Based on this feedback, the Commission may modify or repeal the rule or guide to address public concerns or changed conditions, or to reduce undue regulatory burden. As part of this review process, the Commission now solicits comments on, among other things: The regulatory and economic impact of, and the continuing need for, the Jewelry Guides; the benefits of the Guides to businesses and consumers; the burdens the Guides place on businesses; possible conflict between the Guides and state, local, or other federal laws; and the effect on the Guides of any technological, economic, or other industry changes.[8]

III. Specific Issues

Inquiries received by Commission staff in recent years suggest that technological developments and related changes in industry standards and practice may affect certain provisions of the Jewelry Guides. Some inquiries also indicate that modifying the Commission's consumer and business education materials could improve industry and consumer understanding of the Guides. Accordingly, the Commission seeks comments on these issues as outlined below, as well as comments regarding any other issues or concerns relating to the Guides.

First, the increased marketing of stones comprising a mixture of ruby/corundum and lead-glass has raised issues concerning how such products are advertised and sold. These composite stones (which are sometimes referred to as ''composite rubies,'' ''hybrid rubies,'' or ''glass-filled rubies'') may contain a considerable percentage of lead-glass. Moreover, the method that produces these stones may differ significantly from the techniques traditionally used to treat or enhance natural rubies (*e.g.,* various treatments involving the application of heat). Informal inquiries received by staff have questioned whether a lead-glass-filled composite stone can accurately be identified as a natural ruby or gem, even when disclosures are made that the stone has been treated. The Commission seeks comments on whether it should amend the Guides to address this development and, if so, how.

Second, the current Guides do not specifically address use of the term ''cultured'' to describe industry products created in a laboratory or factory that have essentially the same optical, physical, and chemical properties of natural gemstones. In connection with petitions submitted by

[1] The Commission issues industry guides to help the industry conduct its affairs in conformity with legal requirements. 16 CFR part 17. Industry guides are administrative interpretations of the law; they do not have the force of law and are not independently enforceable. Failure to follow industry guides may result, however, in enforcement action under the FTC Act, 15 U.S.C. 45. In any such action, the Commission must prove that the act or practice at issue is unfair or deceptive in violation of Section 5 of the FTC Act.

[2] *Federal Trade Commission: Guides for the Metallic Watch Band Industry and Guides for the Jewelry Industry: Final guides,* 61 FR 27178 (May 30, 1996). As part of these changes, the industry guides formerly known as ''Guides for the Jewelry Industry'' were renamed ''Guides for the Jewelry, Precious Metals, and Pewter Industries.''

[3] *Federal Trade Commission: Guides for the Jewelry, Precious Metals, and Pewter Industries: Final guides,* 62 FR 16669 (Apr. 8, 1997).

[4] *Federal Trade Commission: Guides for the Jewelry, Precious Metals, and Pewter Industries: Revision of the Guides for the Jewelry, Precious Metals, and Pewter Industries,* 64 FR 33193 (June 22, 1999).

[5] *Federal Trade Commission: Guides for the Jewelry, Precious Metals, and Pewter Industries: Final guides,* 65 FR 78738 (Dec. 15, 2000).

[6] *Federal Trade Commission: Guides for the Jewelry, Precious Metals, and Pewter Industries: Final Guides Amendments,* 75 FR 81443 (Dec. 28, 2010).

[7] Since completing its last review of the Jewelry Guides in 1996, the Commission revised sections of the Guides and addressed other issues raised in petitions from jewelry trade associations. The Commission therefore scheduled the Guides for another comprehensive review in 2011, but postponed it due to resource constraints. *Federal Trade Commission: Notice Announcing Ten-Year Regulatory Review Schedule and Request for Public Comment on the Federal Trade Commission's Regulatory Review Program,* 76 FR 41150 (Jul. 13, 2011).

[8] *See* questions 1 through 12 in Section IV below.

several jewelry industry trade groups in 1986 and 2006, the Commission considered proposals to amend the Guides to state that it is deceptive or unfair to describe such products as ''cultured.'' After reviewing the record, the Commission determined there was insufficient evidence to conclude that using ''cultured'' in reference to laboratory-created diamonds or other laboratory-created gemstones would be either deceptive or unfair if marketers reasonably and effectively qualified the term as suggested in Section 23.23.[9] The Commission now seeks additional evidence on this issue.

Third, the Commission seeks comments regarding several issues relating to pearls. Specifically, the Commission seeks comments on whether it should amend the Guides to address disclosures concerning freshwater pearls. Comments submitted in the 1996 review suggested that use of the term ''cultured'' in reference to freshwater pearls would create confusion because consumers tended to associate the term ''cultured pearls'' with pearls that were round, and freshwater pearls were often irregularly-shaped and smaller than other cultured pearls. Since then, developments in the culturing process have effected changes in the shape, size, quality, and color of the resulting product, such that freshwater cultured pearls may, in many respects, resemble saltwater cultured pearls in appearance. The Commission thus seeks comments on whether it should amend the Guides to recommend any specific disclosures relating to freshwater pearls. In addition, the Commission seeks comments on whether the Guides should advise the disclosure of treatments to pearl products, such as dyeing techniques that artificially color the final product.

Fourth, the Commission seeks comments on whether the Guides should provide particular guidance on how to describe non-deceptively the content of alloys and alloy products that contain precious metals in amounts that fall below the minimum thresholds reflected in the current Guides. Specifically, Section 23.4 provides that it may be misleading to use the word gold or any abbreviation, or a quality mark implying gold content, to describe all or part of an industry product that is composed throughout of an alloy of gold that is less than 10 karats. Similarly, Section 23.6 provides that it is unfair or deceptive to mark, describe, or otherwise represent all or part of an industry product as silver unless it is at least 925/1,000ths pure silver, and Section 23.7 reflects a minimum of at least 500 parts per thousand pure platinum for use of the word platinum or related abbreviation to describe all or part of an industry product. The Commission seeks comments on whether it should amend the Guides to provide guidance on how to describe non-deceptively the content of alloys and alloy products that contain less than 10 karats of gold, less than 925/1,000ths silver, or less than 500 parts per thousand platinum.

[9] *See* FTC letter of July 21, 2008 declining to amend the Guides with respect to use of the term ''cultured,'' available at *http://www.ftc.gov/os/2008/07/G711001jewelryguides.pdf.*

IV. Request for Comments

The Commission solicits comments on the following specific questions related to the Jewelry Guides:

(1) Is there a continuing need for the Guides as currently promulgated? Why or why not?

(2) What benefits have the Guides provided to, or what significant costs have the Guides imposed on, consumers? Provide any evidence supporting your position.

(3) What modifications, if any, should the Commission make to the Guides to increase their benefits or reduce their costs to consumers?

(a) How would these modifications affect the costs and benefits of the Guides for consumers and businesses, particularly small businesses?

(b) Provide any evidence supporting your proposed modifications.

(4) What impact have the Guides had in promoting the flow of truthful information to consumers and preventing the flow of deceptive information to consumers? Provide any evidence supporting your position.

(5) What benefits, if any, have the Guides provided to, or what significant burdens or costs, including costs of compliance, have the Guides imposed on businesses that conform to their advice, particularly small businesses? Provide any evidence supporting your position.

(6) What modifications, if any, should be made to the Guides to increase their benefits or reduce their burdens or costs to businesses that conform to their advice, particularly small businesses?

(a) How would these modifications affect the costs and benefits of the Guides for consumers and businesses, particularly small businesses?

(b) Provide any evidence supporting your proposed modifications.

(7) Provide any evidence concerning the degree of industry compliance with the Guides. Does this evidence indicate that the Guides should be modified? If so, why and how? If not, why not?

(8) Provide any evidence concerning whether any of the Guides' provisions are no longer necessary. Explain why these provisions are unnecessary.

(9) What potentially unfair or deceptive practices concerning precious metal, pewter, diamond, gemstone, or pearl products are occurring in the marketplace, but not covered by the Guides?

(a) With reference to such practices, should the Guides be modified? If so, why and how? If not, why not?

(b) Provide any evidence, such as empirical data, consumer perception studies, or consumer complaints, demonstrating the extent of such practices.

(c) Provide any evidence demonstrating whether such practices cause consumer injury.

(10) What modifications, if any, should be made to the Guides to account for current or impending changes in technology or economic conditions affecting the jewelry and precious metals industries?

(a) How would these modifications affect the costs and benefits of the Guides for consumers and businesses, particularly small businesses?

(b) Provide any evidence supporting the proposed modifications.

(11) Do the Guides overlap or conflict with other federal, state, or local laws or rules, such as those enforced by U.S. Customs and Border Protection? If so, how?

(a) With reference to the asserted conflicts, should the Guides be modified? If so, why and how? If not, why not?

(b) Have the Guides assisted in promoting national consistency with respect to precious metal, pewter, diamond, gemstone, and pearl products?

(c) Provide any evidence supporting your position.

(12) Are there foreign or international laws, regulations, or standards with respect to precious metal, pewter, diamond, gemstone, or pearl products that the Commission should consider as it reviews the Guides? If so, what are they?

(a) Should the Guides be modified in order to harmonize with these international laws, regulations, or standards? If so, why and how? If not, why not?

(b) How would such harmonization affect the costs and benefits of the Guides for consumers and businesses, particularly small businesses?

(c) Provide any evidence supporting your position.

(13) Are there any provisions in the Guides setting forth particular requirements that do not accurately and

fairly reflect the accepted customs, practices, and patterns of dealing prevalent in the industry, including the terminology and nomenclature customarily used in the course of trade?

(a) If so, identify these provisions and describe the extent and effects of such differences in requirements.

(b) Provide any evidence supporting your position.

(14) To what extent, if any, does the method that produces stones comprising a mixture of ruby/corundum and lead-glass (which are sometimes referred to as ''composite rubies,'' ''hybrid rubies,'' or ''glass-filled rubies'') differ from techniques traditionally used to treat or enhance natural rubies (*e.g.,* glass-filling at fractures or surface fissures, application of high heat resulting in glass residue at surface-reaching cracks, in-filling with oils)?

(a) What impact, if any, does this have on the grade, quality, size, weight, cut, color, character, substance, durability, serviceability, price, value, special care requirements, or any other material aspect of the resulting product?

(b) Do lead-glass-filled composite stones have essentially the same optical, physical, and chemical properties as natural rubies? If not, how are they different?

(c) Provide any evidence supporting your position.

(15) To the extent lead-glass-filled composite stones are marketed and sold as ''rubies'' or other ''natural'' gemstones without qualification, is there any evidence of consumer misperception or injury resulting from the practice? If so, please provide it.

(16) Is there a standard or consensus in the industry regarding how lead-glass-filled composite stones are identified and described?

(a) Provide any evidence demonstrating the extent to which the industry standard meets or fails to meet consumer expectations regarding such products.

(17) Should the Guides be amended to address lead-glass-filled composite stones?

(a) Describe what guidance is needed to ensure that consumers are not misled about the composition of lead-glass-filled composite stones and these products' performance, durability, value, and any special care requirements.

(b) Would the proposed guidance affect the costs and benefits of the Guides for consumers and businesses, particularly small businesses? If so, how?

(c) Provide any evidence supporting your position.

(18) Are there any treatments or enhancements performed on rubies or other gemstone products, such as fracture-filling, that are disclosed in accordance with Sections 23.1 and 23.22 of the Guides, but are still likely to deceive consumers?

(a) If so, how common are these practices?

(b) Should the Jewelry Guides include specific guidance regarding how these treatments should be disclosed to consumers? If so, what guidance should be provided?

(c) Would the proposed guidance affect the costs and benefits of the Guides for consumers and businesses, particularly small businesses? If so, how?

(d) Provide any evidence supporting your position, including evidence demonstrating the extent of such practices and evidence of any consumer confusion or injury.

(19) Does use of the term ''cultured,'' together with qualifying terms such as ''laboratory-created,'' ''laboratory-grown,'' [manufacturer name]-created,'' or ''synthetic,'' to describe laboratory-created diamonds or other gemstones that are optically, chemically, and physically equivalent to natural, mined stones of the type identified create confusion among consumers or cause consumer injury?

(a) Provide any evidence supporting your position.

(20) Should the Guides be amended to address specifically whether and in what circumstances the term ''cultured'' may be used to describe diamonds or other gemstone products? If so, what guidance should be provided?

(a) Would the proposed guidance affect the costs and benefits of the Guides for consumers and businesses, particularly small businesses? If so, how?

(b) Provide any evidence supporting your position.

(21) Should the Guides include a provision in Section 23.20 to address the circumstances in which the term ''freshwater pearl'' may be used in a manner that is not unfair or deceptive? If so, what guidance should be provided?

(a) Would the proposed guidance affect the costs and benefits of the Guides for consumers and businesses, particularly small businesses? If so, how?

(b) Provide any evidence supporting your position.

(22) Should the Guides advise the disclosure of treatments to pearl products, such as dyeing or other artificial coloring techniques? If so, what types of disclosures should be made?

(a) Are there any treatments to pearl products that are not permanent?

(b) Are there any treatments to pearl products that create special care requirements?

(c) Is there a disparity in value between a pearl that has been treated in a manner that is permanent and does not create special care requirements, and a pearl that has not been treated?

(d) Would the issuance of guidance calling for the disclosure of treatments to pearl products affect the costs and benefits of the Guides for consumers and businesses, particularly small businesses? If so, how?

(e) Provide any evidence supporting your position.

(23) Should the Guides be amended to provide guidance on how to describe non-deceptively the content of precious metal alloys and alloy products that contain less than the minimum standard amounts (*i.e.,* 10 karats for gold, 925/1,000ths for silver, 500 parts per thousand for platinum)? If so, what guidance should be provided?

(a) Would the proposed guidance affect the costs and benefits of the Guides for consumers and businesses, particularly small businesses? If so, how?

(b) Provide any evidence supporting your position.

(24) Are the Commission's business compliance guidance and consumer education materials about the Jewelry Guides useful? Can they be improved? If so, how?

(a) Should the Commission consider consumer education or other measures to help non-English-speaking consumers obtain the information provided under the Guides?

(b) Should the Commission print copies of business compliance guidance and consumer education materials, or is a pdf at *www.ftc.gov* sufficient for your needs?

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before August 27, 2012. Write ''Jewelry Guides, 16 CFR Part 23, Project No. G711001'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at *http://www.ftc.gov/os/publiccomments.shtm.* As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Web site. Because your comment will be made public, you are solely responsible

for making sure that your comment does not include any sensitive personal information, such as anyone's Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, such as medical records or other individually-identifiable health information. In addition, do not include any ''trade secret or any commercial or financial information which is obtained from any person and which is privileged or confidential,'' as provided in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, do not include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and you must follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c).[10] Your comment will be kept confidential only if the FTC General Counsel, in his or her sole discretion, grants your request in accordance with the law and the public interest.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. Accordingly, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/jewelryguidesreview* by following the instructions on the web-based form. If this Notice appears at *http://www.regulations.gov,* you also may file a comment through that Web site.

If you file your comment on paper, write ''Jewelry Guides, 16 CFR Part 23, Project No. G711001'' on your comment and on the envelope, and mail or deliver it to the following address: Federal Trade Commission, Office of the Secretary, Room H–113 (Annex O), 600 Pennsylvania Avenue NW., Washington, DC 20580. If possible, submit your paper comment to the Commission by courier or overnight service.

Visit the Commission Web site at *http://www.ftc.gov* to read this Notice and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before August 27, 2012. You can find more information, including routine uses permitted by the Privacy Act, in the Commission's privacy policy at *http://www.ftc.gov/ftc/privacy.htm.*

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2012–16119 Filed 6–29–12; 8:45 am]

BILLING CODE 6750–01–P

[10] In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c), 16 CFR 4.9(c).

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 50, 51, 52, 53, and 58

[EPA–HQ–OAR–2007–0492; FRL–9694–8]

Public Hearings for Proposed Rules—National Ambient Air Quality Standards for Particulate Matter

AGENCY: Environmental Protection Agency (EPA).

ACTION: Announcement of public hearings.

SUMMARY: The EPA is announcing two public hearings for the proposed rule titled, ''National Ambient Air Quality Standards for Particulate Matter,'' that is scheduled to be published in the **Federal Register** on June 29, 2012. The hearings will be held in Philadelphia, Pennsylvania, and Sacramento, California.

In this rulemaking, the EPA is proposing to make revisions to the primary and secondary national ambient air quality standards (NAAQS) for particulate matter (PM) to provide requisite protection of public health and welfare, respectively, and to make corresponding revisions to the data handling conventions for PM and ambient air monitoring, reporting, and network design requirements. The EPA is proposing changes to the Air Quality Index (AQI) to be consistent with the proposed primary standards. In addition, the EPA is proposing revisions to the prevention of significant deterioration (PSD) permitting program with respect to the proposed NAAQS revisions.

DATES: The public hearings will be held on July 17, 2012, in Philadelphia, Pennsylvania, and on July 19, 2012, in Sacramento, California. Please refer to **SUPPLEMENTARY INFORMATION** for additional information on the public hearings.

ADDRESSES: The hearings will be held at the following locations:

1. PHILADELPHIA: William J. Green Federal Building, 600 Arch Street, Philadelphia, PA 19106, 215–813–2583.

2. SACRAMENTO: California Air Resources Board, 1001 ''I'' Street, Sacramento, CA 95814, 916–322–2990.

Written comments on these proposed rules may also be submitted to EPA electronically, by mail, by facsimile, or through hand delivery/courier. Please refer to the proposal for the addresses and detailed instructions.

A complete set of documents related to the proposed rule is available for public inspection at the EPA Docket Center, located at 1301 Constitution Avenue NW., Room B102, Washington, DC between 8:30 a.m. and 4:30 p.m., Monday through Friday, excluding legal holidays. A reasonable fee may be charged for copying. Documents are also available through the electronic docket system at *www.regulations.gov.*

The EPA Web site for the rulemakings, which includes the proposal and information about the public hearings, can be found at: *http://www.epa.gov/air/particlepollution/actions.html.*

FOR FURTHER INFORMATION CONTACT: If you would like to speak at the public hearings or have questions concerning the public hearings, please contact Mr. Alan Rush at the address given below under **SUPPLEMENTARY INFORMATION**.

Questions concerning the ''National Ambient Air Quality Standards for Particulate Matter'' proposed rule should be addressed to Ms. Beth Hassett-Sipple, U.S. EPA, Office of Air Quality Planning and Standards, Health and Environmental Impacts Division, (C504–06), Research Triangle Park, NC 27711, telephone number (919) 541–4605, email *hassett-sipple.beth@epa.gov.*

SUPPLEMENTARY INFORMATION: The proposed rule for which EPA is holding the public hearings is scheduled to be published in the **Federal Register** on June 29, 2012, and is available on the following Web site: *http://www.epa.gov/air/particlepollution/actions.html.* The public hearings will provide interested parties the opportunity to present data, views, or arguments concerning the proposed rule. The EPA may ask clarifying questions during the oral presentations, but will not respond to the presentations at that time. Written statements and supporting information submitted during the comment period will be considered with the same weight

as any oral comments and supporting information presented at the public hearings. Written comments must be postmarked by the last day of the comment period, August 31, 2012, as specified in the proposed rule.

The two public hearings will be held in Philadelphia, Pennsylvania, and Sacramento, California. The public hearings will begin each day at 9 a.m. (local time) and continue into the evening until 9 p.m. (local time). The EPA will make every effort to accommodate all speakers that arrive and register before 9 p.m. The EPA is scheduling lunch breaks from 12:30 until 2 p.m. and dinner breaks from 6 p.m. to 7:30 p.m. If you would like to present oral testimony at the hearings, please notify Mr. Alan Rush (6301A), U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Ariel Rios Building, 1200 Pennsylvania Avenue NW., Washington, DC 20460; email *rush.alan@epa.gov* (preferred method for registering), (202) 564–1658. He will arrange a general time slot for you to speak. The EPA will make every effort to follow the schedule as closely as possible on the day of the hearings.

Oral testimony will be limited to five (5) minutes for each commenter to address either or both proposals. We will not be providing equipment for commenters to show overhead slides or make computerized slide presentations unless we receive special requests in advance. Commenters should notify Mr. Rush if they will need specific equipment. Commenters should also notify Mr. Rush if they need specific translation services for non-English speaking commenters. The EPA encourages commenters to provide written versions of their oral testimonies either electronically on computer disk or CD–ROM or in paper copy.

The hearing schedules, including lists of speakers, will be posted on EPA's Web pages for the proposals at: *http://www.epa.gov/air/particlepollution/actions.html* prior to the hearings. Verbatim transcripts of the hearings and written statements will be included in the rulemaking docket.

How can I get copies of this document and other related information?

The EPA has established the official public docket for the ''National Ambient Air Quality Standards for Particulate Matter'' under Docket Number EPA–HQ–OAR–2007–0492. The EPA has also developed a Web site for the proposed rule at the address given above. Please refer to the proposed rule, which is scheduled to be published in the **Federal Register** on June 29, 2012, for detailed information on accessing information related to this proposal.

Dated: June 22, 2012.

Mary E. Henigin,

Acting Director, Office of Air Quality Planning and Standards.

[FR Doc. 2012–16045 Filed 6–29–12; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 15

[ET Docket Nos. 03–104 and 04–37; Report No. 2955]

Petition for Reconsideration of Action in Rulemaking Proceeding

AGENCY: Federal Communications Commission.

ACTION: Petition for reconsideration.

SUMMARY: In this document, Petitions for Reconsideration (Petition) have been filed in the Commission's Rulemaking proceeding by AARL, The National Association for Amateur Radio requesting that the Commission reconsider and modify the Second Report and Order governing unlicensed Broadband over Power Line (BPL) rules.

DATES: Oppositions to the Petition must be filed on or before July 17, 2012. Replies to an opposition must be filed on or before July 27, 2012.

ADDRESSES: Federal Communications Commission, 445 12th Street SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Anh Wride, (202) 418–0577 or via email at *Anh.Wride@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of Commission's document, Report No. 2955, released June 21, 2012. The full text of this document is available for viewing and copying in Room CY–B402, 445 12th Street SW., Washington, DC or may be purchased from the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI) (1–800–378–3160). The Commission will not send a copy of this *Notice* pursuant to the Congressional Review Act, 5 U.S.C. 801(a)(1)(A), because this *Notice* does not have an impact on any rules of particular applicability.

Subject: Amendment of Part 15 Regarding New Requirements and Measurement Guidelines for Access Broadband over Power Line Systems and published pursuant to 47 CFR 1.429(e). *See* 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)).

Number of Petitions Filed: 1.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary, Office of Managing Director.

[FR Doc. 2012–16124 Filed 6–29–12; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA–2012–0065]

Public Hearing on Proposed Rule for Heavy Vehicle Electronic Stability Control Systems

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Announcement of public hearing.

SUMMARY: On May 23, 2012, NHTSA published a notice of proposed rulemaking (NPRM) to require the installation of electronic stability control (ESC) systems on truck tractors and large buses. NHTSA is announcing a public hearing to provide an opportunity for the public to present oral testimony regarding the proposal. The oral testimony provided at the public hearing will be transcribed and placed in the docket for this rulemaking.

DATES: NHTSA will hold a public hearing on July 24, 2012, at the U.S. Department of Transportation headquarters building in Washington, DC. The hearing will start at 10 a.m. and continue until 1 p.m., local time. If necessary to accommodate a large number of presenters, the hearing may continue beyond 2 p.m. as determined by the presiding official at the hearing. If you would like to present oral testimony at the public hearing, or attend the public hearing as an observer, please contact the person identified under **FOR FURTHER INFORMATION CONTACT** at least ten days before the hearing. Depending on the available space, registration for persons attending the public hearing as observers may be accepted after that date.

ADDRESSES: The July 24, 2012 public hearing will be held at the U.S. Department of Transportation, West Building Ground Floor, Media Center—Room W11–130, 1200 New Jersey Avenue SE., Washington, DC 20590.[1]

[1] For electronic mapping and navigation, use the local area zip code of 20003.

The hearing site is accessible to individuals with disabilities.

FOR FURTHER INFORMATION CONTACT: If you would like to present oral testimony at the public hearing, please contact Christopher Morris, Office of Rulemaking, by email at *christopher.morris@dot.gov,* telephone at (202) 493–2218, or fax at (202) 366–5930. Please contact Mr. Morris at least ten days before the hearing date of July 24, 2012. Please provide the following information: Name, affiliation, address, email address and telephone number; indicate whether you are a U.S. citizen; and indicate if you require accommodations such as a sign language interpreter or translator. For technical issues regarding the agency's NPRM, you may contact Jeffrey Woods, Office of Crash Avoidance Standards, by telephone at (202) 366–6206, or fax at (202) 366–7002. For legal issues, you may contact David Jasinski, Office of the Chief Counsel, by telephone at (202) 366–2992, or fax at (202) 366–3820. You may send mail to both of these officials at the National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590. You may learn more about the NPRM by searching the public docket (NHTSA–2012–0065) at *www.regulations.gov.*

SUPPLEMENTARY INFORMATION: On May 23, 2012, the agency published a notice of proposed rulemaking to establish a new standard, Federal Motor Vehicle Safety Standard No. 136, Electronic Stability Control Systems for Heavy Vehicles (77 FR 30766). The standard would require truck tractors, and certain large buses with a gross vehicle weight rating of greater than 11,793 kilograms (26,000 pounds), to be equipped with an electronic stability control (ESC) system that meets the equipment and performance requirements of the proposed standard. Heavy vehicle ESC systems use engine torque control and computer-controlled braking of individual wheels to assist the driver in maintaining control of the vehicle in situations in which the vehicle is becoming roll unstable (such as excessive speed in a curve) or is experiencing a loss of control (the vehicle deviates from the driver's intended path due to oversteer or understeer).

The five major topics that are discussed in the NPRM include:

- The size of the safety problem related to truck tractor and large bus ESC systems
- How electronic stability control systems work to prevent rollover and loss of control
- The research and testing that were separately conducted by NHTSA and the industry to evaluate the potential safety benefits of ESC and to develop dynamic vehicle test maneuvers to evaluate ESC performance
- The specifics of the agency's proposal, including ESC equipment and performance criteria, vehicle compliance testing requirements, and the implementation schedule
- The benefits and costs of the proposal, as described in the NPRM and in the agency's Preliminary Regulatory Impact Analysis that is included in the docket.

Public Hearing Procedures. The public hearing provides a forum for the public to present oral testimony regarding the agency's proposal for heavy vehicle ESC. For planning purposes, each speaker should anticipate speaking for approximately ten minutes, although we may need to shorten that time if there is a large number of people wishing to make presentations. Once we learn how many people have registered to speak at the hearing, we will allocate an appropriate amount of time to each participant, allowing time for necessary breaks. In addition, we will reserve a block of time for anyone else in the audience who wishes to give an oral presentation.

We request that you bring three copies of your statement or other material to the hearing for the NHTSA panel. To accommodate as many speakers as possible, we prefer that speakers who are using audio-visual aids or computer slideshows either provide those materials in advance of the meeting or make other arrangements to facilitate set-up, by notifying the contact person in the **FOR FURTHER INFORMATION CONTACT** section above.

NHTSA will conduct the hearing informally. Thus, technical rules of evidence will not apply. We will arrange for a written transcript of the hearing, and you may make arrangements to receive a copy of the transcript directly from the court reporter at the hearing. Presenters wishing to provide supplementary information should submit it to the address given above for written comments by the August 21, 2012 deadline for those comments. There will be a panel of agency officials who may ask clarifying questions during the oral presentations, but the panel will not respond to the presentations at that time. Written statements and supporting information submitted during the comment period will be considered with the same weight as oral comments and supporting information presented at the public hearing.

For security purposes, government-issued photo identification is required to enter the Department of Transportation building. Non-U.S. citizens will be required to show passports. To allow sufficient time to clear security and enter the building, NHTSA recommends that hearing participants arrive 30 to 60 minutes prior to the start of the event.

Written Comments: As announced in the NPRM, to be assured of consideration your written comments on the proposal must be received by August 21, 2012. You may submit comments on the agency's proposal to Docket No. NHTSA–2012–0065, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility: U.S. Department of Transportation, 1200 New Jersey Avenue SE., Docket Operations M–30, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* 1200 New Jersey Avenue SE., Docket Operations M–30, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal Holidays.
- *Fax:* 202–493–2251.

Note that all comments will be posted without change to *http://www.regulations.gov.* Please ensure that your comments include the docket number in the subject line or heading.

Issued: June 26, 2012.

Christopher J. Bonanti,

Associate Administrator for Rulemaking.

[FR Doc. 2012–16174 Filed 6–29–12; 8:45 am]

BILLING CODE 4910–59–P

Notices

Federal Register
Vol. 77, No. 127
Monday, July 2, 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

Information Collection: Ride-Along Program

AGENCY: Forest Service, USDA.

ACTION: Notice; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Forest Service is seeking comments from all interested individuals and organizations on a new information collection associated with the Ride-Along Program application, a program which allows any private citizen to apply to ride along with Forest Service law enforcement officers.

DATES: Comments must be received in writing on or before August 31, 2012 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

ADDRESSES: Comments concerning this notice should be addressed to the Director of Law Enforcement and Investigations, USDA Forest Service, LE&I, Room 1015–RPE, 1621 N. Kent St., Arlington, VA 22209.

Comments also may be submitted via facsimile to 703–605–5112, or by email to Peter Roehrs at plroehrs@fs.fed.us.

The public may inspect comments received at 1621 N. Kent Street, Room 1015, Rosslyn Plaza East, Arlington, VA during normal business hours. Visitors are encouraged to call ahead to 703–605–4690 to facilitate entry to the building.

FOR FURTHER INFORMATION CONTACT: Peter Roehrs, Acting Assistant Director for Enforcement and Liaison, LE&I, 703–605–4893. Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 twenty-four hours a day, every day of the year, including holidays.

SUPPLEMENTARY INFORMATION: *Title:* Forest Service Law Enforcement Ride-Along Program.

OMB Number: 0596–0170.

Type of Request: Extension with Revision.

Abstract: This information collection is necessary for Forest Service Law Enforcement and Investigations (LE&I) personnel to authorize a rider who applies to participate in the Ride-Along program. The information collection also provides additional protection for LE&I personnel who allow authorized riders to accompany them in boats, cars, trucks, or other vehicles. The purpose of this program is for citizens to learn about and observe Forest Service LE&I tasks and activities. The program is intended to enhance Forest Service law enforcement community relationships, improve the quality of Forest Service customer service, and provide LE&I personnel a recruitment tool. A rider shall complete two forms in order to participate. Form FS–5300–33 asks for the participant's name, address, social security number, driver's license number, work address, location of the Ride-Along, and the reason for the Ride-Along. Law enforcement officers use form FS–5300–33 to conduct a minimum background check before authorizing a person to ride along. Form FS–5300–34 is signed by riders to exempt law enforcement officers and the Forest Service from damage, loss, or injury liability incurred during the rider's participation in the program. If the information is not collected, riders will be denied permission to ride along with Forest Service law enforcement personnel.

Estimate of Annual Burden

FS–5300–33: 6 minutes.

FS–5300–34: 7 minutes.

Total: 13 minutes.

Type of Respondents: Citizens who want to learn about and observe Forest Service Law Enforcement and Investigation (LE&I) tasks and activities.

Estimated Annual Number of Respondents: 500.

Estimated Annual Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 108 hours per year.

Comment is invited on: (1) Whether this collection of information is necessary for the stated purposes and the proper performance of the functions of the Agency, including whether the information will have practical or scientific utility; (2) the accuracy of the Agency's estimate of the burden 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 to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All comments received in response to this notice, including names and addresses when provided, will be a matter of public record. Comments will be summarized and included in the information collection submission for Office of Management and Budget approval.

Dated: June 26, 2012.

Thomas L. Tidwell,

Chief, Forest Service.

[FR Doc. 2012–16069 Filed 6–29–12; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Forest Service

Notice of Extension of Public Comment Period for Draft Environmental Impact Statement: North Fork Eagle Creek Wells Special Use Authorization

AGENCY: Forest Service, USDA.

ACTION: Notice of Extension to Comment Period.

SUMMARY: The USDA Forest Service, Lincoln National Forest, is extending the public comment period for a draft environmental impact statement (DEIS) that discloses the potential impacts of a proposed action to authorize, under a new special use permit, the operation of four municipal supply water wells located on National Forest System (NFS) land in the North Fork Eagle Creek drainage. The new permit would be authorized for up to 20 years, with stipulations for frequent review and verification of the permit terms and conditions. These could occur as often as every year but would occur at least every 5 to 10 years. The new authorization would add terms and conditions to the permit reflecting

current adaptive management strategies which both respond to the purpose and need for action, and mitigate potential adverse impacts to surface water and groundwater resources from well operations. The Environmental Protection Agency (EPA) published a notice of availability (NOA) of the DEIS in the **Federal Register** on May 25, 2012 [77–31355; ER–FRL–9003–2]. The NOA provided for a public comment period ending on July 9, 2012.

DATES: Due to the extenuating circumstances caused by the Little Bear wildfire, several individuals and organizations have requested an extension of the comment period. The Forest Service has decided to accommodate these requests; therefore, comments will now be accepted through September 7, 2012. Comments received or postmarked after September 7, 2012 will be considered to the extent practicable. Those parties who submit comments on or before this date will be eligible appeal a decision on the project in accordance with 36 CFR part 215.

ADDRESSES: Copies of the DEIS are available for public review at the following locations:

- *Lincoln National Forest Supervisor's Office:* 3463 Las Palomas Road, Alamogordo, New Mexico.
- *Smokey Bear Ranger District:* 901 Mechem Drive, Ruidoso, New Mexico.

Written comments on the DEIS are best submitted electronically by accessing *http://www.fs.fed.us/nepa/fs-usda-pop.php?project=9603.* To electronically comment, select '*Comment on Project*' in the '*Get Connected*' box on the right side of Web page. Written comments may also be submitted to: Robert G. Trujillo, Forest Supervisor, Lincoln National Forest, 3463 Las Palomas Rd., Alamogordo, NM 88310, or facsimile 575–434–7218. Oral comments can be provided at the Responsible Official's office during normal business hours (8 a.m.–4:30 p.m. Monday through Friday, excluding holidays), via telephone 575–434–7200, or in person.

FOR FURTHER INFORMATION CONTACT: Debbie McGlothlin, Environmental Coordinator, TEAMS Enterprise Unit, at 559–920–4952.

Dated: June 25, 2012.

Robert G. Trujillo,

Forest Supervisor.

[FR Doc. 2012–16199 Filed 6–29–12; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–47–2012]

Foreign-Trade Zone 74—Baltimore, MD, Notification of Proposed Production Activity, J.D. Neuhaus LP (Overhead Lifting Equipment Production) Sparks, MD

The Baltimore Development Corporation, grantee of FTZ 74, submitted a notification of proposed production activity on behalf of J.D. Neuhaus LP (J.D. Neuhaus), located in Sparks, Maryland. The notification conforming to the requirements of the regulations of the Board (15 CFR 400.22) was received on June 13, 2012.

The J.D. Neuhaus facility is located within Site 27 of FTZ 74. The facility is used for the production of customized overhead lifting equipment. Production under FTZ procedures could exempt J.D. Neuhaus from customs duty payments on the foreign status components used in export production. On its domestic sales, J.D. Neuhaus would be able to choose the duty rate during customs entry procedures that applies to overhead lifting equipment and their parts, including hoist and trolley systems, winches, and cranes (duty free) for the foreign status inputs noted below. Customs duties also could possibly be deferred or reduced on foreign status production equipment.

Components and materials sourced from abroad include: air and hydraulic powered hoist and trolley subassemblies and parts, cranes/winches and related parts, hoist chain, lubricating oils, plastic air hoses, rubber gaskets and o-rings, fasteners, springs, air filters, air pressure regulators, valves and related parts, and bearings and bearing components (duty rate ranges from free to 9%). The request indicates that certain bearings and bearing components are subject to an antidumping/countervailing duty (AD/CVD) order. The FTZ regulations (15 CFR 400.14(e)) require that merchandise subject to AD/CVD actions be admitted to the zone in privileged foreign status (19 CFR 146.41).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is August 13, 2012.

A copy of the notification 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 Diane Finver at *Diane.Finver@trade.gov* (202) 482–1367.

Dated: June 25, 2012.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2012–16187 Filed 6–29–12; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Emerging Technology and Research Advisory Committee; Notice of Open Meeting

The Emerging Technology and Research Advisory Committee (ETRAC) will meet on July 20, 2012, 8:30 a.m., Room 3884, at the Herbert C. Hoover Building, 14th Street between Pennsylvania and Constitution Avenues, NW., Washington, DC The Committee advises the Office of the Assistant Secretary for Export Administration on emerging technology and research activities, including those related to deemed exports.

Agenda

Friday, July 20

Open Session

9–9:45 a.m. Export Control Update—Messrs. Wolf, Borman and Kritzer-Bureau of Industry and Security.
9:45–10:30 a.m. Dual-Use Research of Concern—Dr. Tierney.
10:45–11:45 a.m. President's Export Control Subcommittee on Export Administration Briefing—Mr. Breaux.
11:45–12 p.m. Public Comments
1 p.m.–2 p.m. Encryption- Emerging Technologies & Implications for the Research Community—Dr. Tierney.
2–3:30 p.m. General Discussion & Public Comments.
3:30 p.m. Adjourn.

The open session will be accessible via teleconference to 20 participants on a first come, first serve basis. To the conference, submit inquiries to Ms. Yvette Springer at *Yvette.Springer@bis.doc.gov,* no later than July 12, 2012.

A limited number of seats will be available for the public session. Reservations are not accepted. To the extent that time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or

after the meeting. However, to facilitate the distribution of public presentation materials to the Committee members, the Committee suggests that presenters forward the public presentation materials prior to the meeting to Ms. Springer via email.

For more information, call Yvette Springer at (202) 482–2813.

Dated: June 27, 2012.

Teresa Telesco,

Assistant Committee Liaison Officer.

[FR Doc. 2012–16197 Filed 6–29–12; 8:45 am]

BILLING CODE 3510–JT–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–433–811, A–570–985]

Xanthan Gum From Austria and the People's Republic of China: Initiation of Antidumping Duty Investigations

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

DATES: *Effective Date:* July 2, 2012.

FOR FURTHER INFORMATION CONTACT: Karine Gziryan or Maisha Cryor at (202) 482–4081 or (202) 482–5831, respectively (Austria), AD/CVD Operations, Office 4; or Brandon Farlander or Erin Kearney at (202) 482–0182 or (202) 482–0167, respectively (the People's Republic of China (the ''PRC'')), AD/CVD Operations, Office 4, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

The Petitions

On June 5, 2012, the Department of Commerce (the ''Department'') received antidumping duty (''AD'') petitions concerning imports of xanthan gum from Austria and the People's Republic of China (''PRC'') filed in proper form by CP Kelco U.S. (''Petitioner'').[1] Petitioner is a domestic producer of xanthan gum. On June 8, 2012, the Department requested additional information and clarification of certain areas of the Petitions. Petitioner filed responses to these requests on June 13, 2012 (hereinafter, ''Supplement to the Austria Petition'' and ''Supplement to the PRC Petition''). Additionally, on June 13, 2012, Archer Daniels Midland, a domestic producer of xanthan gum, submitted information regarding its 2011 production of xanthan gum (hereinafter, ''ADM production letter''). On June 19, 2012, Petitioner submitted additional information regarding its constructed value surrogate financial ratios.

In accordance with section 732(b) of the Tariff Act of 1930, as amended (the ''Act''), Petitioner alleges that imports of xanthan gum from Austria and the PRC are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act and that such imports are materially injuring, or threatening material injury to, an industry in the United States. Also, consistent with section 732(b)(1) of the Act, the Petitions are accompanied by information reasonably available to Petitioner supporting its allegations.

The Department finds that Petitioner filed these Petitions on behalf of the domestic industry because it is an interested party as defined in section 771(9)(C) of the Act and has demonstrated sufficient industry support with respect to the initiation of the AD investigations that Petitioner is requesting. *See* the ''Determination of Industry Support for the Petitions'' section below.

Period of Investigation

Because the Petitions were filed on June 5, 2012, the period of investigation (''POI'') for the PRC investigation is October 1, 2011, through March 31, 2012. The POI for the Austria investigation is April 1, 2011, through March 31, 2012.[2]

Scope of the Investigations

The products covered by these investigations are xanthan gum from Austria and the PRC. For a full description of the scope of the investigations, *see* the ''Scope of the Investigations,'' in Appendix I of this notice.

Comments on Scope of Investigations

During our review of the Petitions, we discussed the scope with Petitioner to ensure that it is an accurate reflection of the products for which the domestic industry is seeking relief. Moreover, as discussed in the preamble to the regulations (*Antidumping Duties; Countervailing Duties; Final Rule,* 62 FR 27296, 27323 (May 19, 1997)), we are setting aside a period for interested parties to raise issues regarding product coverage. The Department encourages all interested parties to submit such comments by July 16, 2012, 5:00 p.m. Eastern Standard Time, 20 calendar days from the signature date of this notice. All comments must be filed on the records of the Austria and the PRC AD investigations. All comments and submissions to the Department must be filed electronically using Import Administration's Antidumping Countervailing Duty Centralized Electronic Service System (IA ACCESS).[3] An electronically filed document must be received successfully in its entirety by the Department's electronic records system, IA ACCESS, by the time and date noted above. Documents excepted from the electronic submission requirements must be filed manually (*i.e.,* in paper form) with Import Administration's APO/Dockets Unit, Room 1870, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, and stamped with the date and time of receipt by the deadline noted above.

The period of scope comments is intended to provide the Department with ample opportunity to consider all comments and to consult with parties prior to the issuance of the preliminary determinations.

Comments on Product Characteristics for Antidumping Questionnaires

The Department requests comments from interested parties regarding the appropriate physical characteristics of xanthan gum to be reported in response to the Department's AD questionnaires. This information will be used to identify the key physical characteristics of the merchandise under consideration in order to report the relevant factors and costs of production accurately as well as to develop appropriate product-comparison criteria.

Interested parties may provide any information or comments that they feel are relevant to the development of an accurate list of physical characteristics. Specifically, they may provide comments as to which characteristics are appropriate to use as (1) general product characteristics and (2) the product-comparison criteria. We find that it is not always appropriate to use all product characteristics as product-comparison criteria. We base product-comparison criteria on meaningful commercial differences among products.

[1] *See* Petitions for the Imposition of Antidumping Duties on Xanthan Gum from the People's Republic of China and Austria, filed on June 5, 2012 (the ''Petitions'').

[2] *See* 19 CFR 351.204(b)(1).

[3] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011) for details of the Department's electronic filing requirements, which went into effect on August 5, 2011. Information on help using IAACCESS can be found at *https://iaaccess.trade.gov/help.aspx* and a handbook can be found at *https://iaaccess.trade.gov/help/Handbook%20on%20Electronic%20Filling%20Procedures.pdf.*

In other words, while there may be some physical product characteristics utilized by manufacturers to describe xanthan gum, it may be that only a select few product characteristics take into account commercially meaningful physical characteristics. In addition, interested parties may comment on the order in which the physical characteristics should be used in matching products. Generally, the Department attempts to list the most important physical characteristics first and the least important characteristics last.

In order to consider the suggestions of interested parties in developing and issuing the AD questionnaires, we must receive comments filed in accordance with the Department's electronic filing requirements, available at 19 CFR 351.303(g), by July 16, 2012. Additionally, rebuttal comments must be received by July 23, 2012.

Determination of Industry Support for the Petitions

Section 732(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 732(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) at least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 732(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, the Department shall: (i) Poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the ''industry.''

Section 771(4)(A) of the Act defines the ''industry'' as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs the Department to look to producers and workers who produce the domestic like product. The International Trade Commission (''ITC''), which is responsible for determining whether ''the domestic industry'' has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both the Department and the ITC must apply the same statutory definition regarding the domestic like product (*see* section 771(10) of the Act), they do so for different purposes and pursuant to a separate and distinct authority. In addition, the Department's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.[4]

Section 771(10) of the Act defines the domestic like product as ''a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.'' Thus, the reference point from which the domestic like product analysis begins is ''the article subject to an investigation'' (*i.e.,* the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition).

With regard to the domestic like product, Petitioner does not offer a definition of the domestic like product distinct from the scope of the investigations. Based on our analysis of the information submitted on the record, we have determined that xanthan gum constitutes a single domestic like product and we have analyzed industry support in terms of that domestic like product.[5]

In determining whether Petitioner has standing under section 732(c)(4)(A) of the Act, we considered the industry support data contained in the Petitions with reference to the domestic like product as defined in the ''Scope of the Investigations,'' in Appendix I of this notice. To establish industry support, Petitioner provided its own 2011 production of the domestic like product. In addition, we received a letter from the only other producer in the U.S. stating its 2011 production of the domestic like product.[6]

Our review of the data provided in the Petitions, supplemental submissions, and other information readily available to the Department indicates that Petitioner has established industry support.[7] First, the Petitions established support from domestic producers (or workers) accounting for more than 50 percent of the total production of the domestic like product and, as such, the Department is not required to take further action in order to evaluate industry support (*e.g.,* polling).[8] Second, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petitions account for at least 25 percent of the total production of the domestic like product.[9] Finally, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petitions account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petitions.[10] Accordingly, the Department determines that the Petitions were filed on behalf of the domestic industry within the meaning of section 732(b)(1) of the Act.

The Department finds that Petitioner filed the Petitions on behalf of the domestic industry because it is an interested party as defined in section 771(9)(C) of the Act and it has demonstrated sufficient industry support with respect to the AD investigations that it is requesting the Department initiate.[11]

Allegations and Evidence of Material Injury and Causation

Petitioner alleges that the U.S. industry producing the domestic like product is being materially injured, or is threatened with material injury, by reason of the imports of the subject merchandise sold at less than normal value (''NV''). In addition, Petitioner alleges that subject imports exceed the negligibility threshold provided for under section 771(24)(A) of the Act.

[4] *See USEC, Inc.* v. *United States,* 132 F. Supp. 2d 1, 8 (Ct. Int'l Trade 2001) (citing *Algoma Steel Corp., Ltd.* v. *United States,* 688 F. Supp. 639, 644 (Ct. Int'l Trade 1988)).

[5] For a discussion of the domestic like product analysis in this case, *see* Antidumping Duty Investigation Initiation Checklist: Xanthan Gum from Austria (''Austria Initiation Checklist'') at Attachment II, and Antidumping Duty Investigation Initiation Checklist: Xanthan Gum from the PRC (''PRC Initiation Checklist'') at Attachment II, dated concurrently with this notice and on file electronically via IA ACCESS. Access to documents filed via IA ACCESS is also available in the Central Records Unit (CRU), Room 7046 of the main Department of Commerce building.

[6] This producer expressed neither support for nor opposition to the Petition. Hence, the Department considers this producer to be neutral. *See* Volume I of the Petitions at 2 and Exhibit I–1, and Supplements to the Austria and PRC Petitions at 3, and Supplement to the Austria Petition at Exhibit I–2, and Supplement to the PRC Petition at Exhibit I–2, and ADM production letter; *see also* Austria Initiation Checklist at Attachment II and PRC Initiation Checklist at Attachment II.

[7] *See* Austria Initiation Checklist at Attachment II and PRC Initiation Checklist at Attachment II.

[8] *See* section 732(c)(4)(D) of the Act; *see also* Austria Initiation Checklist at Attachment II and PRC Initiation Checklist at Attachment II.

[9] *See* Austria Initiation Checklist at Attachment II and PRC Initiation Checklist at Attachment II.

[10] *See id.*

[11] *See id.*

Petitioner contends that the industry's injured condition is illustrated by reduced market share, lost sales and revenues, reduced production, reduced shipments, reduced capacity utilization rate, underselling and price depression and suppression, reduced workforce, decline in financial performance, and an increase in import penetration.[12] We have assessed the allegations and supporting evidence regarding material injury, threat of material injury, and causation, and we have determined that these allegations are properly supported by adequate evidence and meet the statutory requirements for initiation.[13]

Allegations of Sales at Less Than Fair Value

The following is a description of the allegations of sales at less than fair value upon which the Department based its decision to initiate investigations of imports of xanthan gum from Austria and the PRC. The sources of data for the deductions and adjustments relating to U.S. price and NV are discussed in greater detail in the Austria Initiation Checklist and the PRC Initiation Checklist.

Export Price

Austria

Petitioner calculated export price (''EP'') using U.S. imports from Austria during the POI under the Harmonized Tariff Schedule of the United States (''HTSUS'') subheading 3913.90.20. To confirm the accuracy and reliability of the use of U.S. import statistics under this HTSUS subheading, Petitioner compared the U.S. import quantity by port for HTSUS subheading 3913.90.20 to the quantity of imports of xanthan gum from Austria captured in ship manifest data. Petitioner reviewed the manifest description of each shipment and correlated it to the import quantities from the U.S. import statistics under HTSUS subheadings 3913.90.20 such that the quantities are nearly identical for the POI. In addition, the ship manifest data also demonstrated that only food grade xanthan gum was imported from Austria into the United States during the POI. For this reason, Petitioner calculated the average unit value for the POI as the basis for U.S. price.[14] As such, the EP provided by Petitioner is conservative.

The PRC

Petitioner calculated EP based on purchased prices for xanthan gum during the POI from a Chinese producer.[15] The terms of sale for these invoices were FOB China port but Petitioner did not make an adjustment for domestic brokerage and handling expenses or freight charges to the port. As such, the EP provided by Petitioner is conservative.

Normal Value

Austria

Pursuant to sections 773(a)(4) and 773(e) of the Act, Petitioner based NV on constructed value (''CV'') because it stated that Austrian home market and third-country market export pricing were not reasonably available to it.[16] Petitioner calculated NV based on consumption rates of its own xanthan gum production facility in Oklahoma.[17] Petitioner asserts that, to the best of its knowledge, the production methods and consumption rates of its own domestic xanthan gum production facility are similar to the production methods and consumption rates of the Austrian producer.[18]

Petitioner valued all raw material factors of production (''FOP'') using publicly available Austrian import statistics from the Global Trade Atlas (''GTA'').[19] Petitioner relied on the POI for which data were available (*i.e.,* April 2011 through February 2012). Petitioner excluded from these GTA import statistics imports from countries previously determined by the Department to be NME countries.[20] In addition, Austrian imports from India, Indonesia, the Republic of Korea, and Thailand were excluded, as the Department has previously excluded prices from these countries because they maintain broadly available, non-industry-specific export subsidies.[21] Also, if imports were labeled as originating from an ''unspecified'' country, they were excluded from the average value, because Petitioner could not be certain that they were not from either an NME country or a country with generally available export subsidies.[22] For Austrian import values reported in Euros, Petitioner converted these values to U.S. dollars (''USD'') using the POI-average Euros/USD exchange rate, as reported on the Department's Web site.[23]

Petitioner valued labor utilized in the production of xanthan gum based upon data collected by the International Labor Organization (''ILO'') Geneva under the sub-classification of ''24 Manufacture of Chemicals and Chemical Products.'' [24] Petitioner utilized the total labor cost in manufacturing category. Because the data were collected in 2004, Petitioner inflated the reported hourly wage rate by the consumer price index inflation (''CPI'') rate in effect during the POI for Austria as reported by the International Monetary Fund (''IMF'') and converted the wage rate from Euro/hour to USD/hour using the POI-average exchange rate, as reported on the Department's Web site.[25]

Petitioner derived an electricity surrogate value using rates from November 2011 as reported in Europe's Energy Portal, which was then converted from Euros to USD using the POI-average exchange rate, as reported on the Department's Web site.[26] Petitioner derived a steam surrogate value using data from the same source and time period as the surrogate value for electricity.[27] Petitioner converted the steam surrogate value from Euros to USD using the POI-average exchange rate, as reported on the Department's Web site.[28]

Petitioner stated that, to the best of its knowledge, the Austrian producer packages xanthan gum in cartons stacked on wooden pallets wrapped in plastic.[29] Surrogate values for packing

[12] *See* Volume I of the Petitions at 26–48.

[13] *See* Austria Initiation Checklist at Attachment III and PRC Initiation Checklist at Attachment III.

[14] *See* Volume III of the Petitions at 7–8 and Exhibits III–9 and III–10.

[15] *See* Volume II of the Petitions at 10 and Exhibit II–10; *see also* Supplement to the PRC Petition at 5 and Exhibit 5.

[16] *See* Volume III of the Petitions at 4; *see also* Supplement to the Austria Petition at 5 and Exhibit 5.

[17] *See* Volume III of the Petitions at 4 and Exhibits III–1.

[18] *See* Volume III of the Petitions Exhibit III–1; *see also* Supplement to the Austria Petition at 7.

[19] *See* Volume III of the Petitions at 4 and Exhibit III–2; *see also* Supplement to the Austria Petition at 13 and Exhibits 11 and 12.

[20] *See* Volume III of the Petitions at Exhibit III–2.

[21] *See* Volume III of the Petitions at Exhibit III–2.

[22] *See, e.g., Polyethylene Terephthalate Film, Sheet, and Strip from the People's Republic of China: Preliminary Determination of Sales at Less Than Fair Value,* 73 FR 24552, 24559 (May 5, 2008), unchanged in *Polyethylene Terephthalate Film, Sheet, and Strip from the People's Republic of China: Final Determination of Sales at Less Than Fair Value,* 73 FR 55039 (September 24, 2008). *See* Volume III of the Petitions at Exhibit III–2.

[23] *See* Volume III of the Petitions at Exhibit III–4; *see also* Supplement to the Austria Petition at 4 and Exhibit 7.

[24] *See* Volume III of the Petitions at 4–5 and Exhibit III–3.

[25] *See* Volume III of the Petitions at 4–5 and Exhibit III–3 and III–4 and Supplement to the Austria Petition at 6 and Exhibit 6.

[26] *See* Volume III of the Petitions at 5 and Exhibits III–5; *see also* Supplement to the Austria Petition at 14 and Exhibits 11–13.

[27] *See* Volume III of the Petitions at 5 and Exhibits III–5; *see also* Supplement to the Austria Petition at 14 and Exhibits 11–13.

[28] *See* Volume III of the Petitions at 5 and Exhibits III–5; *see also* Supplement to the Austria Petition at 14 Exhibits 11–13.

[29] *See* Volume III of the Petitions at 6.

materials were derived from publicly available Austrian import statistics obtained from the GTA.[30]

Petitioner relied on the 2011 financial performance data of its own domestic xanthan gum facility to value factory overhead, selling, and administrative expenses (''SG&A''), and profit.[31]

Based on our review of Petitioner's submissions, the Department determines that the CV used by Petitioner is acceptable for purposes of initiation.[32]

The PRC

Petitioner states that the Department has long treated the PRC as a non-market economy (''NME'') country and this designation remains in effect today.[33] In accordance with section 771(18)(C)(i) of the Act, the presumption of NME status for the PRC has not been revoked by the Department and, therefore, remains in effect for purposes of the initiation of this investigation. Accordingly, the NV of the product is appropriately based on FOP valued in a surrogate market-economy country in accordance with section 773(c) of the Act. In the course of this investigation, all parties, including the public, will have the opportunity to provide relevant information related to the issues of the PRC's NME status and the granting of separate rates to individual exporters.

Petitioner contends that Thailand is the appropriate surrogate country for the PRC because: (1) It is at a level of economic development comparable to that of the PRC; and (2) it is a significant producer of comparable merchandise.[34] Further, surrogate values data from Thailand are available and reliable.[35] Moreover, Petitioner notes that the Department has previously used Thailand as the surrogate country in previous investigations involving the PRC.[36] In addition, Petitioner states that there are no known producers of xanthan gum from Thailand but there are Thai exports of comparable merchandise, which demonstrates that Thailand is a significant producer of comparable merchandise.[37] Based on the information provided by Petitioner, we believe that it is appropriate to use Thailand as a surrogate country for initiation purposes. After the initiation of the investigation, interested parties will have the opportunity to submit comments regarding surrogate country selection and, pursuant to 19 CFR 351.301(c)(3)(i), will be provided an opportunity to submit publicly available information to value FOP within 40 days from the date of publication of the preliminary determination.

Petitioner calculated the NV and dumping margins for the U.S. price, discussed above, using the Department's NME methodology as required by section 773(c) of the Act, 19 CFR 351.202(b)(7)(i)(C) and 19 CFR 351.408. Petitioner calculated NV based on consumption rates of its own xanthan gum production facility in the PRC.[38] Petitioner asserts that, to the best of Petitioner's knowledge, production methods and consumption rates of its own Chinese xanthan gum production facility are similar to the production methods and consumption rates of other Chinese producers.[39]

Petitioner valued all raw material FOP using publicly available surrogate country data; specifically, Petitioner used Thai import statistics from the GTA.[40] Petitioner relied on the POI for which data were available (*i.e.,* October 2011 through March 2012). Petitioner excluded from these GTA import statistics imports from countries previously determined by the Department to be NME countries. In addition, imports from India, Indonesia, the Republic of Korea, and Thailand were excluded, as the Department has previously excluded prices from these countries because they maintain broadly available, non-industry-specific export subsidies.[41] Also, if imports were labeled as originating from an ''unspecified'' country, they were excluded from the average value, because Petitioner could not be certain that they were not from either an NME country or a country with generally available export subsidies.[42]

For Thai import values reported in baht, Petitioner converted these values to USD per kilogram using the POI-average Thai baht/USD exchange rate, as reported on the Department's Web site.[43]

Petitioner converted ethanol (ethyl alcohol) from liters to kilograms because the Thai surrogate value for ethanol was reported in liters but Petitioner's NV model for ethanol is in kilograms.[44]

Consistent with the Department's new methodology for the valuation of labor in non-market economies, Petitioner valued labor utilized in the production of xanthan gum based upon data collected by the ILO and disseminated in Chapter 6A of the ILO Yearbook of Labor Statistics.[45] Petitioner utilized the total labor cost in manufacturing category. Petitioner converted the monthly wage rate to an hourly wage based upon Yearbook of Labor Statistics data for 2005 (the most recently published). Because the data were collected in 2005, Petitioner also inflated the reported wage rate by the consumer price index inflation rate in effect during the POI as reported by the IMF.[46]

Because Petitioner could not segregate energy costs from the surrogate financial statement, Petitioner accounted for the electricity, steam, and water costs in the calculation of surrogate financial ratios.[47] This is consistent with the Department's recent decision in *Citric Acid and Certain Citrate Salts from the People's Republic of China: Final Affirmative Determination of Sales at Less than Fair Value,* 74 FR 16838 (April 13, 2009), and accompanying Issues and Decision Memorandum at Comment 2.

Petitioner stated that, to the best of its knowledge, Chinese producers regularly package xanthan gum in 25 kilogram sacks.[48] Surrogate values for packing materials were derived from publicly

[30] *See* Volume III of the Petitions at Exhibit III–2.

[31] *See* Volume III of the Petitions at 5–6 and Exhibits III–6, III–7, and III–8; *see also* Supplement to the Austrian Petition at 7–12 and Exhibit 10.

[32] *See* Austrian Initiation Checklist.

[33] *See* Volume II of the Petitions at 4.

[34] *See* Volume II of the Petitions at 4–5 and Exhibit II–1.

[35] *See* Volume II of the Petitions at 5.

[36] *See* Volume II of the Petitions at 5, citing *Sodium Hexametaphosphate From the People's Republic of China: Preliminary Results of Second Antidumping Duty Administrative Review,* 77 FR 17013, 17015 (March 23, 2012).

[37] *See* Volume II of the Petitions at 5–6 and Exhibit II–1.

[38] *See* Volume II of the Petitions at 6–9 and Exhibits II–11; *see also* Supplement to the PRC Petition at Exhibit 9.

[39] *See* Volume II of the Petitions at 6 and Exhibit II–2.

[40] *See* Volume II of the Petitions at 6–7, and Exhibit II–3; *see also* Supplement to the PRC Petition at 5–6 and Exhibits 7 and 9.

[41] *See* Volume II of the Petitions at Exhibit II–3; *see also* Supplement to the PRC Petition at Exhibit 9.

[42] *See, e.g., Polyethylene Terephthalate Film, Sheet, and Strip from the People's Republic of China: Preliminary Determination of Sales at Less Than Fair Value,* 73 FR 24552, 24559 (May 5, 2008), unchanged in *Polyethylene Terephthalate Film, Sheet, and Strip from the People's Republic of China: Final Determination of Sales at Less Than Fair Value,* 73 FR 55039 (September 24, 2008). *See* Volume II of the Petitions at Exhibit II–3.

[43] *See* Volume II of the Petitions at 7–8 and Exhibit II–5.

[44] *See* Supplement to the PRC Petition at 5–6 and Exhibit 6.

[45] *See* Volume II of the Petitions at 7–8 and Exhibit II–4.

[46] *See* Volume II of the Petitions at Exhibit II–4.

[47] *See* Volume II of the Petitions at 10 and Exhibit II–11; *see also* Supplement to the PRC Petition at Exhibit 9.

[48] *See* Volume II of the Petitions at 9 and Exhibit II–11.

available Thai import statistics obtained from the GTA.[49]

Petitioner used the financial statements of Ajinomoto (Thailand) Co., Ltd. (''Ajinomoto'') to value factory overhead, SG&A, and profit. Petitioner identified Ajinomoto as a Thai producer of l-lysine (''lysine'') and monosodium glutamate (''MSG''), which are comparable merchandise.[50] According to Petitioner, lysine and MSG are both produced via fermentation, use similar production equipment as that required to produce xanthan gum, and the raw material inputs are similar or identical to those used to manufacture xanthan gum.[51] However, as discussed above, Petitioner could not segregate energy costs from the calculation of surrogate financial ratios; therefore, Petitioner did not incorporate energy inputs into the calculation of NV in the cost of manufacturing.[52]

Based on our review of Petitioner's submissions, the Department determines that the surrogate values used by Petitioner are reasonably available and, thus, acceptable for purposes of initiation.[53]

Fair Value Comparisons

Based on the data provided by Petitioner, there is reason to believe that imports of xanthan gum from Austria and the PRC are being, or are likely to be, sold in the United States at less than fair value. Based on comparisons of EP to CVs in accordance with section 773(a)(4) of the Act, the estimated dumping margin for xanthan gum from Austria is 145.20 percent.[54] Based on comparisons of EPs to NVs in accordance with section 773(c) of the Act, the estimated dumping margin for xanthan gum from the PRC is 154.07 percent.[55]

Initiation of Antidumping Investigations

Based upon the examination of the Petitions on xanthan gum from Austria and the PRC, we find that the Petitions meet the requirements of section 732 of the Act. Therefore, we are initiating AD investigations to determine whether imports of xanthan gum from Austria and the PRC are being, or are likely to be, sold in the United States at less than fair value. In accordance with section 733(b)(1)(A) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determinations no later than 140 days after the date of this initiation.

Targeted Dumping Allegations

On December 10, 2008, the Department issued an interim final rule for the purpose of withdrawing 19 CFR 351.414(f) and (g), the regulatory provisions governing the targeted dumping analysis in AD investigations, and the corresponding regulation governing the deadline for targeted dumping allegations, 19 CFR 351.301(d)(5).[56] The Department stated that ''{w}ithdrawal will allow the Department to exercise the discretion intended by the statute and, thereby, develop a practice that will allow interested parties to pursue all statutory avenues of relief in this area.'' [57]

In order to accomplish this objective, if any interested party wishes to make a targeted dumping allegation in either of these investigations pursuant to section 777A(d)(1)(B) of the Act, such allegations are due no later than 45 days before the scheduled date of the country-specific preliminary determination.

Respondent Selection

Austria

For the Austria investigation, although the Department normally relies on import data from U.S. Customs and Border Protection (''CBP'') to select respondents in AD investigations involving market-economy countries, the HTSUS category under which xanthan gum may enter is a basket category. Therefore, the CBP data cannot be isolated to identify imports of subject merchandise during the POI. Accordingly, the Department must rely on an alternate methodology for respondent selection, as described below.

The Petitions name one company as a producer and/or exporter in Austria of xanthan gum: Jungbunzlaer Austria AG (''JBL'').[58] The Petitions identify this one company as accounting for virtually all of the imports of xanthan gum from Austria. Moreover, we currently know of no further exporters or producers of subject merchandise. Accordingly, the Department is selecting JBL as the mandatory respondent in this investigation pursuant to section 777A(c)(1) of the Act. We will consider comments from interested parties on this respondent selection. Parties wishing to comment must do so within five days of the publication of this notice in the **Federal Register.**[59]

The PRC

For the PRC investigation, the Department will request quantity and value information from known exporters/producers identified with complete contact information in the Petitions.[60] The quantity and value data received from NME exporters/producers in the PRC will be used as the basis to select the mandatory respondents.

The Department requires that respondents submit a response to both the quantity and value questionnaire and the separate-rate application by the respective deadlines in order to receive consideration for separate-rate status.[61] On the date of the publication of this initiation notice in the **Federal Register**, the Department will post the quantity and value questionnaires, along with the filing instructions, on the Import Administration Web site at *http://ia.ita.doc.gov/ia-highlights-and-news.html,* and a response to the quantity and value questionnaire is due no later than July 16, 2012.

Interested parties must submit applications for disclosure under administrative protective order (''APO'') in accordance with 19 CFR 351.305. Instructions for filing such applications may be found on the Department's Web site at *http://ia.ita.doc.gov/apo.*

Separate Rates

In order to obtain separate-rate status in NME investigations, exporters and producers must submit a separate-rate status application.[62] The specific requirements for submitting the separate-rate application in this investigation are outlined in detail in the application itself, which will be

[49] *See* Volume II of the Petitions at Exhibits II–3 and II–11; *see also* Supplement to the PRC Petition at Exhibit 9.

[50] *See* Volume II of the Petitions at 8–9 and Exhibit II–8.

[51] *See* Volume II of the Petitions at 9 and Exhibits II–8 and II–12; *see also* Supplement to the PRC Petition at Exhibit 9.

[52] *See* Volume II of the Petitions at 10 and Exhibit II–11; *see also* Supplement to the PRC Petition at Exhibit 9.

[53] *See* PRC Initiation Checklist.

[54] *See* Supplement to the Austria Petition at 13 and Exhibit 12.

[55] *See* the PRC Initiation Checklist.

[56] *See Withdrawal of the Regulatory Provisions Governing Targeted Dumping in Antidumping Duty Investigations,* 73 FR 74930 (December 10, 2008).

[57] *See id.,* 73 FR at 74931.

[58] *See* Volume I of the Petitions at Exhibit I–5.

[59] *See Bottom Mount Combination Refrigerator-Freezers from the Republic of Korea and Mexico Initiation of Antidumping Duty Investigations,* 76 FR 23281, 23285 (April 26, 2011).

[60] *See* Volume I of Petitions at 25 and Exhibit I–2; *see also* Supplement to the PRC Petition at 7 and Exhibit 8.

[61] *See, e.g., Circular Welded Austenitic Stainless Pressure Pipe from the People's Republic of China: Initiation of Antidumping Duty Investigation,* 73 FR 10221, 10225 (February 26, 2008).

[62] *See* Policy Bulletin 05.1: Separate-Rates Practice and Application of Combination Rates in Antidumping Investigations involving Non-Market Economy Countries (April 5, 2005) (''Separate Rates and Combination Rates Bulletin''), available on the Department's Web site at *http://ia.ita.doc.gov/policy/bull05-1.pdf.*

available on the Department's Web site at *http://ia.ita.doc.gov/ia-highlights-and-news.html* on the date of publication of this initiation notice in the **Federal Register**. The separate-rate application will be due 60 days after publication of this initiation notice. In the PRC investigation, for exporters and producers who submit a separate-rate status application and subsequently are selected as mandatory respondents, these exporters and producers will no longer be eligible for consideration for separate rate status unless they respond to all parts of the questionnaire as mandatory respondents. As noted in the ''Respondent Selection'' section above, the Department requires that respondents submit a response to both the quantity and value questionnaire and the separate-rate application by the respective deadlines in order to receive consideration for separate-rate status. The quantity and value questionnaire will be available on the Department's Web site at *http://ia.ita.doc.gov/ia-highlights-and-news.html* on the date of the publication of this initiation notice in the **Federal Register**.

Use of Combination Rates in an NME Investigation

The Department will calculate combination rates for certain respondents that are eligible for a separate rate in this investigation. The Separate Rates and Combination Rates Bulletin states:

{w}hile continuing the practice of assigning separate rates only to exporters, all separate rates that the Department will now assign in its NME investigations will be specific to those producers that supplied the exporter during the period of investigation. Note, however, that one rate is calculated for the exporter and all of the producers which supplied subject merchandise to it during the period of investigation. This practice applies both to mandatory respondents receiving an individually calculated separate rate as well as the pool of non-investigated firms receiving the weighted-average of the individually calculated rates. This practice is referred to as the application of ''combination rates'' because such rates apply to specific combinations of exporters and one or more producers. The cash-deposit rate assigned to an exporter will apply only to merchandise both exported by the firm in question and produced by a firm that supplied the exporter during the period of investigation.

See Separate Rates and Combination Rates Bulletin at 6 (emphasis added).

Distribution of Copies of the Petitions

In accordance with section 732(b)(3)(A) of the Act and 19 CFR 351.202(f), copies of the public version of the Petitions have been provided to the Government of the PRC and Austrian authorities. Because of the large number of producers/exporters identified in the Petitions, the Department considers the service of the public version of the Petitions to the foreign producers/exporters satisfied by the delivery of the public version to the Government of the PRC and Austrian authorities, consistent with 19 CFR 351.203(c)(2).

ITC Notification

We have notified the ITC of our initiation, as required by section 732(d) of the Act.

Preliminary Determinations by the ITC

The ITC will preliminarily determine no later than July 20, 2012, whether there is a reasonable indication that imports of xanthan gum from Austria and the PRC are materially injuring or threatening material injury to a U.S. industry. A negative ITC determination for any country will result in the investigation being terminated with respect to that country; otherwise, these investigations will proceed according to statutory and regulatory time limits.

Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. On January 22, 2008, the Department published *Antidumping and Countervailing Duty Proceedings: Documents Submission Procedures; APO Procedures,* 73 FR 3634 (Jan. 22, 2008). Parties wishing to participate in these investigations should ensure that they meet the requirements of these procedures (*e.g.,* the filing of letters of appearance as discussed at 19 CFR 351.103(d)).

Any party submitting factual information in an AD/countervailing duty (''CVD'') proceeding must certify to the accuracy and completeness of that information.[63] Parties are hereby reminded that revised certification requirements are in effect for company/government officials as well as their representatives in all segments of any AD/CVD proceedings initiated on or after March 14, 2011.[64] The formats for the revised certifications are provided at the end of the *Interim Final Rule.* The Department intends to reject factual submissions in any proceeding segments initiated on or after March 14, 2011, if the submitting party does not comply with the revised certification requirements.

This notice is issued and published pursuant to section 777(i) of the Act.

Dated: June 25, 2012.

Paul Piquado,

Assistant Secretary for Import Administration.

Appendix I

Scope of the Investigations

The scope of these investigations covers dry xanthan gum, whether or not coated or blended with other products. Further, xanthan gum is included in these investigations regardless of physical form, including, but not limited to, solutions, slurries, dry powders of any particle size, or unground fiber.

Xanthan gum that has been blended with other product(s) is included in this scope when the resulting mix contains 15 percent or more of xanthan gum by dry weight. Other products with which xanthan gum may be blended include, but are not limited to, sugars, minerals, and salts.

Xanthan gum is a polysaccharide produced by aerobic fermentation of *Xanthomonas campestris.* The chemical structure of the repeating pentasaccharide monomer unit consists of a backbone of two P-1,4-D-Giucose- monosaccharide units, the second with a trisaccharide side chain consisting of P-D-Mannose-(1,4)- P-DGiucuronic acid-(1,2)—a-D-Mannose monosaccharide units. The terminal mannose may be pyruvylated and the internal mannose unit may be acetylated.

Merchandise covered by the scope of these investigations is classified in the Harmonized Tariff Schedule of the United States at subheading 3913.90.20. This tariff classification is provided for convenience and customs purposes; however, the written description of the scope is dispositive.

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[63] *See* section 782(b) of the Act.

[64] *See Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings: Interim Final Rule, 76 FR 7491* (February 10, 2011) (*Interim Final Rule*) amending 19 CFR 351.303(g)(1) & (2) and supplemented by *Certification of Factual Information To Import Administration During Antidumping and Countervailing Duty Proceedings: Supplemental Interim Final Rule,* 76 FR 54697 (September 2, 2011).

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Advance Notification of Sunset Reviews

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

Background

Every five years, pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act''), the Department of Commerce (''the Department'') and the International Trade Commission automatically initiate and conduct a

review to determine whether revocation of a countervailing or antidumping duty order or termination of an investigation suspended under section 704 or 734 of the Act would be likely to lead to continuation or recurrence of dumping or a countervailable subsidy (as the case may be) and of material injury.

Upcoming Sunset Reviews for August 2012

The following Sunset Review is scheduled for initiation in August 2012 and will appear in that month's Notice of Initiation of Five-Year Sunset Review.

	Department Contact
Antidumping Duty Proceedings	
No Sunset Review of suspended investigations is scheduled for initiation in August 2012.	
Countervailing Duty Proceedings	
No Sunset Review of suspended investigations is scheduled for initiation in August 2012.	
Suspended Investigations	
Lemon Juice from Argentina (A–357–818) (1st Review)	Sally Gannon (202) 482–0162
Lemon Juice from Mexico (A–201–835) (1st Review)	Sally Gannon (202) 482–0162

The Department's procedures for the conduct of Sunset Reviews are set forth in 19 CFR 351.218. Guidance on methodological or analytical issues relevant to the Department's conduct of Sunset Reviews is set forth in the Department's Policy Bulletin 98.3—*Policies Regarding the Conduct of Five-year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin,* 63 FR 18871 (April 16, 1998). The Notice of Initiation of Five-Year (''Sunset'') Reviews provides further information regarding what is required of all parties to participate in Sunset Reviews.

Pursuant to 19 CFR 351.103(c), the Department will maintain and make available a service list for these proceedings. To facilitate the timely preparation of the service list(s), it is requested that those seeking recognition as interested parties to a proceeding contact the Department in writing within 10 days of the publication of the Notice of Initiation.

Please note that if the Department receives a Notice of Intent to Participate from a member of the domestic industry within 15 days of the date of initiation, the review will continue. Thereafter, any interested party wishing to participate in the Sunset Review must provide substantive comments in response to the notice of initiation no later than 30 days after the date of initiation.

This notice is not required by statute but is published as a service to the international trading community.

Dated: June 11, 2012.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2012–16162 Filed 6–29–12; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

FOR FURTHER INFORMATION CONTACT: Brenda E. Waters, Office of AD/CVD Operations, Customs Unit, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, telephone: (202) 482–4735.

Background

Each year during the anniversary month of the publication of an antidumping or countervailing duty order, finding, or suspended investigation, an interested party, as defined in section 771(9) of the Tariff Act of 1930, as amended (''the Act''), may request, in accordance with 19 CFR 351.213, that the Department of Commerce (''the Department'') conduct an administrative review of that antidumping or countervailing duty order, finding, or suspended investigation.

All deadlines for the submission of comments or actions by the Department discussed below refer to the number of calendar days from the applicable starting date.

Respondent Selection

In the event the Department limits the number of respondents for individual examination for administrative reviews initiated pursuant to requests made for the orders identified below, the Department intends to select respondents based on U.S. Customs and Border Protection (''CBP'') data for U.S. imports during the period of review. We intend to release the CBP data under Administrative Protective Order (''APO'') to all parties having an APO within five days of publication of the initiation notice and to make our decision regarding respondent selection within 21 days of publication of the initiation **Federal Register** notice. Therefore, we encourage all parties interested in commenting on respondent selection to submit their APO applications on the date of publication of the initiation notice, or as soon thereafter as possible. The Department invites comments regarding the CBP data and respondent selection within five days of placement of the CBP data on the record of the review.

In the event the Department decides it is necessary to limit individual examination of respondents and conduct respondent selection under section 777A(c)(2) of the Act:

In general, the Department has found that determinations concerning whether particular companies should be ''collapsed'' (*i.e.,* treated as a single entity for purposes of calculating

antidumping duty rates) require a substantial amount of detailed information and analysis, which often require follow-up questions and analysis. Accordingly, the Department will not conduct collapsing analyses at the respondent selection phase of this review and will not collapse companies at the respondent selection phase unless there has been a determination to collapse certain companies in a previous segment of this antidumping proceeding (*i.e.,* investigation, administrative review, new shipper review or changed circumstances review). For any company subject to this review, if the Department determined, or continued to treat, that company as collapsed with others, the Department will assume that such companies continue to operate in the same manner and will collapse them for respondent selection purposes. Otherwise, the Department will not-collapse companies for purposes of respondent selection. Parties are requested to (a) identify which companies subject to review previously were collapsed, and (b) provide a citation to the proceeding in which they were collapsed. Further, if companies are requested to complete the Quantity and Value Questionnaire for purposes of respondent selection, in general each company must report volume and value data separately for itself. Parties should not include data for any other party, even if they believe they should be treated as a single entity with that other party. If a company was collapsed with another company or companies in the most recently completed segment of this proceeding where the Department considered collapsing that entity, complete quantity and value data for that collapsed entity must be submitted.

Deadline for Withdrawal of Request for Administrative Review

Pursuant to 19 CFR 351.213(d)(1), a party that has requested a review may withdraw that request within 90 days of the date of publication of the notice of initiation of the requested review. The regulation provides that the Department may extend this time if it is reasonable to do so. In order to provide parties additional certainty with respect to when the Department will exercise its discretion to extend this 90-day deadline, interested parties are advised that, with regard to reviews requested on the basis of anniversary months on or after July 2012, the Department does not intend to extend the 90-day deadline unless the requestor demonstrates that an extraordinary circumstance has prevented it from submitting a timely withdrawal request. Determinations by the Department to extend the 90-day deadline will be made on a case-by-case basis.

The Department is providing this notice on its Web site, as well as in its ''Opportunity to Request Administrative Review'' notices, so that interested parties will be aware of the manner in which the Department intends to exercise its discretion in the future.

Opportunity to Request A Review: Not later than the last day of July 2012,[1] interested parties may request administrative review of the following orders, findings, or suspended investigations, with anniversary dates in July for the following periods:

	Period of review
Antidumping Duty Proceedings	
FINLAND: Carboxymethylcellulose A–405–803	7/1/11–6/30/12
INDIA: Polyethylene Terephthalate (PET) Film A–533–824	7/1/11–6/30/12
IRAN: In-Shell Pistachios A–507–502	7/1/11–6/30/12
ITALY: Certain Pasta A–475–818	7/1/11–6/30/12
JAPAN:	
Clad Steel Plate A–588–838	7/1/11–6/30/12
Polyvinyl Alcohol A–588–861	7/1/11–6/30/12
Stainless Steel Sheet and Strip in Coils A–588–845	7/1/11–6/30/12
NETHERLANDS: Carboxymethylcellulose A–421–811	7/1/11–6/30/12
REPUBLIC OF KOREA: Stainless Steel Sheet and Strip in Coils A–580–834	7/1/11–6/30/12
RUSSIA:	
Ferrovanadium and Nitrided Vanadium A–821–807	7/1/11–6/30/12
Solid Urea A–821–801	7/1/11–6/30/12
TAIWAN:	
Polyethylene Terephthalate (PET) Film A–583–837	7/1/11–6/30/12
Stainless Steel Sheet and Strip in Coils A–583–831	7/1/11–6/30/12
THAILAND: Carbon Steel Butt-Weld Pipe Fittings A–549–807	7/1/11–6/30/12
THE PEOPLE'S REPUBLIC OF CHINA:	
Carbon Steel Butt-Weld Pipe Fittings A–570–814	7/1/11–6/30/12
Certain Potassium Phosphate Salts A–570–962	7/1/11–6/30/12
Certain Steel Grating A–570–947	7/1/11–6/30/12
Circular Welded Carbon Quality Steel Pipe A–570–910	7/1/11–6/30/12
Persulfates A–570–847	7/1/11–6/30/12
Saccharin A–570–878	7/1/11–6/30/12
TURKEY: Certain Pasta A–489–805	7/1/11–6/30/12
UKRAINE: Solid Urea A–823–801	7/1/11–6/30/12
Countervailing Duty Proceedings	
INDIA: Polyethylene Terephthalate (PET) Film C–533–825	1/1/11–12/31/11
ITALY: Certain Pasta C–475–819	1/1/11–12/31/11
THE PEOPLE'S REPUBLIC OF CHINA:	
Certain Potassium Phosphate Salts C–570–963	1/1/11–12/31/11
Certain Steel Grating C–570–948	1/1/11–12/31/11
Circular Welded Carbon Quality Steel Pipe C–570–911	1/1/11–12/31/11
Prestressed Concrete Steel Wire Strand C–570–946	1/1/11–12/31/11
TURKEY: Certain Pasta C–489–806	1/1/11–12/31/11

[1] Or the next business day, if the deadline falls on a weekend, federal holiday or any other day when the Department is closed.

	Period of review
Suspension Agreements	
RUSSIA: Certain Hot-Rolled Carbon Steel Flat Products A–821–809	7/1/11–6/30/12

In accordance with 19 CFR 351.213(b), an interested party as defined by section 771(9) of the Act may request in writing that the Secretary conduct an administrative review. For both antidumping and countervailing duty reviews, the interested party must specify the individual producers or exporters covered by an antidumping finding or an antidumping or countervailing duty order or suspension agreement for which it is requesting a review. In addition, a domestic interested party or an interested party described in section 771(9)(B) of the Act must state why it desires the Secretary to review those particular producers or exporters.[2] If the interested party intends for the Secretary to review sales of merchandise by an exporter (or a producer if that producer also exports merchandise from other suppliers) which were produced in more than one country of origin and each country of origin is subject to a separate order, then the interested party must state specifically, on an order-by-order basis, which exporter(s) the request is intended to cover.

Please note that, for any party the Department was unable to locate in prior segments, the Department will not accept a request for an administrative review of that party absent new information as to the party's location. Moreover, if the interested party who files a request for review is unable to locate the producer or exporter for which it requested the review, the interested party must provide an explanation of the attempts it made to locate the producer or exporter at the same time it files its request for review, in order for the Secretary to determine if the interested party's attempts were reasonable, pursuant to 19 CFR 351.303(f)(3)(ii).

As explained in *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003), the Department has clarified its practice with respect to the collection of final antidumping duties on imports of merchandise where intermediate firms are involved. The public should be aware of this clarification in determining whether to request an administrative review of merchandise subject to antidumping findings and orders. *See also* the Import Administration web site at *http://ia.ita.doc.gov.*

All requests must be filed electronically in Import Administration's Antidumping and Countervailing Duty Centralized Electronic Service System (''IA ACCESS'') on the IA ACCESS Web site at *http://iaaccess.trade.gov. See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011). Further, in accordance with 19 CFR 351.303(f)(l)(i), a copy of each request must be served on the petitioner and each exporter or producer specified in the request.

The Department will publish in the **Federal Register** a notice of ''Initiation of Administrative Review of Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation'' for requests received by the last day of July 2012. If the Department does not receive, by the last day of July 2012, a request for review of entries covered by an order, finding, or suspended investigation listed in this notice and for the period identified above, the Department will instruct CBP to assess antidumping or countervailing duties on those entries at a rate equal to the cash deposit of (or bond for) estimated antidumping or countervailing duties required on those entries at the time of entry, or withdrawal from warehouse, for consumption and to continue to collect the cash deposit previously ordered.

For the first administrative review of any order, there will be no assessment of antidumping or countervailing duties on entries of subject merchandise entered, or withdrawn from warehouse, for consumption during the relevant provisional-measures ''gap'' period, of the order, if such a gap period is applicable to the period of review.

This notice is not required by statute but is published as a service to the international trading community.

[2] If the review request involves a non-market economy and the parties subject to the review request do not qualify for separate rates, all other exporters of subject merchandise from the non-market economy country who do not have a separate rate will be covered by the review as part of the single entity of which the named firms are a part.

Dated: June 12, 2012.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2012–16150 Filed 6–29–12; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Five-Year (''Sunset'') Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: In accordance with section 751(c) of the Tariff Act of 1930, as amended (''the Act''), the Department of Commerce (''the Department'') is automatically initiating a five-year review (''Sunset Review'') of the antidumping duty orders listed below. The International Trade Commission (''the Commission'') is publishing concurrently with this notice its notice of *Institution of Five-Year Review* which covers the same orders.

DATES: *Effective Date:* July 1, 2012.

FOR FURTHER INFORMATION CONTACT: The Department official identified in the *Initiation of Review* section below at AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230. For information from the Commission contact Mary Messer, Office of Investigations, U.S. International Trade Commission at (202) 205–3193.

SUPPLEMENTARY INFORMATION:

Background

The Department's procedures for the conduct of Sunset Reviews are set forth in its *Procedures for Conducting Five-Year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders,* 63 FR 13516 (March 20, 1998) and 70 FR 62061 (October 28, 2005). Guidance on methodological or analytical issues relevant to the Department's conduct of Sunset Reviews is set forth in the Department's Policy Bulletin 98.3—*Policies Regarding the Conduct of Five-Year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders: Policy Bulletin,* 63 FR 18871 (April 16, 1998), and in *Antidumping Proceedings:*

Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification, 77 FR 8101 (February 14, 2012).

Initiation of Review

In accordance with 19 CFR 351.218(c), we are initiating the Sunset Review of the following antidumping duty orders:

DOC Case No.	ITC Case No.	Country	Product	Department contact
A–357–812	731–TA–892	Argentina	Honey (2nd Review)	Jennifer Moats (202) 482–5047.
C–357–813	701–TA–402	Argentina	Honey (2nd Review)	Dana Mermelstein (202) 482–1391.
A–822–804	731–TA–873	Belarus	Steel Concrete Reinforcing Bars (2nd Review)	David Goldberger (202) 482–4136.
A–570–863	731–TA–893	China	Honey (2nd Review)	Jennifer Moats (202) 482–5047.
A–570–860	731–TA–874	China	Steel Concrete Reinforcing Bars (2nd Review)	David Goldberger (202) 482–4136.
A–560–811	731–TA–857	Indonesia	Steel Concrete Reinforcing Bars (2nd Review)	David Goldberger (202) 482–4136.
A–499–804	731–TA–875	Latvia	Steel Concrete Reinforcing Bars (2nd Review)	David Goldberger (202) 482–4136.
A–841–804	731–TA–879	Moldova	Steel Concrete Reinforcing Bars (2nd Review)	David Goldberger (202) 482–4136.
A–455–803	731–TA–880	Poland	Steel Concrete Reinforcing Bars (2nd Review)	David Goldberger (202) 482–4136.
A–823–809	731–TA–882	Ukraine	Steel Concrete Reinforcing Bars (2nd Review)	David Goldberger (202) 482–4136.

Filing Information

As a courtesy, we are making information related to Sunset proceedings, including copies of the pertinent statute and regulations, the Department schedule for Sunset Reviews, a listing of past revocations and continuations, and current service lists, available to the public on the Department's Internet Web site at the following address: ''*http://ia.ita.doc.gov/sunset/.*'' All submissions in these Sunset Reviews must be filed in accordance with the Department's regulations regarding format, translation, and service of documents. These rules, including electronic filing requirements via Import Administration's Antidumping and Countervailing Duty Centralized Electronic Service System (''IA ACCESS''), can be found at 19 CFR 351.303. *See also Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011).

This notice serves as a reminder that any party submitting factual information in an AD/CVD proceeding must certify to the accuracy and completeness of that information. *See* section 782(b) of the Act. Parties are hereby reminded that revised certification requirements are in effect for company/government officials as well as their representatives in all AD/CVD investigations or proceedings initiated on or after March 14, 2011. *See Certification of Factual Information To Import Administration During Antidumping and Countervailing Duty Proceedings: Interim Final Rule,* 76 FR 7491 (February 10, 2011) (''*Interim Final Rule*'') amending 19 CFR 351.303(g)(1) and (2) and supplemented by *Certification of Factual Information To Import Administration During Antidumping and Countervailing Duty Proceedings: Supplemental Interim Final Rule,* 76 FR 54697 (September 2, 2011). The formats for the revised certifications are provided at the end of the *Interim Final Rule.* The Department intends to reject factual submissions if the submitting party does not comply with the revised certification requirements.

Pursuant to 19 CFR 351.103(d), the Department will maintain and make available a service list for these proceedings. To facilitate the timely preparation of the service list(s), it is requested that those seeking recognition as interested parties to a proceeding contact the Department in writing within 10 days of the publication of the Notice of Initiation.

Because deadlines in Sunset Reviews can be very short, we urge interested parties to apply for access to proprietary information under administrative protective order (''APO'') immediately following publication in the **Federal Register** of this notice of initiation by filing a notice of intent to participate. The Department's regulations on submission of proprietary information and eligibility to receive access to business proprietary information under APO can be found at 19 CFR 351.304–306.

Information Required From Interested Parties

Domestic interested parties defined in section 771(9)(C), (D), (E), (F), and (G) of the Act and 19 CFR 351.102(b) wishing to participate in a Sunset Review must respond not later than 15 days after the date of publication in the **Federal Register** of this notice of initiation by filing a notice of intent to participate. The required contents of the notice of intent to participate are set forth at 19 CFR 351.218(d)(1)(ii). In accordance with the Department's regulations, if we do not receive a notice of intent to participate from at least one domestic interested party by the 15-day deadline, the Department will automatically revoke the order without further review. *See* 19 CFR 351.218(d)(1)(iii).

If we receive an order-specific notice of intent to participate from a domestic interested party, the Department's regulations provide that *all parties* wishing to participate in the Sunset Review must file complete substantive responses not later than 30 days after the date of publication in the **Federal Register** of this notice of initiation. The required contents of a substantive response, on an order-specific basis, are set forth at 19 CFR 351.218(d)(3). Note that certain information requirements differ for respondent and domestic parties. Also, note that the Department's information requirements are distinct from the Commission's information requirements. Please consult the Department's regulations for information regarding the Department's conduct of Sunset Reviews.[1] Please consult the Department's regulations at 19 CFR Part 351 for definitions of terms and for other general information concerning antidumping and countervailing duty proceedings at the Department.

This notice of initiation is being published in accordance with section 751(c) of the Act and 19 CFR 351.218 (c).

[1] In comments made on the interim final sunset regulations, a number of parties stated that the proposed five-day period for rebuttals to substantive responses to a notice of initiation was insufficient. This requirement was retained in the final sunset regulations at 19 CFR 351.218(d)(4). As provided in 19 CFR 351.302(b), however, the Department will consider individual requests to extend that five-day deadline based upon a showing of good cause.

Dated: June 11, 2012.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2012–16182 Filed 6–29–12; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Advisory Committee on Commercial Remote Sensing (ACCRES); Charter Renewal

AGENCY: National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

ACTION: Notice of ACCRES Charter Renewal.

SUMMARY: The Advisory Committee on Commercial Remote Sensing (ACCRES) was renewed on March 14, 2012.

SUPPLEMENTARY INFORMATION: In accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App 2, and the General Services Administration (GSA) rule on Federal Advisory Committee Management, 41 CFR Part 101–6, and after consultation with GSA, the Secretary of Commerce has determined the renewal of the Advisory Committee on Commercial Remote Sensing (ACCRES) is in the public interest in connection with the performance of duties imposed on the Department by law.

The Committee was first established in May 2002, to advise the Under Secretary of Commerce for Oceans and Atmosphere on matters relating to the U.S. commercial remote-sensing industry and National Oceanic and Atmospheric Administration's activities to carry out the responsibilities of the Department of Commerce set forth in set forth in the 51 U.S.C. 60121, *et seq,* the National and Commercial Space Programs Act and 15 CFR part 960 the Land Remote Sensing Policy Act of 1992 (15 U.S.C. 5621–5625).

The Committee consists of generally not more than 15 members serving in a representative capacity. Each of these members shall be appointed by the Under Secretary to assure a balanced representation among remote sensing satellite operators, private users of data, academia and researchers.

The Committee will function solely as an advisory body and in compliance with provisions of the Federal Advisory Committee Act. Copies of the Committee's revised Charter has been filed with the appropriate committees of Congress and with the Library of Congress.

FOR FURTHER INFORMATION CONTACT: Tahara D. Dawkins, Director NOAA/NESDIS Commercial Remote Sensing Regulatory Affairs (CRSRA), 1335 East West Highway, Room 8260, Silver Spring, Maryland 20910; telephone (301) 713–3385, fax (301) 713–1249, or Richard James at telephone (301) 713–0572, or email *CRSRA@noaa.gov.*

Mary E. Kicza,

Assistant Administrator for Satellite and Information Services.

[FR Doc. 2012–16198 Filed 6–29–12; 8:45 am]

BILLING CODE 3510–HR–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XC078

Endangered Species; File No. 17183

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that Raymond Carthy, University of Florida, Florida Cooperative Fish and Wildlife Research Unit, 117 Newins-Ziegler Hall, P.O. Box 110450, Gainesville, FL 32611, has applied in due form for a permit to take green (*Chelonia mydas*), loggerhead (*Caretta caretta*), hawksbill (*Eretmochelys imbricata*), and Kemp's ridley (*Lepidochelys kempii*) sea turtles for the purposes of scientific research.

DATES: Written, telefaxed, or email comments must be received on or before August 1, 2012.

ADDRESSES: The application and related documents are available for review by selecting Records Open for Public Comment from the *Features* box on the Applications and Permits for Protected Species (APPS) home page, *https://apps.nmfs.noaa.gov*, and then selecting File No. 17183 from the list of available applications.

These documents are also available 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

Southeast Region, NMFS, 263 13th Avenue South, Saint Petersburg, FL 33701; phone (727) 824–5312; fax (727) 824–5309.

Written comments on this application should be submitted to the Chief, Permits and Conservation Division

- By email to *NMFS.Pr1Comments@noaa.gov* (include the File No. in the subject line of the email),
- By facsimile to (301) 713–0376, or
- At the address listed above.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits and Conservation Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Colette Cairns or Amy Hapeman, (301) 427–8401.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*) and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR 222–226).

The applicant requests a five-year permit to continue long-term research on the demographics and movements of green, loggerhead, hawksbill, and Kemp's ridley sea turtles off the northwest coast of Florida. The objectives of the research are to (1) obtain information on sea turtle ecology and health status; (2) determine the genetic origin of sea turtle populations in the region; (3) monitor turtle foraging habits; and (4) address fine-scale and broad-scale temporal and spatial patterns of sea turtle use and movement patterns. Researchers would capture sea turtles annually by strike net, tangle net, dip net or hand capture. Captured sea turtles would be measured, weighed, passive integrated transponder tagged, flipper tagged, epibiota sampled, tissue sampled, blood sampled, gastric lavaged, carapace marked, photographed, and released. A subset of sea turtles would be fitted with telemetry tags—either a satellite tag or an acoustic tag with an accelerometer.

Dated: June 26, 2012.

P. Michael Payne,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2012–16144 Filed 6–29–12; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XC081

Caribbean Fishery Management Council; Public Hearings and Scoping Meeting

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

ACTION: Notice.

SUMMARY: The Caribbean Fishery Management Council will hold two public hearings to obtain input from fishers, the general public, and the local agencies representatives on the Draft Amendment 4 to the Fishery Management Plan for Corals and Reef Associated Plants and Invertebrates of Puerto Rico and the U.S. Virgin Islands (dealing with seagrasses) and Draft Amendment 4 to the Fishery Management Plan for the Reef Fish Fishery of Puerto Rico and the U.S. Virgin Islands (dealing with size limits for parrotfish); and one Scoping Meeting on Options for Island-Specific Fishery Management Plans (FMPs) in the U.S. Caribbean.

DATES: The public hearings and scoping meeting will be held in July. For specific dates and times see **SUPPLEMENTARY INFORMATION** under the heading Meetings, Dates, and Locations.

ADDRESSES: The public hearings and scoping meeting will be held in Puerto Rico and in the U.S. Virgin Islands. For specific locations see **SUPPLEMENTARY INFORMATION** under the heading Meetings, Dates, and Locations.

FOR FURTHER INFORMATION CONTACT: Caribbean Fishery Management Council, 268 Muñoz Rivera Avenue, Suite 1108, San Juan, Puerto Rico 00918–1920, telephone (787) 766–5926.

SUPPLEMENTARY INFORMATION:

Meetings, Dates, and Locations

Puerto Rico

July 23, 2012, DoubleTree by Hilton San Juan, 105 De Diego Avenue, San Juan, Puerto Rico 00914.

July 24, 2012, Asociación de Pescadores, Villa Pesquera Playa Hucar, 66.7 Km Highway 3 Naguabo, Puerto Rico 00718.

July 25, 2012, Holiday Inn Mayagüez, 2701 Highway #2, Mayagüez, Puerto Rico 00680.

July 26, 2012, Ponce Holiday Inn, 3315 Ponce by Pass, Ponce, Puerto Rico 00731.

U.S. Virgin Islands

July 24, 2012, Windward Passage Hotel, Veterans Drive, Charlotte Amalie, St. Thomas, U.S. Virgin Islands 00804.

July 25, 2012, The Buccaneer Hotel, 5007 Estate Shoys, Christiansted, St. Croix, U.S. Virgin Islands 00820.

The public hearings will be held from 6 p.m. to 7 p.m., for seagrass; from 7:10 p.m. to 8 p.m., for parrotfish; and the scoping meeting for island-specific management from 8 p.m. to 10 p.m.

The Caribbean Fishery Management Council will hold two public hearings and one scoping meeting to receive public input on the following management alternatives:

Public Hearings

Draft Amendment 4 to the Fishery Management Plan for the Reef Fish Fishery of Puerto Rico and the U.S. Virgin Islands (Public Hearing Dealing With Size Limits for Parrotfish)

Action 1: Alternatives for Parrotfish Commercial Size Limits

Alternative 1: No Action: Do not establish minimum size limits for the commercial sector harvest of the parrotfish unit of the reef fish fishery.

Alternative 2: Establish minimum size limits for the commercial sector harvest of the parrotfish unit of the reef fish fishery in St. Croix.

No Commercial Minimum Size Limit
a. 9 inches fork length (FL)
b. 10 inches FL
c. 11 inches FL
d. 12 inches FL

Alternative 3: Establish minimum size limits for the commercial sector harvest of the parrotfish unit of the reef fish fishery in St. Thomas/St. John.

a. No Commercial Minimum Size Limit
b. 9 inches FL
c. 10 inches FL
d. 11 inches FL
e. 12 inches FL

Alternative 4: Establish minimum size limits for the commercial sector harvest of the parrotfish unit of the reef fish fishery in Puerto Rico.

a. No Commercial Minimum Size Limit
b. 9 inches FL
c. 10 inches FL
d. 11 inches FL
e. 12 inches FL

Action 2: Alternatives for Parrotfish Recreational Size Limits

Alternative 1: No Action: Do not establish minimum size limits for the recreational sector of the parrotfish unit of the reef fish fishery.

Alternative 2: Establish minimum size limits for the recreational sector harvest of the parrotfish unit of the reeffish fishery in St. Croix.

No Recreational Minimum Size Limit
a. 9 inches FL
b. 10 inches FL
c. 11 inches FL
d. 12 inches FL

Alternative 3: Establish minimum size limits for the recreational sector harvest of the parrotfish unit of the reef fish fishery in St. Thomas/St. John.

a. No Recreational Minimum Size Limit
b. 9 inches FL
c. 10 inches FL
d. 11 inches FL
e. 12 inches FL

Alternative 4: Establish minimum size limits for the recreational sector harvest of the parrotfish unit of the reef fish fishery in Puerto Rico.

a. No Recreational Minimum Size Limit
b. 9 inches FL
c. 10 inches FL
d. 11 inches FL
e. 12 inches FL

Draft Amendment 4 to the Fishery Management Plan for Corals and Reef Associated Plants and Invertebrates of Puerto Rico and the U.S. Virgin Islands (public hearing dealing with seagrasses)

Proposed Action

The Caribbean Fishery Management Council proposes: To modify the management of seagrass species included in the Corals and Reef Associated Plants and Invertebrates Fishery Management Plan. There are four alternatives proposed for this action:

Alternative 1: No Action. Do not modify the management of seagrass species listed in the Corals and Reef Associated Plants and Invertebrates Fishery Management Plan. Retain current management reference points or proxies for seagrass species.

Alternative 2: Prohibit the harvest in the U.S. Caribbean exclusive economic zone of seagrass species listed in the Corals and Reef Associated Plants and Invertebrates Fishery Management Plan.

Sub-Alternative 2(a): Prohibit harvest and establish an annual catch limit = 0 for seagrass species listed in the Corals and Reef Associated Plants and Invertebrates Fishery Management Plan.

Sub-Alternative 2(b): Prohibit harvest and establish an annual catch limit ≥ 1 lb. wet weight for the seagrass species listed in the Corals and Reef Associated Plants and Invertebrates Fishery Management Plan to account for harvest associated with educational or restoration purposes.

Alternative 3: Designate the seagrass species listed in the Corals and Reef

Associated Plants and Invertebrates Fishery Management Plan as Ecosystem Component species as defined in the Magnuson-Stevens Act National Standard 1 Guidelines.

Alternative 4: (Preferred) Remove all species of seagrass from the Corals and Reef Associated Plants and Invertebrates Fishery Management Plan

Scoping Meetings

Options for Island-Specific Fishery Management Plans (FMPs) in the U.S. Caribbean (scoping meeting)

Option 1—No Action

Do not modify the existing species-specific FMPs. NOAA Fisheries and the Caribbean Council would continue to manage federal fisheries in the U.S. Caribbean EEZ under the Spiny Lobster, Reef Fish, Coral, and Queen Conch FMPs.

Option 2—The Four Island FMP Approach

Create new island-specific FMPs for Puerto Rico, St. Croix, St. Thomas, and St. John. Under this option, the Caribbean Council and NOAA Fisheries would manage the EEZ resources under separate FMPs for each of these islands.

Option 3—The Three Island FMP Approach

Create three new island-specific FMPs for Puerto Rico, St. Croix and St. Thomas/St. John. The Caribbean Council and NOAA Fisheries would combine management of the St. Thomas and St. John EEZ resources. The St. Croix and Puerto Rico EEZ resources would be managed under separate FMPs.

Option 4—The Two Island FMP Approach-Puerto Rican Bank Approach

This option would allow the Caribbean Council and NOAA Fisheries to develop two island-specific FMPs. The Caribbean Council and NOAA Fisheries would combine management of the Puerto Rico, St. Thomas, and St. John EEZ resources but would manage the St. Croix EEZ resources under separate FMPs.

Special Accommodations

These meetings are physically accessible to people with disabilities. For more information or request for sign language interpretation and other auxiliary aids, please contact Mr. Miguel A. Rolón, Executive Director, Caribbean Fishery Management Council, 268 Muñoz Rivera Avenue, Suite 1108, San Juan, Puerto Rico, 00918–1920, telephone (787) 766–5926, at least five days prior to the meeting date.

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

Dated: June 27, 2012.

James P. Burgess,

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

[FR Doc. 2012–16153 Filed 6–29–12; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Submission for OMB Review; Comment Request

The United States Patent and Trademark Office (USPTO) will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. 35).

Agency: United States Patent and Trademark Office (USPTO).

Title: Trademark Petitions.

Form Number(s): None.

Agency Approval Number: 0651–0061.

Type of Request: Revision of a currently approved collection.

Burden: 1,689 hours annually.

Number of Respondents: 2,135 responses per year.

Avg. Hours per Response: The USPTO estimates that it will take the public approximately 30 minutes (0.50 hours) to one hour to complete the collections of information described in this submission, depending on the nature of the information. This includes time to gather the necessary information, prepare the documents, and submit the information to the USPTO.

Needs and Uses: The information is used by the public for a variety of private business purposes related to establishing and enforcing trademark rights.

Information relating to the registration of a trademark is made publicly available by the USPTO. The release of information in a letter of protest is controlled and may be available upon request only.

Affected Public: Individuals or households, businesses or other for-profits.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Nicholas A. Fraser, email: *Nicholas_A._Fraser@omb.eop.gov.*

Once submitted, the request will be publicly available in electronic format through the Information Collection Review page at *www.reginfo.gov.*

Paper copies can be obtained by:

- *Email: InformationCollection@uspto.gov.* Include ''0651–0061 copy request'' in the subject line of the message.
- *Mail:* Susan K. Fawcett, Records Officer, Office of the Chief Information Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.

Written comments and recommendations for the proposed information collection should be sent on or before August 1, 2012 to Nicholas A. Fraser, OMB Desk Officer, via email to *Nicholas_A._Fraser@omb.eop.gov,* or by fax to 202–395–5167, marked to the attention of Nicholas A. Fraser.

Dated: June 27, 2012.

Susan K. Fawcett,

Records Officer, USPTO, Office of the Chief Information Officer.

[FR Doc. 2012–16091 Filed 6–29–12; 8:45 am]

BILLING CODE 3510–16–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

[Docket No. CFPB–2012–0026]

Consumer Use of Reverse Mortgages

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice and request for information.

SUMMARY: Section 1076 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (the Dodd-Frank Act) required the Bureau of Consumer Financial Protection (the CFPB or the Bureau) to conduct a study on reverse mortgage transactions.[1] The Bureau published this study in a June 28, 2012 Report to Congress.

The Bureau also has authority to implement regulations on reverse mortgage transactions. Specifically, the Bureau has authority to implement federal consumer financial laws, including the Truth in Lending Act and the Real Estate Settlement Procedures Act, which already impose requirements on reverse mortgage transactions. Further, section 1076 of the Dodd-Frank Act supplements the Bureau's authority to specify that the Bureau's regulations of reverse mortgage transactions may identify any practice as unfair, deceptive, or abusive, and may provide for an integrated disclosure standard and model disclosures.[2]

To assist its ongoing study of reverse mortgage transactions, the Bureau is

[1] Dodd-Frank Wall Street Reform and Consumer Protection Act, Public. Law 111–203, § 1076(a), 124 Stat. 2075 (2010) (12 U.S.C. 5602).

[2] *Id.* § 1076(b).

seeking detailed information from the public on the factors that influence reverse mortgage consumers' decision-making, consumers' use of reverse mortgage loan proceeds, longer-term consumer outcomes of a decision to obtain a reverse mortgage, and differences in market dynamics and business practices among the broker, correspondent, and retail channels for reverse mortgages.

DATES: Comments must be received on or before August 31, 2012 to be assured of consideration.

ADDRESSES: You may submit comments, identified by Docket No. CFPB–2012–0026, by any of the following methods:

- *Electronic: http://www.regulations.gov.* Follow the instructions for submitting comments.
- Mail/Hand delivery/Courier: Monica Jackson, Office of the Executive Secretary, Bureau of Consumer Financial Protection Bureau, 1700 G Street NW., Washington, DC 20552.

Instructions: The CFPB encourages the early submission of comments. All submissions must include the document title and docket number. Because paper mail in the Washington, DC area and at the Bureau is subject to delay, commenters are encouraged to submit comments electronically. Please note the number associated with any question to which you are responding at the top of each response (you are not required to answer all questions to receive consideration of your comments). In general, all comments received will be posted without change to *http://www.regulations.gov.* In addition, comments will be available for public inspection and copying at 1700 G Street NW., Washington, DC 20552, on official business days between the hours of 10 a.m. and 5 p.m. Eastern Time. You can make an appointment to inspect the documents by telephoning 202–435–7275.

All comments, including attachments and other supporting materials, will become part of the public record and subject to public disclosure. Sensitive personal information such as account numbers or Social Security numbers should not be included. Comments will not be edited to remove any identifying or contact information.

FOR FURTHER INFORMATION CONTACT: For general inquiries, submission process questions or any additional information, please contact Monica Jackson, Office of the Executive Secretary, at 202–435–7275.

SUPPLEMENTARY INFORMATION:

Background

As part of the Dodd-Frank Wall Street Reform and Consumer Protection Act, Congress directed the Consumer Financial Protection Bureau (CFPB) to conduct a study on reverse mortgages.[3] In designing the study, the CFPB's objectives were to (1) provide an authoritative resource on reverse mortgage products, consumers, and markets; (2) identify and assess consumer protection concerns; and (3) explore critical unanswered questions and update the public body of knowledge to reflect new market realities. On June 28, 2012, the CFPB released the findings of the study in a Report to Congress (the Report).

The study identified four major topics where additional research would help determine if additional consumer education or regulatory action is needed. Those topics are: (a) Factors influencing consumer decisions; (b) consumer use of reverse mortgage proceeds; (c) the longer-term outcomes of reverse mortgages; and (d) the differences in market dynamics and business practices among the broker, correspondent, and retail channels. This request seeks comment and information from the public on these topics.

Request for Information

The Bureau seeks information from the public, including consumers, housing counselors, financial institutions, and others, regarding consumer use of reverse mortgages and consumer experiences during the reverse mortgage shopping process. This information will enable the Bureau to better understand and evaluate potential consumer protection issues raised by reverse mortgages and the shopping process.

The questions are grouped into four broad topics: (a) Factors influencing consumer decisions, (b) consumer use of reverse mortgage proceeds, (c) the longer-term outcomes of reverse mortgages, and (d) the differences in market dynamics and business practices among the broker, correspondent, and retail channels.

You may respond to all of the questions or only some questions. Please note the number of any question to which you are responding at the top of each response. If your responses are specific to a particular reverse mortgage product option (e.g., fixed-rate, lump-sum vs. adjustable-rate, line-of-credit products), please note in your response to which product your response relates.

Please note that the Bureau is not seeking personally identifying information (PII) in response to this request. Responses to this request should not contain any reverse mortgage account numbers, Social Security numbers or other personal information that could be used to identify an individual consumer or account, nor should they include any information that may otherwise reveal personally identifiable information.

Factors influencing consumer decisions:

1. What factors are most important to consumers in deciding whether to get a reverse mortgage?

2. What factors are most important to consumers in choosing among products? Among other things, comments could address the choice between fixed-rate, lump-sum reverse mortgages and adjustable-rate, line-of-credit or monthly disbursement reverse mortgages.

3. What factors are most important to consumers in choosing among potential lenders?

Consumer use of reverse mortgage proceeds:

4. Nearly 75% of recent reverse mortgage consumers took out all of their available funds upfront in a lump sum.

a. What do consumers do with these funds?

b. Where do consumers place loan money that they do not use immediately? (E.g., in a savings account, an investment account, a certificate of deposit (CD), etc.).

5. Some reverse mortgage consumers use reverse mortgage loan funds to refinance a traditional mortgage or home equity loan/line of credit.

a. What proportion of consumers are using reverse mortgage loan funds to refinance a traditional mortgage or home equity loan/line of credit?

b. What proportion of the loan funds are typically spent on paying off an existing mortgage?

c. Do consumers using a reverse mortgage to refinance an existing mortgage typically consider other options first (e.g. moving to a different home or a traditional refinancing)? If not, why not? If so, what factors lead them to choose a reverse mortgage instead?

6. Some reverse mortgage consumers use reverse mortgage loan funds to consolidate non-housing debts.

a. What proportion of borrowers use reverse mortgage loan funds to consolidate non-housing debts?

b. What proportion of the loan funds are typically spent on consolidating non-housing debts?

c. What types of non-housing debts are typically consolidated (e.g. credit card, auto, medical-related debt, etc.)?

Longer-term outcomes for reverse mortgages borrowers:

[3] *Id. at* § 1076(a).

7. Consumers typically pay off their reverse mortgage loans earlier than would be expected based on underlying mortality rates.

a. Why do consumers typically pay off their reverse mortgage loans early?

b. Do consumers anticipate being able to pay off a reverse mortgage at a specific time (e.g. upon receiving a pension or retirement benefit) when taking the reverse mortgage loan?

c. Do consumers who pay off their loans early typically feel that the loan was a good choice? Are there things they wish they had done differently?

8. Some consumers pay off a reverse mortgage upon moving out of a home.

a. Why do consumers decide to move? Are such moves typically because the move is planned in advance or because the move is required for health or other reasons?

b. How do reverse mortgage borrowers finance a later move?

9. What are the typical outcomes for borrowers who still have the loan after 5 years or more?

a. Does the loan continue to meet borrowers' financial needs 5 or more years after origination?

b. If borrowers have drawn all of their available funds, what financial resources do they use to meet new or unexpected expenses?

c. Do borrowers who still have the loan after 5 or more years typically feel that the loan was a good choice? Are there things they wish they had done differently?

The differences in market dynamics and business practices among the broker, correspondent, and retail channels:

10. How are brokers, correspondent lenders, and retail loan officers typically compensated?

a. How does this compensation differ by channel?

b. How do compensation structures and regulatory requirements (e.g., mortgage loan originator compensation rules) affect the business practices of lenders and brokers?

c. How do these factors affect the choices presented to consumers?

11. The Bureau has observed that major large bank originators of reverse mortgages tended to originate a far higher percentage of adjustable-rate, line-of-credit (or monthly-installment) loans than the nonbank originators. What explains this difference?

Dated: June 25, 2012.

Garry Reeder,

Acting Chief of Staff, Bureau of Consumer Financial Protection.

[FR Doc. 2012–16078 Filed 6–29–12; 8:45 am]

BILLING CODE 4810–AM–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests; Office of Special Education and Rehabilitative Services; Annual Vocational Rehabilitation Program/Cost Report (Rehabilitation Services Administration (RSA)-2)

SUMMARY: The Annual Vocational Rehabilitation Program/Cost Report, Rehabilitation Services Administration (RSA)-2 collects data on the vocational rehabilitation (VR) and supported employment (SE) program activities for agencies funded under the Rehabilitation Act of 1973, as amended (Rehabilitation Act).

DATES: Interested persons are invited to submit comments on or before August 31, 2012.

ADDRESSES: Written comments regarding burden and/or the collection activity requirements should be electronically mailed to *ICDocketMgr@ed.gov* or mailed to U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Washington, DC 20202–4537. Copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov,* by selecting the ''Browse Pending Collections'' link and by clicking on link number 04881. When you access the information collection, click on ''Download Attachments'' to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Washington, DC 20202–4537. Requests may also be electronically mailed to *ICDocketMgr@ed.gov* or faxed to 202–401–0920. Please specify the complete title of the information collection and OMB Control Number when making your request.

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that Federal agencies provide interested parties an early opportunity to comment on information collection requests. The Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management, publishes this notice containing proposed information collection requests at the beginning of the Departmental review of the information collection. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Annual Vocational Rehabilitation Program/Cost Report (Rehabilitation Services Administration (RSA)-2).

OMB Control Number: 1820–001.

Type of Review: Revision.

Total Estimated Number of Annual Responses: 80.

Total Estimated Number of Annual Burden Hours: 320.

Abstract: The Annual Vocational Rehabilitation Program/Cost Report (RSA–2) collects data on the vocational rehabilitation (VR) and supported employment (SE) program activities for agencies funded under the Rehabilitation Act of 1973, as amended (Rehabilitation Act). The RSA–2 captures: administrative expenditures for the VR and SE programs; VR program service expenditures by category; SE administrative expenditures and service expenditures; expenditures for the VR program by number of individuals served; the costs of types of services provided; and a breakdown of staff of the VR agencies.

Dated: June 27, 2012.

Darrin A. King,

Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2012–16179 Filed 6–29–12; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests; Office of Special Education and Rehabilitative Services; Case Service Report (Rehabilitation Services Administration (RSA)-911)

SUMMARY: The Case Service Report (RSA–911) is an annual report of demographic and caseload information, including financial information, related to all individuals who have exited the State Vocational Rehabilitation Service Program (VR program).

DATES: Interested persons are invited to submit comments on or before August 31, 2012.

ADDRESSES: Written comments regarding burden and/or the collection activity requirements should be electronically mailed to *ICDocketMgr@ed.gov* or mailed to U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Washington, DC 20202–4537. Copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov,* by selecting the ''Browse Pending Collections'' link and by clicking on link number 04882. When you access the information collection, click on ''Download Attachments'' to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Washington, DC 20202–4537. Requests may also be electronically mailed to *ICDocketMgr@ed.gov* or faxed to 202–401–0920. Please specify the complete title of the information collection and OMB Control Number when making your request.

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that Federal agencies provide interested parties an early opportunity to comment on information collection requests. The Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management, publishes this notice containing proposed information collection requests at the beginning of the Departmental review of the information collection. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Case Service Report (Rehabilitation Services Administration (RSA)-911).

OMB Control Number: 1820–0508.

Type of Review: Extension .

Total Estimated Number of Annual Responses: 80.

Total Estimated Number of Annual Burden Hours: 6,500 .

Abstract: The data comprising the Case Service Report are mandated by the Rehabilitation Act of 1973, as amended (the Act). Applicable portions of the Rehabilitation Act explicitly or implicitly require the recording and reporting of specific data elements by state VR agencies to the RSA. Section 13 of the Act requires the Commissioner to collect and report information specified in section 101(a)(10) to the Congress and the President in the Annual Report. Section 14 of the Act requires the Commissioner to conduct evaluations of the VR program. The information from this data collection is used in evaluating the outcomes of the program. Section 626 requires the same information to be reported for individuals who received supported employment (SE) services. RSA–911 data are also needed to satisfy the requirements of Section 131 calling for an exchange of data between RSA, the Social Security Administration and the Department of Labor.

Dated: June 27, 2012.

Darrin A. King,

Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2012–16184 Filed 6–29–12; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests; Office of Special Education and Rehabilitative Services; Grantee Reporting Form—Rehabilitation Services Administration (RSA) Annual Payback Report

SUMMARY: The Annual Payback Report collects data on the status of ''current'' and ''exited'' RSA scholars who are/were the recipients of scholarships. The information collected will provide performance data relevant to the rehabilitation fields and degrees pursued by RSA scholars, as well as the fund owed and the rehabilitation work completed by them.

DATES: Interested persons are invited to submit comments on or before August 31, 2012.

ADDRESSES: Written comments regarding burden and/or the collection activity requirements should be electronically mailed to *ICDocketMgr@ed.gov* or mailed to U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Washington, DC 20202–4537. Copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov,* by selecting the ''Browse Pending Collections'' link and by clicking on link number 04877. When you access the information collection, click on ''Download Attachments'' to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Washington, DC 20202–4537. Requests may also be electronically mailed to *ICDocketMgr@ed.gov* or faxed to 202–401–0920. Please specify the complete title of the information collection and OMB Control Number when making your request.

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35) requires that Federal agencies provide interested parties an early opportunity to comment on information collection requests. The Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management, publishes this notice containing proposed information collection requests at the beginning of the Departmental review of the information collection. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Grantee Reporting Form—RSA Annual Payback Report.

OMB Control Number: 1820–0617.

Type of Review: Revision.

Total Estimated Number of Annual Responses: 350.

Total Estimated Number of Annual Burden Hours: 350.

Abstract: Under section 302 of the Rehabilitation Act of 1973, as amended (Act), the Rehabilitation Services Administration (RSA) has the authority to provide financial assistance, through academic institutions, to students seeking a career in rehabilitative services. Students who receive scholarships under this program are required to work within the public

rehabilitation program, such as with a state vocational rehabilitation agency, or an agency or organization that has a service arrangement with a state vocational rehabilitation agency. The student is expected to work two years in such settings for every year of full-time scholarship support.

Section 302(b)(2)(C) of the Act requires the academic institutions (i.e., grantees) that administer a RSA Long-Term Training program to track the employment status and location of former scholars supported under their grants in order to ensure that students are meeting the payback requirement. Program regulations at 34 CFR 386.34 require each grantee to establish and maintain a tracking system on current and former RSA scholars for this purpose.

Dated: June 27, 2012.

Darrin A. King,

Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2012–16186 Filed 6–29–12; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards: Technical Assistance and Dissemination To Improve Services and Results for Children With Disabilities—Technical Assistance Center To Support Implementation of Evidence-Based Practices

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Notice.

Overview Information:

Technical Assistance and Dissemination to Improve Services and Results for Children with Disabilities—Technical Assistance Center to Support Implementation of Evidence-based Practices.

Notice inviting applications for new awards for fiscal year (FY) 2012.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.326K.

DATES: *Applications Available:* July 2, 2012.

Deadline for Transmittal of Applications: August 1, 2012.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purpose of the Technical Assistance and Dissemination to Improve Services and Results for Children with Disabilities program is to promote the educational achievement of children with disabilities by providing technical assistance (TA), supporting model demonstration projects, disseminating useful information, and implementing activities that are supported by scientifically-based research.

Priority: In accordance with 34 CFR 75.105(b)(2)(v), this priority is from allowable activities specified in the statute or otherwise authorized in the statute (see sections 663 and 681(d) of the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. 1463 and 1481(d)).

Absolute Priority: For FY 2012 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, this priority is an absolute priority. Under 34 CFR 75.105(c)(3) we consider only applications that meet this priority.

This priority is:

Technical Assistance Center to Support Implementation of Evidence-based Practices.

Background:

The purpose of this priority is to fund a cooperative agreement for a Technical Assistance Center to Support Implementation of Evidence-based Practices (Center). This Center will assist State educational agencies (SEAs), within-State regional TA providers (regional TA providers), local educational agencies (LEAs), schools, and Department-funded TA providers in improving the educational achievement of children with disabilities in kindergarten through grade 12 (K–12) education systems by building an implementation infrastructure to scale up implementation supports (e.g., training, coaching, administrative support, and data-based decision-making) in order to expand the use of evidence-based practices (EBPs) statewide.

Research has shown that all students, including those with disabilities, benefit from educators' use of EBPs that are matched to student needs (Hattie, 2009). Support from the SEAs, regional TA providers, LEAs, and schools to implement these practices is critical for educators to use EBPs fully and effectively (Mourshed, Chijioke, & Barber, 2010; Rhim, Hassel, & Redding, 2007). Without focused and effective support for implementing EBPs, it is unlikely that the desired student outcomes will be achieved (Vernez, Karam, Mariano, & DeMartini, 2006; Wei, Darling-Hammond, & Adamson, 2010).

To effectively implement EBPs, educators need training that is based on adult learning principles, coaching to support the use of the skills learned in training, administrative support for use of the practices, and assistance with data-based decision-making (Fixsen, Naoom, Blase, Friedman, & Wallace, 2005; Han & Weiss, 2005; Joyce & Showers, 2002; Ransford, Greenberg, Domitrovich, Small, & Jacobson, 2009).

Beyond this, most essential to implementing EBPs are teams of people who are able to initiate and coordinate the various components of these implementation supports, help remove barriers to employing EBPs, and assist administrators in thinking through systemic changes to better support the use of the EBPs (Higgins, Weiner, & Young, 2012; Sugai & Horner, 2006; Turnbull et al., 2002). These teams function as part of the various entities in the education system—the SEA, regional TA provider, LEA, and school—and provide the infrastructure needed to scale up implementation supports statewide that, in turn, facilitate the effective use of EBPs in schools across the State. Having teams of people with specific roles related to providing implementation supports can positively influence the use of EBPs (Hest, 2012; Higgins, Weiner, & Young, 2012). The team at each level of the education system supports the next level (e.g., the SEA supports its regional TA providers), and communication between the teams is important for providing information about barriers and needs related to implementing EBPs. In addition, the teams collect and use data in an evaluation system that supports the effective use of EBPs.

Evaluation is the process of collecting and using information for decision-making (Algozzine et al., 2010). When using EBPs on a large scale, it is important to have an evaluation system that: (a) includes measures and measurement schedules that meet the needs of local decision-makers; and (b) allows for evaluation information to be used for decision-making at the SEA, regional TA provider, LEA, and school levels. An evaluation system provides information to decision-makers on the effectiveness of the implementation supports provided, the fidelity with which core elements of the EBP are implemented, and the effect of the EBP on students' outcomes. The evaluation system also addresses questions related to replication, sustainability, and continuous improvement of an EBP (Algozzine et al., 2010).

Developing and strengthening the implementation infrastructure requires collaboration among the teams at all levels of the educational system to identify improvements that can be made in how: (1) Funds are used; (2) policies affect practice; (3) implementation and impact data can be used to determine

the best course of action; (4) personnel and other resources can be repurposed or deployed to support the goal of effective implementation of EBPs; and (5) institutions of higher education (IHEs) and community partnerships can help States build their expertise and enhance their ability to scale up implementation supports (Domitrovich et al., 2008; Lewis, Barrett, Sugai, & Horner, 2010). However, this is long-term, challenging work, and most States have not been able to make the significant, systemic change necessary to create an implementation infrastructure and develop statewide implementation supports (Unger et al., 2008).

The OSEP-funded State Implementation and Scaling Up of Evidence-based Practices TA Center (SISEP) has had success in laying the groundwork for statewide systemic change (for further information visit: www.scalingup.org). This center has helped some SEAs and other entities establish teams at different levels of the education system to lead the review and revision of policies, distribution of funding, and the use of data and human resources to support the scale up of various EBPs.

SISEP created an assessment tool called the State Capacity Assessment (SCA) to evaluate the presence or absence of the components of an implementation infrastructure in the State. SISEP staff used the SCA formatively with States to whom they provided TA and assessed the level of State capacity for providing implementation supports. SISEP observed that each State receiving intensive TA was able to develop components of an implementation infrastructure, although no one State had every component in place.

In partnership with SISEP, SEA teams comprised of Chief State School Officers, general and special education leaders, and other State-level decision-makers have directed large-scale implementation of EBPs. These SEA teams developed guidance to help all education personnel in the States select EBPs for use in the K–12 education system statewide (Horner, Fixsen, Ingram, & Tedesco, 2010). SEA teams also worked with SISEP to develop the evaluation system necessary to measure EBP implementation and impact data and determine the best course of action in making improvements to their implementation supports and infrastructures. The regional TA provider teams helped LEAs develop implementation supports for effective use of EBPs. The LEA teams evaluated the quality of implementation supports for their EBPs to determine the areas of implementation supports that needed strengthening. They also developed school-based teams to support implementation of new EBPs.

As funding for SISEP draws to a close, Department-funded TA providers and SEAs have called for more assistance for building implementation infrastructures and developing implementation supports to ensure EBPs will be consistently and effectively used to improve the educational achievement of children with disabilities. SEAs have recognized the need for an effective implementation infrastructure, and the challenges in establishing it, and those SEAs currently receiving intensive TA have requested continued TA to ensure success. As States continue to develop their implementation infrastructures to scale up implementation supports statewide, the newly funded Center will create tools and provide support to enable these States to continue toward their goals and for other States to replicate their successes.

Accordingly, OSEP proposes to fund a national center to support the implementation of evidence-based practices. This center will build upon and expand the work of SISEP and develop the implementation infrastructures necessary for SEAs, regional TA providers, LEAs, and schools to provide implementation supports statewide and to support the use of EBPs to improve the educational achievement of children with disabilities in grades K–12. Under this priority, the funded center will provide TA to SEAs, LEAs and their corresponding regional TA providers, schools, and Department-funded TA centers.

Priority:

The purpose of this priority is to fund a cooperative agreement for a Technical Assistance Center to Support Implementation of Evidence-based Practices (Center). This Center will assist SEAs, regional TA providers, LEAs, schools, and Department-funded TA providers in improving the educational achievement of children with disabilities in K–12 education systems by building an implementation infrastructure to scale up implementation supports (e.g., training, coaching, administrative support, and data-based decision-making) in order to support EBPs statewide.

Specifically, the Center will (1) Provide assistance to SEAs in developing an implementation infrastructure that will support the effective use of EBPs to improve the educational achievement of children with disabilities throughout a State; (2) assist SEAs, regional TA providers, LEAs, and schools in providing implementation supports for the effective use of EBPs to improve the educational achievement of children with disabilities; (3) assist SEAs, regional TA providers, LEAs, and schools in using funding, policies, data systems, personnel, and partnerships with IHEs and communities to provide implementation supports; (4) assist in building evaluation systems and evaluation measures, when necessary, that SEAs, regional TA providers, LEAs, and schools can use to evaluate the implementation of EBPs, their implementation infrastructure, and their implementation supports; (5) support the expanded use of EBPs in States and LEAs; (6) create training modules and support documents that can help SEAs, regional TA providers, LEAs, and schools strengthen their implementation infrastructure and improve their implementation supports for the effective use of EBPs to improve the educational achievement of children with disabilities; and (7) train Department-funded TA providers so that they can assist States in this work.

To be considered for funding under this absolute priority, applicants must meet the application requirements contained in this priority. Any project funded under this absolute priority also must meet the programmatic and administrative requirements specified in the priority.

Application Requirements. An applicant must include in its application—

(a) A logic model that depicts, at a minimum, the goals, activities, outputs and outcomes of the proposed project. A logic model communicates how a project will achieve its outcomes and provides a framework for both formative and summative evaluations of the project;

Note: The following Web sites provide more information on logic models: *www.researchutilization.org/matrix/logicmodel_resource3c.html* and *www.tadnet.org/model_and_performance.*

(b) A plan to implement the activities described in the *Project Activities* section of this notice;

(c) A plan, linked to the proposed project's logic model, for a formative evaluation of the proposed project's activities. The plan must describe how the formative evaluation will use clear performance objectives to ensure continuous improvement in the operation of the proposed project, including objective measures of progress in implementing the project and ensuring the quality of products and

services. This plan should include data collected on all components of the Center activities;

(d) A plan for recruiting and selecting a minimum of three SEAs to receive intensive TA. Each of the selected SEAs must agree to involve their LEAs, their corresponding regional TA providers (if the State is structured in that way), and IHEs in their capacity-building work. The plan must include the criteria the Center will use to select SEAs to receive intensive TA. To participate in the intensive TA, an SEA must agree to work with a minimum of three LEAs—one urban LEA, one rural LEA,[1] and one high-need LEA.[2] These requirements do not apply to States and entities that do not have at least three LEAs or do not have any LEAs that meet these requirements. The selection of SEAs must be approved by the OSEP project officer;

Note: These SEAs must not have previously received intensive TA services from SISEP. The States that previously received intensive TA services from SISEP are Minnesota, North Carolina, and Oregon.

(e) A plan for recruiting and selecting a minimum of six LEAs to receive intensive TA across a minimum of two States that were not selected for intensive TA and have not received intensive TA from SISEP. Each of the selected LEAs must agree to involve SEAs, regional TA providers (as appropriate), schools, and IHEs in their implementation infrastructure development. The plan must include the criteria the Center will use to select LEAs to receive intensive TA and how the Center plans to share information from its work with an LEA with the SEA. The selection of LEAs must be approved by the OSEP project officer;

(f) A plan for a summative evaluation to be conducted by an independent third party;

(g) Attendance at the following:

(1) A one and one half-day kick-off meeting to be held in Washington, DC, after receipt of the award and an annual planning meeting held in Washington, DC, with the OSEP Project Officer during each subsequent year of the project period.

Note: Within 30 days of receipt of the award, a post-award teleconference must be held between the OSEP Project Officer and the grantee's Project Director or other authorized representative.

(2) A three-day Project Directors' Conference in Washington, DC, during each year of the project period.

(3) A two-day Leveraging Resources Conference in Washington, DC, during each year of the project period.

(4) Two, two-day trips annually to attend Department briefings, Department-sponsored conferences, and other meetings, as requested by OSEP; and

(h) A line item in the proposed budget for an annual set-aside of five percent of the grant amount to support emerging needs that are consistent with the proposed project's activities and are identified in consultation with OSEP.

Note: With approval from the OSEP Project Officer, the Center must reallocate any remaining funds from this annual set-aside no later than the end of the third quarter of each budget period.

(i) A line item in the proposed budget to support an information technology expert (to support the webinars, meetings, and video conferences that will be used with intensive and targeted States, and to disseminate information to the public) at a minimum of .25 full-time equivalent (FTE).

Project Activities. To meet the requirements of this priority, the Center, at a minimum, must conduct the following activities:

Knowledge Development Activities.

(a) By the end of the first year of the project period, using the materials developed by SISEP and available at *www.scalingup.org*, as well as other available resources, develop high-quality, publicly available, training modules appropriate for use by SEAs, regional TA providers, LEAs, schools, IHEs, Department-funded TA centers, and other national TA centers that describe how to develop an implementation infrastructure that supports educators, school administrators, district personnel, and SEA personnel as they develop and use new skills in the implementation of EBPs to improve the educational achievement of children with disabilities. Modules may be developed to accommodate directed, self-directed, or blended (online and offline) learning systems.

Note: All training modules must be available for use at no cost on a dedicated Web site that is easily searchable by topic.

(b) Submit the modules for review to a group of representatives from SEAs and LEAs, including representatives of regional TA providers, schools, families of individuals with disabilities, representatives from IHEs, TA centers, and researchers established under paragraph (c) in the *Leadership and Coordination Activities* section of this notice, and when the modules are finalized, disseminate them according to the dissemination strategy developed under paragraph (b) of the *Technical Assistance and Dissemination Activities* section of this notice.

Technical Assistance and Dissemination Activities.

(a) Provide a continuum of TA and dissemination activities that include:

(1) Providing intensive TA to three SEAs, as described in paragraph (d) of the *Application Requirements* section of this notice, to build the capacity that will enable these SEAs and their designated LEAs and corresponding regional TA providers to—

(i) Establish teams at the SEA, regional TA provider, LEA, and school levels to facilitate the scaling up of implementation supports statewide;

(ii) Determine how to use funding, policies, evaluation systems, personnel, and IHE and community partnerships to provide the implementation supports that facilitate the scaling up of EBPs to improve the educational achievement of children with disabilities;

(iii) Develop and implement a strategy to increase the engagement of stakeholders, including families, to collaboratively support the effective use of EBPs to improve the educational achievement of children with disabilities; and

(iv) Make effective use of an EBP statewide;

(2) Offer, and if accepted, provide continued TA to the three SEAs that have previously received intensive TA from SISEP (Minnesota, North Carolina, and Oregon) to help these SEAs further develop and maintain their implementation infrastructure to scale up implementation supports statewide and to scale up EBPs to improve the educational achievement of children with disabilities.

(3) Providing intensive TA to six additional LEAs in States not receiving intensive TA from the Center to help

[1] For purposes of this priority, ''rural LEA'' means an LEA that is eligible under the Small Rural School Achievement (SRSA) program or the Rural and Low-Income School (RLIS) program authorized under Title VI, Part B of the Elementary and Secondary Education Act of 1965, as amended (ESEA). Applicants may determine whether a particular LEA is eligible for these programs by referring to the information on the following Department Web sites. For SRSA: *www2.ed.gov/programs/reapsrsa/index.html.* For RLIS: *www.ed.gov/programs/reaprlisp/eligibility.html.*

[2] For purposes of this priority, a ''high-need LEA'' is, consistent with the definition in section 2102(3) of the ESEA, an LEA—(a) That serves not fewer than 10,000 children from families with incomes below the ''poverty line'' (as that term is defined in section 9101(33) of the ESEA), or for which not less than 20 percent of the children served by the LEA are from families with incomes below the poverty line; and (b) For which there is (1) a high percentage of teachers not teaching in the academic subjects or grade levels that the teachers were trained to teach, or (2) a high percentage of teachers with emergency, provisional, or temporary certification or licensing.

them develop an implementation infrastructure and to scale up EBPs to improve the educational achievement of children with disabilities. Each LEA must have at least 10 elementary schools, 4 middle schools, and 2 high schools.

(4) Providing targeted TA to SEAs that meet the criteria developed by the Center in collaboration with the OSEP Project Officer to build the implementation infrastructure to scale up implementation supports in order to expand the use of EBPs statewide that will improve the educational achievement of children with disabilities. Targeted TA activities could include—

(i) Assisting SEAs, regional TA providers, LEAs, and schools to use measures that assess the implementation infrastructure, implementation supports, effective use of EBPs to improve the educational achievement of children with disabilities, and student outcomes related to those EBPs, including assisting educational entities (SEAs, regional TA providers, LEAs, and schools) to analyze and use the resulting data to inform and improve implementation efforts;

(ii) Plan and implement activities, which could include webinars, meetings, video conferences, and Web sites to support the educational entities receiving intensive or targeted TA to focus on lessons learned, strategies and tools, and evaluation data related to building an implementation infrastructure to scale up implementation supports statewide that will lead to the effective use of EBPs to improve the educational achievement of children with disabilities.

(5) Widely disseminating the materials developed by the Center and modules described in paragraph (a) of the *Knowledge Development Activities* section of this notice.

(b) Develop an efficient and high-quality dissemination strategy that reaches a broad audience.

(c) Maintain a Web site that meets government or industry-recognized standards for accessibility and that links to the Web site operated by the Technical Assistance Coordination Center (TACC).

(d) Prepare and disseminate reports, documents, and other materials on infrastructure and support for the effective use of EBPs and related topics as requested by OSEP for specific audiences, including families, educators, administrators, and policymakers. In consultation with the OSEP Project Officer, make selected reports, documents, and other materials available in both English and Spanish.

(e) Prior to developing any new TA product, submit a proposal for each product to the TACC for approval from the OSEP Project Officer. The development of new products should be consistent with the product definition and guidelines posted on the TACC Web site (*www.tadnet.org*).

(f) Contribute, on an ongoing basis, updated information on the Center's approved and finalized products and services to a database at TACC.

Leadership and Coordination Activities

(a) Collaborate with Department-funded TA&D centers to provide comprehensive assistance aligned to the needs of SEAs, regional TA providers, or LEAs related to supporting the large-scale use of EBPs to improve the educational achievement of children with disabilities.

(b) Collaborate with, and provide training to, the six OSEP-funded Regional Resource Centers and, as appropriate, other Department-funded TA providers. These activities must be designed to provide the TA providers with the skills to help States to build their implementation infrastructure to scale up implementation supports statewide that will lead to the effective use of EBPs to improve the educational achievement of children with disabilities.

(c) Consult with a group of persons, including representatives from SEAs and LEAs, including representatives of regional TA providers, schools, families of individuals with disabilities, representatives from IHEs, TA centers, and researchers, as appropriate, on the activities and outcomes of the Center and solicit programmatic support and advice from various participants in the group, as appropriate. The Center may convene meetings, whether in person, by phone, or other means, for this purpose, or may consult with group participants individually. The Center must identify the members of the group to OSEP within eight weeks after receipt of the award.

(d) Communicate, coordinate, and collaborate on an ongoing basis with Department-funded projects, including the Intensive Interventions Center, Center on Positive Behavioral Interventions and Supports, Center for Technology Implementation, the IDEA Partnership Project, the Regional Resource Centers, the Inclusive School-wide Reform Center, if funded, the national and regional Parent Training Information Centers, as well as TA providers for the Race to the Top States and the Comprehensive Centers, as appropriate. This collaboration could include the joint development of products, the coordination of TA services, and the planning and carrying out of TA meetings and events.

(e) Participate in, organize, or facilitate communities of practice if they align with the Center's objectives and the needs of SEAs, regional TA providers, LEAs, schools, IHEs, Department-funded TA centers, and other national TA providers. The following Web site provides more information on communities of practice: *www.tacommunities.org/community/view/id/1027;* and

(f) Maintain ongoing communication with the OSEP Project Officer through monthly telephone conversations and email communication.

Fourth and Fifth Years of Project:

In deciding whether to continue funding the Center for the fourth and fifth years, the Secretary will consider the requirements of 34 CFR 75.253(a) and in addition—

(a) The recommendation of a review team consisting of experts selected by the Secretary. This review team will be conducted during a one-day intensive meeting in Washington, DC, that will be held during the last half of the project period's second year. The Center must budget for travel expenses associated with this one-day intensive review;

(b) The timeliness and effectiveness with which all requirements of the negotiated cooperative agreement have been or are being met by the Center; and

(c) The quality, relevance, and usefulness of the Center's activities and products and the degree to which the Center's activities and products have contributed to changed practice and improved outcomes for students with disabilities and students at risk of a disability.

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Waiver of Proposed Rulemaking: Under the Administrative Procedure Act (APA) (5 U.S.C. 553) the Department generally offers interested parties the opportunity to comment on proposed priorities and requirements. Section 681(d) of IDEA, however, makes the public comment requirements of the APA inapplicable to the priority in this notice.

Program Authority: 20 U.S.C. 1463 and 1481.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 84, 86, 97, 98, and 99. (b) The Education Department debarment and suspension regulations in 2 CFR part 3485.

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian tribes.

Note: The regulations in 34 CFR part 86 apply to IHEs only.

II. Award Information

Type of Award: Cooperative agreement.

Estimated Available Funds: $1,100,000.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2013 from the list of unfunded applicants from this competition.

Maximum Awards: We will reject any application that proposes a budget exceeding $1,100,000 for a single budget period of 12 months. The Assistant Secretary for Special Education and Rehabilitative Services may change the maximum amount through a notice published in the **Federal Register**.

Estimated Number of Awards: 1.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 36 months with an optional additional 24 months based on performance. Applications must include plans for both the 36-month award and the 24-month extension.

III. Eligibility Information

1. *Eligible Applicants:* SEAs; LEAs, including public charter schools that are considered LEAs under State law; IHEs; other public agencies; private nonprofit organizations; outlying areas; freely associated States; Indian tribes or tribal organizations; and for-profit organizations.

2. *Cost Sharing or Matching:* This competition does not require cost sharing or matching.

3. *Other: General Requirements*—

(a) The project funded under this competition must make positive efforts to employ and advance in employment qualified individuals with disabilities (see section 606 of IDEA).

(b) Applicants and the grant recipient funded under this competition must involve individuals with disabilities or parents of individuals with disabilities ages birth through 26 in planning, implementing, and evaluating the projects (see section 682(a)(1)(A) of IDEA).

IV. Application and Submission Information

1. *Address to Request Application Package:* You can obtain an application package via the Internet, from the Education Publications Center (ED Pubs), or from the program office. To obtain a copy via the Internet, use the following address: *www.ed.gov/fund/grant/apply/grantapps/index.html*. To obtain a copy from ED Pubs, write, fax, or call the following: ED Pubs, U.S. Department of Education, P.O. Box 22207, Alexandria, VA 22304. Telephone, toll free: 1–877–433–7827. Fax: (703) 605–6794. If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call, toll free: 1–877–576–7734.

You can contact ED Pubs at its Web site, also: *www.EDPubs.gov* or at its email address: *edpubs@inet.ed.gov*.

If you request an application package from ED Pubs, be sure to identify this program or competition as follows: CFDA number 84.326K.

To obtain a copy from the program office, contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice.

Individuals with disabilities can obtain a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) by contacting the person or team listed under *Accessible Format* in section VIII of this notice.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this competition.

Page Limit: The application narrative (Part III of the application) is where you,

the applicant, address the selection criteria that reviewers use to evaluate your application. You must limit the application narrative to the equivalent of no more than 70 pages, using the following standards:

• A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.

• Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions.

• Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).

• Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial. An application submitted in any other font (including Times Roman or Arial Narrow) will not be accepted.

The page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the one-page abstract, the resumes, the bibliography, the references, or the letters of support. However, the page limit does apply to all of the application narrative section (Part III).

We will reject your application if you exceed the page limit or if you apply other standards and exceed the equivalent of the page limit.

3. *Submission Dates and Times:*

Applications Available: July 2, 2012.

Deadline for Transmittal of Applications: August 1, 2012.

Applications for grants under this competition may be submitted electronically using the Grants.gov Apply site (Grants.gov), or in paper format by mail or hand delivery. For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery, please refer to section IV.7. *Other Submission Requirements* of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

4. *Intergovernmental Review:* This competition is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this competition.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Data Universal Numbering System Number, Taxpayer Identification Number, and Central Contractor Registry:* To do business with the Department of Education, you must—

a. Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);

b. Register both your DUNS number and TIN with the Central Contractor Registry (CCR), the Government's primary registrant database;

c. Provide your DUNS number and TIN on your application; and

d. Maintain an active CCR registration with current information while your application is under review by the Department and, if you are awarded a grant, during the project period.

You can obtain a DUNS number from Dun and Bradstreet. A DUNS number can be created within one business day.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow 2–5 weeks for your TIN to become active.

The CCR registration process may take five or more business days to complete. If you are currently registered with the CCR, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your CCR registration on an annual basis. This may take three or more business days to complete.

In addition, if you are submitting your application via Grants.gov, you must (1) be designated by your organization as an Authorized Organization Representative (AOR); and (2) register yourself with Grants.gov as an AOR. Details on these steps are outlined at the following Grants.gov Web page: *www.grants.gov/applicants/get_registered.jsp.*

7. *Other Submission Requirements:* Applications for grants under this competition may be submitted electronically or in paper format by mail or hand delivery.

a. *Electronic Submission of Applications.*

We are participating as a partner in the Governmentwide Grants.gov Apply site. The Technical Assistance Center to Support Implementation of Evidence-based Practices competition, CFDA number 84.326K, is included in this project. We request your participation in Grants.gov.

If you choose to submit your application electronically, you must use the Governmentwide Grants.gov Apply site at www.Grants.gov. Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not email an electronic copy of a grant application to us.

You may access the electronic grant application for the Technical Assistance Center to Support Implementation of Evidence-based Practices competition at www.Grants.gov. You must search for the downloadable application package for this competition by the CFDA number. Do not include the CFDA number's alpha suffix in your search (e.g., search for 84.326, not 84.326K).

Please note the following:

• Your participation in Grants.gov is voluntary.

• When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.

• Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the Grants.gov system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the Grants.gov system—after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after 4:30:00 p.m., Washington, DC time, on the application deadline date.

• The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.

• You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this competition to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov under News and Events on the Department's G5 system home page at *www.G5.gov*.

• You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you submit your application in paper format.

• If you submit your application electronically, you must submit all documents electronically, including all information you typically provide on the following forms: The Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.

• If you submit your application electronically, you must upload any narrative sections and all other attachments to your application as files in a PDF (Portable Document) read-only, non-modifiable format. Do not upload an interactive or fillable PDF file. If you upload a file type other than a read-only, non-modifiable PDF or submit a password-protected file, we will not review that material. Additional, detailed information on how to attach files is in the application instructions.

• Your electronic application must comply with any page-limit requirements described in this notice.

• After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) The Department then will retrieve your application from Grants.gov and send a second notification to you by email. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (an ED-specified identifying number unique to your application).

• We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System: If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk, toll free, at 1–800–518–4726. You must obtain a Grants.gov Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the application deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

b. *Submission of Paper Applications by Mail.*

If you submit your application in paper format by mail (through the U.S. Postal Service or a commercial carrier), you must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.326K), LBJ Basement Level 1, 400 Maryland Avenue SW., Washington, DC 20202–4260.

You must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. *Submission of Paper Applications by Hand Delivery.*

If you submit your application in paper format by hand delivery, you (or a courier service) must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.326K), 550 12th Street SW., Room 7041, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this competition are from 34 CFR 75.210 and are listed in the application package.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant

conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary also requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department of Education (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Additional Review and Selection Process Factors:* In the past, the Department has had difficulty finding peer reviewers for certain competitions because so many individuals who are eligible to serve as peer reviewers have conflicts of interest. The Standing Panel requirements under section 682(b) of IDEA also have placed additional constraints on the availability of reviewers. Therefore, the Department has determined that, for some discretionary grant competitions, applications may be separated into two or more groups and ranked and selected for funding within the specific groups. This procedure will make it easier for the Department to find peer reviewers by ensuring that greater numbers of individuals who are eligible to serve as reviewers for any particular group of applicants will not have conflicts of interest. It also will increase the quality, independence, and fairness of the review process, while permitting panel members to review applications under discretionary grant competitions for which they also have submitted applications. However, if the Department decides to select an equal number of applications in each group for funding, this may result in different cut-off points for fundable applications in each group.

4. *Special Conditions:* Under 34 CFR 74.14 and 80.12, the Secretary may impose special conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 34 CFR parts 74 or 80, as applicable; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN). We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

4. *Performance Measures:* Under the Government Performance and Results Act of 1993 (GPRA), the Department has established a set of performance measures, including long-term measures, that are designed to yield information on various aspects of the effectiveness and quality of the Technical Assistance and Dissemination to Improve Services and Results for Children with Disabilities program. These measures focus on the extent to which projects provide high-quality products and services, the relevance of project products and services to educational and early intervention policy and practice, and the use of products and services to improve educational and early intervention policy and practice.

Grantees will be required to report information on their project's performance in annual reports to the Department (34 CFR 75.590).

5. *Continuation Awards:* In making a continuation award, the Secretary may consider, under 34 CFR 75.253, the extent to which a grantee has made ''substantial progress toward meeting the objectives in its approved application.'' This consideration includes the review of a grantee's progress in meeting the targets and projected outcomes in its approved application, and whether the grantee has expended funds in a manner that is consistent with its approved application and budget. In making a continuation grant, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT: Jennifer Coffey, U.S. Department of Education, 400 Maryland Avenue SW., Room 4097, Potomac Center Plaza (PCP), Washington, DC 20202–2600. Telephone: (202) 245–6673.

If you use a TDD or a TTY, call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

VIII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) by contacting the Grants and Contracts Services Team, U.S. Department of Education, 400 Maryland Avenue SW., Room 5075, PCP, Washington, DC 20202–2550. Telephone: (202) 245–7363. If you use a TDD or a TTY, call the FRS, toll free, at 1–800–877–8339.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: June 27, 2012.

Alexa Posny,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 2012–16173 Filed 6–29–12; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Northern New Mexico

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Northern New Mexico. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Wednesday, July 25, 2012, 1 p.m.–7 p.m.

ADDRESSES: Best Western Hilltop House, 400 Trinity Drive, Los Alamos, NM 87544.

FOR FURTHER INFORMATION CONTACT: Menice Santistevan, Northern New Mexico Citizens' Advisory Board (NNMCAB), 94 Cities of Gold Road, Santa Fe, NM 87506. Phone (505) 995–0393; Fax (505) 989–1752 or Email: *msantistevan@doeal.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

1 p.m. Call to Order by Deputy Designated Federal Officer (DDFO), Ed Worth.

- Establishment of a Quorum: Roll Call and Excused Absences, Karen Erickson.
- Welcome and Introductions, Ralph Phelps, Chair.
- Approval of Agenda and May 30, 2012, Meeting Minutes.

1:15 p.m. Public Comment Period.

1:30 p.m. Old Business.

- Written Reports.
- Final Details on Rocky Flats Tour.
- Other Items.

1:45 p.m. New Business.

- Report from Nominating Committee (Section V, F. of NNMCAB Bylaws), Deb Shaw and Nicole Castellano.
- Other Items.

2 p.m. Items from the DDFO, Ed Worth.

- Update from DOE.
- Update on Corrective Measures Evaluations.
- Other Items.

2:30 p.m. Break.

2:45 p.m. Update from Liaison Members, Pete Maggiore, Los Alamos Site Office—Environmental Projects Office, John Kieling, New Mexico Environment Department, Michael Graham, Los Alamos National Security, and Rich Mayer, Environmental Protection Agency.

3:45 p.m. Update from the Site Manager, Kevin Smith.

4:45 p.m. Impact of NNMCAB Recommendations, Colleen Curran.

5:15 p.m. Dinner Break.

6 p.m. Public Comment Period.

6:15 p.m. Consideration and Action on Draft Recommendation(s), Ralph Phelps.

6:45 p.m. Wrap-up and Comments from Board Members, Ralph Phelps.

7 p.m. Adjourn, Ed Worth, DDFO.

Public Participation: The EM SSAB, Northern New Mexico, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Menice Santistevan at least seven days in advance of the meeting at the telephone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Menice Santistevan at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing or calling Menice Santistevan at the address or phone number listed above. Minutes and other Board documents are on the Internet at: *http://www.nnmcab.energy.gov/.*

Issued at Washington, DC, on June 21, 2012.

LaTanya R. Butler,

Acting Deputy Committee Management Officer.

[FR Doc. 2012–16169 Filed 6–29–12; 8:45 am]

BILLING CODE 6405–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Nevada

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Nevada. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Wednesday, July 18, 2012, 5 p.m.

ADDRESSES: Bob Ruud Community Center, 150 North Highway 160, Pahrump, Nevada 89060.

FOR FURTHER INFORMATION CONTACT: Kelly Snyder, Deputy Designated Federal Officer, 232 Energy Way, M/S 505, North Las Vegas, Nevada 89030. Phone: (702) 295–2836; Fax (702) 295–5300 or email: *NSSAB@nv.doe.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

1. Emergency Preparedness Working Group.
2. Groundwater Update.

Public Participation: The EM SSAB, Nevada, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Kelly Snyder at least seven days in advance of the meeting at the phone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral presentations pertaining to agenda items should contact Kelly Snyder at the telephone number listed above. The request must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that

will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing to Kelly Snyder at the address listed above or at the following Web site: *http://nv.energy.gov/nssab/MeetingMinutes.aspx.*

Issued at Washington, DC on June 27, 2012.

LaTanya R. Butler,

Acting Deputy Committee Management Officer.

[FR Doc. 2012–16170 Filed 6–29–12; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Savannah River Site

AGENCY: Department of Energy.

ACTION: Notice of Open Meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Savannah River Site. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Monday, July 23, 2012, 1 p.m.–5 p.m.

Tuesday, July 24, 2012, 8:30 a.m.–4:30 p.m.

ADDRESSES: The Marriott Augusta at the Convention Center, Two 10th Street, Augusta, GA 30907.

FOR FURTHER INFORMATION CONTACT: Gerri Flemming, Office of External Affairs, Department of Energy, Savannah River Operations Office, P.O. Box A, Aiken, SC 29802; Phone: (803) 952–7886.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda:

Monday, July 23, 2012

1 p.m. Combined Committees Session
5 p.m. Adjourn

Tuesday, July 24, 2012

8:30 a.m. Approval of Minutes, Agency Updates
Public Comment Session
Facilities Disposition and Site Remediation Committee Report
Nuclear Materials Committee Report
Public Comment Session
12:30 p.m. Lunch Break
1:30 p.m. Nuclear Materials Committee Report Continued
Administrative Committee Report
Strategic and Legacy Management Committee Report
Waste Management Committee Report
Public Comment Session
4:30 p.m. Adjourn

Public Participation: The EM SSAB, Savannah River Site, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Gerri Flemming at least seven days in advance of the meeting at the phone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Gerri Flemming's office at the address or telephone listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing or calling Gerri Flemming at the address or phone number listed above. Minutes will also be available at the following Web site: *http://cab.srs.gov/srs-cab.html.*

Issued at Washington, DC, on June 22, 2012.

LaTanya R. Butler,

Acting Deputy Committee Management Officer.

[FR Doc. 2012–16126 Filed 6–29–12; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: CP05–119–000 & CP05–121–000.

Applicants: Cameron Interstate Pipeline, LLC.

Description: Cost and Revenue Study of Cameron Interstate Pipeline, LLC.

Filed Date: 10/18/11.

Accession Number: 20111018–5059.

Comments Due: 5 p.m. ET 7/2/12.

Docket Numbers: CP00–6–014.

Applicants: Gulfstream Natural Gas System, L.L.C.

Description: Cost and Revenue Study of Gulfstream Natural Gas System, L.L.C.

Filed Date: 11/1/11.

Accession Number: 20111101–5084.

Comments Due: 5 p.m. ET 7/2/12.

Docket Numbers: CP08–17–000.

Applicants: Cimarron River Pipeline, LLC.

Description: Compliance Filing—Cost and Revenue Study of Cimarron River Pipeline, LLC.

Filed Date: 11/2/11.

Accession Number: 20111102–5029.

Comments Due: 5 p.m. ET 7/2/12.

Docket Numbers: CP06–449–000.

Applicants: Kinder Morgan Louisiana Pipeline LLC.

Description: Cost and Revenue Study of Kinder Morgan Louisiana Pipeline LLC.

Filed Date: 6/20/12.

Accession Number: 20120620–5045.

Comments Due: 5 p.m. ET 7/2/12.

Docket Numbers: RP12–815–000.

Applicants: Equitrans, L.P.

Description: Sunrise Project Tariff Compliance Filing Docket No. CP11–68–000 to be effective 7/20/2012.

Filed Date: 6/20/12.

Accession Number: 20120620–5065.

Comments Due: 5 p.m. ET 7/2/12.

Docket Numbers: RP10–900–000.

Applicants: Dominion Transmission, Inc.

Description: DTI—Informational Fuel Report—2012.

Filed Date: 6/22/12.

Accession Number: 20120622–5118.

Comments Due: 5 p.m. ET 7/5/12.

Docket Numbers: RP12–818–000.

Applicants: Crossroads Pipeline Company.

Description: Non-Conforming Service Agreement—NIPSCO to be effective 11/1/2012.

Filed Date: 6/25/12.

Accession Number: 20120625–5000.

Comments Due: 5 p.m. ET 7/9/12.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, and service can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf*. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: June 25, 2012.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2012–16092 Filed 6–29–12; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC12–90–000.

Applicants: Duke Energy Ohio, Inc., Cinergy Corp., Duke Energy Retail Sales, LLC, Duke Energy Commercial Enterprises, Inc., Duke Energy Hanging Rock II, LLC, Duke Energy Lee II, LLC, Duke Energy Fayette II, LLC, Duke Energy Washington II, LLC, Duke Energy Commercial Asset Management, CinCap V LLC, Duke Energy Piketon, LLC, NEWCO, LLC, Duke Energy Miami Fort, LLC, Duke Energy Beckjord, LLC, Duke Energy Stuart, LLC, Duke Energy Killen, LLC, Duke Energy Conesville, LLC, Duke Energy Zimmer, LLC, Duke Energy Dick's Creek, LLC.

Description: Amendment to Application for Authorization for Disposition of Jurisdictional Facilities under Section 203 of the Federal Power Act of Cinergy Corp., *et al.*

Filed Date: 6/22/12.

Accession Number: 20120622–5041.

Comments Due: 5 p.m. ET 7/2/12.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER12–2092–000.

Applicants: Arizona Public Service Company.

Description: ANPP Interconnection Agreement with Arlington Valley Solar Energy I to be effective 5/24/2012.

Filed Date: 6/22/12.

Accession Number: 20120622–5119.

Comments Due: 5 p.m. ET 7/13/12.

Docket Numbers: ER12–2093–000.

Applicants: Southern California Edison Company.

Description: Amendment to IFA and Distribution Service Agreement with Berry Petroleum Co. to be effective 6/1/2012.

Filed Date: 6/22/12.

Accession Number: 20120622–5135.

Comments Due: 5 p.m. ET 7/13/12.

Docket Numbers: ER12–2094–000.

Applicants: PacifiCorp.

Description: UAMPS ARTSOA Rev 2 to be effective 6/1/2012.

Filed Date: 6/22/12.

Accession Number: 20120622–5144.

Comments Due: 5 p.m. ET 7/13/12.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf*. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: June 25, 2012.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2012–16093 Filed 6–29–12; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL- 6560–50–P 9659–9; Docket ID No. EPA–HQ–ORD–2012–0512]

Nanomaterial Case Study: A Comparison of Multiwalled Carbon Nanotubes and Decabromodiphenyl Ether Flame-Retardant Coatings Applied to Upholstery Textiles

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Public Comment Period and Public Information Exchange Meeting.

SUMMARY: EPA is announcing a 60-day public comment period for the external review draft document titled, ''Nanomaterial Case Study: A Comparison of Multiwalled Carbon Nanotubes and Decabromodiphenyl Ether Flame-Retardant Coatings Applied to Upholstery Textiles'' (EPA/600/R–12/043A). The draft document is being issued by the National Center for Environmental Assessment (NCEA) within EPA's Office of Research and Development (ORD). It does not draw conclusions regarding potential environmental risks or hazards of multiwalled carbon nanotubes (MWCNT); rather, it aims to identify what is known and unknown about MWCNT to support future assessment efforts. EPA is releasing this draft document for the purposes of public comment and peer review. This draft document is not final as described in EPA's information quality guidelines, and it does not represent and should not be construed to represent Agency policy or views. EPA will consider public comments it receives in accordance with this notice when finalizing the draft document. EPA is also announcing a Public Information Exchange Meeting to: (1) Receive comments and questions on the draft ''Nanomaterial Case Study: A Comparison of Multiwalled Carbon Nanotubes and Decabromodiphenyl Ether Flame-Retardant Coatings Applied to Upholstery Textiles;'' and (2) to provide information on the draft EPA nanomaterial case study and the workshop process that the draft document will be used in for identifying and prioritizing research gaps that could support future assessment and risk management efforts for MWCNT. This workshop process will be conducted independently by RTI International, a contractor to EPA.

DATES: The public comment period begins, July 2, 2012, and ends August 31, 2012. Comments must be received on or before August 31, 2012.

The Public Information Exchange Meeting on the draft EPA document ''Nanomaterial Case Study: A Comparison of Multiwalled Carbon Nanotubes and Decabromodiphenyl Ether Flame-Retardant Coatings Applied to Upholstery Textiles'' will be held on October 29, 2012, beginning at 8:30 a.m. and ending at 10:30 a.m. Eastern Standard Time.

ADDRESSES: The draft EPA document ''Nanomaterial Case Study: A Comparison of Multiwalled Carbon Nanotubes and Decabromodiphenyl Ether Flame-Retardant Coatings Applied to Upholstery Textiles'' is available primarily via the Internet on the NCEA home page under Recent Additions and the Data and Publications menus at *http://www.epa.gov/ncea*. A limited number of paper copies are available. For copies, contact Marieka Boyd by phone (919–541–0031), fax (919–541–5078), or email (*boyd.marieka@epa.gov*). If you are requesting a paper copy, please provide your name, your mailing address, and the document title,

''Nanomaterial Case Study: A Comparison of Multiwalled Carbon Nanotubes and Decabromodiphenyl Ether Flame-Retardant Coatings Applied to Upholstery Textiles.''

Comments may be submitted electronically via *http://www.regulations.gov*, by mail, by facsimile, or by hand courier. Please follow the detailed instructions provided in the **SUPPLEMENTARY INFORMATION** section of this notice.

The Public Information Exchange Meeting on the draft EPA document ''Nanomaterial Case Study: A Comparison of Multiwalled Carbon Nanotubes and Decabromodiphenyl Ether Flame-Retardant Coatings Applied to Upholstery Textiles'' will be held at the EPA facility in Research Triangle Park, North Carolina. The RTI Workshop will be held in the same location, following the Public Information Exchange Meeting. To attend the Public Information Exchange Meeting or observe the RTI workshop, register no later than October 15, 2012, by calling Ms. Kristin Smith at 919–541–6081, or by sending an email to *ceananocarbon@rti.org*. Space is limited, and reservations will be accepted on a first-come, first-served basis. Please indicate whether you are interested in attending the EPA Public Information Exchange Meeting or observing the RTI International Workshop or both.

Information on Services for Individuals with Disabilities: EPA welcomes public attendance at the Public Information Exchange Meeting and will make every effort to accommodate persons with disabilities. For information on access or services for individuals with disabilities, contact: Kristin Smith at 919–541–6081.

Additional Information: For information on the docket or the public comment period, contact the Office of Environmental Information Docket; telephone: 202–566–1752; facsimile: 202–566–9744; or email: *Docket_ORD@epa.gov*. For technical information on the draft document, contact Dr. Christy Powers, National Center for Environmental Assessment; (MD B243–01), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711; telephone: 919–541–5504; facsimile: 919–541–5078; or email: *powers.christina@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. Information About the Project/Document

The draft document will be used in a workshop process that engages experts with diverse technical backgrounds (*e.g.,* toxicology, polymer science, environmental fate, and transport) and sector perspectives (*e.g.,* academia, industry, government, and nongovernment organizations). Experts will use the draft case study document to identify and prioritize research gaps that could support future assessment and risk management efforts for MWCNT using a structured decision process. This workshop process will be conducted by RTI International, an EPA contractor, and will utilize web-based tools to gather expert input prior to culminating in a face-to-face workshop convened by RTI International.

The Public Information Exchange Meeting announced above will precede the workshop convened by RTI International. Following the conclusion of the Information Exchange Meeting, RTI International, a contractor to EPA, will conduct a separate meeting, the ''Nanomaterial Case Study Workshop Process: Identifying and Prioritizing Research for Multiwalled Carbon Nanotubes,'' in the same location. This workshop will be conducted with a set of invited expert participants selected by RTI International and utilize a structured decision science process similar to the process used in previous workshops (*e.g., http://www.epa.gov/osp/bosc/pdf/nano1005summ.pdf*). The RTI workshop will use the draft EPA document ''Nanomaterial Case Study: A Comparison of Multiwalled Carbon Nanotubes and Decabromodiphenyl Ether Flame-Retardant Coatings Applied to Upholstery Textiles'' [External Review Draft] (U.S. Environmental Protection Agency, Washington, DC, EPA/600/R–12/043A, 2012, (*http://cfpub.epa.gov/ncea/cfm/recordisplay.cfm?deid=244011*) as a starting point for identifying and prioritizing possible research directions related to multiwalled carbon nanotubes. Although funded by EPA, the RTI workshop process is being conducted independently of EPA to comply with provisions of the Federal Advisory Committee Act (5 U.S.C. App. 2 [*http://www.archives.gov/federal-register/laws/fed-advisory-committee*]). The RTI workshop will be open to public observers.

This draft document and structured workshop process is funded by EPA but is independently conducted by RTI International and follows previous efforts on engineered nanoscale materials (nanomaterials). Nanomaterials have often been described as having at least one dimension between 1 and 100 nanometers and frequently possessing unusual, if not unique, properties that arise from their small size. Like all technological developments, nanomaterials offer the potential for both benefits and risks. The assessment of such risks and benefits requires information, but given the emergent state of nanotechnology, much remains to be learned about the characteristics and effects of nanomaterials before such assessments can be accomplished.

In its 2007 Nanotechnology White Paper (2007, p. 89), EPA included the following recommendations regarding the risk assessment of nanomaterials: (1) Develop case studies based on publicly available information on one or several intentionally produced nanomaterials, and from such case studies identify information gaps to help map areas of research that would support the risk assessment process; and (2) hold a series of workshops involving a substantial number of experts from several disciplines to assist in this process. In keeping with these recommendations, the National Center for Environmental Assessment (NCEA) in EPA's Office of Research and Development (ORD) prepared the Nanomaterial Case Studies: Nanoscale Titanium Dioxide in Water Treatment and in Topical Sunscreen [Final] (U.S. Environmental Protection Agency, Washington, DC, EPA/600/R–09/057F, 2010, *http://cfpub.epa.gov/ncea/cfm/recordisplay.cfm?deid=230972*), released in November 2010, and the Nanomaterial Case Study: Nanoscale Silver in Disinfectant Spray [External Review Draft] (U.S. Environmental Protection Agency, Washington, DC, EPA/600/R–10/081, 2012).

The two draft documents each supported a workshop: ''Nanomaterial Case Studies Workshop: Developing a Comprehensive Environmental Assessment Research Strategy for Nanoscale Titanium Dioxide'' on September 29–30, 2009, in Durham, North Carolina, and ''Nanomaterial Case Studies Workshop: Developing a Comprehensive Environmental Assessment Research Strategy for Nanoscale Silver'' on January 4–7, 2011, in Research Triangle Park, North Carolina. A summary of the workshops may be found at: *http://www.epa.gov/osp/bosc/pdf/nano1005summ.pdf* and *http://cfpub.epa.gov/ncea/cfm/recordisplay.cfm?deid=226723* for nanoscale titanium dioxide and nanoscale silver, respectively. The summary documents provide information on the design and conduct of the workshops, noting that the Nanomaterial Case Studies Workshop for nanoscale titanium dioxide was held under the auspices of the EPA Board of Scientific Counselors (BOSC), an advisory committee of independent scientists and engineers established by

EPA to provide advice, information, and recommendations concerning practices and programs of ORD, including ORD's research planning process, in accordance with provisions of the Federal Advisory Committee Act and related regulations. In August 2010, the BOSC provided comments on the case studies workshop (*http://www.epa.gov/osp/bosc/pdf/nano1008rpt.pdf*).

The case study documents are structured by the comprehensive environmental assessment (CEA) framework, to systematically organize information on the product life cycle, environmental fate, exposure-dose, and impacts in humans, ecological receptors, and the environment. As noted above, CEA also includes a process component involving decision science methods, and this aspect of CEA was used in prior workshops to identify and prioritize research or information needed to assess nanoscale titanium dioxide and nanoscale silver, respectively.

The nanomaterial case studies are intended to be used in the development and refinement of long-term research planning efforts for potential human health, ecological, and environmental risks. Such a comprehensive strategy is expected to develop in an evolutionary process reflecting adjustments and modifications as additional nanomaterials are considered and new information becomes available. To that end, the current case study on multiwalled carbon nanotubes (MWCNT) builds on previous efforts by incorporating a comparative perspective with conventional flame-retardant, decabromodiphenyl ether. This comparison is included to provide a relatively more robust data base that may help identify key data gaps for MWCNT related to future assessment and risk management efforts. It further provides a foundation for future efforts to identify risk-related tradeoffs between a traditional material, such as decaBDE and a nano-enabled product.

II. How To Submit Technical Comments to the Docket at www.regulations.gov

Submit your comments, identified by Docket ID No. EPA–HQ–ORD–2012–0512 by one of the following methods:

- *www.regulations.gov*: Follow the on-line instructions for submitting comments.
- *Email: Docket_ORD@epa.gov.*
- *Fax:* 202–566–9744.
- *Mail:* Office of Environmental Information (OEI) Docket (Mail Code: 28221T), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460. The phone number is 202–566–1752.
- *Hand Delivery:* The OEI Docket is located in the EPA Headquarters Docket Center, EPA West Building, Room 3334, 1301 Constitution Avenue 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. Such 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 mail or hand delivery, please submit 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–2012–0512. Please ensure that your comments are submitted within the specified comment period. Comments received after the closing date will be marked ''late,'' and may only be considered if time permits. 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 *www.regulations.gov,* including any personal information provided, unless a comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information through *www.regulations.gov* or email that you consider to be CBI or otherwise protected. 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. For additional information about EPA's public docket visit the EPA Docket Center home page at *www.epa.gov/epahome/dockets.htm*.

Docket: Documents in the docket are listed in the 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 materials, such as copyrighted material, are publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the OEI Docket in the EPA Headquarters Docket Center.

Dated: June 25, 2012.

Darrell A. Winner,

Acting Director, National Center for Environmental Assessment.

[FR Doc. 2012–16137 Filed 6–29–12; 8:45 am]

BILLING CODE 6560–50–P

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Agency Information Collection Activities: Existing Collection; Emergency Extension

AGENCY: Equal Employment Opportunity Commission.

ACTION: Notice of Information Collection—Emergency Request—Revision of a Currently Approved Collection: Elementary-Secondary Staff Information Report (EEO–5).

SUMMARY: In accordance with the Paperwork Reduction Act, the Equal Employment Opportunity Commission (EEOC or Commission) announces that it submitted to the Office of Management and Budget (OMB) a request for an emergency extension of the Elementary-Secondary Staff Information Report (EEO–5) to be effective after the current June 30, 2012 expiration date. EEOC is requesting approval to revise the race and ethnicity categories on the EEO–5 report to conform to OMB's *Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity.*

FOR FURTHER INFORMATION CONTACT: Ronald Edwards, Director, Program Research and Surveys Division, 131 M Street NE., Room 4SW30F, Washington, DC 20507; (202) 663–4958 (voice) or (202) 663–7063 (TTY).

SUPPLEMENTARY INFORMATION: Elementary and secondary public school systems and districts have been required to submit EEO–5 reports to EEOC since 1974 (biennially in even-numbered years since 1982). Since 1996, each public school district or system has

submitted all of the district data on a single form, EEOC Form 168A. The individual school form, EEOC Form 168B, was eliminated in 1996, reducing the respondent burden and cost.

Overview of Information Collection

Collection Title: Elementary-Secondary Staff Information Report (EEO–5).

OMB–Number: 3046–0003.

Frequency of Report: Biennial.

Type of Respondent: Certain public elementary and secondary school districts.

Description of Affected Public: Certain public elementary and secondary school districts.

Number of Responses: 7,218.

Reporting Hours: 32,481.

Cost to the Respondents: $617,139.

Federal Cost: $190,000.

Number of Forms: 1.

Form Number: EEOC Form 168A.

Abstract: Section 709 (c) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e–8(c), requires employers to make and keep records relevant to a determination of whether unlawful employment practices have been or are being committed, to preserve such records, and to produce reports as the Commission prescribes by regulation or order. Accordingly, the EEOC issued regulations prescribing the reporting requirements for elementary and secondary public school districts. The EEOC uses EEO–5 data to investigate charges of employment discrimination against elementary and secondary public school districts. The data also are used for research. The data are shared with the Department of Education (Office for Civil Rights) and the Department of Justice. Pursuant to Section 709(d) of Title VII of the Civil Rights Act of 1964, as amended, EEO–5 data also are shared with state and local Fair Employment Practices Agencies (FEPAs).

Burden Statement: The estimated number of respondents included in the biennial EEO–5 survey is 7,218 public elementary and secondary school districts. The form is estimated to impose 32,481 burden hours biennially.

Dated: June 27, 2012.

For the Commission.

Jacqueline A. Berrien,

Chair.

[FR Doc. 2012–16147 Filed 6–29–12; 8:45 am]

BILLING CODE 6570–01–P

FARM CREDIT ADMINISTRATION

Farm Credit Administration Board; Sunshine Act; Regular Meeting

AGENCY: Farm Credit Administration.

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act (5 U.S.C. 552b(e)(3)), of the regular meeting of the Farm Credit Administration Board (Board).

DATE AND TIME: The regular meeting of the Board will be held at the offices of the Farm Credit Administration in McLean, Virginia, on July 12, 2012, from 9:00 a.m. until such time as the Board concludes its business.

FOR FURTHER INFORMATION CONTACT: Dale L. Aultman, Secretary to the Farm Credit Administration Board, (703) 883–4009, TTY (703) 883–4056.

ADDRESSES: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090.

SUPPLEMENTARY INFORMATION: This meeting of the Board will be open to the public (limited space available). In order to increase the accessibility to Board meetings, persons requiring assistance should make arrangements in advance. The matter to be considered at the meeting is:

Open Session

A. Approval of Minutes

- June 14, 2012

B. Report

- Periodic Report on Farm Credit System Funding Conditions

Dated: June 28, 2012.

Dale L. Aultman,

Secretary, Farm Credit Administration Board.

[FR Doc. 2012–16286 Filed 6–28–12; 4:15 pm]

BILLING CODE 6705–01–P

FEDERAL COMMUNICATIONS COMMISSION

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice; request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burden and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501—3520), the Federal Communications Commission invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s). Comments are requested concerning: 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; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; 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 ways to further reduce the information burden for small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid 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 (PRA) that does not display a valid OMB control number.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before August 31, 2012. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

ADDRESSES: Submit your PRA comments to Nicholas A. Fraser, Office of Management and Budget, via fax at 202–395–5167 or via Internet at *Nicholas_A._Fraser@omb.eop.gov* and to Judith B. Herman, Federal Communications Commission, via the Internet at *Judith-b.herman@fcc.gov*. To submit your PRA comments by email send them to: *PRA@fcc.gov*.

FOR FURTHER INFORMATION CONTACT: Judith B. Herman, Office of Managing Director, (202) 418–0214.

SUPPLEMENTARY INFORMATION: *OMB Control Number:* 3060–0723.

Title: 47 U.S.C. section 276, Public Disclosure of Network Information By Bell Operating Companies (BOCs).

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 3 respondents; 3 responses.

Estimated Time per Response: 120 hours.

Frequency of Response: On occasion reporting requirements and third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory

authority for this information collection is contained in 47 U.S.C. section 276 of the Communications Act of 1934, as amended.

Total Annual Burden: 360 hours.

Total Annual Cost: N/A.

Privacy Impact Assessment: N/A.

Nature and Extent of Confidentiality: The Commission is not requesting respondents to submit confidential information to the FCC. If the Commission requests respondents to submit information which respondents believe is confidential, respondents may request confidential treatment of such information under 47 CFR section 0.459 of the Commission's rules.

Needs and Uses: The Commission is seeking an extension of this information collection in order to obtain the full three year approval from OMB. There is no change to the reporting requirements and/or third party disclosure requirement.

Under 47 U.S.C. section 276(b)(1), the Bell Operating Companies (BOCs) are required to publicly disclose changes in their networks or new network services. Section 276(b(1)(C) directs the Commission to ''prescribe a set of nonstructural safeguards for BOC payphone service to implement the provisions of paragraphs (1) and (2) of subsection (a), which safeguards shall, at a minimum, include the nonstructural safeguards equal to those adopted in the Computer Inquiry-III (CC Docket No. 90–623) proceeding.'' The Computer Inquiry-III network information disclosure requirements specifically state that the disclosure would occur at two different points in time. First, disclosure would occur at the make/buy point: When a BOC decides to make for itself, or procure from an unaffiliated entity, any product whose design affects or relies on the network interface. Second, a BOC would publicly disclose technical information about a new service 12 months before it is introduced. If the BOC can introduce the service within 12 months of the make/buy point, it would make a public disclosure at the make/buy point. In no event, however, would the public disclosure occur less than six months before the introduction of the service.

Without provision of this information, the industry would be unable to ascertain whether the BOCs are designing new network services or changing network technical specifications to the advantage of their own payphones, or in a manner that might disadvantage BOC payphone competitors.

These requirements ensure that BOCs comply with their obligations under the Telecommunications Act of 1996.

OMB Control Number: 3060–0745.

Title: Implementation of the Local Exchange Carrier Tariff Streamlining Provisions of the Telecommunications Act of 1996, CC Docket No. 96–187.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 50 respondents; 1,536 responses.

Estimated Time per Response: .25 hours to 5 hours.

Frequency of Response: On occasion reporting requirements, recordkeeping requirement and third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 151, 154(i) and 204(a)(3) of the Communications Act of 1934, as amended.

Total Annual Burden: 4,054 hours.

Total Annual Cost: $808,750.

Privacy Impact Assessment: N/A.

Nature and Extent of Confidentiality: The Commission is not requesting respondents to submit confidential information to the FCC. If the Commission requests respondents to submit information which respondents believe is confidential, respondents may request confidential treatment of such information under 47 CFR section 0.459 of the Commission's rules.

Needs and Uses: The Commission is seeking an extension of this information collection in order to obtain the full three year approval from OMB. There is no change to the reporting requirements, recordkeeping requirements and/or third party disclosure requirements. The Commission is now reporting a $22,500 increase in annual costs. This increase adjustment is due to an increase in the filing fee from $815 per filing to $845 per filing.

In CC Docket No. 96–187, the Commission adopted measures to streamline tariff filing requirements for local exchange carriers (LECs) pursuant to the Telecommunications Act of 1996. In order to achieve a streamlined and deregulatory environment for LEC tariff filings, local exchange carriers are required to file tariffs electronically. There are eight information collection requirements that contain reporting, third party disclosure and recordkeeping requirements. These are described in the Supporting Statement that will accompany the submission to OMB. They are: (1) Electronic filing requirement; (2) requirement that carriers desiring tariffs proposing rate decreases to be effective seven days file separate transmittals; (3) requirement that carriers identify transmittals filed pursuant to the streamlined provisions of the 1996 Act; (4) the requirements are described in the Supporting Statement that will accompany the submission to OMB. They are: (1) Electronic filing requirement for LECs to file tariffs seven and fifteen days notice; (2) requirement that carriers desiring tariffs proposing rate decreases to be effective seven days file separate transmittals; (3) requirement that carriers identify transmittals filed pursuant to the streamlined provisions of the 1996 Act; (4) requirement that price cap LECs file their Tariff Review Plans prior to filing their annual access tariffs; (5) filing petitions and replies electronically (reporting requirement); (6) filing petitions and replies electronically (third party disclosure requirement); (7) recordkeeping requirement (standard protective order); and (8) reporting requirement (standard protective order).

The information collected via electronic filing will facilitate access to tariff and associated documents by the public, especially by interested persons or parties who do not have ready access to the Commission's public reference center, and state and federal regulators. Electronic access to carrier tariffs should also facilitate the compilation of aggregate data for industry analysis purposes without imposing new reporting requirements on carriers. Carriers desiring tariffs proposing rate decreases to be effective in seven days must file a separate transmittal. This requirement will ensure that a tariff filing proposing a rate decrease is given the shortest notice period possible under the 1996 Act. The Commission also adopted the requirement that carriers identify transmittals filed pursuant to the streamlining provisions of the 1996 Act.

All of the requirements help to ensure that local exchange carriers comply with their obligations under the Communications Act and that the Commission is able to ensure compliance within the streamlined timeframes established in the 1996 Act.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary, Office of Managing Director.

[FR Doc. 2012–16123 Filed 6–29–12; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested

AGENCY: Federal Communications Commission.

ACTION: Notice; request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burden and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3502–3520), the Federal Communications Commission invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s). Comments are requested concerning: 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; the accuracy of the Commission's burden estimates; ways to enhance the quality, utility, and clarity of the information collected; 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 ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid 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 (PRA) that does not display a valid OMB control number.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before August 31, 2012. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

ADDRESSES: Submit your PRA comments to Judith B. Herman, Federal Communications Commission, via the Internet at *Judith-b.herman@fcc.gov.* To submit your PRA comments by email send them to: *PRA@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: Judith B. Herman, Office of Managing Director, FCC, at 202–418–0214.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0819.

Title: Lifeline and Link Up Reform and Modernization, Advancing Broadband Availability Through Digital Literacy Training.

Form Number: FCC Form 497; Low-Income Broadband Pilot Program Reporting Form; Low-Income Broadband Pilot Program Participation Form; and FCC Form 555, Annual Lifeline Eligible Telecommunications Carrier Certification Form.

Type of Review: Revision of a currently approved collection.

Respondents: Individuals or households and business or other for-profit institutions.

Number of Respondents and Responses: 16,100,940 respondents; 41,828,019 responses.

Estimated Time per Response: .58 hours.

Frequency of Response: On occasion reporting requirement and third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits.

Total Annual Burden: 24,185,658 hours.

Total Annual Cost: N/A.

Privacy Act Impact Assessment: The Commission adopted rules that affect individuals or households, and thus, there are impacts under the Privacy Act. As required by the Privacy Act of 1974, as amended, 5 U.S.C. 552a, the Commission will create a system of records notice (SORN) to cover the collection, storage, maintenance, and disposal (when appropriate) of any personally identifiable information that the Commission may collect as part of the information collection.

Nature and Extent of Confidentiality: The Commission is not requesting that respondents submit confidential information to the FCC. However, respondents may request confidential treatment of their information under *47 CFR 0.459 http://web2.westlaw.com/find/default.wl?mt=Federal Government&db=1000547&docname=47CFRS0.459&rp=%2ffind%2fdefault.wl&findtype=L&ordoc=0346209484&tc=-1&vr=2.0&fn=_top&sv=Split&tf=-1&pbc=B87EBF2A&rs=WLW12.04* of the Commission's rules.

Needs and Uses: This collection is being submitted as a revision to a currently approved collection. In January 2012, the Commission adopted an order reforming and modernizing its Lifeline universal service program. Lifeline and Link-Up Reform and Modernization; Lifeline and Link-Up; Federal-State Joint Board on Universal Service; Advancing Broadband Availability Through Digital Literacy Training, WC Docket Nos. 11–42, 03–109, 12–23; CC Docket No. 96–45, FCC 12–11. The Commission seeks extension of previously approved requirements and approval of additional reforms adopted in this order.

Previously Approved Collection Requirements. The order makes a number of changes to the Lifeline program, which was approved by OMB on April 13, 2012. The Commission seeks an extension of these previously approved requirements. Specifically, the order established an interim flat rate for reimbursement for non-Tribal Lifeline support and adjusted the amount of support for TLS and Link Up. These changes necessitated the need for USAC to revise its FCC Form 497. Additionally, the order reduces the window by which ETCs must file revisions or original FCC Form 497 submissions from 15 months from the end of the calendar year to a rolling 12 month window. ETCs will also now be required to file the FCC Form 497 monthly rather than having the option of filing either monthly or quarterly. The Commission also will accelerate USAC's payment of low-income support for carriers filing the FCC Form 497 electronically by a monthly deadline.

The order also adopts a rule, section 54.422, whereby ETCs providing Lifeline services to low-income consumers must include information regarding the company's holding company, operating companies, affiliates, and any branding in their annual reports to the Commission. In addition, all ETCs receiving low-income support are required to annually provide to the Commission and USAC general information regarding their Lifeline plans for voice telephony service offered specifically for low-income consumers.

The order requires ETCs (or the state administrator, where applicable) to check the program-based eligibility of new Lifeline subscribers at enrollment by accessing available state or federal eligibility databases. Where the underlying program eligibility data cannot be accessed, the Commission requires new Lifeline subscribers to provide documentation of program-based eligibility, which the entity enrolling the subscriber should review (but not retain). Low-income consumers who qualify based on income are also required to provide documentation. Under 47 CFR 54.410(d), ETCs, or the state administrator, where applicable, are required to collect an executed certification form from each qualifying low-income consumer that includes consumer identifying information and attestation from the consumer that they understand the purpose of the Lifeline program and their responsibilities in

receiving the discounted service. The order also adopts a rule, 47 CFR 54.410(d)(3)(iii), whereby Lifeline consumers have 30 days from moving to a new address within which to notify their respective ETCs of the change of residential address.

The order replaces the existing verification rule contained in 47 CFR 54.409 (c) with a new rule, 47 CFR 54.410(f) requiring ETCs to confirm the eligibility of all their Lifeline subscribers on an annual basis. Carriers may fulfill this requirement by querying a database maintained by a state agency or third party for that purpose, when applicable. This new rule, in conjunction with 47 CFR 54.405(e)(4), also requires that consumers who do not respond to annual re-certification attempts must be de-enrolled from the Lifeline program (and the database must be updated accordingly).

The order directs USAC to continue with the Duplicate Resolution Process by identifying and resolving duplicative Lifeline claims in states identified by the Wireline Competition Bureau. ETCs are required to supply subscriber lists and de-enroll subscribers found to be duplicates.

The order also adopts a national database to detect and eliminate duplicative Lifeline and Link-Up support. With respect to populating the duplicates database, the Commission adopts a rule requiring ETCs, prior to transmission to the administrator, to verify and standardize the relevant data, and transmit the relevant data to the database administrator in the format prescribed.

The order also adopts rules with respect to maintaining the duplicates database. When notified of any change of information, ETCs are required to update the duplicates database within 10 business days. In addition, ETCs are required to update the database within one business day of de-enrollment of any consumer. The Commission seeks an extension of these previously approved requirements regarding the verification, certification and re-certification requirements, including use of databases and participation in the duplicates process.

The order adopts a rule, 47 CFR 54.405(e)(3), requiring pre-paid ETCs offering service to subscribers for free to de-enroll subscribers who fail to ''use'' the service (as that term is defined in the order) within 60 consecutive days and update the duplicates database within one business day of such de-enrollment. As described above, ETCs must report the number of consumers de-enrolled every month on the revised FCC Form 497. The Commission seeks an extension of these previously approved requirements.

The order also implements a rule allowing ETCs and state agencies to obtain Lifeline subscriber certifications electronically, including through the use of interactive voice response systems, in compliance with the requirements of the E-Sign Act and the Government Paperwork Elimination Act. The E-Sign Act allows the use of electronic records to satisfy Commission regulations requiring that such information be provided in writing, if the consumer has affirmatively consented to such use and has not withdrawn such consent. This rule will reduce the paperwork burden for ETCs and state agencies.

The order requires USAC to revise its existing oversight program (the Beneficiary Compliance Audit and Payment Quality Assurance programs) in light of the new rules. In the order, the Commission modifies the audit requirements of 47 CFR 54.420(b) by requiring USAC to conduct audits of new ETCs within the first twelve months of their seeking federal low-income Universal Service Fund support within any single state to ensure their compliance with the rules as well as assess the company's internal controls regarding the regulatory requirements. The Commission seeks an extension of these previously approved audit requirements for new ETCs.

In the order, the Commission forbears from applying the Act's facilities requirement of section 214(e)(1)(A) to all telecommunications carriers that seek limited ETC designation to participate in the Lifeline program, subject to certain conditions. Specifically, each carrier must (i) comply with certain 911 requirements; and (ii) file, subject to Bureau approval, a compliance plan providing specific information regarding the carrier's service offerings and outlining the measures the carrier will take to implement the obligations contained in the order.

In the order, the Commission makes several modifications to the existing rules regarding designation of Lifeline-only ETCs to eliminate waste and inefficiency, and to increase accountability in the program. The Commission amends section 54.202 to clarify that Lifeline-only ETCs are not required to submit a five-year improvement plan as part of its application for designation.

The order also amends section 54.202 by requiring carriers seeking to be designated as a Lifeline-only ETC to demonstrate their technical and financial capacity to provide the supported services. Additionally, in the order the Commission amends section 54.202 to require every ETC receiving low-income support to annually provide to the Commission and USAC general information regarding their Lifeline plans for voice telephony service offered specifically for low-income consumers. Finally, section 54.202 requires that a carrier seeking to be designated as an ETC certify that it will comply with the service requirements applicable to the support that it receives. The Commission seeks an extension of these previously approved requirements regarding the blanket forbearance grant for non-facilities-based carriers and the specific requirements to be designated as a Lifeline-only ETC.

The order establishes a broadband pilot program aimed at generating statistically significant data that will allow the Commission, ETCs, and the public to analyze the effectiveness of different approaches to using Lifeline funds to making broadband more affordable for low-income Americans while providing support that is sufficient but not excessive. The order directs the Wireline Competition Bureau to release a Public Notice setting forth the application requirements for ETCs that intend on submitting an application to participate in the pilot program, which will be due July 2, 2012. The Commission seeks an extension of these previously approved requirements regarding the collection of information to be included in applications and participation in the broadband pilot program.

Revised Information Collection Requirements. The Commission seeks OMB approval to revise the information collection as follows.

The order requires that ETCs report the results of their annual recertification process to USAC utilizing the Annual Lifeline Eligible Telecommunications Carrier Certification Form, FCC Form 555.

The order adopts a rule, 47 CFR 54.405(c), requiring all ETCs to include plain, easy-to-understand language in all of their Lifeline marketing materials to explain to consumers that the offering is a Lifeline supported-service; that Lifeline is a government assistance program; that only eligible consumers may enroll in the program; what documentation is necessary for enrollment; and that the program is limited to one benefit per household, consisting of either a wireline or wireless service. Additionally, the order requires ETCs to disclose the company name under which it does business and the details of its Lifeline service offerings in its Lifeline-related

marketing and advertising. ETCs are required to explain that Lifeline is a government benefit program, and consumers who willfully make false statements in order to obtain the benefit can be punished by fine or imprisonment or can be barred from the program. The Commission seeks approval of these marketing requirements as adopted in the order.

The order further modifies the audit requirements of 47 CFR 54.420(a) by adopting a new requirement whereby ETCs drawing more than an aggregate of $5 million annually from the Lifeline fund, on a holding company basis, must conduct biennial independent audits and present audit reports to the Administrator, the Commission, and any applicable state or Tribal government agency within 90 days of the issuance of the audit report. The Commission seeks approval of the biennial audit requirements as adopted in the order.

The order authorizes up to $25 million for funding of the Broadband Pilot Program to be disbursed directly to ETCs for up to 12 months of subsidized broadband service either through bundles of voice and broadband services or as standalone broadband service. To receive reimbursement for approved subsidies, ETCs selected to participate in the Broadband Pilot Program will have to complete the Low Income Broadband Reimbursement Form on a monthly basis and submit to USAC (i) any monthly discount of broadband service; (ii) applicable discount amount for voice telephony service if the broadband subscriber is also subscribing to voice telephony service under the Lifeline program; and (iii) any non-recurring fees for broadband provided to subscribers participating in the Pilot Program and approved as part of the pilot program. The Commission seeks approval of the Low Income Broadband Reimbursement Form for carriers participating in the pilot program.

The order also requires ETCs selected to participate in the Pilot Program to commit to data gathering and sharing of subscribers' anonymized data. USAC will be tasked with collecting data from ETCs regarding the ETCs' projects, and subscriber demographics and broadband usage pursuant to a uniform set of questions set forth in the Low Income Broadband Pilot Program Reporting Form. ETCs may collect the data from subscribers themselves and submit to USAC, or may request that USAC collect the subscriber data directly from ETCs' subscribers. The Commission seeks approval of the Low Income Broadband Pilot Program Reporting Form to be used by participants in the pilot program.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary, Office of Managing Director.

[FR Doc. 2012–16125 Filed 6–29–12; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice of information collection to be submitted to OMB for review and approval under the Paperwork Reduction Act.

SUMMARY: In accordance with requirements of the Paperwork Reduction Act of 1995 (''PRA''), 44 U.S.C. 3501 *et seq.,* the FDIC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The FDIC, 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 the renewal of an existing information collection, as required by the PRA. On April 25, 2012 (77 FR 24711), the FDIC solicited public comment for a 60-day period on renewal of the following information collection: Customer Assistance (OMB No. 3064–0134). No comments were received. Therefore, the FDIC hereby gives notice of submission of its request for renewal to OMB for review.

DATES: Comments must be submitted on or before August 1, 2012.

ADDRESSES: Interested parties are invited to submit written comments to the FDIC by any of the following methods:

- *http://www.FDIC.gov/regulations/laws/federal/notices.html.*
- *Email: comments@fdic.gov.* Include the name of the collection in the subject line of the message.
- *Mail:* Leneta G. Gregorie (202–898–3719), Counsel, Room NYA–5050, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.
- *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the 17th Street Building (located on F Street), on business days between 7:00 a.m. and 5:00 p.m.

All comments should refer to the relevant OMB control number. A copy of the comments may also be submitted to the OMB desk officer for the FDIC: Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Leneta G. Gregorie, at the FDIC address above.

SUPPLEMENTARY INFORMATION: *Proposal to renew the following currently approved collection of information:*

Title: Customer Assistance.

OMB Number: 3064–0134.

Form Number: FDIC 6422/04.

Frequency of Response: On occasion.

Affected Public: Individuals, Households, Business or financial institutions.

Estimated Number of Respondents: 15000.

Estimated Time per Response: 0.5 hours.

Total Annual Burden: 7500 hours.

General Description of Collection: This collection permits the FDIC to collect information from customers of financial institutions who have inquiries or complaints about service. Customers may document their complaints or inquiries to the FDIC using a letter or an optional form (6422/04). The optional form is being revised to facilitate on-line completion and submission of the form and to shorten FDIC response times by making it easier to identify the nature of the complaint and to route the customer inquiry to the appropriate FDIC contact. In addition, a second optional form, the Business Assistance Form, is being added to the collection to distinguish assistance requests submitted by individuals and businesses. Although the information requested on the two forms is identical, the FDIC will be better able to correctly route incoming requests and thereby reduce response times to those seeking assistance. A copy of the revised forms can be accessed via a link directly beneath this notice on the FDIC's **Federal Register** Citations Web page: *http://www.fdic.gov/regulations/laws/federal/notices.html.*

Request for Comment

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collection, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and

clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology. All comments will become a matter of public record.

Dated at Washington, DC, this 26th day of June 2012.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2012–16030 Filed 6–29–12; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than July 17, 2012.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *Sidney J. Lee, as an individual, and together with Medora Lee, both of Chicago, Illinois, and Serena Lee,* Greenwich, Connecticut; as a group acting in concert to acquire control of American Metro Bancorp, Inc., and thereby indirectly acquire control of American Metro Bank, both in Chicago, Illinois.

Board of Governors of the Federal Reserve System, June 27, 2012.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 2012–16122 Filed 6–29–12; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Office for State, Tribal, Local and Territorial Support (OSTLTS); Meeting

In accordance with Presidential Executive Order No. 13175, November 6, 2000, and the Presidential Memorandum of November 5, 2009 and September 23, 2004, Consultation and Coordination with Indian Tribal Governments, CDC and the Agency for Toxic Substances and Disease Registry (ATSDR) announces the following meeting and Tribal Consultation Session:

Name: Tribal Advisory Committee (TAC) Meeting and 9th Biannual Tribal Consultation Session.

Times and Dates:

8:00 a.m.–5:00 p.m., August 28 and 29, 2012 (TAC Meeting);

8:00 a.m.–4:00 p.m., August 30, 2012 (9th Biannual Tribal Consultation Session).

Place: The TAC Meeting will be held at the Mohegan Sun, 1 Mohegan Sun Boulevard, Uncasville, Connecticut 06382.

Status: The meetings are being hosted by CDC/ATSDR and the Mohegan Tribe and are open to the public.

Purpose: The purpose of the Biannual Tribal Consultation is for CDC/ATSDR leadership and staff to conduct government-to-government consultation with elected tribal officials or their designated representatives and confer with American Indian/Alaska Native (AI/AN) community-based organizations and AI/AN urban and rural communities on issues that affect them. This exchange of information is meant to increase mutual understanding and increase effective collaboration and informed decision making. The purpose of the CDC/ATSDR Tribal Advisory Committee or TAC is to provide a complementary venue wherein tribal representatives and CDC/ATSDR leadership and staff exchange information about public health issues in Indian Country, identify urgent public health needs in AI/AN communities, and discuss collaborative approaches to addressing these issues and needs.

Matters To Be Discussed: The following topics are scheduled for presentation and discussion during the TAC Meeting; however, discussion is not limited to these topics: Social determinants of health, cancer control and prevention, the Strategic National Stockpile (strategically placed medicine and supplies for use in national emergencies) and opportunities at CDC/ATSDR for Native participation.

Topics that will be discussed during the Tribal Consultation include the following: Controlled Substance Abuse, Tobacco Control Efforts, and Motor Vehicle Safety.

Additional opportunities will be provided during the Consultation Session for tribal testimony. Tribal Leaders are encouraged to submit written testimony by 12:00 a.m., EST on August 22, 2012, to Kimberly Cantrell, Deputy Associate Director for Tribal Support, OSTLTS, CDC, via mail to 1600 Clifton Road NE., MS K–70, Atlanta, Georgia 30329, or email to *klw6@cdc.gov*. Depending on the time available, it may be necessary to limit the time of each presenter.

The agenda is subject to change as priorities dictate.

Information about the two upcoming meetings, past meetings, and CDC/ATSDR's policies related to these meetings, are available at *http://www.cdc.gov/stltpublichealth/TribalSupport/announcements.html*.

Contact Person for More Information: Kimberly Cantrell, Deputy Associate Director for Tribal Support, OSTLTS, CDC, via mail to 1600 Clifton Road NE., MS K–70, Atlanta, Georgia 30329, or email to *klw6@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: June 22, 2012.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2012–16097 Filed 6–29–12; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects:

Title: National Medical Support Notice—NPRM.

OMB No.: 0970–0222.

Description: The National Medical Support Notice (NMSN) is a two-part document to be completed by state child support enforcement agencies, employers, and health plan administrators to assist in enforcing health care coverage provisions in a child support order. The Department of Health and Human Services (HHS) developed and maintains Part A of the NMSN, which is sent to an obligor's employer for completion; the Department of Labor (DOL) developed and maintains Part B of the NMSN, which is provided to health care administrators following completion of Part A.

DOL revised Part B to conform with changes to the currently approved Part A and is seeking a three year approval from the Office of Management and Budget (OMB). To avoid burdening the

state child support enforcement agencies with potential reprogramming at varying times due to future changes in either Part A or Part B, the Administration for Children and Families is resubmitting an unchanged information collection package and requesting an extension to the current OMB approval of NMSN Part A to synchronize with the expiration date of NMSN Part B.

Respondents: State child support enforcement agencies, employers, and health plan administrators.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
National Medical Support Notice	54	97,775	0.17	897,574.50

Estimated Total Annual Burden Hours: 897,574.50.

In compliance with the requirements of Section 506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. Email address: *infocollection@acf.hhs.gov*. All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2012–16029 Filed 6–29–12; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2012–N–0063]

Sami Arshak Yanikian: Debarment Order

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is issuing an order under the Federal Food, Drug, and Cosmetic Act (the FD&C Act) debarring Sami Arshak Yanikian for 10 years from providing services in any capacity to a person that has an approved or pending drug product application. FDA bases this order on a finding that Mr. Yanikian was convicted of two counts of introducing unapproved new drugs into interstate commerce, which relates to the development or approval, including the process for development or approval, of drug products and to the regulation of drug products under the FD&C Act. In addition, the type of conduct that served as the basis for Mr. Yanikian's convictions undermine the process for the regulation of drugs. Mr. Yanikian was given notice of the proposed debarment and an opportunity to request a hearing within the timeframe prescribed by regulation. Mr. Yanikian failed to respond. Mr. Yanikian's failure to respond constitutes a waiver of his right to a hearing concerning this action.

DATES: This order is effective July 2, 2012.

ADDRESSES: Submit applications for termination of debarment to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Kenny Shade, Office of Regulatory Affairs, Food and Drug Administration, 12420 Parklawn Dr., Rockville, MD 20857, 301–796–4640.

SUPPLEMENTARY INFORMATION:

I. Background

Section 306(b)(2)(B)(i)(I) of the FD&C Act (21 U.S.C. 335a(b)(2)(B)(i)(I)) permits FDA to debar an individual if it finds that the individual has been convicted of a misdemeanor under Federal law for conduct relating to the development or approval, including the process for development or approval, of any drug product or otherwise relating to the regulation of drug products under the FD&C Act, and if FDA finds that the type of conduct that served as the basis for the conviction undermines the process for the regulation of drugs.

On June 29, 2011, Mr. Yanikian was found guilty of two counts of introduction of an unapproved drug in interstate commerce, in violation of sections 301(d), 505(a), and 303(a)(1) of the FD&C Act (21 U.S.C. 331(d), 355(a), 333(a)(1)) and of aiding and abetting, in violation of 18 U.S.C. 2(b), and the U.S. District Court for the Central District of California entered judgment against Mr. Yanikian for the misdemeanor offenses of introduction of an unapproved drug in interstate commerce and aiding and abetting.

The FDA's finding that debarment is appropriate is based on the misdemeanor convictions referenced herein. The factual basis for the conviction is as follows: On March 17, 2005, FDA sent Mr. Yanikian a warning letter regarding his marketing and sale of Novel natural formulation for atrial fibrillation, Super Nasal Drops, and Sams No Tinnitus Formulation. The warning letter described the claims Mr. Yanikian's Web site was making pertaining to these products and informed him that his claims caused the products to be ''drugs'' as defined by the FD&C Act because they were intended to cure, mitigate, treat, or prevent disease. Mr. Yanikian was informed that his products were ''new drugs'' and that a new drug could not be introduced or delivered for introduction into interstate commerce unless an FDA-approved application was in effect for it. The

warning letter additionally noted that none of the products described had an approved application and that their introduction or delivery for introduction into interstate commerce violated section 301(d) of the FD&C Act. Mr. Yanikian was advised to immediately correct the violations.

In response, on April 11, 2005, Mr. Yanikian wrote a reply letter to FDA in which he stated that the products were mailed for sale outside the United States to hospitals that deal with natural health products. He further noted that his products were not intended for sale as over-the-counter or for single individuals in the United States until they were approved by FDA.

Despite knowing that he was not allowed to sell these unapproved new drugs in the United States without FDA approval, and despite his repeated representations to FDA that he was not selling his products to customers in the United States, Mr. Yanikian subsequently sold his unapproved new drug products to an undercover agent in November 2005, and again in November 2006, in violation of sections 301(d), 505(a), and 303(a)(1) of the FD&C Act and 18 U.S.C. 2(b).

As a result of his conviction, on April 3, 2012, FDA sent Mr. Yanikian a notice by certified mail proposing to debar him for 10 years from providing services in any capacity to a person that has an approved or pending drug product application. FDA subsequently confirmed that Mr. Yanikian personally received the notice on April 11, 2012. The proposal was based on a finding, under section 306(b)(2)(B)(i)(I) of the FD&C Act that Mr. Yanikian was convicted of two counts of a misdemeanor under Federal law. In the notice, FDA found that the conduct underlying these Federal misdemeanor convictions relates to the development or approval, including the process for development or approval, of drug products and relates to the regulation of drug products under the FD&C Act and undermines the process for the regulation of drugs because the introduction and causing the introduction of unapproved new drugs into interstate commerce are prohibited by the FD&C Act. The proposal also offered Mr. Yanikian an opportunity to request a hearing, providing him 30 days from the date of receipt of the letter in which to file the request, and advised him that failure to request a hearing constituted a waiver of the opportunity for a hearing and of any contentions concerning this action. Mr. Yanikian failed to respond within the timeframe prescribed by regulation, and has therefore waived his opportunity for a hearing and waived any contentions concerning his debarment (21 CFR part 12).

II. Findings and Order

Therefore, the Director, Office of Enforcement, Office of Regulatory Affairs, under section 306(b)(2)(B)(i)(I) of the FD&C Act under authority delegated to him (Staff Manual Guide 1410.35), finds that Sami Arshak Yanikian has been convicted of two counts of a misdemeanor under Federal law for conduct relating to the development or approval, including the process for development or approval, of drug products and relating to the regulation of drug products under the FD&C Act, and that the type of conduct that served as a basis for the conviction undermines the process for the regulation of drugs.

As a result of the foregoing finding, Mr. Yanikian is debarred for 10 years from providing services in any capacity to a person with an approved or pending drug product application under sections 505, 512, or 802 of the FD&C Act (21 U.S.C. 355, 360b, or 382), or under section 351 of the Public Health Service Act (42 U.S.C. 262), effective (see **DATES**), (see sections 306(c)(1)(B), (c)(2)(A)(iii), and 201(dd) of the FD&C Act (21 U.S.C. 335a(c)(1)(B), (c)(2)(A)(iii), and 321(dd))). Any person with an approved or pending drug product application who knowingly employs or retains as a consultant or contractor, or otherwise uses the services of Mr. Yanikian, in any capacity during Mr. Yanikian's debarment, will be subject to civil money penalties (section 307(a)(6) of the FD&C Act (21 U.S.C. 335b(a)(6))). If Mr. Yanikian provides services in any capacity to a person with an approved or pending drug product application during his period of debarment he will be subject to civil money penalties (section 307(a)(7) of the FD&C Act). In addition, FDA will not accept or review any abbreviated new drug applications submitted by or with the assistance of Mr. Yanikian during his period of debarment (section 306(c)(1)(B) of the FD&C Act).

Any application by Mr. Yanikian for termination of debarment under section 306(d)(1) of the FD&C Act should be identified with Docket No. FDA–2012–N–0063 and sent to the Division of Dockets Management (see **ADDRESSES**). All such submissions are to be filed in four copies. The public availability of information in these submissions is governed by 21 CFR 10.20(j).

Publicly available submissions may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 15, 2012.

Armando Zamora,

Acting Director, Office of Enforcement, Office of Regulatory Affairs.

[FR Doc. 2012–16156 Filed 6–29–12; 8:45 am]

BILLING CODE 4160–01–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; Review of Behavioral and Social HIV/AIDS Applications.

Date: July 20, 2012.

Time: 2 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: St. Gregory Hotel, 2033 M Street NW., Washington, DC 20036.

Contact Person: Mark P Rubert, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5218, MSC 7852, Bethesda, MD 20892, 301–435–1775, *rubertm@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR 12–010: NIH Competitive Revision Applications for Research Relevant to the Family Smoking Prevention and Tobacco Control Act (R01).

Date: July 20, 2012.

Time: 3 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: St. Gregory Hotel, 2033 M Street NW., Washington, DC 20036.

Contact Person: Mark P Rubert, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5218, MSC 7852, Bethesda, MD 20892, 301–435–1775, *rubertm@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Muscle Small Business.

Date: July 23, 2012.

Time: 1 p.m. to 3:30 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: Richard Ingraham, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4116, MSC 7814, Bethesda, MD 20892, 301–496–8551, *ingrahamrh@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: AIDS and AIDS Related Research.
Date: July 26–27, 2012.
Time: 9 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).
Contact Person: Robert Freund, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5216, MSC 7852, Bethesda, MD 20892, 301–435–1050, *freundr@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: AIDS and AIDS Related Research.
Date: July 30–31, 2012.
Time: 10 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).
Contact Person: Kenneth A Roebuck, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5106, MSC 7852, Bethesda, MD 20892, (301) 435–1166, *roebuckk@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Program Project: National Computational Resource Center Review.
Date: July 30–August 1, 2012.
Time: 6 p.m. to 2 p.m.
Agenda: To review and evaluate grant applications.
Place: Embassy Suites At The Chevy Chase Pavilion, 4300 Military Rd. NW., Washington, DC 20015.
Contact Person: Mark Caprara, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5156, MSC 7844, Bethesda, MD 20892, 301–435–1042, *capraramg@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: June 26, 2012.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2012–16049 Filed 6–29–12; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Fiscal Year (FY) 2012 Funding Opportunity

AGENCY: Substance Abuse and Mental Health Services Administration, HHS.

ACTION: Notice of intent to award a Single Source Grant to the current grantee of the Suicide Prevention Resource Center (SPRC) program.

SUMMARY: This notice is to inform the public that the Substance Abuse and Mental Health Services Administration (SAMHSA) intends to award a programmatic supplement of approximately $800,000 (total costs) for up to one year to the current grantee of the Suicide Prevention Resource Center program. The current grantee is the Education Development Center, Inc. in Newton, Massachusetts. This is not a formal request for applications. Assistance will be provided only to the Education Development Center, Inc. based on receipt of a satisfactory application that is approved by an independent review group.

Funding Opportunity Title: SM–12–011.

Catalog of Federal Domestic Assistance (CFDA) Number: 93.243.

Authority: Section 520C and 520A of the Public Health Service Act, as amended.

Justification: The purpose of this one-year supplement to the SPRC is twofold. The first goal is to expand and enhance the level of support provided to the National Action Alliance for Suicide Prevention. This supplement will expand future organizational development, partnerships, and collaborations to support the implementation of the *National Strategy for Suicide Prevention* (NSSP).

A second goal is to build on existing SPRC activities to support the Garrett Lee Smith (GLS) Suicide Prevention grantees in youth suicide prevention on campuses and in States and Tribes, to include:

- Providing technical assistance in youth suicide prevention to a new cohort of GLS Suicide Prevention State, Tribal, and Campus grantees;
- Developing and implementing a strategic framework to embed sustainable and coordinated, comprehensive youth suicide prevention activities in States, Tribes and colleges across the country. This should include a review of effective suicide prevention practices and programs utilized by GLS grantees that are most likely to be sustained in States, Tribes, and colleges; and
- Developing a plan to improve inclusion of youth substance abuse treatment and prevention programming in GLS grant activities.

This cooperative agreement is financed in part with FY 2012 Prevention and Public Health Funds (PPHF–2012). SAMHSA funds only one Suicide Prevention Resource Center, SAMHSA's primary vehicle for providing technical assistance to GLS Suicide Prevention grantees and to the field. Therefore, this program supplement will be awarded to the grantee that manages the SPRC, specifically to the Education Development Center, Inc. in Newton, Massachusetts. There are no other sources with the available resources and expertise to successfully complete the tasks of this proposal. Further, it would be both inefficient and wasteful to fund a second technical assistance provider for the same group of grantees.

FOR FURTHER INFORMATION CONTACT: Cathy Friedman, Substance Abuse and Mental Health Services Administration, 1 Choke Cherry Road, Room 8–1097, Rockville, MD 20857; Telephone: (240) 276–2316; Email: *cathy.friedman@samhsa.hhs.gov.*

Cathy Friedman,

Public Health Analyst, SAMHSA.

[FR Doc. 2012–16038 Filed 6–29–12; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2012–0027]

National Infrastructure Advisory Council

AGENCY: National Protection and Programs Directorate, DHS.

ACTION: Committee Management; Notice of an open Federal Advisory Committee Meeting.

SUMMARY: The National Infrastructure Advisory Council (NIAC) will meet on Tuesday, July 17, 2012, at the Department of Transportation's National Highway Institute, 1310 North Courthouse Road, Suite 300, Virginia Room, Arlington, VA 22201. The meeting will be open to the public.

DATES: The NIAC will meet Tuesday, July 17, 2012, from 1:30 p.m. to 4:30 p.m. The meeting may close early if the committee has completed its business. For additional information, please consult the NIAC Web site, *www.dhs.gov/NIAC,* or contact the NIAC Secretariat by phone at (703) 235–2888 or by email at *NIAC@dhs.gov.*

ADDRESSES: 1310 North Courthouse Road, Suite 300, Virginia Room, Arlington, VA 22201.

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact the NIAC Secretariat at (703) 235–2888 as soon as possible.

To facilitate public participation, we are inviting public comment on the issues to be considered by the Council as listed in the ''Supplemental Section'' section below. Comments must be submitted in writing no later than July 6, 2012, and must be identified by ''DHS–2012–0027'' and may be submitted by any one of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: NIAC@dhs.gov.* Include the docket number in the subject line of the message.
- *Fax:* 703–603–5098.
- *Mail:* Nancy Wong, National Protection and Programs Directorate, Department of Homeland Security, 245 Murray Lane SW., Mail Stop 0607, Arlington, VA 20598–0607.

Instructions: All submissions received must include the words ''Department of Homeland Security'' and the docket number for this action. Comments received will be posted without alteration at *www.regulations.gov*, including any personal information provided.

Docket: For access to the docket and to read background documents or comments received by the NIAC, go to *www.regulations.gov.*

Members of the public will have an opportunity to provide oral comments after the presentation of the report from the Regional Resilience Working Group. We request that comments be limited to the issues listed in the meeting agenda and previous NIAC studies. All previous NIAC studies can be located at *www.dhs.gov/NIAC.* Relevant public comments may be submitted in writing or presented in person for the Council to consider. Comments received by Nancy Wong after July 6, 2012, may still be accepted and reviewed by the members. In-person presentations will be limited to three minutes per speaker, with no more than 30 minutes for all speakers. Parties interested in making in-person comments should register no later than 15 minutes prior to the beginning of the meeting at the meeting location.

FOR FURTHER INFORMATION CONTACT: Nancy Wong, National Infrastructure Advisory Council Designated Federal Officer, Department of Homeland Security, telephone (703) 235–2888.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the *Federal Advisory Committee Act,* 5 U.S.C. App. (Pub. L. 92–463). The NIAC shall provide the President, through the Secretary of Homeland Security, with advice on the security of the critical infrastructure sectors and their information systems.

The NIAC will meet to address issues relevant to the protection of critical infrastructure as directed by the President. At this meeting, the committee will receive a presentation from the NIAC Regional Resilience Working Group documenting their work to date on the Regional Resilience Study, which will be posted on the Council's public Web page on *www.dhs.gov/NIAC* no later than five days prior to the meeting. The Council will review and provide further direction to the working group.

Meeting Agenda:

I. Opening of Meeting
II. Roll Call of Members
III. Opening Remarks and Introductions
IV. Approval of April 17, 2012, Minutes
V. NIAC Presentation on Regional Resilience Working Group
VI. Public Comment: Discussion Limited to Meeting Agenda Items and Previous NIAC Studies
VII. Closing Remarks

Dated: June 25, 2012.

Nancy Wong,

Designated Federal Officer for the NIAC.

[FR Doc. 2012–16143 Filed 6–29–12; 8:45 am]

BILLING CODE 9110–9P–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG–2012–0274]

Collection of Information Under Review by Office of Management and Budget

AGENCY: Coast Guard, DHS.

ACTION: Thirty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 the U.S. Coast Guard is forwarding Information Collection Requests (ICRs), abstracted below, to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting approval of a revision to the following collections of information: 1625–0033, Display of Fire Control Plans for Vessels and 1625–0047, Plan Approval and Records for Vital System Automation. Our ICRs describe the information we seek to collect from the public. Review and comments by OIRA ensure we only impose paperwork burdens commensurate with our performance of duties.

DATES: Comments must reach the Coast Guard and OIRA on or before August 1, 2012.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2012–0274] to the Docket Management Facility (DMF) at the U.S. Department of Transportation (DOT) and/or to OIRA. To avoid duplicate submissions, please use only one of the following means:

(1) *Online:* (a) To Coast Guard docket at *http://www.regulations.gov.* (b) To OIRA by email via: *OIRA-submission@omb.eop.gov.*

(2) *Mail:* (a) DMF (M–30), DOT, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. (b) To OIRA, 725 17th Street NW., Washington, DC 20503, attention Desk Officer for the Coast Guard.

(3) *Hand Delivery:* To DMF address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

(4) *Fax:* (a) To DMF, 202–493–2251. (b) To OIRA at 202–395–6566. To ensure your comments are received in a timely manner, mark the fax, attention Desk Officer for the Coast Guard.

The DMF maintains the public docket for this Notice. Comments and material received from the public, as well as documents mentioned in this Notice as being available in the docket, will become part of the docket and will be available for inspection or copying at room W12–140 on the West Building Ground Floor, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find the docket on the Internet at *http://www.regulations.gov.*

Copies of the ICRs are available through the docket on the Internet at *http://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–611), ATTN: Paperwork Reduction Act Manager, US Coast Guard, 2100 2nd St. SW., STOP 7101, Washington, DC 20593–7101.

FOR FURTHER INFORMATION CONTACT: Ms. Kenlinishia Tyler, Office of Information Management, telephone 202–475–3652 or fax 202–475–3929, for questions on these documents. Contact Ms. Renee V. Wright, Program Manager, Docket Operations, 202–366–9826, for questions on the docket.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This Notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collections. There is one ICR for each Collection.

The Coast Guard invites comments on whether these ICRs should be granted based on the Collections being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collections; (2) the accuracy of the estimated burden of the Collections; (3) ways to enhance the quality, utility, and clarity of information subject to the Collections; and (4) ways to minimize the burden of the Collections on respondents, including the use of automated collection techniques or other forms of information technology. These comments will help OIRA determine whether to approve the ICRs referred to in this Notice.

We encourage you to respond to this request by submitting comments and related materials. Comments to Coast Guard or OIRA must contain the OMB Control Number of the ICR. They must also contain the docket number of this request, [USCG–2012–0274], and must be received by August 1, 2012. We will post all comments received, without change, to *http://www.regulations.gov*. They will include any personal information you provide. We have an agreement with DOT to use their DMF. Please see the ''Privacy Act'' paragraph below.

Submitting Comments

If you submit a comment, please include the docket number [USCG–2012–0274], indicate the specific section of the document to which each comment applies, providing a reason for each comment. You may submit your comments and material online (via *http://www.regulations.gov*), by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online via *www.regulations.gov*, it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the DMF. We recommend you include your name, mailing address, an email address, or other contact information in the body of your document so that we can contact you if we have questions regarding your submission.

You may submit comments and material by electronic means, mail, fax, or delivery to the DMF at the address under **ADDRESSES**, but please submit them by only one means. To submit your comment online, go to *http://www.regulations.gov*, and type ''USCG–2012–0274'' in the ''Keyword'' box. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and will address them accordingly.

Viewing Comments and Documents

To view comments, as well as documents mentioned in this Notice as being available in the docket, go to *http://www.regulations.gov,* click on the ''read comments'' box, which will then become highlighted in blue. In the ''Keyword'' box insert ''USCG–2012–0274'' and click ''Search.'' Click the ''Open Docket Folder'' in the ''Actions'' column. You may also visit the DMF in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

OIRA posts its decisions on ICRs online at *http://www.reginfo.gov/public/do/PRAMain* after the comment period for each ICR. An OMB Notice of Action on each ICR will become available via a hyperlink in the OMB Control Numbers: 1625–0033 and 1625–0047.

Privacy Act

Anyone can search the electronic form of comments received in dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act statement regarding Coast Guard public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

Previous Request for Comments

This request provides a 30-day comment period required by OIRA. The Coast Guard published the 60-day notice (77 FR 24211, April 23, 2012) required by 44 U.S.C. 3506(c)(2). That Notice elicited no comments.

Information Collection Requests

1. *Title:* Display of Fire Control Plans for Vessels.

OMB Control Number: 1625–0033.

Type of Request: Revision of a currently approved collection.

Respondents: Owners and operators of vessels.

Abstract: This information collection is for the posting or display of specific plans on certain categories of commercial vessels. The availability of these plans aid firefighters and damage control efforts in response to emergencies.

Forms: None.

Burden Estimate: The estimated burden has increased from 514 hours to 581 hours a year.

2. *Title:* Plan Approval and Records for Vital System Automation.

OMB Control Number: 1625–0047.

Type of Request: Revision of a currently approved collection.

Respondents: Owners, operators, shipyards, designers, and manufacturers of certain vessels.

Abstract: This collection pertains to the vital system automation on commercial vessels that is necessary to protect personnel and property on board U.S.-flag vessels.

Forms: None.

Burden Estimate: The estimated burden has decreased from 60,000 hours to 39,900 hours a year.

Authority: ; The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: June 22, 2012.

R.E. Day,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Command, Control, Communications, Computers and Information Technology.

[FR Doc. 2012–16118 Filed 6–29–12; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2012–0489]

Boston Area Maritime Security Advisory Committee; Vacancies

AGENCY: Coast Guard, DHS.

ACTION: Solicitation for Membership.

SUMMARY: This notice requests individuals interested in serving on the Boston Area Maritime Security Committee (AMSC) to submit their applications for membership, to the Captain of the Port (COTP), Boston, MA.

DATES: Requests for membership should reach the U.S. Coast Guard COTP Boston August 1, 2012.

ADDRESSES: Applications for membership should be submitted to the Captain of the Port Boston at the following address: Commander (sx), USCG Sector Boston, 427 Commercial Street, Boston, MA 02109 or by email to *Phillip.C.Smith@uscg.mil*.

FOR FURTHER INFORMATION CONTACT: For questions about submitting an application or about the AMSC in general, contact Mr. Phillip C. Smith at 617–223–3008.

SUPPLEMENTARY INFORMATION:

Authority

Section 102 of the Maritime Transportation Security Act (MTSA) of 2002 (Pub. L. 107–295) added section 70112 to Title 46 of the U.S. Code, and authorized the Secretary of the Department in which the Coast Guard is operating to establish Area Maritime Security Advisory Committees for any port area of the United States. (See 33 U.S.C. 1226; 46 U.S.C.; 33 CFR 1.05–1, 6.01; Department of Homeland Security Delegation No. 0170.1). The MTSA includes a provision exempting these AMSCs from the Federal Advisory Committee Act (FACA), Public Law 92–436, 86 Stat. 470 (5 U.S.C. App.2).

Boston AMSC Purpose

The AMSCs shall assist the Captain of the Port in the development, review, update, and exercising of the AMS Plan for their area of responsibility. Such matters may include, but are not limited to: Identifying critical port infrastructure and operations; Identifying risks (threats, vulnerabilities, and consequences); Determining mitigation strategies and implementation methods; Developing strategies to facilitate the recovery of the MTS after a Transportation Security Incident; Developing and describing the process to continually evaluate overall port security by considering consequences and vulnerabilities, how they may change over time, and what additional mitigation strategies can be applied; and Providing advice to, and assisting the Captain of the Port in developing and maintaining the AMS Plan.

AMSC Composition

The composition of an AMSC, to include the Boston AMSC and its subcommittees, is controlled by 33 CFR 103.305. Accordingly, members may be selected from the Federal, Territorial, or Tribal government; the State government and political subdivisions of the State; local public safety, crisis management, and emergency response agencies; law enforcement and security organizations; maritime industry, including labor; other port stakeholders having a special competence in maritime security; and port stakeholders affect by security practices and policies. Also, members of the Boston AMSC must have at least 5 years of experience related to maritime or port security operations.

AMSC Membership

The Boston AMSC has 29 members who represent Federal, State, local, and industry stakeholders from Massachusetts. We are seeking to fill 10 positions with this solicitation.

Applicants may be required to pass an appropriate security background check prior to appointment to the committee. Members' terms of office will be for 5 years; however, a member is eligible to serve additional terms of office. Members will not receive any salary or other compensation for their service on an AMSC.

Request for Applications

Those seeking membership are not required to submit formal applications to the local Captain of the Port, however, because we do have an obligation to ensure that a specific number of members have the prerequisite maritime security experience, we encourage the submission of resumes highlighting experience in the maritime and security industries.

In support of the USCG policy on gender and ethnic diversity, we encourage qualified women and members of minority groups to apply.

Dated: June 10, 2012.

J.N. Healey,

Captain, U.S. Coast Guard, Federal Maritime Security Coordinator Boston.

[FR Doc. 2012–16098 Filed 6–29–12; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5603–N–48]

Notice of Proposed Information Collection for Public Comment: Home Equity Conversion Mortgage Counseling Client Survey

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

The HECM Counseling Session Evaluation is sent to counseling recipients as part of HUD's performance review of a HECM counseling agency. It is used by HUD as a performance tool to obtain information directly from counseling recipients on their experience with the counseling agency under review by HUD.

DATES: *Comments Due Date:* August 1, 2012.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Reports Liaison Officer, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410, Room 9120 or the number for the Federal Information Relay Service (1–800–877–8339).

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone (202) 402–3400. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Pollard. (This is not a toll free number) for copies of the proposed forms and other available information.

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection is necessary for the proper performance of

the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Home Equity Conversion Mortgage Counseling Client Survey Conversion Mortgage Counseling Client Survey.

OMB Control Number, if applicable: 2502–0585.

Description of the need for the information and proposed use: The HECM Counseling Session Evaluation is sent to counseling recipients as part of HUD's performance review of a HECM counseling agency. It is used by HUD as a performance tool to obtain information directly from counseling recipients on their experience with the counseling agency under review by HUD.

Agency form numbers, if applicable: HUD 92911.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: The estimated total number of hours needed to prepare the information collection is 50, the number of respondents is 300 generating approximately 300 annual responses; the frequency of response is on occasion; and the estimated time needed to prepare the response varies from 10 minutes to 20 minutes.

Status of the proposed information collection: This is an extension of a previously approved information collection.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C., Chapter 35, as amended.

Dated: June 26, 2012.

Colette Pollard,

Departmental Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2012–16181 Filed 6–29–12; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5602–N–03]

Notice of Proposed Information Collection: Comment Request; Opinion by Counsel to the Mortgagor (FHA)

AGENCY: Office of the General Counsel, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* August 31, 2012.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Reports Liaison Officer, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410, Room 10276.

FOR FURTHER INFORMATION CONTACT: Millicent Potts, Assistant General Counsel, Multifamily Mortgage Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW., Room 9230, Washington, DC 20410, telephone (202) 708–4090 (this is not a toll free number). Copies of the form documents to be submitted to OMB for review can be obtained from Ms. Potts or from HUD's Web site: *http://www.hud.gov/offices/adm/hudclips/forms/.*

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Opinion by Counsel to the Mortgagor (FHA).

OMB Control Number, if applicable: 2510–0010.

Description of the need for the information and proposed use: The opinion is required to provide comfort to HUD and the mortgagee in multifamily rental and health care facility mortgage insurance transactions.

Agency form numbers, if applicable: HUD–91725, 91725–instr, 91725–CERT.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: As closings occur in connection with the aforementioned projects. The estimated number of respondents annually is 800, the estimated number of responses annually per respondent is 1, the number of estimated hours per response is 1, and the total estimated burden hours is 800.

Status of the proposed information collection: This is an extension of a currently approved collection.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C., Chapter 35, as amended.

Dated: June 27, 2012.

Camille E. Acevedo,

Associate General Counsel for Legislation and Regulations.

[FR Doc. 2012–16185 Filed 6–29–12; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R3–ES–2012–N158; FXES11130300000F3–123–FF03E00000]

Endangered and Threatened Wildlife and Plants; Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability of permit applications; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (USFWS), invite the public to comment on the following applications to conduct certain activities with endangered species. With some exceptions, the Endangered Species Act (Act) prohibits activities with endangered and threatened species unless a Federal permit allows such activity. The Act requires that we invite public comment before issuing these permits.

DATES: We must receive any written comments on or before August 1, 2012.

ADDRESSES: Send written comments by U.S. mail to the Regional Director, Attn: Lisa Mandell, U.S. Fish and Wildlife Service, Ecological Services, 5600 American Blvd. West, Suite 990, Bloomington, MN 55437–1458; or by electronic mail to *permitsR3ES@fws.gov*.

FOR FURTHER INFORMATION CONTACT: Lisa Mandell, (612) 713–5343.

SUPPLEMENTARY INFORMATION:

Background

We invite public comment on the following permit applications for certain activities with endangered species authorized by section 10(a)(1)(A) of the Act (16 U.S.C. 1531 *et seq.*) and our regulations governing the taking of endangered species in the Code of Federal Regulations (CFR) at 50 CFR 17. Submit your written data, comments, or request for a copy of the complete application to the address shown in **ADDRESSES.**

Permit Applications

Permit Application Number: TE77310A.
Applicant: Michael S. Fishman, Barton & Loguidice, Syracuse, NY.

The applicant requests a permit to take (capture and release) the endangered Indiana bat (*Myotis sodalis*) within the State of Ohio. Proposed activities are for the enhancement of survival of the species in the wild through project planning to avoid impacts to the species.

Permit Application Number: TE77313A.
Applicant: Egret Environmental Consulting, LLC, Athens, OH.

The applicant requests a permit to take the following species: Indiana bats, gray bats (Myotis grisescens), Hine's emerald dragonfly (*Somatochlora hineana*), American burying beetle (*Nicrophorus americanus*), and Mitchell's satyr butterfly (*Neonympha mitchellii mitchellii*) for the purpose of enhancement of the survival of the species in the wild. Proposed activities may occur within the following States: Alabama, Georgia, Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin.

Permit Application Number: TE120231.
Applicant: John C. Timpone, Coeur d'Alene, ID.

The applicant requests a permit renewal, with amendments, to take Indiana bats, gray bats, lesser long nose bats, Virginia big-eared bats (*Corynorhinus townsendii virginianus*) and Ozark big-eared bats (*Corynorhinus townsendii ingens*) within Alabama, Arizona, Arkansas, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin. Proposed activities are for the recovery of the species and enhancement of survival of the species in the wild.

Permit Application Number: TE66634A.

Applicant: U.S. Army Corps of Engineers, Memphis District, Memphis, TN.

The applicant requests a permit amendment to add Higgins' eye pearly mussels (*Lampsilis higginsii*) and winged mapleleaf mussels (*Quadrula fragosa*) to their list of covered species and to work within Iowa and Wisconsin. Proposed activities would expand the applicant's authority to conduct aquatic surveys for endangered and threatened mussel species to monitor populations for the recovery and enhancement of survival of the species in the wild.

Permit Application Number: TE77530A.

Applicant: Douglas J. Kapusinski, Chagrin Valley Engineering, Cleveland, OH.

The applicant requests a permit to take (capture and release) threatened and endangered mussel species in Ohio. Proposed activities include conducting of surveys to determine presence, abundance, density, and size structure for the enhancement of survival of the species in the wild.

Public Comments

We seek public review and comments on these permit applications. Please refer to the permit number when you submit comments. Comments and materials we receive are available for public inspection, by appointment, during normal business hours at the address shown in the **ADDRESSES** section. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: June 22, 2012.

Lynn Lewis,

Assistant Regional Director, Ecological Services, Midwest Region.

[FR Doc. 2012–16095 Filed 6–29–12; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R9–MB–2012–N153; 91100–3740–GRNT 7C]

Meeting Announcement: North American Wetlands Conservation Council

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of meetings.

SUMMARY: The North American Wetlands Conservation Council (Council) will meet to select North American Wetlands Conservation Act (NAWCA) grant proposals for recommendation to the Migratory Bird Conservation Commission (Commission). This meeting is open to the public, and interested persons may present oral or written statements.

DATES: The meeting will be on August 1, 2012, 8:30 a.m. through 4:30 p.m. If you are interested in presenting information at this public meeting, contact the Council Coordinator no later than July 26, 2012.

ADDRESSES: The Council meeting will be held at the Prairie Wetlands Learning Center, 602 State Highway 210 East, Fergus Falls, MN 56537–4217.

FOR FURTHER INFORMATION CONTACT: Cynthia Perry, Council Coordinator, by phone at (703) 358–2432; by email at *dbhc@fws.gov;* or by U.S. mail at U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, Mail Stop MBSP 4075, Arlington, VA 22203.

SUPPLEMENTARY INFORMATION:

Background

In accordance with NAWCA (Pub. L. 101–233, 103 Stat. 1968, December 13, 1989, as amended), the State-private-Federal Council meets to consider wetland acquisition, restoration, enhancement, and management projects for recommendation to, and final funding approval by, the Commission. Project proposal due dates, application instructions, and eligibility requirements are available on the NAWCA Web site at *http://www.fws.gov/birdhabitat/Grants/NAWCA/Standard/US/Overview.shtm.* Proposals require a minimum of 50 percent non-Federal matching funds. If

you are interested in presenting information at this public meeting, contact the Council Coordinator no later than the date under **DATES**.

Meeting

The Council will consider U.S. standard grant proposals at the meeting announced in **DATES**. The Commission will consider the Council's recommendations at its meeting tentatively scheduled for September 12, 2012.

PUBLIC INPUT

If you wish to . . .	You must contact the Council Coordinator (see **FOR FURTHER INFORMATION CONTACT**) no later than . . .
Attend the Council meeting,	July 26, 2012.
Submit written information or questions before the Council meeting for consideration during the meeting,	July 26, 2012.
Give an oral presentation during the Council meeting,	July 26, 2012.

Submitting Written Information or Questions

Interested members of the public may submit relevant information or questions for the Council to consider during the public meeting. If you wish to submit a written statement, so that the information may be made available to the Council for their consideration prior to this meeting, you must contact the Council Coordinator by the date above. Written statements must be supplied to the Council Coordinator in both of the following formats: One hard copy with original signature, and one electronic copy via email (acceptable file formats are Adobe Acrobat PDF, MS Word, MS PowerPoint, or rich text file).

Giving an Oral Presentation

Individuals or groups requesting to make an oral presentation at the Council meeting will be limited to 2 minutes per speaker, with no more than a total of 30 minutes for all speakers. Interested parties should contact the Council Coordinator by the date above, in writing (preferably via email; see **FOR FURTHER INFORMATION CONTACT**), to be placed on the public speaker list for either of these meeting. Nonregistered public speakers will not be considered during the Council meeting. Registered speakers who wish to expand upon their oral statements, or those who had wished to speak but could not be accommodated on the agenda, are invited to submit written statements to the Council within 30 days following the meeting.

Meeting Minutes

Summary minutes of the Council and meeting will be maintained by the Council Coordinator at the address under **FOR FURTHER INFORMATION CONTACT**. Council meeting minutes will be posted at *http://www.fws.gov/birdhabitat/Grants/NAWCA/CouncilAct.shtm#CouncilMeet* within 30 days following the meeting. Personal copies may be purchased for the cost of duplication.

Dated: June 22, 2012.

James B. Bortner,

Acting Assistant Director, Migratory Birds.

[FR Doc. 2012–16094 Filed 6–29–12; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF INTERIOR

NATIONAL PARK SERVICE

[NPS–AKR–DENA–10132; 9833–P807–579]

Final Environmental Impact Statement on the Denali Park Road Vehicle Management Plan, Denali National Park and Preserve

AGENCY: National Park Service, Interior.

ACTION: Notice of Availability of the Final Environmental Impact Statement for the Denali Park Road Vehicle Management Plan.

SUMMARY: Pursuant to § 102(2)(C) the National Environmental Policy Act (NEPA) of 1969, 42 U.S.C. 4332(2)(C), the National Park Service (NPS) announces the availability of the Final Environmental Impact Statement for the Denali Park Road Vehicle Management Plan (Plan/FEIS), for Denali National Park and Preserve, Alaska. The Plan/FEIS evaluates the environmental impacts of three action alternatives including a preferred alternative. A no action alternative is also evaluated. The restricted section of the Denali Park Road begins at the west end of the Savage River Bridge (mile 14.8) and continues to the former Mt. McKinley National Park boundary north of Wonder Lake (mile 87.9).

ADDRESSES: The Plan/FEIS is available in electronic format online at the NPS Planning, Environmental and Public Comment Web site at *http://parkplanning.nps.gov/dena.* Hard copies and compact discs of the Plan/FEIS are available on request by contacting: Paul R. Anderson, Superintendent, Denali National Park and Preserve, P.O. Box 9, Denali Park, Alaska 99755. Telephone: 907–683–2294.

SUPPLEMENTARY INFORMATION: The purpose of the FEIS is to evaluate the impacts of the alternatives for managing vehicle use along the Denali Park Road. Since the mid-1920s, visitors have been able to travel the park road on buses operated by the park concessioner. Starting in 1972, when private vehicle traffic was restricted beyond mile 15 of the road, a shuttle bus service was added for visitor transportation. The present approach for managing vehicles on the park road is based on the park's 1986 general management plan, which established a seasonal limit of 10, 512 vehicle permits beyond mile 15 between approximately Memorial Day and a week after Labor Day [36 CFR 13.932]. It has served well as a way to manage vehicle use, while providing high quality visitor opportunities to see wildlife in natural habitats and to access the park's wilderness. However, visitation to Denali National Park and Preserve is expected to continue to increase, and with it demand for visits along the park road.

A 90-day public comment period on the Draft EIS (DEIS) began on July 29, 2011. Public meetings were held in Anchorage, Fairbanks, and Denali National Park, Alaska. The NPS received 324 comment letters from various agencies, organizations and individuals. In response to public comment, the FEIS describes and analyzes a fourth alternative (NPS Preferred Alternative) that combines elements of Alternatives A, B and C from the DEIS. The FEIS presents responses to substantive comments in Chapter 5.

The Plan/FEIS analyzes the following four alternatives: the No Action Alternative (Alternative A), Maximizing Visitor Opportunities (Alternative B),

Maximizing Visitor Opportunities (Alternative C), and the NPS Preferred Alternative (Alternative D).

Alternative A: (No Action): This alternative would continue current management of vehicle use on the park road. In addition to a seasonal limit of 10,512 vehicles past mile 15, there would continue to be specific seasonal and daily limits to tour buses, shuttle buses, inholder traffic, professional photographer vehicles, NPS administrative vehicles and other categories of vehicles.

Alternative B: This alternative would use an adaptive management framework for vehicle use based on indicators and standards for visitor experiences and resource protection. While adhering to these standards, management would promote maximized seating on all transit and tour vehicles to offer the largest number of visitors the opportunity to travel the park road. This adaptive management framework would include options for reducing or scheduling non-bus traffic to allow for additional visitor use on transit and tour vehicles.

Alternative C: This alternative would use an adaptive management framework for vehicle use based on indicators and standards for visitor experiences and resource protection. While adhering to these standards, management would promote a wide variety of opportunities that would include brief experiences in the park's entrance area, short visits along segments of the park road, special interest tours, and multi-day experiences in the park's backcountry. This adaptive management framework would include options for reducing or scheduling non-bus traffic to allow for additional visitor use on transit and tour vehicles.

Alternative D: The NPS preferred alternative, with an adaptive manage framework, would provide a high quality visitor experience; protect wilderness resource values, scenic values, wildlife, and other park resources; and maintain the unique character of the park road. While managing to meet standards for desired conditions, a maximum daily capacity would also be used to protect park resources and values. The daily capacity would apply to all vehicles traveling west of the Savage River check station (mile 15).

FOR FURTHER INFORMATION CONTACT: Paul R. Anderson, Superintendent, Denali National Park and Preserve, P.O. Box 9, Denali Park, Alaska 99755. Telephone: 907–683–2294.

Sue E. Masica,

Regional Director, Alaska.

[FR Doc. 2012–16070 Filed 6–29–12; 8:45 am]

BILLING CODE 4310–PF–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731–TA–873–875, 878–880, and 882 (Second Review)]

Steel Concrete Reinforcing Bar From Belarus, China, Indonesia, Latvia, Moldova, Poland, and Ukraine; Institution of Five-Year Reviews Concerning the Antidumping Duty Orders on Steel Concrete Reinforcing Bar From Belarus, China, Indonesia, Latvia, Moldova, Poland, and Ukraine

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it has instituted reviews pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)) (the Act) to determine whether revocation of the antidumping duty orders on steel concrete reinforcing bar from Belarus, China, Indonesia, Latvia, Moldova, Poland, and Ukraine would be likely to lead to continuation or recurrence of material injury. Pursuant to section 751(c)(2) of the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission; [1] to be assured of consideration, the deadline for responses is August 1, 2012. Comments on the adequacy of responses may be filed with the Commission by September 14, 2012. For further information concerning the conduct of these reviews and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207), as most recently amended at 74 FR 2847 (January 16, 2009).

DATES: *Effective Date:* July 2, 2012.

FOR FURTHER INFORMATION CONTACT: Mary Messer (202–205–3193), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. 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. General information concerning the Commission may also be obtained by accessing its internet server (*http://www.usitc.gov*). The public record for these reviews may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov*.

SUPPLEMENTARY INFORMATION:

Background. On September 7, 2001, the Department of Commerce (''Commerce'') issued antidumping duty orders on imports of steel concrete reinforcing bar from Belarus, China, Indonesia, Latvia, Moldova, Poland, and Ukraine (66 FR 46777). Following the five-year reviews by Commerce and the Commission, effective August 9, 2007, Commerce issued a continuation of the antidumping duty orders on imports of steel concrete reinforcing bar from Belarus, China, Indonesia, Latvia, Moldova, Poland, and Ukraine (72 FR 44830). The Commission is now conducting second reviews to determine whether revocation of the orders would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. It will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct full reviews or expedited reviews. The Commission's determinations in any expedited reviews will be based on the facts available, which may include information provided in response to this notice.

Definitions. The following definitions apply to these reviews:

(1) *Subject Merchandise* is the class or kind of merchandise that is within the scope of the five-year reviews, as defined by Commerce.

(2) The *Subject Countries* in these reviews are Belarus, China, Indonesia, Latvia, Moldova, Poland, and Ukraine.

(3) The *Domestic Like Product* is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the *Subject Merchandise.* In its original determinations and its full first five-year reviews, the Commission defined the *Domestic Like Product* as certain steel concrete reinforcing bar, coextensive

[1] No response to this request for information is required if a currently valid Office of Management and Budget (OMB) number is not displayed; the OMB number is 3117–0016/USITC No. 12–5–272, expiration date June 30, 2014. Public reporting burden for the request is estimated to average 15 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436.

with the scope of the *Subject Merchandise.*

(4) The *Domestic Industry* is the U.S. producers as a whole of the *Domestic Like Product,* or those producers whose collective output of the *Domestic Like Product* constitutes a major proportion of the total domestic production of the product. In its original determinations, three Commissioners based their material injury analysis on a national industry consisting of all producers of steel concrete reinforcing bar and three Commissioners found a regional industry consisting of all domestic production facilities producing the *Domestic Like Product* in the region consisting of the 30 contiguous states from New England to Texas and from the Gulf of Mexico north on both sides of the Mississippi up to the Canadian border, plus the District of Columbia and Puerto Rico. In its full first five-year review determinations, the Commission found that appropriate circumstances did not exist to conduct a regional industry analysis and defined the *Domestic Industry* to consist of all domestic producers of steel concrete reinforcing bar. For purposes of this notice, you should report *Domestic Industry* information based on the Commission's most recent determination defining the *Domestic Industry* to consist of all domestic producers of steel concrete reinforcing bar.

(5) An *Importer* is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the *Subject Merchandise* into the United States from a foreign manufacturer or through its selling agent.

Participation in the reviews and public service list. Persons, including industrial users of the *Subject Merchandise* and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the reviews as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11(b)(4) of the Commission's rules, no later than 21 days after publication of this notice in the **Federal Register**. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the reviews.

Former Commission employees who are seeking to appear in Commission five-year reviews are advised that they may appear in a review even if they participated personally and substantially in the corresponding underlying original investigation. The Commission's designated agency ethics official has advised that a five-year review is not considered the ''same particular matter'' as the corresponding underlying original investigation for purposes of 18 U.S.C. 207, the post employment statute for Federal employees, and Commission rule 201.15(b) (19 CFR 201.15(b)), 73 FR 24609 (May 5, 2008). This advice was developed in consultation with the Office of Government Ethics. Consequently, former employees are not required to seek Commission approval to appear in a review under Commission rule 19 CFR 201.15, even if the corresponding underlying original investigation was pending when they were Commission employees. For further ethics advice on this matter, contact Carol McCue Verratti, Deputy Agency Ethics Official, at 202–205–3088.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list. Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in these reviews available to authorized applicants under the APO issued in the reviews, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the reviews. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Certification. Pursuant to section 207.3 of the Commission's rules, any person submitting information to the Commission in connection with these reviews must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will be deemed to consent, unless otherwise specified, for the Commission, its employees, and contract personnel to use the information provided in any other reviews or investigations of the same or comparable products which the Commission conducts under Title VII of the Act, or in internal audits and investigations relating to the programs and operations of the Commission pursuant to 5 U.S.C. Appendix 3.

Written submissions. Pursuant to section 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is August 1, 2012. Pursuant to section 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct expedited or full reviews. The deadline for filing such comments is September 14, 2012. All written submissions must conform with the provisions of sections 201.8 and 207.3 of the Commission's rules and any submissions that contain BPI must also conform with the requirements of sections 201.6 and 207.7 of the Commission's rules. Please be aware that the Commission's rules with respect to electronic filing have been amended. The amendments took effect on November 7, 2011. See 76 FR 61937 (Oct. 6, 2011) and the newly revised Commission's Handbook on E–Filing, available on the Commission's Web site at *http://edis.usitc.gov.* Also, in accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the reviews must be served on all other parties to the reviews (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the reviews you do not need to serve your response).

Inability to provide requested information. Pursuant to section 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to section 776(b) of the Act in making its determinations in the reviews.

Information To Be Provided in Response to this Notice of Institution: If you are a domestic producer, union/worker group, or trade/business association; import/export *Subject Merchandise* from more than one *Subject Country;* or produce *Subject Merchandise* in more than one *Subject Country,* you may file a single response. If you do so, please ensure that your response to each question includes the information requested for each pertinent *Subject Country.* As used below, the term ''firm'' includes any related firms.

(1) The name and address of your firm or entity (including World Wide Web

address) and name, telephone number, fax number, and Email address of the certifying official.

(2) A statement indicating whether your firm/entity is a U.S. producer of the *Domestic Like Product,* a U.S. union or worker group, a U.S. importer of the *Subject Merchandise,* a foreign producer or exporter of the *Subject Merchandise,* a U.S. or foreign trade or business association, or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in these reviews by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the antidumping duty orders on the *Domestic Industry* in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in section 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of *Subject Merchandise* on the *Domestic Industry.*

(5) A list of all known and currently operating U.S. producers of the *Domestic Like Product.* Identify any known related parties and the nature of the relationship as defined in section 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the *Subject Merchandise* and producers of the *Subject Merchandise* in each *Subject Country* that currently export or have exported *Subject Merchandise* to the United States or other countries after 2006.

(7) A list of 3–5 leading purchasers in the U.S. market for the *Domestic Like Product* and the *Subject Merchandise* (including street address, World Wide Web address, and the name, telephone number, fax number, and Email address of a responsible official at each firm).

(8) A list of known sources of information on national or regional prices for the *Domestic Like Product* or the *Subject Merchandise* in the U.S. or other markets.

(9) If you are a U.S. producer of the *Domestic Like Product,* provide the following information on your firm's operations on that product during calendar year 2011, except as noted (report quantity data in short tons and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the *Domestic Like Product* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm to produce the *Domestic Like Product* (i.e., the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix);

(c) The quantity and value of U.S. commercial shipments of the *Domestic Like Product* produced in your U.S. plant(s);

(d) The quantity and value of U.S. internal consumption/company transfers of the *Domestic Like Product* produced in your U.S. plant(s); and

(e) The value of (i) net sales, (ii) cost of goods sold (COGS), (iii) gross profit, (iv) selling, general and administrative (SG&A) expenses, and (v) operating income of the *Domestic Like Product* produced in your U.S. plant(s) (include both U.S. and export commercial sales, internal consumption, and company transfers) for your most recently completed fiscal year (identify the date on which your fiscal year ends).

(10) If you are a U.S. importer or a trade/business association of U.S. importers of the *Subject Merchandise* from the *Subject Country(ies),* provide the following information on your firm's(s') operations on that product during calendar year 2011 (report quantity data in short tons and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of *Subject Merchandise* from each *Subject Country* accounted for by your firm's(s') imports;

(b) The quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. commercial shipments of *Subject Merchandise* imported from each *Subject Country;* and

(c) The quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. internal consumption/company transfers of *Subject Merchandise* imported from each *Subject Country.*

(11) If you are a producer, an exporter, or a trade/business association of producers or exporters of the *Subject Merchandise* in the *Subject Country(ies),* provide the following information on your firm's(s') operations on that product during calendar year 2011 (report quantity data in short tons and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of *Subject Merchandise* in each *Subject Country* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm to produce the *Subject Merchandise* in each *Subject Country* (i.e., the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix); and

(c) the quantity and value of your firm's(s') exports to the United States of *Subject Merchandise* and, if known, an estimate of the percentage of total exports to the United States of *Subject Merchandise* from each *Subject Country* accounted for by your firm's(s') exports.

(12) Identify significant changes, if any, in the supply and demand conditions or business cycle for the *Domestic Like Product* that have occurred in the United States or in the market for the *Subject Merchandise* in the *Subject Country(ies)* after 2006, and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the *Domestic Like Product* produced in the United States, *Subject*

Merchandise produced in each *Subject Country,* and such merchandise from other countries.

(13) (Optional) A statement of whether you agree with the above definitions of the *Domestic Like Product* and *Domestic Industry;* if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

Authority: These reviews are being conducted under authority of Title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.61 of the Commission's rules.

Issued: June 22, 2012.

By order of the Commission.

Lisa R. Barton.

Acting Secretary to the Commission.

[FR Doc. 2012–15776 Filed 6–29–12; 8:45 am]

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INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–402 and 731–TA–892–893 (Second Review)]

Honey From Argentina and China Institution of Five-Year Reviews Concerning the Countervailing Duty Order on Honey From Argentina and the Antidumping Duty Orders on Honey from Argentina and China

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it has instituted reviews pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)) (the Act) to determine whether revocation of the countervailing duty order on honey from Argentina and the antidumping duty orders on honey from Argentina and China would be likely to lead to continuation or recurrence of material injury. Pursuant to section 751(c)(2) of the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission; [1] to be assured of consideration, the deadline for responses is August 1, 2012. Comments on the adequacy of responses may be filed with the Commission by September 14, 2012. For further information concerning the conduct of these reviews and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207), as most recently amended at 74 FR 2847 (January 16, 2009).

DATES: *Effective Date:* July 2, 2012.

FOR FURTHER INFORMATION CONTACT: Mary Messer (202–205–3193), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. 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. General information concerning the Commission may also be obtained by accessing its internet server (*http://www.usitc.gov*). The public record for these reviews may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov*.

SUPPLEMENTARY INFORMATION:

Background. On December 10, 2001, the Department of Commerce (''Commerce'') issued a countervailing duty order on imports of honey from Argentina (66 FR 63673) and antidumping duty orders on imports of honey from Argentina and China (66 FR 63672, 63670). Following the five-year reviews by Commerce and the Commission, effective August 2, 2007, Commerce issued a continuation of the countervailing duty order on honey from Argentina and the antidumping duty orders on honey from Argentina and China (72 FR 42384). The Commission is now conducting second reviews to determine whether revocation of the orders would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. It will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct full or expedited reviews. The Commission's determinations in any expedited reviews will be based on the facts available, which may include information provided in response to this notice.

Definitions. The following definitions apply to these reviews:

(1) *Subject Merchandise* is the class or kind of merchandise that is within the scope of the five-year reviews, as defined by Commerce.

(2) The *Subject Countries* in these reviews are Argentina and China.

(3) The *Domestic Like Product* is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the *Subject Merchandise.* In its original determinations and its expedited first five-year review determinations, the Commission found that there was one *Domestic Like Product* consisting of all honey, consistent with Commerce's scope.

(4) The *Domestic Industry* is the U.S. producers as a whole of the *Domestic Like Product,* or those producers whose collective output of the *Domestic Like Product* constitutes a major proportion of the total domestic production of the product. In its original determinations and its expedited first five-year review determinations, the Commission found a single *Domestic Industry* consisting of the U.S. producers of honey, both raw and processed. The Commission also found that packers, who produce processed honey, as well as beekeepers, who produce raw honey, should be treated as U.S. producers.

(5) An *Importer* is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the *Subject Merchandise* into the United States from a foreign manufacturer or through its selling agent.

Participation in the reviews and public service list. Persons, including industrial users of the *Subject Merchandise* and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the reviews as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11(b)(4) of the Commission's rules, no later than 21 days after publication of this notice in the **Federal Register**. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the reviews.

Former Commission employees who are seeking to appear in Commission five-year reviews are advised that they may appear in a review even if they participated personally and substantially in the corresponding underlying original investigation. The Commission's designated agency ethics official has advised that a five-year review is not considered the ''same particular matter'' as the corresponding underlying original investigation for purposes of 18 U.S.C. 207, the post employment statute for Federal employees, and Commission rule

[1] No response to this request for information is required if a currently valid Office of Management and Budget (OMB) number is not displayed; the OMB number is 3117–0016/USITC No. 12–5–271, expiration date June 30, 2014. Public reporting burden for the request is estimated to average 15 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436.

201.15(b) (19 CFR 201.15(b)), 73 FR 24609 (May 5, 2008). This advice was developed in consultation with the Office of Government Ethics. Consequently, former employees are not required to seek Commission approval to appear in a review under Commission rule 19 CFR 201.15, even if the corresponding underlying original investigation was pending when they were Commission employees. For further ethics advice on this matter, contact Carol McCue Verratti, Deputy Agency Ethics Official, at 202–205–3088.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list. Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in these reviews available to authorized applicants under the APO issued in the reviews, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the reviews. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Certification. Pursuant to section 207.3 of the Commission's rules, any person submitting information to the Commission in connection with these reviews must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will be deemed to consent, unless otherwise specified, for the Commission, its employees, and contract personnel to use the information provided in any other reviews or investigations of the same or comparable products which the Commission conducts under Title VII of the Act, or in internal audits and investigations relating to the programs and operations of the Commission pursuant to 5 U.S.C. Appendix 3.

Written submissions. Pursuant to section 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is August 1, 2012. Pursuant to section 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct expedited or full reviews. The deadline for filing such comments is September 14, 2012. All written submissions must conform with the provisions of sections 201.8 and 207.3 of the Commission's rules and any submissions that contain BPI must also conform with the requirements of sections 201.6 and 207.7 of the Commission's rules. Please be aware that the Commission's rules with respect to electronic filing have been amended. The amendments took effect on November 7, 2011. See 76 FR 61937 (Oct. 6, 2011) and the newly revised Commission's Handbook on E-Filing, available on the Commission's Web site at *http://edis.usitc.gov*. Also, in accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the reviews must be served on all other parties to the reviews (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the reviews you do not need to serve your response).

Inability to provide requested information. Pursuant to section 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to section 776(b) of the Act in making its determinations in the reviews.

Information To Be Provided in Response to this Notice of Institution: If you are a domestic producer, union/worker group, or trade/business association; import/export *Subject Merchandise* from more than one *Subject Country;* or produce *Subject Merchandise* in more than one *Subject Country,* you may file a single response. If you do so, please ensure that your response to each question includes the information requested for each pertinent *Subject Country.* As used below, the term ''firm'' includes any related firms.

(1) The name and address of your firm or entity (including World Wide Web address) and name, telephone number, fax number, and Email address of the certifying official.

(2) A statement indicating whether your firm/entity is a U.S. producer of the *Domestic Like Product,* a U.S. union or worker group, a U.S. importer of the *Subject Merchandise,* a foreign producer or exporter of the *Subject Merchandise,* a U.S. or foreign trade or business association, or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in these reviews by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the antidumping and countervailing duty orders on the *Domestic Industry* in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in section 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of *Subject Merchandise* on the *Domestic Industry.*

(5) A list of all known and currently operating U.S. producers of the *Domestic Like Product.* Identify any known related parties and the nature of the relationship as defined in section 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the *Subject Merchandise* and producers of the *Subject Merchandise* in each *Subject Country* that currently export or have exported *Subject Merchandise* to the United States or other countries after 2005.

(7) A list of 3–5 leading purchasers in the U.S. market for the *Domestic Like Product* and the *Subject Merchandise* (including street address, World Wide Web address, and the name, telephone number, fax number, and email address of a responsible official at each firm).

(8) A list of known sources of information on national or regional prices for the *Domestic Like Product* or the *Subject Merchandise* in the U.S. or other markets.

(9) If you are a U.S. producer of the *Domestic Like Product,* provide the following information on your firm's operations on that product during calendar year 2011, except as noted (report quantity data in pounds and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production and/or packing (quantity) and, if known, an estimate of the percentage of total U.S. production

and/or packing of the *Domestic Like Product* accounted for by your firm's(s') production and/or packing;

(b) Number of domestic honey-producing colonies, including yield per colony (quantity), and/or capacity (quantity) of your firm to produce the *Domestic Like Product* (i.e., the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix);

(c) The quantity and value of U.S. commercial shipments of the *Domestic Like Product* produced in your U.S. plant(s);

(d) The quantity and value of U.S. internal consumption/company transfers of the *Domestic Like Product* produced in your U.S. plant(s); and

(e) The value of (i) net sales, (ii) cost of goods sold (COGS), (iii) gross profit, (iv) selling, general and administrative (SG&A) expenses, and (v) operating income of the *Domestic Like Product* produced in your U.S. plant(s) (include both U.S. and export commercial sales, internal consumption, and company transfers) for your most recently completed fiscal year (identify the date on which your fiscal year ends).

(10) If you are a U.S. importer or a trade/business association of U.S. importers of the *Subject Merchandise* from the *Subject Country(ies),* provide the following information on your firm's(s') operations on that product during calendar year 2011 (report quantity data in pounds and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping or countervailing duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of *Subject Merchandise* from each *Subject Country* accounted for by your firm's(s') imports;

(b) The quantity and value (f.o.b. U.S. port, including antidumping and/or countervailing duties) of U.S. commercial shipments of *Subject Merchandise* imported from each *Subject Country;* and

(c) The quantity and value (f.o.b. U.S. port, including antidumping and/or countervailing duties) of U.S. internal consumption/company transfers of *Subject Merchandise* imported from each *Subject Country.*

(11) If you are a producer, an exporter, or a trade/business association of producers or exporters of the *Subject Merchandise* in the *Subject Country(ies),* provide the following information on your firm's(s') operations on that product during calendar year 2011 (report quantity data in pounds and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping or countervailing duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of *Subject Merchandise* in each *Subject Country* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm to produce the *Subject Merchandise* in each *Subject Country* (i.e., the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix); and

(c) The quantity and value of your firm's(s') exports to the United States of *Subject Merchandise* and, if known, an estimate of the percentage of total exports to the United States of *Subject Merchandise* from each *Subject Country* accounted for by your firm's(s') exports.

(12) Identify significant changes, if any, in the supply and demand conditions or business cycle for the *Domestic Like Product* that have occurred in the United States or in the market for the *Subject Merchandise* in the *Subject Country(ies)* after 2005, and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the *Domestic Like Product* produced in the United States, *Subject Merchandise* produced in each *Subject Country,* and such merchandise from other countries.

(13) (Optional) A statement of whether you agree with the above definitions of the *Domestic Like Product* and *Domestic Industry;* if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

Authority: These reviews are being conducted under authority of Title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.61 of the Commission's rules.

Issued: June 22, 2012.

By order of the Commission.

Lisa R. Barton,

Acting Secretary to the Commission.

[FR Doc. 2012–15781 Filed 6–29–12; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1121–NEW]

Agency Information Collection Activities; Proposed Collection; Comments Requested: Body Armor in Correctional Institutions Survey

ACTION: 30-Day notice.

The Department of Justice (DOJ), National Institute of Justice (NIJ), 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. Comments are encouraged and will be accepted for ''thirty days'' until August 1, 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 them to 202–395–7285. All comments should reference the 8 digit OMB number for the collection or the title of the collection. If you have questions concerning the collection, please call Mark E. Greene at 202–307–3384.

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.

Overview of this information collection:

(1) *Type of Information Collection:* Establishment survey and initial approval of collection.

(2) *Title of Form/Collection:* Body Armor in Correctional Institutions Survey. The collections include the forms Body Armor Administrative Agency-Level Survey and Body Armor Individual-level Correctional Officer Survey.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: None. National Institute of Justice, Office of Justice Programs, Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Federal and State correctional facility administrators and correctional officers. This collection is the only effort that provides an ability to assess the use of body armor by correctional officers to mitigate the risks associated with prison environments. There is little data on body armor use by correctional officers, such as the proportion who have body armor, the rate of use, the decision-making factors which inform use, and the effects of institutional policies on use rates. This will be the first nationally representative survey of corrections officers to understand the context of using armor in correctional settings and establish a prioritized list of factors affecting the use of armor. This collection will enable Federal and State corrections officers; Federal and State corrections administrators; local and tribal corrections personnel; legislators; researchers; and government agencies to understand the risks faced by corrections officers, to identify key barriers to the use of body armor, and to develop approaches to overcome those barriers.

(a) For the Body Armor Administrative Agency-Level Survey, the chief executive officer from 130 correctional facilities selected from a census directory of all Federal and State prisons will be asked to select one administrator to respond.

(b) For the Body Armor Individual-level Correctional Officer Survey, cross-sectional random samples of correctional officers of all ranks will be asked to respond from each of the 130 facilities queried in the Administrative Survey to obtain a representative sample of 1,089 correctional officers from across the nation's Federal and State prisons.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* For the Body Armor Administrative Agency-Level Survey, the chief executive officer from 130 correctional facilities selected from a census directory of all Federal and State prisons will be asked to select one administrator to respond to a survey that will require an estimated maximum of 45 minutes to complete. For the Body Armor Individual-level Correctional Officer Survey, 1,089 correctional officers of all ranks from the 130 facilities from the Administrative Survey will be asked to respond to a survey that will require an estimated maximum of 45 minutes to complete. The officers will be selected from cross-sectional random samples to obtain a representative sample from across the nation's Federal and State prisons.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 915 total burden hours associated with this collection.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 2E–508, Washington, DC 20530.

June 26, 2012.

Jerri Murray,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2012–16081 Filed 6–29–12; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

[OMB Number 1105–NEW]

Agency Information Collection Activities; Proposed Collection; Comments Requested: Jurors Information Form

ACTION: 30-day Notice of Information Collection Under Review.

The Department of Justice, U.S. Marshals Service will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with established review procedures of 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 80, pages 24739–24740, on April 25, 2012, allowing for a 60 day comment period.

The purpose of this notice to allow for an additional 30 days for public comment until August 1, 2012. This process is conducted in accordance with 5 CFR 1320.10.

All comments and suggestions, or questions regarding additional information, to include obtaining a copy of the proposed information collection instrument with instructions, should be directed to Nicole Feuerstein, U.S. Marshals Service, CS–3, 10th Fl., 2604 Jefferson Davis Hwy, Alexandria, VA 22301.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Comments should address one or more of the following four points:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including the use of automated, electronic, mechanical, or other technological collection techniques of other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

1. *Type of information collection:* New collection.

2. *The title of the form/collection:* Sequestered Juror Information Form.

3. *The agency form number, if any, and the applicable component of the department sponsoring the collection:* Form Number: USM–523A. U.S. Marshals Service.

4. *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Households/ Individuals. Form USM–523A Sequestered Juror Information Form. The authority for collecting the information on this form is 28 U.S.C. 509, 510 and 561 et seq. The United States Marshals Service is responsible for ensuring the security of federal courthouses, courtrooms, and federal jurist. This information assists Marshals Service personnel in the planning of, and response to, potential security needs of the court and jurors during the course of proceedings.

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 14 respondents will complete a 4 minute form.

6. *An estimate of the total public burden (in hours) associated with this collection:* There is an estimated 1 annual total burden hour associated with this collection.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Justice Management Division, Two Constitution Square 145 N Street NE., Room 2E–508, Washington, DC 20530.

Dated: June 26, 2012.

Jerri Murray

Department Clearance Officer, PRA, United States Department of Justice.

[FR Doc. 2012–16086 Filed 6–29–12; 8:45 am]

BILLING CODE 4410–04–P

DEPARTMENT OF JUSTICE

[OMB Number 1105–NEW]

Agency Information Collection Activities; Proposed Collection; Comments Requested: Applications for Special Deputations

ACTION: 30-day Notice of information collection under review.

The Department of Justice, U.S. Marshals Service will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with established review procedures of 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 80, on page 24739, on April 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 August 1, 2012. This process is conducted in accordance with 5 CFR 1320.10.

All comments and suggestions, or questions regarding additional information, to include obtaining a copy of the proposed information collection instrument with instructions, should be directed to Nicole Feuerstein, U.S. Marshals Service, CS–3, 10th Fl., 2604 Jefferson Davis Hwy, Alexandria, VA 22301.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Comments should address one or more of the following four points:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including the use of automated, electronic, mechanical, or other technological collection techniques of other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

1. *Type of information collection:* New collection.

2. *The title of the form/collection:* Applications for Special Deputation.

3. *The agency form number, if any, and the applicable component of the department sponsoring the collection:* Form Number: USM–3A and USM–3C. U.S. Marshals Service.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Federal government and State/local government. Form USM–3A Application for Special Deputation/Sponsoring Federal Agency Information; Form USM–3C Group Special Deputation Request. The collection of information for these forms is authorized by 28 U.S.C. 562. The USMS is authorized to deputize selected persons to perform the functions of a Special Deputy U.S. Marshal whenever the law enforcement needs of the USMS so require and as designated by the Associate Attorney General pursuant to 28 CFR 0.19(a)(3). USMS Special Deputation files serve as a centralized record of the special deputations granted by the USMS to assist in tracking, controlling and monitoring the Special Deputation Program.

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 6,000 respondents will complete a 15 minute form (Form USM–3A) and 5,500 respondents will complete a 10 minute form (Form USM–3C).

6. *An estimate of the total public burden (in hours) associated with this collection:* There are an estimated 2417 annual total burden hours associated with this collection.

If additional information is required contact: Jerri Murray, Department Clearance Officer, Justice Management Division, United States Department of Justice, Policy and Planning Staff, Justice Management Division, 145 N Street NE., Room 2E–508, Washington, DC 20530.

Dated: June 26, 2012.

Jerri Murray,

Department Clearance Officer, PRA, United States Department of Justice.

[FR Doc. 2012–16085 Filed 6–29–12; 8:45 am]

BILLING CODE 4410–04–P

DEPARTMENT OF JUSTICE

[OMB Number 1125–0010]

Agency Information Collection Activities; Proposed Collection; Comments Requested: Notice of Appeal to the Board of Immigration Appeals From a Decision of a DHS Officer

ACTION: 60-Day Notice of Information Collection Under Review.

The Department of Justice (DOJ), Executive Office for Immigration Review (EOIR) 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. Comments are encouraged and will be accepted for ''sixty days'' until August 31, 2012. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Jean King, Acting General Counsel, Executive Office for Immigration Review, U.S. Department of Justice, Suite 2600, 5107 Leesburg Pike, Falls Church, Virginia, 22041; telephone: (703) 305–0470.

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 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.

Overview of This Information Collection

(1) *Type of Information Collection:* Revision of a currently approved collection.

(2) *Title of the Form/Collection:* Notice of Appeal to the Board of Immigration Appeals from a Decision of a DHS Officer.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form EOIR–29, Executive Office for Immigration Review, United States Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: A party who appeals a decision of a DHS Officer to the Board of Immigration Appeals (Board). Other: None. Abstract: A party affected by a decision of a DHS Officer may appeal that decision to the Board, provided that the Board has jurisdiction pursuant to 8 CFR 1003.1(b). The party must complete the Form EOIR–29 and submit it to the DHS office having administrative control over the record of proceeding in order to exercise its regulatory right to appeal.

(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 7,215 respondents will complete the form annually with an average of thirty minutes per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 3,607.5 total burden hours associated with this collection annually.

If additional information is required, contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 2E–508, Washington, DC 20530.

Dated: June 26, 2012.

Jerri Murray,

Department Clearance Officer, PRA, United States Department of Justice.

[FR Doc. 2012–16080 Filed 6–29–12; 8:45 am]

BILLING CODE 4410–30–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Clean Air Act

Under 28 CFR 50.7, notice is hereby given that on June 26, 2012, a proposed Consent Decree in *United States and San Joaquin Valley Unified Air Pollution Control District* v. *Cottage Bakery, Inc. and Ralcorp Frozen Bakery Products, Inc.*, case number 2:12-at-00895, was lodged with the United States District Court for the Eastern District of California.

The Decree resolves the claims of the United States and the San Joaquin Valley Unified Air Pollution Control District (the ''Air District'') against Cottage Bakery, Inc. and Ralcorp Frozen Bakery Products, Inc. (collectively ''Cottage'') for violations of the federal Clean Air Act, 42 U.S.C. 7413(b) (the ''Act''), and the federally enforceable State Implementation Plan. The plaintiffs alleged that Cottage operated a commercial bakery in Lodi, California without appropriate permits and pollution control equipment. Under the proposed Decree, Cottage will pay a penalty of $625,000, of which $312,000 shall be paid to the United States and the remainder to the Air District; operate its thermal oxidizer under specified conditions; and undertake monitoring and recordkeeping.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either emailed to *pubcomment-ees.enrd@usdoj.gov* or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to the Consent Decree between the United States et al. and Cottage Bakery et al., DOJ Ref. No. 90–5–2–1–10004.

During the public comment period, the Decree may be examined at the Environmental Protection Agency, Office of Regional Counsel, 75 Hawthorne Street, San Francisco, CA 94105, (415) 947–4112; at the Air District, 1990 E. Gettysburg Ave., Fresno, CA 93726, (559) 230–6033; and on the following Department of Justice Web site, *http://www.usdoj.gov/enrd/Consent_Decrees.html.* A copy of the Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by faxing or emailing a request to ''Consent Decree Copy'' *(EESCDCopy.ENRD@usdoj.gov),* fax no. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of $7.75 (25 cents per page reproduction cost) payable to the U.S. Treasury or, if by email or fax, forward a check in that amount to the Consent Decree Library at the stated address.

Henry S. Friedman,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2012–16035 Filed 6–29–12; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140–0095]

Agency Information Collection Activities; Proposed Collection; Comments Requested: Student and Supervisor Training Validation Surveys

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. Comments are encouraged and will be accepted for ''sixty days'' until August 31, 2012. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact James Scott, Learning Management Branch, 99 New York Avenue NE., Washington, DC 20226.

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 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.

Summary of Information Collection:

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Student and Supervisor Training Validation Surveys.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: None. 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: State, Local or Tribal Government. Other: None.

Need for Collection:

The information will help ATF determine whether the training programs are meeting objectives and impacting the performance of the individuals in their work place. Also, the information will provide performance measure data and meet Federal law enforcement training accreditation requirements.

(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 1,800 respondents will complete a 12 minute survey.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 360 annual total 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, Room 2E–508, 145 N Street NE., Washington, DC 20530.

Dated: June 26, 2012.

Jerri Murray,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2012–16083 Filed 6–29–12; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140–0096]

Agency Information Collection Activities; Proposed Collection; Comments Requested: Environmental Information

ACTION: 60-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. Comments are encouraged and will be accepted for ''sixty days'' until August 31, 2012. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Christopher Reeves, Chief, Federal Explosives Licensing Center at *Christopher.Reeves@atf.gov*, 244 Needy Road, Martinsburg, WV 25405.

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 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.

Summary of Information Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Environmental Information.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: ATF Form 5000.29. 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: Individuals or households. Other: None.

Need for Collection

The information will help ATF identify any waste product(s) generated as a result of the operations by the applicant and the disposal of the products. The information will help determine if there is any adverse impact on the environment.

(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 680 respondents will complete the form in 30 minutes.

(6) An estimate of the total public burden (in hours) associated with the collection: There are an estimated 340 annual total 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, Room 2E–508, 145 N Street NE., Washington, DC 20530.

Dated: June 26, 2012.

Jerri Murray,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2012–16084 Filed 6–29–12; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OMB Number 1121–0291]

Agency Information Collection Activities; Proposed Collection; Comments Requested: Census of Juveniles on Probation (Reinstatement, With Change, of a Previously Approved Collection for Which Approval Has Expired)

ACTION: 60-Day notice of information collection under review.

The Department of Justice (DOJ), Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, has submitted 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. Comments are encouraged and will be accepted for sixty days until August 31, 2012. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Brecht Donoghue, (202) 305–1270, Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice, 810 Seventh Street NW., Washington, DC 20531.

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.

Overview of This Information Collection

(1) *Type of information collection:* Reinstatement, with change, of a previously approved collection whose approval has expired.

(2) *The title of the form/collection:* Census of Juveniles on Probation.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The form number is CJ–17, Office of Juvenile Justice and Delinquency Prevention, United States Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Federal Government, State, Local or Tribal.

Other: Not-for-profit institutions; Business or other for-profit

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that 1,600 respondents will complete a 3 hour questionnaire.

(6) *An estimate of the total public burden (in hours) associated with the collection:* Approximately 4,800 hours.

If additional information is required, contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Suite 2E–508, Washington, DC 20530.

Dated: June 26, 2012.

Jerri Murray,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2012–16082 Filed 6–29–12; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OJP (OJJDP) Docket No. 1595]

Meeting of the Attorney General's National Task Force on Children Exposed to Violence

AGENCY: Office of Justice Programs (OJP), Justice.

ACTION: Notice of meeting.

SUMMARY: This is an announcement of a meeting of the Attorney General's National Task Force on Children Exposed to Violence (the ''task force''). The task force is chartered to provide OJP, a component of the Department of Justice, with valuable advice in the areas of children exposed to violence for the purpose of addressing the epidemic levels of exposure to violence faced by our nation's children. Based on the testimony at four public hearings; comprehensive research; and extensive input from experts, advocates, and impacted families and communities nationwide, the task force will issue a final report to the Attorney General presenting its findings and comprehensive policy recommendations in the fall of 2012.

DATES: The meeting will take place from 8:30 a.m. to 5 p.m. on Tuesday, July 24, and 8:30 a.m. to 3 p.m. on Wednesday, July 25, 2012.

ADDRESSES: The meeting will be held on the third floor in the Main Ballroom at the Office of Justice Programs Building, located at 810 7th Street NW., Washington, DC 20531.

FOR FURTHER INFORMATION CONTACT: Will Bronson, Designated Federal Officer (DFO), Deputy Associate Administrator, Child Protection Division, Office of Juvenile Justice & Delinquency Prevention, Office of Justice Programs, 810 7th Street NW., Washington, DC 20531. Phone: (202) 305–2427 [**note:** this is not a toll-free number]; email: *willie.bronson@usdoj.gov.*

SUPPLEMENTARY INFORMATION: This meeting is being convened to allow the task force members to review the report draft and provide final content edits to the report. The final agenda is subject to adjustment, but it is anticipated that on July 24, there will be a morning and afternoon session, with a break for

lunch. July 25 will focus on the same tasks.

This meeting is open to the public. Members of the public who wish to attend this meeting must register with Will Bronson at *defendingchildhoodtaskforce@nccdglobal.org* at least seven days in advance of the meeting. Registrations will be accepted on a space-available basis.

Please bring photo identification and allow extra time prior to the meeting. Persons interested in communicating with the task force should submit their written comments to the DFO at *defendingchildhoodtaskforce@nccdglobal.org,* as the time available will not allow the public to directly address the task force at the meeting.

Anyone requiring special accommodations should notify Mr. Bronson at least seven (7) days in advance of the meeting.

Will Bronson,

Deputy Associate Administrator and National Task Force on Children Exposed to Violence DFO, Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs.

[FR Doc. 2012–16163 Filed 6–29–12; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OJP (NIJ) Docket No. 1593]

Request for Manufacturer Involvement in National Institute of Justice (NIJ) Standard Development Efforts

AGENCY: National Institute of Justice, Office of Justice Programs, DOJ.

ACTION: Notice of Request for Manufacturer Involvement in NIJ Standard Development Efforts.

SUMMARY: The National Institute of Justice (NIJ) is in the process of developing the performance standards identified below:

- Ballistic-resistant Body Armor (revision)
- Protective Helmets (revision)
- Stab-resistant Body Armor (revision)
- License Plate Readers (new version)
- Interview Room Recording Systems (new version)

Participation by manufacturers is requested via any or all of the options listed:

1. *Attendance at workshops.* Progress reports will be presented and questions will be addressed in workshops targeted toward informing stakeholders and interested parties. Comments and suggestions relating to the revision will be discussed. Such workshops will be announced in advance via **Federal Register** Notice, which will also provide logistics and registration information.

2. *Participation in webinars.* To provide a greater opportunity for involvement and the exchange of information, manufacturers and other private-sector entities are invited to participate in periodic NIJ-sponsored webinars. Such webinars will be announced via *www.nij.gov/standards*, and those interested in participating should check this site periodically for webinar details, scheduled dates, and the registration process.

3. *One-on-one discussions:* In the event that obtaining technical information on specific aspects of the manufacturing or testing processes is deemed critical to the development of a standard, the NIJ Special Technical Committee working on that standard may request one-on-one discussions with manufacturers. The opportunity for such discussions is open to any manufacturer of the type equipment being addressed by the respective committee. Manufacturers choosing to be available for one-on-one discussions are asked to notify NIJ, providing contact information and identifying the standard of interest. NIJ will maintain a spreadsheet of available participants.

Debra Stoe is the NIJ Program Manager responsible for this work, and Casandra Robinson is the point of contact for Ms. Stoe. Questions and/or notification of interest in one-on-one discussions may be submitted to Casandra Robinson at *casandra.robinson@usdoj.gov.*

FOR FURTHER INFORMATION CONTACT: Casandra Robinson by telephone at 202–305–2596 [**Note:** this is not a toll-free telephone number], or by email at *casandra.robinson@usdoj.gov.*

John H. Laub,

Director, National Institute of Justice.

[FR Doc. 2012–16128 Filed 6–29–12; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Office of the Secretary

North American Agreement on Labor Cooperation; Notice of Extension of the Period of Review for Submission #2011–02

AGENCY: Bureau of International Labor Affairs, U.S. Department of Labor.

ACTION: Notice.

SUMMARY: The Office of Trade and Labor Affairs (OTLA) in the Bureau of International Labor Affairs of the U.S. Department of Labor has determined that an extension of time is required for its review of a public submission concerning Mexico filed under Article 16.3 of the North American Agreement on Labor Cooperation (NAALC).

OTLA received the submission on November 14, 2011, from the *Sindicato Mexicano de Electricistas* (SME) and 93 other organizations. The submission is available at *http://www.dol.gov/ilab/programs/otla/freetradeagreement.htm.*

OTLA accepted the submission for review on January 13, 2012 (77 FR 4366 (Jan. 27, 2012)), in accordance with its Procedural Guidelines, which are available at *http://www.dol.gov/ilab/programs/otla/proceduralguidelines.htm.* Acceptance triggers a 180-day review period within which OTLA must issue a public report, including a summary of the proceedings and any findings and recommendations, unless circumstances as determined by OTLA require an extension of time.

On May 25, 2012, OTLA received a supplemental submission from the submitters containing new allegations. In accordance with Section H.7 of its Guidelines, OTLA has determined that the circumstances require an extension of time to permit a thorough consideration of the supplemental submission and of information obtained after an OTLA fact-finding visit to Mexico in March.

DATES: *Effective Date:* June 25, 2012.

FOR FURTHER INFORMATION CONTACT: Gregory Schoepfle, Director, OTLA, U.S. Department of Labor, 200 Constitution Avenue NW., Room S–5303, Washington, DC 20210. Telephone: (202) 693–4900 (this is not a toll-free number).

Signed at Washington, DC, on June 25, 2012.

Carol Pier,

Acting Deputy Undersecretary for International Affairs.

[FR Doc. 2012–16140 Filed 6–29–12; 8:45 am]

BILLING CODE 4510–28–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (19 U.S.C. 2273) the Department of Labor herein presents summaries of

determinations regarding eligibility to apply for trade adjustment assistance for workers by (TA–W) number issued during the period of *June 11, 2012 through June 15, 2012.*

In order for an affirmative determination to be made for workers of a primary firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(a) of the Act must be met.

I. Under Section 222(a)(2)(A), the following must be satisfied:

(1) A significant number or proportion of the workers in such workers' firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) The sales or production, or both, of such firm have decreased absolutely; and

(3) One of the following must be satisfied:

(A) Imports of articles or services like or directly competitive with articles produced or services supplied by such firm have increased;

(B) Imports of articles like or directly competitive with articles into which one or more component parts produced by such firm are directly incorporated, have increased;

(C) Imports of articles directly incorporating one or more component parts produced outside the United States that are like or directly competitive with imports of articles incorporating one or more component parts produced by such firm have increased;

(D) Imports of articles like or directly competitive with articles which are produced directly using services supplied by such firm, have increased; and

(4) The increase in imports contributed importantly to such workers' separation or threat of separation and to the decline in the sales or production of such firm; or

II. Section 222(a)(2)(B) all of the following must be satisfied:

(1) A significant number or proportion of the workers in such workers' firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) One of the following must be satisfied:

(A) There has been a shift by the workers' firm to a foreign country in the production of articles or supply of services like or directly competitive with those produced/supplied by the workers' firm;

(B) There has been an acquisition from a foreign country by the workers' firm of articles/services that are like or directly competitive with those produced/supplied by the workers' firm; and

(3) The shift/acquisition contributed importantly to the workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected workers in public agencies and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(b) of the Act must be met.

(1) A significant number or proportion of the workers in the public agency have become totally or partially separated, or are threatened to become totally or partially separated;

(2) The public agency has acquired from a foreign country services like or directly competitive with services which are supplied by such agency; and

(3) The acquisition of services contributed importantly to such workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected secondary workers of a firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(c) of the Act must be met.

(1) A significant number or proportion of the workers in the workers' firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) The workers' firm is a Supplier or Downstream Producer to a firm that employed a group of workers who received a certification of eligibility under Section 222(a) of the Act, and such supply or production is related to the article or service that was the basis for such certification; and

(3) Either—

(A) The workers' firm is a supplier and the component parts it supplied to the firm described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; or

(B) A loss of business by the workers' firm with the firm described in paragraph (2) contributed importantly to the workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected workers in firms identified by the International Trade Commission and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(f) of the Act must be met.

(1) The workers' firm is publicly identified by name by the International Trade Commission as a member of a domestic industry in an investigation resulting in—

(A) An affirmative determination of serious injury or threat thereof under section 202(b)(1);

(B) An affirmative determination of market disruption or threat thereof under section 421(b)(1); or

(C) An affirmative final determination of material injury or threat thereof under section 705(b)(1)(A) or 735(b)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)(1)(A) and 1673d(b)(1)(A));

(2) The petition is filed during the 1-year period beginning on the date on which—

(A) A summary of the report submitted to the President by the International Trade Commission under section 202(f)(1) with respect to the affirmative determination described in paragraph (1)(A) is published in the **Federal Register** under section 202(f)(3); or

(B) Notice of an affirmative determination described in subparagraph (1) is published in the **Federal Register**; and

(3) The workers have become totally or partially separated from the workers' firm within—

(A) The 1-year period described in paragraph (2); or

(B) Notwithstanding section 223(b)(1), the 1-year period preceding the 1-year period described in paragraph (2).

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(A) (increased imports) of the Trade Act have been met.

TA–W No.	Subject firm	Location	Impact date
81,536	Cannon Equipment Southeast, Cannon Equipment Company, Aerotek, Advantage Staffing and Belcan Staffing.	Chattanooga, TN	April 25, 2011.

TA–W No.	Subject firm	Location	Impact date
81,551	Caron International, Inc., National Spinning Co., Inc., Executive Personnel Group.	Washington, NC	April 19, 2011.

The following certifications have been issued. The requirements of Section 222(a)(2)(B) (shift in production or services) of the Trade Act have been met.

TA–W No.	Subject firm	Location	Impact date
81,385	Pfizer Therapeutic Research, Pfizer Worldwide, Warner Lambert, Central Nervous, Global External, etc.	Groton, CT	February 27, 2011
81,502	Hanesbrands, Inc.	Martinsville, VA	March 30, 2011
81,560	Dex One, National Operation Listing Management and White Pages, Advantage XPO, etc.	Lone Tree, CO	May 1, 2011
81,560A	Dex One, National Operation Listing Management and White Pages, Advantage XPO, etc.	Morrisville, NC	May 1, 2011
81,560B	Dex One, National Operation Listing Management and White Pages, Advantage XPO, etc.	Bristol, TN	May 1, 2011
81,562	American Honda Motor Co., Inc., Information Systems (ISD), APR Consulting, Delta Computer Consulting, etc.	Torrance, CA	May 1, 2011
81,567	Datex Ohmeda, Inc., GE Medical Systems, dba GE Healthcare.	Madison, WI	August 22, 2011
81,568	Resource Plastics, Inc., dba Johnson Precision, Leddy Group, CV Staffing Solutions, etc.	Amherst, NH	May 2, 2011
81,574	Atlas Copco Tools & Assembly Systems LLC, Accounting Division, Atlas Copco Ab, Reliance One.	Auburn Hills, MI	April 20, 2011
81,612	WellPoint, Inc., Care Management UM Intake, UI Wages Reported Through Wellpoint Companies.	North Haven, CT	May 14, 2011
81,612A	WellPoint, Inc., Care Management UM Intake, Kelly Services, The Act 1 Group, Aerotek, etc.	Newbury Park, CA	May 14, 2011
81,612B	WellPoint, Inc., Care Management UM Intake, UI Wages Reported Through Wellpoint Companies.	South Portland, ME	May 14, 2011
81,612C	WellPoint, Inc., Care Management UM Intake, UI Wages Reported Through Wellpoint Companies.	Albany, NY	May 14, 2011
81,612D	WellPoint, Inc., Care Management UM Intake, UI Wages Reported Through Wellpoint Companies.	Atlanta, GA	May 14, 2011
81,612E	WellPoint, Inc., Care Management UM Intake, UI Wages Reported Through Wellpoint Companies.	Columbus, GA	May 14, 2011
81,612F	WellPoint, Inc., Care Management UM Intake, (UI) Wellpoint Companies, Aerotek, etc.	Louisville, KY	May 14, 2011
81,612G	WellPoint, Inc., Care Management UM Intake, UI Wages Reported Through Wellpoint Companies.	St. Louis, MO	May 14, 2011
81,612H	WellPoint, Inc., Care Management UM Intake, Kelly Services, (UI) Wellpoint Companies, Inc.	Mason, OH	May 14, 2011
81,612I	WellPoint, Inc., Care Management UM Intake, UI Wages Reported Through Wellpoint Companies.	Richmond, VA	May 14, 2011
81,612J	WellPoint, Inc., Care Management UM Intake, UI Wages Reported Through Wellpoint Companies.	Waukesha, WI	May 14, 2011
81,612K	WellPoint, Inc., Care Management UM Intake, (UI) Wellpoint Companies, Inc., Aerotek, etc.	Indianapolis, IN	May 14, 2011
81,612L	Kelly Services, Inc., Kelly Services, Working on-Site at Wellpoint, Care Management UM Intake.	Denver, CO	May 14, 2011
81,612M	Aerotek, Working on-Site at Wellpoint, Inc., Care Management UM Intake.	Denver, CO	May 14, 2011
81,637	Horton Automatics, Inc., Sanwa Shutter Corporation, Remedy Intelligent Staffing.	Corpus Christi, TX	May 18, 2011
81,645	Partech, Inc., Partechnology Corporation, Adecco and Staff Works.	New Hartford, NY	May 17, 2011
81,652	AISS/Sterling Infosystems, Sterling Infosystems, Inc.	Independence, OH	May 22, 2011
81,654	Seagate US, LLC, Legal Organization—Contracts Group	Longmont, CO	April 30, 2011
81,669	Ciber, Inc., ITO Division, Datasol and Insight Global	Tampa, FL	May 29, 2011
81,671	American Background, Sterling Infosystems, Inc.	Winchester, VA	May 22, 2011
81,679	INC Research CPU LLC, Kendle International, WVU Medical Corp., Preston Memorial, Kelly.	Morgantown, WV	May 30, 2011
81,691	International Colored Gemstone Association	New York, NY	June 6, 2011

The following certifications have been issued. The requirements of Section 222(c) (supplier to a firm whose workers are certified eligible to apply for TAA) of the Trade Act have been met.

TA–W No.	Subject firm	Location	Impact date
81,522	Pittsburgh Glass Works, LLC, Kohlberg Company, Account Temps, Keystone Staffing Solutions, etc.	Pittsburgh, PA	April 19, 2011

The following certifications have been issued. The requirements of Section 222(f) (firms identified by the International Trade Commission) of the Trade Act have been met.

TA–W No.	Subject firm	Location	Impact date
81,541	CBT Technologies, Inc., fka Extrusion Technologies, Inc., Kelly Services and Microtech Staffing.	Randolph, MA	May 19, 2010
81,588	Bowers Manufacturing Company, Onstaff, Employment Group and Advanced Employment.	Portage, MI	May 19, 2010
81,591	International Extrusions, Inc., Ascend Staffing, Inc.	Garden City, MI	May 19, 2010
81,599	Bon L Manufacturing Company, William L Bonnell Company, Olsten Staffing Services and Manpower Staffing.	Kentland, IN	May 19, 2010
81,599A	Bon L Manufacturing Company, William L Bonnell Company, Randstad.	Newnan, GA	May 19, 2010
81,599B	Bon L Manufacturing Company, William L Bonnell Company, Randstad and HG Staffing.	Carthage, TN	May 19, 2010
81,627	MI Metals, Inc.	Oldsmar, FL	May 19, 2010

Negative Determinations for Worker Adjustment Assistance

In the following cases, the investigation revealed that the eligibility criteria for worker adjustment assistance have not been met for the reasons specified.

The investigation revealed that the criteria under paragraphs (a)(2)(A) (increased imports) and (a)(2)(B) (shift in production or services to a foreign country) of section 222 have not been met.

TA–W No.	Subject firm	Location	Impact date
81,406	PCCW Teleservices (U.S.), Inc.	Tiffin, OH	
81,596	World Warehouse & Distribution, Inc.	Champlain, NY	

Determinations Terminating Investigations of Petitions for Worker Adjustment Assistance

After notice of the petitions was published in the **Federal Register** and on the Department's Web site, as required by Section 221 of the Act (19 U.S.C. 2271), the Department initiated investigations of these petitions.

The following determinations terminating investigations were issued because the petitioner has requested that the petition be withdrawn.

TA–W No.	Subject firm	Location	Impact date
81,444	Acord Leasing, LLC	Rochester, MI	
81,620	AT&T, Consumer Mobility Collections and Remittance Call Center Division.	Portland, OR	

I hereby certify that the aforementioned determinations were issued during the period of *June 11, 2012 through June 15, 2012.* These determination are available on the Department's Web site *tradeact/taa/taa search form.cfm* under the searchable listing of determinations or by calling the Office of Trade Adjustment Assistance toll free at 888–365–6822.

Dated: June 20, 2012.

Elliott S. Kushner,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2012–16120 Filed 6–29–12; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 12, 2012.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 12, 2012.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room N–5428, 200 Constitution Avenue NW., Washington, DC 20210.

Signed at Washington, DC this 20th day of June 2012.

Michael W. Jaffe,

Certifying Officer, Office of Trade Adjustment Assistance.

APPENDIX

TA–W	Subject Firm (Petitioners)	Location	Date of institution	Date of petition
81698	Lehigh Fabrication (Workers)	Whitehall, PA	06/11/12	06/02/12
81699	Charles D. Owen Mfg. Co., Inc., Subsidiary of Springs Global US, Inc. (Company).	Swannanoa, NC	06/11/12	06/08/12
81700	Pyrotek, Inc. (State/One-Stop)	Wenatchee, WA	06/11/12	06/07/12
81701	OnCore Manufacturing (State/One-Stop)	Springfield, MA	06/11/12	06/08/12
81702	Verizon Communications (State/One-Stop)	Philadelphia, PA	06/11/12	06/08/12
81703	NBC Solid Surfaces (State/One-Stop)	Springfield, VT	06/11/12	06/08/12
81704	RG Steel—Warren LLC (Union)	Warren, OH	06/12/12	06/04/12
81705	AT&T Services, Inc. (State/One-Stop)	Dallas, TX	06/12/12	06/11/12
81706	Baker Hughes (Tubular Division) (Workers)	Muncy, PA	06/13/12	06/12/12
81707	Northern Trust Bank (State/One-Stop)	Chicago, IL	06/13/12	06/12/12
81708	Reliance Mediaworks (State/One-Stop)	Burbank, CA	06/13/12	06/12/12
81709	Ultralife Corporation (State/One-Stop)	Newark, NY	06/13/12	06/12/12
81710	Sun Life Financial (US) Services Company, Inc. (Company)	Wellesley Hills, MA	06/13/12	06/07/12
81711	The Nielsen Company (State/One-Stop)	Oldmars, FL	06/13/12	06/12/12
81712	Hawker Beechcraft (State/One-Stop)	Salina, KS	06/13/12	06/12/12
81713	Siemens (State/One-Stop)	Sparrows Point, MD	06/13/12	06/12/12
81714	G&K Services (Company)	Laurel, MS	06/13/12	06/12/12
81715	RG Steel, LLC (State/One-Stop)	Sparrows Point, MD	06/13/12	06/12/12
81716	Pratt & Whitney (State/One-Stop)	Middletown, CT	06/14/12	06/12/12
81717	Sanmina-SCI (Workers)	Turtle Lake, WI	06/14/12	06/07/12
81718	Daimler Buses of North America (Union)	Oriskany, NY	06/14/12	06/08/12
81719	Crawford and Company (Workers)	Lake Zurich, IL	06/14/12	06/04/12
81720	Federal Mogul Corporation (Workers)	Southfield, MI	06/14/12	06/13/12
81721	WellPoint, Inc. (Company)	Denver, CO	06/14/12	06/14/12
81722	JDS Uniphase (Company)	Indianapolis, IN	06/15/12	06/14/12
81723	JDS Uniphase (Company)	Milpitas, CA	06/15/12	06/14/12
81724	JDS Uniphase (Company)	Mill Creek, WA	06/15/12	06/14/12
81725	JDS Uniphase (Company)	Germantown, MD	06/15/12	06/14/12
81726	Cinram Manufacturing (Company)	Olyphant, PA	06/15/12	06/14/12
81727	Cinram Distribution, LLC (Company)	LaVergne, TN	06/15/12	06/14/12

[FR Doc. 2012–16121 Filed 6–29–12; 8:45 am]

BILLING CODE 4510–FN–P

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

Submission for OMB Review, Comment Request, Proposed Collection: IMLS Museum Web Database: MuseumsCount.gov

AGENCY: Institute of Museum and Library Services, National Foundation for the Arts And the Humanities.

ACTION: Submission for OMB review, comment request.

SUMMARY: The Institute of Museum and Library Services announces that the following information collection has been submitted to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

A copy of the proposed information collection request can be obtained by contacting the individual listed below in the **ADDRESSES** section of this notice.

DATES: Written comments must be submitted to the office listed in the **FOR FURTHER INFORMATION CONTACT** section below on or before July 30, 2012.

OMB is particularly interested in comments that help the agency to:

- 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 submissions of responses.

ADDRESSES: Send comments to: Kim Miller, Management Analyst, Institute of Museum and Library Services, 1800 M St. NW., Washington, DC 20036. Telephone: 202–653–4762, Fax: 202–653–4600 or by email at *kmiller@imls.gov* or by teletype (TTY/TDD) for persons with hearing difficulty at 202–653–4614.

SUPPLEMENTARY INFORMATION: The Institute of Museum and Library Services (IMLS) is an independent

Federal grant-making agency and is the primary source of Federal support for the Nation's 123,000 libraries and 17,500 museums. IMLS provides a variety of grant programs to assist the Nation's museums and libraries in improving their operations and enhancing their services to the public. IMLS is responsible for identifying national needs for, and trends of, museum and library services funded by IMLS; reporting on the impact and effectiveness of programs conducted with funds made available by IMLS in addressing such needs; and identifying, and disseminating information on, the best practices of such programs. (20 U.S.C. Chapter 72, 20 U.S.C. 9108).

Abstract: The purpose of the information collection is to develop a national database of museums for use by museums, museum professionals, IMLS, policy makers, researchers, and the general public. Information such as name, address, phone, email, Web site, staff size, program details, collections care and other institutional will be collected. The proposed information collection, which is the subject of this notice, would establish a comprehensive, reliable database about the size, distribution and scope of the museum sector in the U.S.

Current Actions: This notice proposes clearance of the IMLS Museum Web Database: MuseumsCount.gov collection. The 60-day notice for the IMLS Museum Web Database: MuseumsCount.gov collection was published in the **Federal Register** on September 2, 2011, (FR vol. 76, No. 171, pg. 54807). No comments were received.

Agency: Institute of Museum and Library Services.

Title: IMLS Museum Web Database, *MuseumsCount.gov.*

OMB Number: To be determined.

Agency Number: 3137.

Frequency: Annually.

Affected Public: General public, museums, museum professional associations, museum professionals, and museum organizations associated with Indian tribes (including any Alaska native village, regional corporation, or village corporation), and organizations that primarily serve and represent Native Hawaiians.

Number of Respondents: 39,000.

Estimated Time per Respondent: 25 minutes.

Total Burden Hours: 16,250.

Total Cost for Respondents: $330,524.

Total Annualized Capital/Startup Costs: $350,000.

FOR FURTHER INFORMATION CONTACT: Comments should be sent to Office of Information and Regulatory Affairs, *Attn.:* OMB Desk Officer for Education, Office of Management and Budget, Room 10235, Washington, DC 20503, 202–395–7316.

Dated: June 27, 2012.

Kim A. Miller,

Management Analyst, Institute of Museum & Library Services.

[FR Doc. 2012–16164 Filed 6–29–12; 8:45 am]

BILLING CODE 7036–01–P

NATIONAL LABOR RELATIONS BOARD

Sunshine Act Meetings: July 2012

TIME AND DATES: All meetings are held at 2:30 p.m.

Tuesday, July 3;
Tuesday, July 10;
Wednesday, July 11;
Thursday, July 12;
Tuesday, July 17;
Wednesday, July 18;
Thursday, July 19;
Tuesday, July 24;
Wednesday, July 25;
Thursday, July 26;
Tuesday, July 31.

PLACE: Board Agenda Room, No. 11820, 1099 14th St. NW., Washington DC 20570.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Pursuant to § 102.139(a) of the Board's Rules and Regulations, the Board or a panel thereof will consider ''the issuance of a subpoena, the Board's participation in a civil action or proceeding or an arbitration, or the initiation, conduct, or disposition * * * of particular representation or unfair labor practice proceedings under section 8, 9, or 10 of the [National Labor Relations] Act, or any court proceedings collateral or ancillary thereto.'' See also 5 U.S.C. 552b(c)(10).

DATED: June 28, 2012.

CONTACT PERSON FOR MORE INFORMATION: Lester A. Heltzer, Executive Secretary, (202) 273–1067.

Lester A. Heltzer,

Executive Secretary.

[FR Doc. 2012–16275 Filed 6–28–12; 4:15 pm]

BILLING CODE 7545–01–P

NATIONAL SCIENCE FOUNDATION

National Science Board; Sunshine Act Meetings; Notice

The National Science Board, pursuant to NSF regulations (45 CFR part 614), the National Science Foundation Act, as amended (42 U.S.C. 1862n-5), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of a teleconference for the transaction of National Science Board business and other matters specified, as follows:

DATE AND TIME: Friday, July 6, 2012, 12 p.m.–1 p.m. EDT.

SUBJECT MATTER: Discussion of future planning for data policies.

STATUS: Closed.

This meeting will be held by teleconference at the National Science Board Office, National Science Foundation, 4201Wilson Blvd., Arlington, VA 22230.

UPDATES & POINT OF CONTACT: Please refer to the National Science Board Web site *www.nsf.gov/nsb* for information and schedule updates, or contact: Ann Ferrante, National Science Board Office, 4201Wilson Blvd., Arlington, VA 22230. Telephone: (703) 292–7000.

Ann Bushmiller,

Senior Counsel to the National Science Board.

[FR Doc. 2012–16273 Filed 6–28–12; 4:15 pm]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2012–0156; IA–12–014]

In the Matter of Mr. Timothy Goold; Order Prohibiting Involvement in NRC-Licensed Activities

I

Mr. Timothy Goold was employed as a radiographer at JANX Integrity Group, Inc. (JANX), at a temporary jobsite on Spy Island, Alaska during July 2011. JANX is the holder of the U.S. Nuclear Regulatory Commission (NRC or Commission's) Materials License No. 21–16560–01 which authorized, at the time, specific activities involving byproduct, source, and/or special nuclear material.

II

On July 27, 2011, the NRC conducted an unannounced inspection of JANX's radiographic activities on Spy Island. The inspector observed Mr. Goold performing radiography without a second qualified radiographer present. When the inspector approached Mr. Goold to inquire about the location of the second qualified radiographer, Mr. Goold disconnected the camera from the crank and guide tube, placed the camera on a snowmobile used to transport it to the radiography truck and departed, telling the inspector he would return shortly. When the inspector walked to

the radiography truck, Mr. Goold again left, and avoided the inspector. Because the second qualified radiographer also left in order to find Mr. Goold, and did not return for approximately 2 hours, the NRC's ability to inspect all aspects of JANX's radiographic operations was severely impacted. The NRC Office of Investigations (OI) began an investigation on October 31, 2011, to determine, in part, whether Mr. Goold: (1) Willfully performed radiography without a second person present, and (2) willfully impeded the NRC's inspection by avoiding the NRC inspector. In the non-public letter dated March 15, 2012, the NRC informed Mr. Goold that the NRC was considering escalated enforcement action for two apparent violations of Title 10 of the Code of Federal Regulations (10 CFR) 30.10, the NRC's deliberate misconduct rule. The NRC offered Mr. Goold the opportunity to respond in writing, request a predecisional enforcement conference or request alternative dispute resolution (ADR) with the NRC in an attempt to resolve issues associated with this matter. Mr. Goold provided a written response on April 9, 2012.

Based on the NRC review of the information obtained during the inspection, the investigation, and contained in Mr. Goold's letter of April 9, 2012, the NRC identified two violations of the NRC's rule prohibiting deliberate misconduct, 10 CFR 30.10. First, Mr. Goold engaged in deliberate misconduct in violation of 10 CFR 30.10(a)(1) by performing radiography without a second person present causing JANX to be in violation of 10 CFR 34.41(a). During the investigation, Mr. Goold acknowledged performing radiography without a second qualified radiographer present and that he understood the requirement. A licensee official testified during the investigation that the licensee had previously identified an occasion where Mr. Goold had performed radiography alone and the licensee had informed him of the consequences, should it happen again. The NRC inspector observed the second qualified radiographer collect the radiography films and leave the area after which Mr. Goold proceeded with radiographic operations.

Second, Mr. Goold again engaged in deliberate misconduct in violation of 10 CFR 30.10(a)(1) when he deliberately avoided the inspector by leaving when the inspector questioned him regarding the whereabouts of the second qualified radiographer. In addition, when the inspector walked over to the radiography truck, Mr. Goold again avoided the inspector by leaving the area. This caused JANX to be in violation of 10 CFR 30.52(a). During the investigation, Mr. Goold admitted to being scared and sitting in the smoke shack during the inspection to avoid the inspector.

III

Based on the above, the NRC has concluded that Mr. Timothy Goold, a former employee of JANX engaged in deliberate misconduct that caused JANX to be in violation of 10 CFR 34.41(a) and 10 CFR 30.52(a) and constitutes a violation of 10 CFR 30.10(a)(1).

The NRC must be able to rely on the licensees and their employees to comply with NRC requirements in order to ensure public health and safety. Mr. Goold's actions caused JANX to violate 10 CFR 34.41(a) and 10 CFR 30.52(a) and have raised serious doubt as to whether he can be relied upon to comply with NRC requirements and now and in the future.

Consequently, I lack the requisite reasonable assurance that licensed activities can be conducted in compliance with the Commission's requirements and that the health and safety of the public will be protected if Mr. Goold were permitted at this time to be involved in NRC-licensed activities. Therefore, the public health, safety, and interest require that Mr. Goold be prohibited from any involvement in NRC-licensed activities for a period of one year from the effective date of this Order, as defined in Section V.

Additionally Mr. Goold is required to notify the NRC of his first employment in NRC-licensed activities for a period of one year following the prohibition period.

IV

Accordingly, pursuant to Sections 81, 161b, 161i, 161o, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202, 10 CFR 30.10, 10 CFR Parts 20, 34, and 10 CFR 150.20, *it is hereby ordered* that:

1. Mr. Timothy Goold is prohibited for one year from the effective date of this Order, as defined in Section V, from involvement in the performance of NRC licensed activities. This includes, but is not limited to:

(a) Industrial radiography for an NRC licensee, including, but not limited to, radiography conducted under the authority of a license issued pursuant to 10 CFR Part 34; and

(b) industrial radiography for an Agreement State licensee that is conducted in non-Agreement States, in areas of exclusive federal jurisdiction within Agreement States, or in offshore waters under an NRC general license granted pursuant to 10 CFR 150.20.

2. If, as of the effective date of this Order, Mr. Goold is currently involved in NRC-licensed activities, he must immediately cease those activities, and inform the NRC of the name, address and telephone number of the employer, and provide a copy of this Order to the employer.

3. For a period of one year after the one year period of prohibition has expired, Mr. Goold shall, within 30 days of acceptance of his first employment offer involving NRC-licensed activities or his becoming involved in NRC-licensed activities, provide notice to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, of the name, address and telephone number of the employer or the entity where he is, or will be, involved in the NRC-licensed activities. In the notification, Mr. Goold shall include a statement of his commitment to compliance with NRC regulatory requirements and the basis for why the Commission should have confidence that he will now comply with applicable NRC requirements.

The Director, Office of Enforcement, may, in writing, relax or rescind any of the above conditions upon demonstration by Mr. Goold of good cause.

V

In accordance with 10 CFR 2.202, Mr. Goold must, and any other person adversely affected by this Order may, submit an answer to this Order within 20 days of its publication in the **Federal Register**. In addition, Mr. Goold and any other person adversely affected by this Order may request a hearing on this Order within 20 days of its publication in the **Federal Register**. Where good cause is shown, consideration will be given to extending the time to answer or request a hearing. A request for extension of time must be directed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, and include a statement of good cause for the extension.

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC E-Filing rule (72 FR 49139; August 28, 2007). The E-Filing process requires participants to

submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov*, or by telephone at 301–415–1677, to request (1) a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/apply-certificates.html.* System requirements for accessing the E-Submittal server are detailed in the NRC's ''Guidance for Electronic Submission,'' which is available on the agency's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, web-based submission form. In order to serve documents through the Electronic Information Exchange System, users will be required to install a web browser plug-in from the NRC's Web site.

Further information on the web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.*

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with the NRC guidance available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the documents are submitted through the NRC's E–Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the agency's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the ''Contact Us'' link located on the NRC's Web site at *http://www.nrc.gov/site-help/e-submittals.html*, by email at *MSHD.Resource@nrc.gov*, or by a toll-free call at 1–866–672–7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket, which is available to the public at *http://ehd1.nrc.gov/ehd*, unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

If a person other than Mr. Goold requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.309(d) and (f).

If a hearing is requested by the recipient or a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearings. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained. In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section IV above shall be final 20 days from the date this Order is published in the **Federal Register** without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section IV shall be final when the extension expires if a hearing request has not been received.

Dated this 25th day of June 2012.

For the Nuclear Regulatory Commission.

Roy P. Zimmerman,

Director, Office of Enforcement.

[FR Doc. 2012–16172 Filed 6–29–12; 8:45 am]

BILLING CODE 7590–01–P

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

Proposed Information Collection; Comment Request

AGENCY: Occupational Safety and Health Review Commission.

ACTION: Notice of request for public comment and submission to OMB of proposed collection of information.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501 *et seq.*), on April 4, 2012 (77 FR 20442), the Occupational Safety and Health Review Commission (OSHRC) published a 60-day notice in the **Federal Register** soliciting public comment on the proposed information collection described below.

In further compliance with the PRA, OSHRC now publishes this second notice announcing the submission of its proposed collection to the Office of Management and Budget (OMB) for review and notifying the public about how to submit comments on the proposed collection to OMB during the 30-day comment period.

DATES: Comments must be submitted to OMB on or before August 1, 2012.

ADDRESSES: Submit all comments to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Occupational Safety and Health Review Commission, 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: Requests for information or copies of the proposed information collection instrument should be directed to John X. Cerveny, Deputy Executive Secretary, Occupational Safety and Health Review Commission, 1120 20th Street NW., Ninth Floor, Washington, DC 20036–3457; Telephone (202) 606–5706; email address: *pracomments@oshrc.gov*.

SUPPLEMENTARY INFORMATION: OSHRC's Settlement Part program, codified at 29 CFR 2200.120, is designed to encourage settlements on contested citations issued by the U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) and to reduce litigation costs. The program requires employers who receive job safety or health citations that include proposed penalties of $100,000 or more in total to participate in formal settlement talks presided over by an OSHRC Administrative Law Judge. If settlement efforts fail, the case would continue under OSHRC's conventional proceedings, usually before a judge other than the one who presided over the settlement proceedings.

OSHRC previously submitted for OMB review a proposed information collection from participants in the Settlement Part program. A copy of that information collection request (ICR), reference number 201202–3202–001, with applicable supporting documentation, may be obtained from the RegInfo.gov Web site, *http://www.reginfo.gov/public/do/PRAMain,* or by contacting John X. Cerveny, Deputy Executive Secretary, Occupational Safety and Health Review Commission, 1120 20th Street NW., Ninth Floor, Washington, DC 20036–3457; Telephone (202) 606–5706; email address: *pracomments@oshrc.gov*.

OSHRC proposes to conduct a second voluntary survey of employer, Department of Labor (OSHA) personnel (decision makers), Authorized Employee Representatives, and their representatives, including attorneys, who personally participated in OSHRC cases between February 15, 2011 and June 30, 2012, where a total proposed penalty between $50,000 and $99,999 was involved and where OSHRC Settlement Part Process procedures were not used. The cases would include those settled by the parties without an OSHRC judge conducting a face-to-face settlement proceeding, as well as any cases within the above dollar range that went to a trial on the merits. These cases would be considered part of a control group. Participant responses will be used for comparative purposes and to facilitate our understanding of the efficacy of the Settlement Part program. The proposed information collection instrument is a written survey consisting of a series of questions to determine participants' level of satisfaction with OSHRC processes and outcomes. They are intended to take a respondent no more than 30 minutes to complete. The respondents may skip any questions that they do not feel comfortable answering, and are permitted to comment further on their experiences at the end of the questionnaire.

OSHRC has submitted this second proposed information collection to OMB for review, as required by the PRA. OSHRC invites comments to be submitted to OMB on: (1) Whether the proposed collection of information is necessary for the proper performance of the agency's functions, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

OMB Control Number: Not applicable, new request.

Form Number: Not applicable.

Type of Review: Regular submission (new information collection).

Title: Survey of Participants in OSHRC Conventional Proceedings where between $50,000 and $99,999 is at issue.

Description: Information collection required to evaluate the Review Commission's Settlement Part process.

Affected Public: Employer and Department of Labor (OSHA) personnel (decision makers), Authorized Employee Representatives, and their representatives, including attorneys, who have personally participated in OSHRC cases between February 15, 2011 and June 30, 2012, where a total proposed penalty between $50,000 and $99,999 was involved and where OSHRC Settlement Part Process procedures were not used.

Estimated Number of Respondents: 300.

Estimated Time per Response: 30 minutes.

Estimated Total Reporting Burden: 150 hours.

Obligation to respond: Voluntary.

Dated: June 26, 2012.

Debra Hall,

Executive Director.

[FR Doc. 2012–16158 Filed 6–29–12; 8:45 am]

BILLING CODE 7600–01–P

POSTAL REGULATORY COMMISSION

[Docket No. CP2012–39; Order No. 1382]

Express Mail Rates

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recently-filed Postal Service request to implement prices for a new Express Mail Padded Flat Rate Envelope. This notice addresses procedural steps associated with these filings.

DATES: *Comments are due:* July 9, 2012.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Commenters who cannot submit their views electronically should contact the person identified in **FOR FURTHER INFORMATION CONTACT** by telephone for advice on alternatives to electronic filing.

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, General Counsel at 202–789–6820.

SUPPLEMENTARY INFORMATION: On June 22, 2012, the Postal Service filed notice with the Commission of changes in rates of general applicability and concomitant classification changes for a competitive product pursuant to 39 CFR 3015.2.[1] The Postal Service seeks to implement prices for a new Express Mail Padded Flat Rate Envelope. The prices would be the same as the existing Express Mail Regular and Legal Flat Rate Envelopes. The Postal Service represents that because these changes are only establishing another type of Express Mail Flat Rate Envelope at the same prices as the existing Express Mail Regular and Legal Flat Rate Envelopes, they will have no effect on the ability of the Express Mail product as a whole to cover its costs or make an appropriate contribution to institutional costs.

The Postal Service includes three attachments with its Notice in support of its proposal to add new prices:

- Decision of the Governors of the United States Postal Service on Establishment of Rate and Class of General Applicability for Express Mail Padded Flat Rate Envelope (Governors' Decision No. 12–01);
- Management Analysis: Express Mail Padded Flat Rate Envelope; and
- Proposed Mail Classification Schedule language.

The Commission establishes Docket No. CP2012–39 for consideration of matters related to the Postal Service's filing.

Interested persons may submit comments on whether the Postal Service's Notice and other filings are consistent with the policies of 39 U.S.C. 3632, 3633 and 3642 as well as 39 CFR parts 3015 and 3020. Comments are due no later than July 9, 2012. The Postal Service's Notice can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints Natalie Rea Ward to serve as Public Representative in this proceeding.

It is ordered:

1. The Commission establishes Docket No. CP2012–39 for consideration of matters raised by the Postal Service's Notice.

2. Comments by interested persons in this proceeding are due no later than July 9, 2012.

3. Pursuant to 39 U.S.C. 505, Natalie Rea Ward is appointed to serve as the officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Ruth Ann Abrams,

Acting Secretary.

[FR Doc. 2012–16055 Filed 6–29–12; 8:45 am]

BILLING CODE 7710–FW–P

[1] Notice of the United States Postal Service of Changes in Rates of General Applicability for a Competitive Product, Established in Governors' Decision No. 12–1, June 22, 2012 (Notice).

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2012–27 and CP2012–36; Order No. 1379]

Product List Changes

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recently-filed Postal Service request to add First-Class Package Service Contract 8 to the competitive product list. The Postal Service has also filed a related contract. This notice addresses procedural steps associated with these filings.

DATES: *Comments are due:* July 3, 2012.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Commenters who cannot submit their views electronically should contact the person identified in **FOR FURTHER INFORMATION CONTACT** by telephone for advice on alternatives to electronic filing.

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, General Counsel at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Notice of Filings
III. Ordering Paragraphs

I. Introduction

In accordance with 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.,* the Postal Service filed a formal request and associated supporting information to add First-Class Package Service Contract 8 to the competitive product list.[1] The Postal Service asserts that First-Class Package Service Contract 8 is ''a competitive product not of general applicability within the meaning of 39 U.S.C. 3632(b)(3).'' *Id.* at 1. The Request has been assigned Docket No. MC2012–27.

The Postal Service contemporaneously filed a redacted contract related to the proposed new product. *Id.* Attachment B. The instant contract has been assigned Docket No. CP2012–36.

Request. To support its Request, the Postal Service filed the following six attachments:

- Attachment A—a redacted version of Governors' Decision No. 11–6 and accompanying analysis. An explanation and justification is provided in the Governors' Decision and analysis filed in the unredacted version under seal;
- Attachment B—a redacted version of the instant contract;
- Attachment C—the proposed changes in the Mail Classification Schedule with the addition underlined;
- Attachment D—a Statement of Supporting Justification as required by 39 CFR 3020.32;
- Attachment E—a certification of compliance with 39 U.S.C. 3633(a)(1), (2), and (3); and
- Attachment F—an application for non-public treatment of the materials filed under seal. The materials filed under seal are the unredacted version of the instant contract and the required cost and revenue data.

In the Statement of Supporting Justification, Dennis R. Nicoski, Manager, Field Sales Strategy and Contracts, asserts that the instant contract will cover its attributable costs, make a positive contribution to cover institutional costs, and increase contribution toward the requisite 5.5 percent of the Postal Service's institutional costs. *Id.* Attachment D at 1. Mr. Nicoski contends that there will be no issue of subsidization of market dominant products by competitive products as a result of the instant contract. *Id.*

Instant contract. The Postal Service included a redacted version of the instant contract with the Request. *Id.* Attachment B. It is scheduled to become effective on the day the Commission issues all necessary regulatory approvals (Effective Date). *Id.* at 2. It will expire 3 years from the Effective Date unless,

[1] Request of the United States Postal Service to Add First-Class Package Service Contract 8 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data, June 21, 2012 (Request).

among other things, either party terminates the agreement with 30 days' written notice to the other party. *Id.* The Postal Service represents that the related contract is consistent with 39 U.S.C. 3633. *Id.* Attachment D.

The Postal Service filed much of the supporting materials, including the unredacted version of the instant contract, under seal. *Id.* Attachment F. It maintains that the unredacted Governors' Decision, the unredacted version of the instant contract, and supporting documents establishing compliance with 39 U.S.C. 3633 and 39 CFR 3015.5 should remain confidential. *Id.* at 1. The Postal Service asks the Commission to protect customer-identifying information from public disclosure indefinitely. *Id.*

II. Notice of Filings

The Commission establishes Docket Nos. MC2012–27 and CP2012–36 to consider the Request and the instant contract, respectively.

Interested persons may submit comments on whether the Postal Service's filings in these dockets are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642, 39 CFR 3015.5, and 39 CFR part 3020, subpart B. Comments are due no later than July 3, 2012. The public portions of these filings can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints Natalie Rea Ward to serve as Public Representative in these dockets.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket Nos. MC2012–27 and CP2012–36 to consider the matters raised in each docket.

2. Pursuant to 39 U.S.C. 505, Natalie Rea Ward is appointed to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in these proceedings.

3. Comments by interested persons in these proceedings are due no later than July 3, 2012.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Ruth Ann Abrams,

Acting Secretary.

[FR Doc. 2012–16052 Filed 6–29–12; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2012–28 and CP2012–37; Order No. 1380]

Product List Changes

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recently-filed Postal Service request to add First-Class Package Service Contract 9 to the competitive product list. The Postal Service has also filed a related contract. This notice addresses procedural steps associated with these filings.

DATES: *Comments are due:* July 3, 2012.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Commenters who cannot submit their views electronically should contact the person identified in **FOR FURTHER INFORMATION CONTACT** by telephone for advice on alternatives to electronic filing.

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, General Counsel at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Notice of Filings
III. Ordering Paragraphs

I. Introduction

In accordance with 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.,* the Postal Service filed a formal request and associated supporting information to add First-Class Package Service Contract 9 to the competitive product list.[1] The Postal Service asserts that First-Class Package Service Contract 9 is ''a competitive product not of general applicability within the meaning of 39 U.S.C. 3632(b)(3).'' *Id.* at 1. The Request has been assigned Docket No. MC2012–28.

The Postal Service contemporaneously filed a redacted contract related to the proposed new product. *Id.* Attachment B. The instant contract has been assigned Docket No. CP2012–37.

Request. To support its Request, the Postal Service filed the following six attachments:

- Attachment A—a redacted version of Governors' Decision No. 11–6 and accompanying analysis. An explanation and justification is provided in the Governors' Decision and analysis filed in the unredacted version under seal;
- Attachment B—a redacted version of the instant contract;
- Attachment C—the proposed changes in the Mail Classification Schedule with the addition underlined;
- Attachment D—a Statement of Supporting Justification as required by 39 CFR 3020.32;
- Attachment E—a certification of compliance with 39 U.S.C. 3633(a)(1), (2), and (3); and
- Attachment F—an application for non-public treatment of the materials filed under seal. The materials filed under seal are the unredacted version of the instant contract and the required cost and revenue data.

In the Statement of Supporting Justification, Dennis R. Nicoski, Manager, Field Sales Strategy and Contracts, asserts that the instant contract will cover its attributable costs, make a positive contribution to cover institutional costs, and increase contribution toward the requisite 5.5 percent of the Postal Service's institutional costs. *Id.* Attachment D at 1. Mr. Nicoski contends that there will be no issue of subsidization of market dominant products by competitive products as a result of the instant contract. *Id.*

Instant contract. The Postal Service included a redacted version of the instant contract with the Request. *Id.* Attachment B. It is scheduled to become effective on the day the Commission issues all necessary regulatory approvals (Effective Date). *Id.* at 2. It will expire 3 years from the Effective Date unless, among other things, either party terminates the agreement with 30 days' written notice to the other party. *Id.* The Postal Service represents that the related contract is consistent with 39 U.S.C. 3633. *Id.* Attachment D.

The Postal Service filed much of the supporting materials, including the unredacted version of the instant contract, under seal. *Id.* Attachment F. It maintains that the unredacted Governors' Decision, the unredacted version of the instant contract, and supporting documents establishing compliance with 39 U.S.C. 3633 and 39 CFR 3015.5 should remain confidential. *Id.* at 1. The Postal Service asks the Commission to protect customer-identifying information from public disclosure indefinitely. *Id.*

II. Notice of Filings

The Commission establishes Docket Nos. MC2012–28 and CP2012–37 to

[1] Request of the United States Postal Service to Add First-Class Package Service Contract 9 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data, June 21, 2012 (Request).

consider the Request and the instant contract, respectively.

Interested persons may submit comments on whether the Postal Service's filings in these dockets are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642, 39 CFR 3015.5, and 39 CFR part 3020, subpart B. Comments are due no later than July 3, 2012. The public portions of these filings can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints Natalie Rea Ward to serve as Public Representative in these dockets.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket Nos. MC2012–28 and CP2012–37 to consider the matters raised in each docket.

2. Pursuant to 39 U.S.C. 505, Natalie Rea Ward is appointed to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in these proceedings.

3. Comments by interested persons in these proceedings are due no later than July 3, 2012.

4. The Secretary shall arrange for publication of this order in the **Federal Register.**

By the Commission.

Ruth Ann Abrams,

Acting Secretary.

[FR Doc. 2012–16053 Filed 6–29–12; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2012–29 and CP2012–38; Order No. 1381]

Product List Change

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recently-filed Postal Service request to add Express Mail and Priority Mail Contract 9 to the competitive product list. The Postal Service has also filed a related contract. This notice addresses procedural steps associated with these filings.

DATES: *Comments are due:* July 6, 2012.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Commenters who cannot submit their views electronically should contact the person identified in **FOR FURTHER INFORMATION CONTACT** by telephone for advice on alternatives to electronic filing.

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, General Counsel at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Notice of Filings
III. Ordering Paragraphs

I. Introduction

In accordance with 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.,* the Postal Service filed a formal request and associated supporting information to add Express Mail and Priority Mail Contract 9 to the competitive product list.[1] The Postal Service asserts that Express Mail and Priority Mail Contract 9 is a competitive product ''not of general applicability'' within the meaning of 39 U.S.C. 3632(b)(3). Request at 1. The Request has been assigned Docket No. MC2012–29.

The Postal Service contemporaneously filed a redacted contract related to the proposed new product under 39 U.S.C. 3632(b)(3) and 39 CFR 3015.5. *Id.* Attachment B. The instant contract has been assigned Docket No. CP2012–38.

Request. To support its Request, the Postal Service filed six attachments as follows:

- Attachment A—a redacted copy of Governors' Decision No. 11–6, authorizing the new product;
- Attachment B—a redacted copy of the contract;
- Attachment C—proposed changes to the Mail Classification Schedule competitive product list with the addition underlined;
- Attachment D—a Statement of Supporting Justification as required by 39 CFR 3020.32;
- Attachment E—a certification of compliance with 39 U.S.C. 3633(a); and
- Attachment F—an application for non-public treatment of materials to maintain redacted portions of the contract and related financial information under seal.

In the Statement of Supporting Justification, Dennis R. Nicoski, Manager, Field Sales Strategy and Contracts, asserts that the contract will cover its attributable costs, make a positive contribution to covering institutional costs, and increase contribution toward the requisite 5.5 percent of the Postal Service's total institutional costs. *Id.* Attachment D at 1. Mr. Nicoski contends that there will be no issue of market dominant products subsidizing competitive products as a result of this contract. *Id.*

Related contract. The Postal Service included a redacted version of the related contract with the Request. *Id.* Attachment B. The contract is scheduled to become effective on the day the Commission issues all necessary regulatory approval. *Id.* at 4. The contract will expire 3 years from the effective date unless, among other things, either party terminates the agreement upon 30 days' written notice to the other party. *Id.* The Postal Service represents that the contract is consistent with 39 U.S.C. 3633(a). *Id.* Attachment D.

The Postal Service filed much of the supporting materials, including the related contract, under seal. *Id.* Attachment F. It maintains that the redacted portions of the contract, customer-identifying information, and related financial information, should remain confidential. *Id.* at 3. This information includes the price structure, underlying costs and assumptions, pricing formulas, information relevant to the customer's mailing profile, and cost coverage projections. *Id.* The Postal Service asks the Commission to protect customer-identifying information from public disclosure indefinitely. *Id.* at 7.

II. Notice of Filings

The Commission establishes Docket Nos. MC2012–29 and CP2012–38 to consider the Request pertaining to the proposed Express Mail and Priority Mail Contract 9 product and the related contract, respectively.

Interested persons may submit comments on whether the Postal Service's filings in the captioned dockets are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642, 39 CFR 3015.5, and 39 CFR part 3020, subpart B. Comments are due no later than July 6, 2012. The public portions of these filings can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints Natalie Rea Ward to serve as Public Representative in these dockets.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket Nos. MC2012–29 and CP2012–38 to consider the matters raised in each docket.

2. Pursuant to 39 U.S.C. 505, Natalie Rea Ward is appointed to serve as officer of the Commission (Public Representative) to represent the

[1] Request of the United States Postal Service to Add Express Mail & Priority Mail Contact 9 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision Contract, and Supporting Data, June 21, 2012 (Request).

interests of the general public in these proceedings.

3. Comments by interested persons in these proceedings are due no later than July 6, 2012.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Ruth Ann Abrams,

Acting Secretary.

[FR Doc. 2012–16054 Filed 6–29–12; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–67256; File No. SR–BX–2012–030]

Self-Regulatory Organizations; NASDAQ OMX BX, Inc.; Order Granting Approval of a Proposed Rule Change, as Modified by Amendment Nos. 1 and 2, Relating to the Establishment of a New Options Market, NASDAQ OMX BX Options

June 26, 2012.

I. Introduction

On May 1, 2012, NASDAQ OMX BX, Inc. (''Exchange'' or ''BX'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] to adopt rules governing the trading of options on NASDAQ OMX BX Options (''BX Options''), which will be an options trading facility of the Exchange. On May 8, 2012, BX filed Amendment No. 1 to the proposed rule change.[3] The proposed rule change, as modified by Amendment No. 1, was published for comment in the **Federal Register** on May 18, 2012.[4] The Commission received one comment letter on the proposal.[5] The Exchange responded to the comment letter on June 15, 2012.[6] On June 22, 2012, BX filed Amendment No. 2 to the proposed rule change.[7] This order approves the proposed rule change, as modified by Amendment Nos. 1 and 2 thereto.

II. Discussion and Commission Findings

After careful review of the proposal, as modified by Amendment Nos. 1 and 2, and consideration of the comment letter and the Exchange's response thereto, the Commission finds that the proposed rule change, as modified by Amendment Nos. 1 and 2, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[8] Specifically, the Commission finds that the proposal is consistent with Section 6(b)(5) of the Act,[9] which requires, among other things, that the rules of a national securities exchange be 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, and 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. Section 6(b)(5) also requires that the rules of an exchange not be designed to permit unfair discrimination among customers, issuers, brokers, or dealers. Further, the Commission finds that the proposal is consistent with Sections 6(b)(1) of the Act,[10] which requires, among other things, that a national securities exchange be so organized and have the capacity to carry out the purposes of the Act, and to comply and enforce compliance by its members and persons associated with its members, with the provisions of the Act, the rules and regulation thereunder, and the rules of the exchange.

This discussion does not review every detail of the proposal, but focuses on the most significant rules and policy issues considered in review of the proposal.

A. BX Options Participants

BX Options will operate a fully automated electronic trading system for trading options (''System'' or ''BX Options System'').[11] BX Options will have only one category of members, known as ''Options Participants'' or ''Participants.'' [12] Only Options Participants will be permitted to transact business on the BX Options System.[13] There will be two categories of Options Participants: (1) Options Order Entry Firms (''OEFs'') and (2) Options Market Makers. An Options Participant must be a member of the Exchange and another registered options exchange that is not registered solely under Section 6(g) of the Act [14] or the Financial Industry Regulatory Authority (''FINRA'').[15] Further, an OEF may only transact business with public customers if such Options Participant also is a member of another registered national securities exchange or association with which the Exchange has entered into an agreement under Rule 17d–2 under the Act pursuant to which such other exchange or association shall be the designated options examining authority for the OEF.[16] In addition, Options Participants that transact business with Public Customers must at all times be members of FINRA.[17]

Among other things, each Options Participant must be registered as a broker-dealer and have as the principal purpose of being an Options Participant the conduct of a securities business, which shall be deemed to exist if and so

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Amendment No. 1 made several technical and clarifying changes to the proposal, as well as minor changes to the definition of the terms ''primary market'' and ''Intermarket Sweep Order.''

[4] *See* Securities Exchange Act Release No. 66983 (May 14, 2012), 77 FR 29730. (''Notice'').

[5] *See* Letter from Edward T. Tilly, President and Chief Operating Officer, Chicago Board Options Exchange, Incorporated (''CBOE''), to Elizabeth M. Murphy, Secretary, Commission, dated June 5, 2012 (''CBOE Letter'').

[6] *See* Letter from Thomas Wittman, Senior Vice President, NASDAQ OMX, to Elizabeth M. Murphy, Secretary, Commission, dated June 15, 2012 (''BX Response'').

[7] Amendment No. 2 clarified the Exchange's status with respect to its participation in various national market system plans, and clarified representations with respect to its regulatory agreements. Because Amendment No. 2 is technical in nature, the Commission is not required to publish it for public comment.

[8] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[9] 15 U.S.C. 78f(b)(5).

[10] 15 U.S.C. 78f(b)(1).

[11] The proposed rules of BX Options are based on, and virtually identical to, the rules of the NASDAQ Options Market (''NOM''), the options trading facility of The NASDAQ Stock Market LLC (''NASDAQ''). *See* Notice, *supra* note 4, at 29731.

[12] The term ''Options Participant'' or ''Participant'' means a firm, or organization that is registered with the Exchange pursuant to Chapter II of BX Options proposed rules for purposes of participating in options trading on BX Options as a BX Options Order Entry Firm or BX Options Market Maker. *See* proposed BX Options Rules, Chapter I, Section 1(a)(41). All BX members will be eligible to participate in BX Options provided that BX specifically authorizes them to trade in the System and they become Options Participants. Existing BX members that will become Options Participants will be required to comply with the incremental requirements of the proposed BX Options Rules. New BX members will be required to fulfill the requirements of the BX Rule 1000 Series to become a BX member as well as the incremental requirements set forth in the proposed BX Options Rules to become an Options Participant.

[13] *See* proposed BX Options Rules, Chapter II and Chapter V, Section 1.

[14] 15 U.S.C. 78f(g).

[15] *See* proposed BX Options Rules, Chapter II, Section 2(f).

[16] *See* proposed BX Options Rules, Chapter XI, Section 1.

[17] *See* proposed BX Options Rules, Chapter II, Section 2(f).

long as: (1) The Options Participant has qualified and acts in respect of its business on BX Options as either an OEF or an Options Market Maker or both; and (2) all transactions effected by the Options Participant are in compliance with Section 11(a) of the Act[18] and the rules and regulation adopted thereunder.[19] Options Participants may trade options for their own proprietary accounts or, if authorized to do so under applicable law, may conduct business on behalf of customers.[20]

OEFs are Options Participants representing customer orders as agent on BX Options or trading as principal on BX Options.[21] Options Market Makers are Options Participants registered with the Exchange as Options Market Makers and registered with the Exchange in one or more options listed on BX Options.[22] A Market Maker that engages in specified Other Business Activities, or that is affiliated with a broker-dealer that engages in Other Business Activities, including functioning as an OEF, must have an Information Barrier between the market making activities and the Other Business Activities.[23] To become an Options Market Maker, an Options Participant is required to register by filing a written application with BX Regulation, which will consider an applicant's market making ability and such other factors as it deems appropriate in determining whether to approve an applicant's registration as a Market Maker.[24] BX Options will not place any limit on the number of entities that may become Options Market Makers.[25] BX Regulation, which is a department of the Exchange that supervises and administers the regulatory functions of the Exchange, may suspend or terminate any registration of an Options Market Maker when, in BX's judgment, the interest of a fair and orderly market are best served by such action.[26]

Options Market Makers are required to electronically engage in a course of dealings to enhance liquidity available on BX Options and to assist in the maintenance of fair and orderly markets.[27] Among other things, an Options Market Maker must: (1) On a daily basis participate in the pre-opening phase and thereafter maintain a two-sided market on a continuous basis in at least 60% of the options series in which it is registered; (2) enter a size of at least one contract for its best bid and its best offer; and (3) maintain minimum net capital in accordance with Commission and Exchange rules.[28] Substantial or continued failure by an Options Market Maker to meet any of its obligations and duties would subject the Options Market Maker to disciplinary action, suspension, or revocation of the Options Market Maker's registration in one or more options series.[29]

The Commission finds that the BX Options Market Maker qualification requirements are consistent with the Act and notes that they are similar to those of other options exchanges.[30] The Commission also finds that the BX Options Market Maker participation requirements are consistent with the Act. Market makers receive certain benefits for carrying out their responsibilities. For example, a broker-dealer or other lender may extend ''good faith'' credit to a member of a national securities exchange or registered broker-dealer to finance its activities as a market maker or specialist.[31] In addition, market makers are exempted from the prohibition in Section 11(a) of the Act. The Commission believes that a market maker must have sufficient affirmative obligations, including the obligation to hold itself out as willing to buy and sell options for its own account on a regular or continuous basis, to justify this favorable treatment. The Commission believes that BX Options Market Maker participation requirements impose sufficient affirmative obligations on BX Options Market Makers and, accordingly, that these BX Options requirements are consistent with the Act.[32]

B. BX Options Trading System

The BX Options System will leverage current technology, including customer connectivity, messaging protocols, quotation and execution engine, order router, data feeds, and network infrastructure of the various markets owned by The NASDAQ OMX Group, Inc. (''NASDAQ OMX''). As a result, BX Options System will closely resemble NOM.[33] As noted above, the BX Options System will be an electronic trading system to trade options that will provide for the electronic display and automatic execution of orders in price/time priority, without regard to the status of the entities that are entering orders.[34] The System will include two proprietary data feeds. BX Depth of Market (''BX Depth'') will be a data feed that provides quotation information for individual orders on the BX Options book, last-sale information for trades executed on BX Options, and order imbalance information as set forth in BX Options Rules Chapter VI, Section 8.[35] In addition, BX Top of Market (''BX Top'') will be a data feed that provides the BX Options best bid and offer and last-sale information for trades executed on BX Options.[36]

Options Participants will be able to enter the following types of orders into

[18] 15 U.S.C. 78k(a).

[19] *See* proposed BX Options Rules, Chapter II, Section 2(e).

[20] *See* proposed BX Options Rules, Chapter II, Section 1(a).

[21] *See* proposed BX Options Rules, Chapter VII, Section 1.

[22] *See* proposed BX Options Rules, Chapter VII. All Market Makers are designated as specialists on BX Options for all purposes under the Act or the rules thereunder. *See* proposed BX Options Rules, Chapter VII, Section 2.

[23] *See* proposed BX Options Rules, Chapter VII, Section 10(a).

[24] *See* proposed BX Options Rules, Chapter VII, Section 2(a).

[25] *See* proposed BX Options Rules, Chapter VII, Section 2(c). However, the Board of Directors of BX may limit access to the System based on system constraints, capacity restrictions, or other factors relevant to protecting the integrity of the System, pending action required to address the issue of concern. To the extent the Exchange places limitations on access to the System on any Participant(s), such limits shall be objectively determined and submitted to the Commission for approval pursuant to a rule change filed under Section 19(b) of the Act. *See* proposed BX Options Rules, Chapter VII, Section 2(c).

[26] *See* proposed BX Options Rules, Chapter VII, Section 2(b).

[27] *See* proposed BX Options Rules, Chapter VII, Section 5(a).

[28] *See, e.g.,* proposed BX Options Rules, Chapter VII, Sections 5 and 6.

[29] *See* proposed BX Options Rules, Chapter VII, Section 4(b).

[30] *See, e.g.,* Rules of NOM, Chapter VII, Sections 4, 5, and 6; and BATS Rules 22.4, 22.5 and 22.6.

[31] *See* 12 CFR 221.5 and 12 CFR 220.7; *see also* 17 CFR 240.15c3–1(a)(6) (capital requirements for market makers).

[32] The Commission notes that the participation requirements are similar to those of other options exchanges. *See, e.g.,* NOM Rules, Chapter VII, Sections 5 and 6; and BATS Rules 22.5 and 22.6.

[33] *See* Notice, *supra* note 4, at 29731.

[34] The System includes: (1) An order execution service that enables Options Participants to automatically execute transactions in securities listed and traded on BX Options; (2) a trade reporting service that submits ''locked-in'' trades for clearing to a registered clearing agency for clearance and settlement, transmits last-sale reports of transactions automatically to the Options Price Reporting Authority (''OPRA'') for dissemination to the public and industry, and provides participants with monitoring and risk management capabilities to facilitate participation in a ''locked-in'' trading environment; and (3) two proprietary data feeds. *See* proposed BX Options Rules, Chapter VI, Section 1(a). *See* Notice, *supra* note 4, for a more complete description of BX Options operation and rules. The Commission notes that the Plan for Reporting of Consolidated Options Last Sale Reports and Quotation Information (''OPRA Plan'') requires each party to the Plan to collect and promptly transmit to the OPRA all last sale reports relating to its market. *See* OPRA Plan, Article V, Section 5.2(a).

[35] *See* proposed BX Options Rules, Chapter VI, Section (1)(a)(3). *See also* proposed BX Options Rules, Chapter VI, Section 8.

[36] *See* proposed BX Options Rules, Chapter VI, Section (1)(a)(3).

the System: Limit Orders; [37] Minimum Quantity Orders; [38] Market Orders; [39] Price Improving Orders; [40] Intermarket Sweep Orders; [41] One-cancels-the-other Orders; [42] All-or-none Orders; [43] and Post Only Orders; [44] with characteristics and functionality identical to what is currently approved for use on NOM.[45] Orders entered into the System will be designated for display (price and size) on an anonymous basis in the order display service of the System.[46] Options Participants will be permitted to enter multiple orders at single or multiple price levels.[47]

All trading interest on the System will be automatically executable. The System will have a single execution algorithm based on price/time priority. The System and BX Options Rules provide for the ranking, display, and execution of all orders in price/time priority without regard to the status of the entity entering an order. For each order, among equally-priced or better-priced trading interest, the System executes against available contra-side contract amounts in full, in price/time priority.[48] Any price improvement resulting from an execution in the System will accrue to the party taking liquidity.[49]

Quotes and orders entered by Options Market Makers will not be executed against quotes and orders entered on the opposite side of the market by the same market maker using the same identifier.[50] In such a case, the System will cancel the oldest of the quotes or orders back to the entering party prior to execution.[51]

The Commission believes that BX Options' proposed execution priority rules and order types are consistent with the Act, and in particular, with the requirements in Section 6(b)(5) of the Act, which requires an exchange's rules be, among other things, designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest, and are not designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Commission further finds that BX Options' proposed trading rules are consistent with the requirements of the Options Order Protection and Locked/Crossed Market Plan (''Linkage Plan''). Specifically, subject to the exceptions contained in proposed BX Options Rules, Chapter XII, the System will ensure that an order is not executed at a price that trades through another options exchange.[52] In this regard, the Commission notes that BX is required under Rule 608(c) of Regulation NMS to comply with and enforce compliance by its members with the Linkage Plan, including the requirement to avoid trading through better prices available on other markets.[53] Further, any order entered with a price that would lock or cross a protected quotation that is not eligible for routing, will be re-priced to the current national best offer (for bids) or the current national best bid (for offers) and displayed at one minimum price variance above (for offers) or below (for bids) the national best price.[54]

One commenter expressed concern with the timing of the proposal and requested that the Commission grant CBOE and C2 Options Exchange, Incorporated (''C2'') temporary relief from the Linkage Plan.[55] Specifically, the commenter noted that CBOE and C2 will not be able to complete required systems work by BX Options' anticipated launch date of June 29, 2012 to allow these exchanges to identify better-priced quotations on BX Options and then cancel or route orders to BX Options in compliance with the Linkage Plan. Consequently, the commenter stated that these exchanges may not be able to comply with the Linkage Plan because their systems will potentially trade through better-priced quotations on BX Options. The commenter requested temporary relief from the Linkage Plan so that CBOE and C2 will

[37] Limit Orders are orders to buy or sell an option at a specified price or better. A limit order is marketable when, for a limit order to buy, at the time it is entered into the System, the order is priced at the current inside offer or higher, or for a limit order to sell, at the time it is entered into the System, the order is priced at the inside bid or lower. *See* proposed BX Options Rules, Chapter VI, Section 1(e)(2).

[38] Minimum Quantity Orders are orders that require that a specified minimum quantity of contracts be obtained, or the order is cancelled. Minimum Quantity Orders are treated as having a time-in-force designation of Immediate or Cancel. Minimum Quantity Orders received prior to the opening cross or after market close will be rejected. *See* proposed BX Options Rules, Chapter VI, Section 1(e)(3).

[39] Market Orders are orders to buy or sell at the best price available at the time of execution. Options Participants can designate that their Market Orders not executed after a pre-established period of time, as established by the Exchange, will be cancelled back to the Participant. *See* proposed BX Options Rules, Chapter VI, Section 1(e)(5).

[40] Price Improving Orders are orders to buy or sell an option at a specified price at an increment smaller than the minimum price variation in the security. Price Improving Orders may be entered in increments as small as one cent. Price Improving Orders that are available for display shall be displayed at the minimum price variation in that security and shall be rounded up for sell orders and rounded down for buy orders. *See* proposed BX Options Rules, Chapter VI, Section 1(e)(6).

[41] Intermarket Sweep Orders (''ISOs'') means a limit order for an options series that: (1) when routed to an eligible exchange, the order is identified as an ISO; and (2) simultaneously with the routing of the order, one or more additional ISOs, as necessary, are routed to execute against the full displayed size of any protected bid, in the case of a limit order to sell, or any protected offer, in the case of a limit order to buy, for the options series with a price that is superior to the limit price of the ISO, which such additional orders also marked as ISOs. *See* proposed BX Options Rules, Chapter XII, Section 1(9). ISOs may have any time-in-force designation except WAIT. *See* Amendment No. 1. ISOs with a time-in-force designation of Good Til canceled (''GTC'') are treated as having a time-in-force designation of DAY. *See id.* ISOs that are marked as Day or GTC lose the ISO designation once posted on the BX Options book. *See id.* If an entering firm cancel/replaces that resting Day or GTC ISO order, the replacement order cannot be marked as ISO. *See id.*

[42] One-cancels-the-other Orders are orders entered by a Market Maker that consists of a buy order and a sell order treated as a unit; the full execution of one of the orders causes the other to be canceled. *See* proposed BX Options Rules, Chapter VI, Section 1(e)(9).

[43] All-or-none Orders are market or limit orders which are to be executed in its entirety or not at all. All-or-none Orders are treated as having a time-in-force designation of Immediate or Cancel. All-or-none Orders received prior to the opening cross or after market close will be rejected. *See* proposed BX Options Rules, Chapter VI, Section 1(e)(10).

[44] Post-Only Orders are orders that will not remove liquidity from the System. Post-Only Orders are to be ranked and executed on the Exchange or cancelled, as appropriate, without routing away to another market. Post-Only Orders are evaluated at the time of entry with respect to locking or crossing other orders as follows: (i) if a Post-Only Order would lock or cross an order on the System, the order will be re-priced to $.01 below the current low offer (for bids) or above the current best bid (for offers) and displayed by the System at one minimum price increment below the current low offer (for bids) or above the current best bid (for offers); and (ii) if a Post-Only Order would not lock or cross an order on the System but would lock or cross the NBBO as reflected in the protected quotation of another market center, the order will be handled pursuant to proposed BX Options, Chapter VI, Section 7(b)(3)(C). Post-Only Orders received prior to the opening cross or after market close will be rejected. Post-Only Orders may not have a time-in-force designation of Good Til Cancelled or Immediate or Cancel. *See* proposed BX Options Rules, Chapter VI, Section 1(e)(10).

[45] *See* proposed BX Options Rules, Chapter VI, Section (1)(e). Options Participants entering orders into the System may designate such orders to remain in force and available for display and/or potential execution for varying periods of time. Unless cancelled earlier, once these time periods expire, the order (or the unexecuted portion thereof) is returned to the entering party. *See* proposed BX Options Rules, Chapter VI, Section (1)(g).

[46] *See* Notice, *supra* note 4, at 29733.

[47] *See id.*

[48] *See* proposed BX Options Rules, Chapter VI, Section 10.

[49] *See* proposed BX Options Rules, Chapter VI, Section 10(3).

[50] *See* proposed BX Options Rules, Chapter VI, Section 10(6).

[51] *See id.*

[52] *See* proposed BX Options Rules, Chapter XII, Section 2.

[53] *See* 17 CFR 242.608(c). *See also* proposed BX Options Rules, Chapter XII, Section 2(b).

[54] *See* proposed BX Options Rules, Chapter VI, Section 7(b)(3)(C).

[55] *See* CBOE Letter, *supra* note 5.

be able to continue to operate consistent with the terms of the Linkage Plan until it can implement the necessary systems changes. While BX believes that the notice provided to CBOE and the marketplace in general was sufficient and consistent with customary timeframes respecting systems changes of this sort, BX acknowledged the commenter's concerns and stated that temporary relief from the Linkage Plan warrants consideration.[56]

As noted below, BX will be a participant in the Linkage Plan. To meet their regulatory responsibilities under the Linkage Plan, including the requirement to avoid trading through better-priced protected quotations available on other markets, other options exchanges that are Linkage Plan participants must have sufficient notice of new protected quotations, as well as all necessary information (such as final technical specifications). Therefore, the Commission believes that it would be a reasonable policy and procedure under the Linkage Plan for options exchanges to begin treating BX Options' best bid and best offer as a protected quotation within 60 days after the date of this order.

Proposed BX Options Rules, Chapter VII, Section 12, prohibits Options Participants from executing, as principal, orders they represent as agent unless the agency order is first exposed on BX Options for at least one second or the Options Participant has been bidding or offering on BX Options for at least one second prior to receiving an agency order that is executable against such bid or offer.

The Commission believes that in the electronic environment of BX Options, a one second exposure period could facilitate the prompt execution of orders while continuing to provide Options Participants with an opportunity to compete for exposed bids and offers. In addition, the BX Options System is identical to the trading system currently used for NOM today and this order exposure requirement is comparable to that which currently applies on other registered options exchanges.[57] Accordingly, the Commission believes this proposed rule of BX Options is consistent with the Act.

C. Opening and Halt Cross

The System will support a single price opening or re-opening via an electronic cross.[58] The auctions at the opening and at the resumption of trading following a halt are identical to those that exist on NOM.

Specifically, BX Options will operate a pre-opening phase that will begin prior to the opening of the market at a time to be determined by the Exchange. Orders may be submitted, modified, and cancelled throughout the pre-opening phase. Prior to opening the market (or resuming trading in the case of a halt), the Exchange will calculate and disseminate certain indicative information: Opening price; order imbalance; and the size and direction of any imbalance.[59] Thereafter, the Exchange will determine, using an algorithm, a single price at which a particular options series will open and will match, using an algorithm, the maximum number of available orders. After the cross concludes, orders will be cancelled, routed, or posted depending on the instructions on the orders and open trading will commence.

The Commission believes that the proposed BX Options Rules regarding the opening of trading on BX Options are reasonably designed to provide for an orderly opening and are consistent with the Act. The Commission further believes that the procedure for re-opening trading in an option following the conclusion of a trading halt in the underlying security is reasonably designed to provide for an orderly re-opening of trading in the option and is consistent with the Act.

D. Routing

BX Options Participants may designate orders to be routed to another options exchange when trading interest is not available on BX Options or to execute only on BX Options. The Exchange proposed that its routing functionality will be limited to only routing System securities, which are options listed for trading on BX.[60] The Exchange has proposed to offer two System routing options: SEEK[61] and SRCH,[62] which may be combined with all available order types and time-in-force designations, with the exception of order types and time-in-force designations whose terms are inconsistent with the terms of a particular routing option.[63] An order that is designated as routable will be routed to other options exchanges to be executed when BX Options is not at the NBBO consistent with the Linkage Plan. Orders routed to other options exchanges do not retain time priority with respect to orders in the System, and the System will continue to execute orders while routed orders are away at another exchange.[64] If a routed order is returned, in whole or in part, that order (or its remainder) will receive a new time stamp reflecting the time of its return to the System.[65] Options Participants whose orders are routed away will be obligated to honor trades executed on other options exchanges to the same extent they would be obligated to honor a trade executed on BX Options.[66]

The Exchange will route options orders using Nasdaq Options Services LLC (''NOS''), which is a registered broker-dealer and a member of the Exchange.[67] NOS is owned by NASDAQ OMX, which also owns three registered securities exchanges—the Exchange, NASDAQ, and NASDAQ OMX PHLX LLC (''PHLX'').[68] Therefore, NOS is an affiliate of these exchanges.[69]

Exchange Rule 2140(a)(1) provides generally that, absent an effective filing

[56] *See* BX Response, *supra* note 6.

[57] *See, e.g.,* Rules of NOM, Chapter VII, Section 12.

[58] *See* proposed BX Options Rules, Chapter VI, Section 8.

[59] *See* proposed BX Options Rules, Chapter VI, Section 8.

[60] *See* proposed BX Options Rules, Chapter VI, Section 11(a).

[61] SEEK is a routing option pursuant to which an order will first check the System for available contracts for execution. After checking the System for available contracts, orders are sent to other available market centers for potential execution, per the entering firm's instructions. When checking the book, the System will seek to execute at the price at which it would send the order to a destination market center. If contracts remain un-executed after routing, they are posted on the book. Once on the book, should the order subsequently be locked or crossed by another market center, the System will not route the order to the locking or crossing market center. *See* proposed BX Options Rules, Chapter VI, Section 11(a)(1)(A).

[62] SRCH is a routing option pursuant to which an order will first check the System for available contracts for execution. After checking the System for available contracts, orders are sent to other available market centers for potential execution, per the entering firm's instructions. When checking the book, the System will seek to execute at the price at which it would send the order to a destination market center. If contracts remain un-executed after routing, they are posted on the book. Once on the book, should the order subsequently be locked or crossed by another market center, it will re-route. *See* proposed BX Options Rules, Chapter VI, Section 11(a)(1)(B).

[63] *See* proposed BX Options Rules, Chapter VI, Section 11(a).

[64] *See* proposed BX Options Rules, Chapter VI, Section 11(c).

[65] *See id.*

[66] *See* proposed BX Options Rules, Chapter VI, Section 11(d).

[67] *See* Notice, *supra* note 4, at 29733. The Exchange represented that NOS has developed policies and procedures designed to reject an order or series of orders that violate applicable pre-trade requirements of Rule 15c3–5 under the Act prior to routing such orders, and would seek to cancel any orders that had been routed. *See* Notice, *supra* note 4, at 29734.

[68] *See* Securities Exchange Act Release No. 58324 (August 7, 2008), 73 FR 46936 (August 12, 2008) (SR–BSE–2008–02; SR–BSE–2008–23; SR–BSE–2008–25; SR–BSECC–2008–01) (order approving NASDAQ OMX's acquisition of BX); Securities Exchange Act Release No. 58179 (July 17, 2008), 73 FR 42874 (July 23, 2008) (order approving NASDAQ OMX's acquisition of PHLX).

[69] *See id. See also* Notice, *supra* note 4, at 29734.

under Section 19(b) of the Act, the Exchange may not, directly or indirectly, acquire or maintain an ownership interest in, or engage in a business venture with, an Exchange member or an affiliate of an Exchange member. However, the Exchange proposes that NOS, a member of the Exchange, provide other members of the Exchange options routing services to other markets, including two affiliates of the Exchange—NASDAQ[70] and PHLX.[71] In addition, the Exchange intends to receive through NOS options orders routed inbound to the Exchange from its affiliated exchanges. Accordingly, the Exchange seeks Commission approval to permit the Exchange to engage in the business venture of outbound routing using NOS as its routing broker, as well as receiving inbound orders from its affiliates, NASDAQ[72] and PHLX, through NOS.[73]

Recognizing that the Commission has previously expressed concern regarding the potential for conflicts of interest in instances where a member firm is affiliated with an exchange, particularly where a member is routing orders to such affiliated exchange,[74] the Exchange has proposed limitations and conditions on NOS's affiliation with the Exchange. Specifically, the Exchange proposes that NOS operate as outbound router and inbound router subject to certain limitations and conditions, as described below.

1. NOS as Outbound Router

The Exchange proposes that NOS will operate as a facility (as defined in section 3(a)(2) of the Act) of the Exchange to provide outbound options routing services from the Exchange to other options exchanges. NOS's operation as a facility providing outbound options routing services for the Exchange is subject to the following limitations and conditions:

- NOS will route orders to other market centers as directed by the Exchange. NOS will be programmed to follow the algorithm and order type instructions established in the BX Options Rules and will not have discretion to change the terms of an order or the order routing instructions.[75]
- NOS will not engage in any business other than: (a) as an outbound router for the Exchange; and (b) any other activities it may engage in as approved by the Commission.[76]
- For purposes of Commission Rule 17d–1, the designated examining authority of NOS will be a self-regulatory organization (''SRO'') unaffiliated with the Exchange or any of its affiliates.
- The Exchange will be responsible for filing with the Commission proposed rule changes related to the operation of, and fees for services provided by, NOS and NOS shall be subject to exchange nondiscrimination requirements.
- The books, records, premises, officers, agents, directors and employees of NOS as a facility of the Exchange will be deemed to be the books, records, premises, officers, agents, directors and employees of the Exchange for purposes of, and subject to oversight pursuant to, the Act. The books and records of NOS as a facility of the Exchange will be subject at all times to inspection and copying by the Commission.
- The use of NOS to route options orders to other market centers will be optional. Parties who do not desire to use NOS must enter orders into the System as ineligible for routing.
- NOS will establish and maintain procedures and internal controls reasonably designed to adequately restrict the flow of confidential and proprietary information between the Exchange and its facilities (including NOS as its routing facility) and any other entity.

As a facility of the Exchange, NOS will be subject to the Exchange's and the Commission's regulatory oversight; and the Exchange will be responsible for ensuring that NOS's outbound routing function is operated consistent with Section 6 of the Act and the Exchange's rules. In addition, the Exchange will be required to file with the Commission proposed rule changes and fees relating to NOS's outbound routing function. Any such rules and fees relating to NOS's outbound router function will be subject to exchange nondiscrimination requirements. Further, the proposed limitations and conditions for the operation of NOS as an affiliated outbound router on behalf of each Exchange are consistent with conditions the Commission has approved for other exchanges.[77] The Commission therefore finds the proposed operation of NOS as an affiliated outbound router of the Exchange to be consistent with the Act.

2. NOS as an Inbound Router

The Exchange also proposes to permit BX to accept inbound orders that NOS routes in its capacity as a facility of NASDAQ[78] and PHLX, subject to the following conditions and limitations:

- The Exchange and FINRA will maintain a regulatory contract and an agreement pursuant to Rule 17d–2 under the Act (''17d–2 Agreement'').[79] Pursuant to the regulatory contract and the 17d–2 Agreement, FINRA will be allocated regulatory responsibilities to review NOS's compliance with certain Exchange rules. Pursuant to the regulatory contract, however, the Exchange retains ultimate responsibility for enforcing its rules with respect to NOS.[80]
- FINRA will monitor NOS for compliance with the Exchange's trading rules, and will collect and maintain certain related information. Pursuant to the regulatory contract, both FINRA and the Exchange will collect and maintain all alerts, complaints, investigations and enforcement actions in which NOS (in its capacity as a facility of NASDAQ[81] and PHLX routing orders to the Exchange) is identified as a participant that has potentially violated applicable Commission or the Exchange's rules. The Exchange and FINRA will retain these records in an easily accessible manner.
- FINRA will provide a report to the Exchange's chief regulatory officer (''CRO''), on a quarterly basis, that: (i) Quantifies all alerts (of which FINRA is aware) that identify NOS as a participant that has potentially violated Commission or the Exchange's rules; and (ii) lists all investigations that

[70] NASDAQ's options trading facility is NOM.

[71] *See id.*

[72] *See supra* note 70

[73] *See* Notice, *supra* note 4, at 29734.

[74] *See* Notice, *supra* note 4, at 29733–29734.

[75] *See supra* note 67.

[76] The Exchange also proposed that, immediately prior to the commencement of operations of NOS as an outbound router for the Exchange, the Exchange be approved to use NOS to conduct a test of its routing functionality. *See* Notice, *supra* note 4, at 29733–34. The Exchange represented that it will use NOS to perform test trades in an actual security to track the performance of its systems from order entry to clearance and settlement. *See id.* The Exchange represented that the test will be performed by entering a buy or sell order and then, upon execution of each, entering an offsetting buy and sell order in the same security for the same quantity to close out the test position and minimize financial impact on the Exchange. *See id.* The Exchange represented that it will deliver the test orders to NOS, as the routing broker, which will route to the designated away market and receive an execution back. *See id.* The Exchange represented that, to the extent that the offsetting trades require the Exchange to pay out funds, the funds will be provided out of the cash accounts of the Exchange; and, to the extent that the trades result in a profit, the funds will be deposited in the cash accounts of the Exchange. *See id.*

[77] *See, e.g.,* Securities Exchange Act Release No. 62716 (August 13, 2010), 75 FR 51295 (August 19, 2010) (File No. 10–198) (order granting the exchange registration of BATS–Y Exchange, Inc.).

[78] *See supra* note 70.

[79] 17 CFR 240.17d–2.

[80] NOS also is subject to independent oversight by FINRA, its designated examining authority, for compliance with financial responsibility requirements. *See* Notice, *supra* note 4, at 29734.

[81] *See supra* note 70.

identify NOS as a participant that has potentially violated Commission or the Exchange's rules.

• The Exchange has in place BX Rule 2140(c), which requires NASDAQ OMX, as the holding company owning both the Exchange and NOS, to establish and maintain procedures and internal controls reasonably designed to ensure that NOS does not develop or implement changes to its system, based on nonpublic information obtained regarding planned changes to the Exchange's systems as a result of its affiliation with the Exchange, until such information is available generally to similarly situated Exchange members, in connection with the provision of inbound order routing to the Exchange.

• Routing of orders from NOS to the Exchange, in NOS's capacity as a facility of NASDAQ[82] and PHLX, be authorized for a pilot period of one year.

Although the Commission continues to be concerned about potential unfair competition and conflicts of interest between an exchange's self-regulatory obligations and its commercial interest when the exchange is affiliated with one of its members, for the reasons discussed below, the Commission believes that it is consistent with the Act to permit NOS, in its capacity as a facility of NASDAQ[83] and PHLX, to route options orders inbound to the Exchange on a pilot basis, subject to the limitations and conditions described above.

The Exchange has proposed the above limitations and conditions applicable to NOS's inbound options routing activities. The Commission believes that these limitations and conditions mitigate its concerns about potential conflicts of interest and unfair competitive advantage. In particular, the Commission believes that a non-affiliated SRO oversight of NOS,[84] combined with a non-affiliated SRO's monitoring of NOS's compliance with the Exchange's rules and quarterly reporting to the Exchange, will help to protect the independence of the Exchange's regulatory responsibilities with respect to NOS. The Commission also believes that the requirement that the Exchange establish and maintain procedures and internal controls reasonably designed to ensure that NOS does not develop or implement changes to its systems based on non-public information obtained as a result of its affiliation with the Exchange, until such information is available generally to similarly situated members of the Exchange, is reasonably designed to ensure that NOS cannot misuse any information advantage it may have because of its affiliation with the Exchange. Furthermore, the Commission believes that the Exchange's proposal to allow NOS to route options orders inbound to the Exchange from its affiliated exchanges (*i.e.,* NASDAQ[85] and PHLX), on a pilot basis, will provide the Exchange and the Commission with an opportunity to assess the impact of any conflicts of interest of allowing an affiliated members of an Exchange to route options orders inbound to the Exchange and whether such affiliation provides an unfair competitive advantage.

Further, the Commission notes that the proposed conditions for the operation of NOS as the affiliated inbound router on behalf of the Exchange are consistent with conditions the Commission has approved for other exchanges.[86] The Commission therefore finds the proposed operation of NOS as an affiliate inbound router of the Exchange is consistent with the Act.

E. Minimum Quoting and Trading Increments

The Exchange is proposing to apply the following minimum quoting increments: (1) If the option price is less than $3.00, five (5) cents; and (2) if the option price is $3.00 or higher, ten (10) cents.[87] In addition, the Exchange proposes to participate in a pilot program, until June 30, 2012, to allow quoting in certain options in smaller increments (''Pilot Program'').[88] The Exchange will include in the Pilot Program all classes that are, on that date, included by other options exchanges in substantially similar pilot programs. If an options class is included in the Pilot Program, the Exchange will allow quoting in one (1) cent increments any option priced less than $3.00 or options on QQQQs, IWM, and SPY.[89] Options priced at $3.00 or higher that are in the Pilot Program will be quoted in five (5) cent increments.[90] In addition, the Exchange is proposing that the minimum *trading* increment for options contracts traded on BX Options would be one (1) cent for all series.[91]

The Commission believes that the Exchange's proposed minimum quoting and trading increments, including its proposal to commence quoting pursuant to the Pilot Program, which are consistent with the rules of the other options exchanges,[92] are consistent with the Act. As the Commission noted in approving the latest expansion of the Pilot Program, allowing market participants to quote in smaller increments in Pilot options has been shown to reduce spreads, thereby lowering costs to investors.[93] In addition, permitting options to be quoted in smaller increments pursuant to the Pilot Program provides the opportunity for reduced spreads for a significant amount of trading volume.[94] Further, although the Commission anticipates that the Exchange's proposal will contribute to further increases in quotation message traffic, the Commission believes that the Exchange's proposal is sufficiently limited such that it is unlikely on its own to increase quotation message traffic beyond the capacity of market participants' systems.

F. Securities Traded on BX Options

The Exchange proposes to adopt initial and continued listing standards for equity and index options traded on BX Options that are substantially similar to the listing standards adopted by other options exchanges.[95] The Commission believes that the Exchange's proposed initial and continued listing standards are consistent with the Act, including Section 6(b)(5), in that they are designed to protect investors and the public interest and to promote just and equitable principles of trade.

G. Participation in National Market System Plans

The Exchange represented that it is a participant of various national market system plans for options trading established under Section 11A of the Act.[96] Specifically, the Exchange represented that it is a participant of the Linkage Plan, the OPRA Plan, the Plan for the Selection and Reservation of

[82] *See supra* note 70.

[83] *See supra* note 70.

[84] This oversight will be accomplished through a 17d–2 Agreement and Regulatory Contract.

[85] *See supra* note 70.

[86] *See, e.g.,* Securities Exchange Act Release No. 62877 (September 9, 2011), 75 FR 56633 (September 16, 2011) (SR–PHLX–2010–79).

[87] *See* proposed BX Options Rules, Chapter VI, Section 5(a)(1).

[88] *See* proposed BX Options Rules, Chapter VI, Section 5(a)(3).

[89] *See id.*

[90] *See id.*

[91] *See* proposed BX Options Rules, Chapter VI, Section 5(b).

[92] *See* Rules of NOM, Chapter VI, Section 5.

[93] *See* Securities Exchange Act Release No. 60711 (September 23, 2009), 74 FR 49419, 49424 (September 28, 2009) (SR–NYSEArca–2009–44) (partially approving a proposed rule change to expand the Pilot Program).

[94] *See id.*

[95] *See, e.g.,* Rules of NOM, Chapters IV and XIV.

[96] *See* Notice, *supra* note 4, at 29737.

Securities Symbols, and the Plan of the Options Regulatory Surveillance Authority.[97] BX represented that it will join the Plan for the Purpose of Developing and Implementing Procedures Designed to Facilitate the Listing and Trading of Standardized Options Submitted Pursuant to Section 11A(a)(3)(B) of the Act (''OLPP'').[98]

H. Regulation

According to the Exchange, the Exchange will regulate BX Options using the existing BX regulatory structure. The Exchange's CRO will have general supervision of the regulatory operations of BX Options, including responsibility for overseeing the surveillance, examination, and enforcement functions and for administering all regulatory services agreements applicable to BX Options.[99] Similarly, the Exchange's existing Regulatory Oversight Committee (''ROC'') will be responsible for overseeing the adequacy and effectiveness of the Exchange's regulatory and SRO responsibilities, including those applicable to BX Options.[100]

As members of the Exchange, the Exchange's existing rules governing members will apply to Options Participants. The Exchange's By-laws provide that it has disciplinary jurisdiction over its members, including Options Participants, so that it can enforce its members' compliance with its rules and the federal securities laws.[101] The Exchange's rules also permit it to sanction members, including Options Participants, for violations of its rules and of the federal securities laws by, among other things, expelling or suspending members, limiting members' activities, functions, or operations, fining or censuring members, or suspending or barring a person from being associated with a member.[102] The Exchange's rules also provide for the imposition of fines for minor rule violations in lieu of commencing disciplinary proceedings.[103]

Moreover, the Exchange will: (1) Join the existing options industry agreements pursuant to Section 17(d) of the Act; (2) amend, as necessary, the Exchange's existing Regulatory Services Agreement (''RSA'') with FINRA to cover many aspects of the regulation and discipline of the Exchange's Options Participants that participate in options trading on BX Options; (3) perform options listing regulation, as well as authorize Options Participants to trade on BX Options; and (4) perform automated surveillance of trading on BX Options for the purpose of maintaining a fair and orderly market at all times.[104]

In addition, BX Regulation will oversee the process for determining and implementing trading halts, identifying and responding to unusual market conditions, and administering the Exchange's process for identifying and remediating ''obvious errors'' by and among its Participants.[105] The proposed BX Options rules (Chapter V) regarding halts, unusual market conditions, extraordinary market volatility, obvious errors, and audit trail are identical to the rules of NOM.[106]

The Commission finds that the Exchange's proposed rules and regulatory structure with respect to BX Options are consistent with the requirements of the Act, and in particular with Section 6(b)(1) of the Act, which requires an exchange to be so organized and have the capacity to be able to carry out the purposes of the Act and to comply, and to enforce compliance by its members and persons associated with its members, with the Act and the rules and regulations thereunder, and the rules of the Exchange,[107] and with Section 6(b)(6) and 6(b)(7) of the Act,[108] which require an Exchange to provide fair procedures for the disciplining of members and persons associated with members.

1. Regulatory Services Agreement

Currently, the Exchange and FINRA are parties to an existing RSA, pursuant to which FINRA personnel operate as agents for the Exchange in performing certain functions. According to the Exchange, FINRA performs certain membership, disciplinary, and enforcement functions for the Exchange.[109] The Exchange represented that the Exchange and FINRA have modified the RSA to capture aspects of regulation specifically applicable to BX Options and the regulation and discipline of Options Participants.[110] The Exchange will continue to bear ultimate regulatory responsibility for functions performed on the Exchange's behalf under the RSA. Further, the Exchange retains ultimate legal responsibility for the regulation of its Options Participants and its market.

The Commission believes that it is consistent with the Act to allow the Exchange to contract with FINRA to perform examination, enforcement, and disciplinary functions.[111] These functions are fundamental elements to a regulatory program and constitute core self-regulatory functions. The Commission believes that FINRA has the expertise and experience to perform these functions on behalf of the Exchange.[112]

As noted, unless relieved by the Commission of its responsibility,[113] the Exchange bears the responsibility for self-regulatory conduct and primary liability for self-regulatory failures, not the SRO retained to perform regulatory functions on the Exchange's behalf. In performing these functions, however, FINRA may nonetheless bear liability for causing or aiding and abetting the failure of the Exchange to perform its regulatory functions.[114] Accordingly,

[97] *See* Amendment No. 2, *supra* note 7.

[98] *See* Amendment No. 2, *supra* note 7. According to the Exchange, the Exchange's membership in the OLPP lapsed because the Exchange ceased to operate an options market when the Boston Options Exchange became a national securities exchange. *Id.*

[99] *See* Notice, *supra* note 4, at 29737.

[100] *See* Exchange By-laws, Article IV, Section 4.13(c) and Notice, *supra* note 4, at 29737. Pursuant to a regulatory services agreement, FINRA would perform certain regulatory functions on behalf of the Exchange. *See infra* note 109 and accompanying text.

[101] *See, e.g.,* Exchange By-laws Article XII, Section 12.2.

[102] *See, e.g.,* BX Rule 8310.

[103] *See* proposed BX Options Rules, Chapter X, Section 7. *See infra* notes 121–128 and accompanying text.

[104] *See* Notice, *supra* note 4, at 29736. BX Regulation will monitor BX Options to identify unusual trading patterns and determine whether particular trading activity requires further regulatory investigation by FINRA. *See id.*

[105] *See* Notice, *supra* note 4, at 29736.

[106] *See* Rules of NOM, Chapter V.

[107] 15 U.S.C. 78f(b)(1).

[108] 15 U.S.C. 78f(b)(6) and (b)(7).

[109] *See* Notice, *supra* note 4, at 29736.

[110] *See* Amendment No. 2, *supra* note 7.

[111] *See, e.g.,* Regulation of Exchanges and Alternative Trading Systems, Securities Exchange Act Release No. 40760 (December 8, 1998), 63 FR 70844 (December 22, 1998). *See also, e.g.,* Securities Exchange Act Release Nos. 50122 (July 29, 2004), 69 FR 47962 (August 6, 2004) (SR–Amex–2004–32) (approving rule that allowed Amex to contract with another SRO for regulatory services) (''Amex Regulatory Services Approval Order''); 57478 (March 12, 2008), 73 FR 14521 (March 18, 2008) (SR–NASDAQ–2007–004) (''NOM Approval Order''); 53128 (January 13, 2006), 71 FR 3550 (January 23, 2006) (File No. 10–131) (''Nasdaq Exchange Registration Order''); and 61419 (January 26, 2010), 75 FR 5157 (February 1, 2010) (SR–BATS–2009–031) (''BATS Options Approval Order'').

[112] *See* Amex Regulatory Services Approval Order; NOM Approval Order; Nasdaq Exchange Registration Order, and BATS Options Approval Order, *id.* The Commission notes that the RSA is not before the Commission and, therefore, the Commission is not acting on it.

[113] *See* Section 17(d)(1) of the Act and Rule 17d–2 thereunder (15 U.S.C. 78q(d)(1) and 17 CFR 240.17d–2).

[114] For example, if failings by FINRA have the effect of leaving the Exchange in violation of any aspect of the Exchange's self-regulatory obligations, the Exchange would bear direct liability for the violation, while FINRA may bear liability for causing or aiding and abetting the violation. *See*

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although FINRA will not act on its own behalf under its SRO responsibilities in carrying out these regulatory services for the Exchange relating to the operation of BX Options, FINRA also may have secondary liability if, for example, the Commission finds the contracted functions are being performed so inadequately as to cause a violation of the federal securities laws by the Exchange.[115]

2. 17d–2 Agreements

Rule 17d–2 under the Act permits SROs to file with the Commission plans under which the SROs allocate among each other the responsibility to receive regulatory reports from, and examine and enforce compliance with specified provisions of the Act and rules thereunder and SRO rules by, firms that are members of more than one SRO (''common members''). If such a plan is declared effective by the Commission, an SRO that is a party to the plan is relieved of regulatory responsibility as to any common member for whom responsibility is allocated under the plan to another SRO.[116]

Pursuant to Rule 17d–2 under the Act, all of the options exchanges, FINRA, and the New York Stock Exchange LLC (''NYSE'') have entered into the Options Sales Practices Agreement, a Rule 17d–2 Agreement, which allocates to certain SROs (''examining SROs'') regulatory responsibility for common members with respect to certain options-related sales practice matters.[117] Under this Agreement, the examining SROs would examine firms that are common members of the Exchange and the particular examining SRO for compliance with certain provisions of the Act, certain of the rules and regulations adopted thereunder, certain examining SRO rules, and certain Exchange Rules. The Exchange's rules contemplate participation in this Agreement by requiring that any Options Participant also be a member of at least one of the examining SROs.[118]

Moreover, pursuant to Rule 17d–2 under the Act, all of the options exchanges and FINRA have entered into the Options Related Market Surveillance Agreement, which allocates regulatory responsibility for certain options-related market surveillance matters among the participants.[119] Under this agreement, the examining SRO would assume regulatory responsibility with respect to firms that are common members of the Exchange and the particular examining SRO for compliance with applicable common rules for certain accounts.

As a condition to operation, the Exchange must be a party to each of these 17d–2 Agreements, which will cover BX members that are Options Participants. The Exchange represented that it is a party to each of these 17d–2 Agreements.[120]

3. Minor Rule Violation Plan

The Commission approved the Exchange's Minor Rule Violation Plan (''MRVP'') in 1989.[121] The Exchange's MRVP specifies those uncontested minor rule violations with sanctions not exceeding $2,500 that would not be subject to the provisions of Rule 19d–1(c)(1) under the Act [122] requiring that an SRO promptly file notice with the Commission of any final disciplinary action taken with respect to any person or organization.[123] The Exchange's MRVP includes the policies and procedures included in BX Rule 9216(b), ''Procedures for Violations under Plan Pursuant to SEC Rule 19d–1(c)(2),'' and the rule violations included in BX IM–9216, ''Violations Appropriate for Disposition Under Plan Pursuant to SEC Rule 19d–1(c)(2).''

The Exchange proposes to amend its MRVP and BX IM–9216 to include references to proposed BX Options Rules, Chapter X, Section 7, ''Penalty for Minor Rule Violations for Options Trading.'' [124] The Commission believes that this change is consistent with the Act because it clarifies that the proposed rules listed in Chapter X, Section 7 of the proposed BX Options Rules will be included in BX's MRVP.

The Commission notes that the rules included in proposed BX Options Rules, Chapter X, Section 7 are similar to rules included in the MRVPs of other options exchanges.[125] The Commission finds that the BX MRVP, as amended to include the rules listed in proposed BX Options Rules, Chapter X, Section 7, is consistent with Sections 6(b)(1), 6(b)(5), and 6(b)(6) of the Act, which require, in part, that an exchange have the capacity to enforce compliance with, and provide appropriate discipline for, violations of the rules of the Commission and of the exchange.[126] In addition, because BX Rule 9216(b) will offer procedural rights to a person sanctioned for a violation listed in proposed BX Options Rules, Chapter X, Section 7, the Commission believes that the Exchange's rules provide a fair procedure for the disciplining of members and associated persons, consistent with Section 6(b)(7) of the Act.[127]

The Commission also finds that the proposal to include the provisions in proposed BX Options Rules, Chapter X, Section 7 in BX's MRVP is consistent with the public interest, the protection of investors, or otherwise in furtherance of the purposes of the Act, as required by Rule 19d–1(c)(2) under the Act,[128] because it should strengthen the Exchange's ability to carry out its oversight and enforcement responsibilities as an SRO in cases where full disciplinary proceedings are unsuitable in view of the minor nature of the particular violation.

In approving the proposed change to the Exchange's MRVP, the Commission in no way minimizes the importance of compliance with the Exchange's rules and all other rules subject to the imposition of fines under the Exchange's MRVP. The Commission believes that the violation of any SRO rules, as well as Commission rules, is a serious matter. However, the Exchange's MRVP provides a reasonable means of addressing rule violations that do not rise to the level of requiring formal

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Nasdaq Exchange Registration Order, *supra* note 111. *See also* Securities Exchange Act Release No. 42455 (February 24, 2000), 65 FR 11388 (March 2, 2000) (File No. 10–127) (approving the International Securities Exchange LLC's application for registration as a national securities exchange).

[115] *See id.*

[116] Rule 17d–2 provides that any two or more SROs may file with the Commission a plan for allocating among such SROs the responsibility to receive regulatory reports from persons who are members or participants of more than one of such SROs to examine such persons for compliance, or to enforce compliance by such persons, with specified provisions of the Act, the rules and regulations thereunder, and the rules of such SROs, or to carry out other specified regulatory functions with respect to such persons. *See* 17 CFR 240.17d–2.

[117] *See* Securities Exchange Act Release No. 57987 (June 18, 2008), 73 FR 36156 (June 25, 2008) (File No. S7–966).

[118] *See* proposed BX Options Rules, Chapter II, Section 2(f).

[119] *See* Securities Exchange Act Release No. 58765 (October 9, 2008), 73 FR 62344 (October 20, 2008) (File No. 4–551).

[120] *See* Amendment No. 2, *supra* note 7.

[121] *See* Securities Exchange Act Release No. 26737 (April 17, 1989), 54 FR 16438–I (April 24, 1989) (SR–BSE–88–2) (''BX MRVP Order'').

[122] 17 CFR 240.19d–1(c)(1).

[123] The Commission adopted amendments to paragraph (c) of Rule 19d–1 to allow SROs to submit for Commission approval plans for the abbreviated reporting of minor disciplinary infractions. *See* Securities Exchange Act Release No. 21013 (June 1, 1984), 49 FR 23828 (June 8, 1984) (File No. S7–983A). Any disciplinary action taken by an SRO against any person for violation of a rule of the SRO which has been designated as a minor rule violation pursuant to such a plan filed with and declared effective by the Commission would not be considered ''final'' for purposes of Section 19(d)(1) of the Act if the sanction imposed consists of a fine not exceeding $ 2,500 and the sanctioned person has not sought an adjudication, including a hearing, or otherwise exhausted his administrative remedies.

[124] *See* Notice, *supra* note 4, at 29736–37.

[125] *See, e.g.,* Rules of NOM, Chapter X, Section 7.

[126] 15 U.S.C. 78f(b)(1), 78f(b)(5), and 78f(b)(6).

[127] 15 U.S.C. 78f(b)(7).

[128] 17 CFR 240.19d–1(c)(2).

disciplinary proceedings, while providing greater flexibility in handling certain violations. The Commission expects that the Exchange will continue to conduct surveillance with due diligence and make a determination based on its findings, on a case-by-case basis, whether a fine of more or less than the recommended amount is appropriate for a violation under the Exchange's MRVP or whether a violation requires a formal disciplinary action.

I. Section 11(a) of the Act

Section 11(a)(1) of the Act [129] prohibits a member of a national securities exchange from effecting transactions on that exchange for its own account, the account of an associated person, or an account over which it or its associated person exercises discretion (collectively, ''covered accounts'') unless an exception applies. Rule 11a2–2(T) under the Act,[130] known as the ''effect versus execute'' rule, provides exchange members with an exemption from the Section 11(a)(1) prohibition. Rule 11a2–2(T) permits an exchange member, subject to certain conditions, to effect transactions for covered accounts by arranging for an unaffiliated member to execute transactions on the exchange. To comply with Rule 11a2–2(T)'s conditions, a member: (i) Must transmit the order from off the exchange floor; (ii) may not participate in the execution of the transaction once it has been transmitted to the member performing the execution; [131] (iii) may not be affiliated with the executing member; and (iv) with respect to an account over which the member has investment discretion, neither the member nor its associated person may retain any compensation in connection with effecting the transaction except as provided in the Rule.

In a letter to the Commission, the Exchange requests that the Commission concur with the Exchange's conclusion that Options Participants that enter orders into the System satisfy the requirements of Rule 11a2–2(T).[132] For the reasons set forth below, the Commission believes that Options Participants entering orders into the System would satisfy the conditions of the Rule.

The Rule's first condition is that orders for covered accounts be transmitted from off the exchange floor. The BX Options System will receive orders electronically through remote terminals or computer-to-computer interfaces. In the context of other automated trading systems, the Commission has found that the off-floor transmission requirement is met if a covered account order is transmitted from a remote location directly to an exchange's floor by electronic means.[133] Because the BX Options System receives orders electronically through remote terminals or computer-to-computer interfaces, the Commission believes that the System satisfies the off-floor transmission requirement.

Second, the Rule requires that the member not participate in the execution of its order once it has been transmitted to the member performing the execution. The Exchange represented that at no time following the submission of an order is an Options Participant able to acquire control or influence over the result or timing of an order's execution.[134] According to the Exchange, the execution of a member's order is determined solely by what other orders, bids, or offers are present in the System at the time the Options Participant submits the order and on the priority of those orders, bids, and offers.[135] Accordingly, the Commission believes that an Options Participant does not participate in the execution of an order submitted to the System.

Third, Rule 11a2–2(T) requires that the order be executed by an exchange member who is unaffiliated with the member initiating the order. The Commission has stated that this requirement is satisfied when automated exchange facilities are used, as long as the design of these systems ensures that members do not possess any special or unique trading advantages in handling their orders after transmitting them to the exchange.[136] BX represented that the design of the System ensures that no Options Participant has any special or unique trading advantage in the handling of its orders after transmitting its orders to the Exchange.[137] Based on the Exchange's representation, the Commission believes that the BX Options System satisfies this requirement.

Fourth, in the case of a transaction effected for an account with respect to which the initiating member or an associated person thereof exercises investment discretion, neither the initiating member nor any associated person thereof may retain any compensation in connection with effecting the transaction, unless the person authorized to transact business for the account has expressly provided otherwise by written contract referring to Section 11(a) of the Act and Rule 11a2–2(T)(a)(2)(iv).[138] The Exchange represents that Options Participants trading for covered accounts over which they exercise investment discretion must comply with this condition in order to rely on the rule's exemption.[139]

[129] 15 U.S.C. 78k(a)(1).

[130] 17 CFR 240.11a2–2(T).

[131] The member may, however, participate in clearing and settling the transaction.

[132] *See* Letter from Jeffrey S. Davis, Vice President and Deputy General Counsel, NASDAQ OMX, to Heather Seidel, Associate Director, Division of Trading and Markets, Commission, dated June 19, 2012 (''BX 11(a) Letter'').

[133] *See, e.g.,* NOM Approval Order, *supra* note 111; Securities Exchange Act Release Nos. 53128 (January 13, 2006), 71 FR 3550 (January 23, 2006) (File No. 10–131) (approving Nasdaq Stock Market LLC); 44983 (October 25, 2001), 66 FR 55225 (November 1, 2001) (SR–PCX–00–25) (approving Archipelago Exchange); 29237 (May 24, 1991), 56 FR 24853 (May 31, 1991) (SR–NYSE–90–52 and SR–NYSE–90–53) (approving NYSE's Off-Hours Trading Facility); and 15533 (January 29, 1979), 44 FR 6084 (January 31, 1979) (''1979 Release'').

[134] *See* BX 11(a) Letter, *supra* note 132, at 7.

[135] *See id.* An Options Participant may cancel or modify the order, or modify the instruction for executing the order, but only from off the floor. The Commission has stated that the non-participation requirement is satisfied under such circumstances, so long as such modifications or cancellations are also transmitted from off the floor. *See* Securities Exchange Act Release No. 14713 (April 27, 1978), 43 FR 18557 (May 1, 1978) (''1978 Release'') (stating that the ''non-participation requirement does not prevent initiating members from canceling or modifying orders (or the instructions pursuant to which the initiating member wishes orders to be executed) after the orders have been transmitted to the executing member, provided that any such instructions are also transmitted from off the floor'').

[136] In considering the operation of automated execution systems operated by an exchange, the Commission has noted that while there is not an independent executing exchange member, the execution of an order is automatic once it has been transmitted into the system. Because the design of these systems ensures that members do not possess any special or unique trading advantages in handling their orders after transmitting them to the exchange, the Commission has stated that executions obtained through these systems satisfy the independent execution requirement of Rule 11a2–2(T). *See* 1979 Release, *supra* note 133.

[137] *See* BX 11(a) Letter, *supra* note 132, at 8.

[138] 17 CFR 240.11a2–2(T)(a)(2)(iv). In addition, Rule 11a2–2(T)(d) requires a member or associated person authorized by written contract to retain compensation, in connection with effecting transactions for covered accounts over which such member or associated persons thereof exercises investment discretion, to furnish at least annually to the person authorized to transact business for the account a statement setting forth the total amount of compensation retained by the member in connection with effecting transactions for the account during the period covered by the statement. *See* 17 CFR 240.11a2–2(T)(d). *See also* 1978 Release, *supra* note 135 (stating ''[t]he contractual and disclosure requirements are designed to assure that accounts electing to permit transaction-related compensation do so only after deciding that such arrangements are suitable to their interests'').

[139] *See* BX 11(a) Letter, *supra* note 132, at 8.

III. Exemption From Section 19(b) of the Act With Regard to CBOE, NYSE, and FINRA Rules Incorporated by Reference

The Exchange proposes to incorporate by reference as BX Options Rules certain rules of the CBOE, NYSE, and FINRA.[140] Thus, for certain BX Options rules, Exchange members will comply with a BX Options rule by complying with the CBOE, NYSE, or FINRA rule referenced. In connection with its proposal to incorporate CBOE, NYSE, and FINRA rules by reference, the Exchange requested, pursuant to Rule 240.0–12 under the Act,[141] an exemption under Section 36 of the Act from the rule filing requirements of Section 19(b) of the Act for changes to those BX Options rules that are effected solely by virtue of a change to a cross-referenced CBOE, NYSE, or FINRA rule.[142] The Exchange proposes to incorporate by reference categories of rules (rather than individual rules within a category) that are not trading rules. The Exchange agrees to provide written notice to Options Participants prior to the launch of BX Options of the specific CBOE, NYSE, and FINRA rules that it will incorporate by reference.[143] In addition, the Exchange will notify Options Participants whenever CBOE, NYSE, or FINRA proposes a change to a cross-referenced CBOE, NYSE, or FINRA rule.[144]

Using its authority under Section 36 of the Act, the Commission previously exempted certain SROs from the requirement to file proposed rule changes under Section 19(b) of the Act.[145] Each such exempt SRO agreed to be governed by the incorporated rules, as amended from time to time, but is not required to file a separate proposed rule change with the Commission each time the SRO whose rules are incorporated by reference seeks to modify its rules. In addition, each SRO incorporated by reference only regulatory rules (*e.g.,* margin, suitability, arbitration), not trading rules, and incorporated by reference whole categories of rules (*i.e.,* did not ''cherry-pick'' certain individual rules within a category). Each exempt SRO had reasonable procedures in place to provide written notice to its members each time a change is proposed to the incorporated rules of another SRO in order to provide its members with notice of a proposed rule change that affects their interests, so that they would have an opportunity to comment on it.

The Commission is granting the Exchange's request for exemption, pursuant to Section 36 of the Act, from the rule filing requirements of Section 19(b) of the Act with respect to the rules that the Exchange proposes to incorporate by reference into BX Options Rules. The Commission believes that this exemption is appropriate in the public interest and consistent with the protection of investors because it will promote more efficient use of Commission and SRO resources by avoiding duplicative rule filings based on simultaneous changes to identical rule text sought by more than one SRO. Consequently, the Commission grants the Exchange's exemption request for BX Options. This exemption is conditioned upon the Exchange providing written notice to Options Participants whenever the CBOE, NYSE, or FINRA proposes to change a rule that BX Options has incorporated by reference.[146]

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[147] that the proposed rule change (SR–BX–2012–030), as modified by Amendment Nos. 1 and 2 thereto, be, and hereby is, approved.

Although the Commission's approval of the proposed rule change is final, and the proposed rules are therefore effective, it is further ordered that the operation of BX Options is conditioned on the satisfaction of the requirements below:

A. *Participation in National Market System Plans Relating to Options Trading.* BX must join: (1) the OPRA Plan; (2) the OLPP; (3) the Linkage Plan; and (4) the Plan of the Options Regulatory Surveillance Authority.

B. *RSA and Rule 17d–2 Agreements.* BX must ensure that all necessary changes are made to its Regulatory Services Agreement with FINRA and must be a party to the multi-party Rule 17d–2 agreements concerning options sales practice regulation and market surveillance.[148]

C. *Participation in the Options Clearing Corporation.* BX must join the Options Clearing Corporation.

D. *Participation in the Intermarket Surveillance Group.* BX must be a member of the Intermarket Surveillance Group.

E. *Effective Regulation.* BX must have, and represent in a letter to the staff in the Commission's Office of Compliance Inspections and Examinations that it has, adequate procedures and programs in place to effectively regulate BX Options.

F. *Trade Processing and Exchange Systems.* The Exchange must have, and represent in a letter to the staff in the Commission's Division of Trading and Markets that it has, adequate procedures and programs in place, as detailed in Commission Automation Policy Review guidelines, to effectively process trades and maintain the confidentiality, integrity, and availability of the Exchange's systems.[149]

It is further ordered, pursuant to Section 36 of the Act,[150] that BX shall be exempted from the rule filing requirements of Section 19(b) of the Act with respect to the CBOE, FINRA, and NYSE rules that BX proposes to incorporate by reference, subject to the conditions specified in this Order.

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[140] Specifically, the Exchange proposes to incorporate by reference: (1) CBOE rules governing position and exercise limits for equity and index options, which are cross-referenced in Chapter III, Sections 7 and 9 of the proposed BX Options Rules and Chapter XIV, Sections 5 and 7 of the proposed BX Options Rules, respectively; (2) the margin rules of the CBOE or the NYSE, which are referenced in Chapter XIII, Section 3 of the proposed BX Options Rules; and (3) FINRA's rules governing communications with the public, which are referenced in Chapter XI, Section 22 of the proposed BX Options Rules.

[141] 17 CFR 240.0–12.

[142] *See* Letter from Jeffrey S. Davis, Vice President and Deputy General Counsel, NASDAQ OMX, to Elizabeth M. Murphy, Secretary, Commission, dated June 21, 2012.

[143] *See id.*

[144] The Exchange will provide such notice through a posting on the same Web site location where the Exchange will post its own rule filings pursuant to Rule 19b–4(l) under Act, within the time frame required by that Rule. The Web site posting will include a link to the location on the CBOE, NYSE, or FINRA Web site where those SROs' proposed rule changes are posted. *See id.*

[145] *See* Securities Exchange Act Release No. 49260 (February 17, 2004), 69 FR 8500 (February 24, 2004). *See also* Securities Exchange Act Release Nos. 57478 (March 12, 2008), 73 FR 14521, 14539–40 (March 18, 2008) (order approving SR–NASDAQ–2007–004 and SR–NASDAQ–2007–080) and 53128 (January 13, 2006), 71 FR 3550, 3565–66 (January 23, 2006) (File No. 10–131) (approving The NASDAQ Stock Market LLC's exchange application).

[146] As discussed above, the Exchange has represented that it will notify Options Participants whenever the CBOE, NYSE, or FINRA proposes a change to a cross-referenced CBOE, NYSE, or FINRA rule. *See supra* note 144 and accompanying text.

[147] 15 U.S.C. 78s(b)(2).

[148] *See supra* notes 117 and 119 and accompanying text. *See also* 17 CFR 240.17d–2.

[149] On November 16, 1989, the Commission published its first Automation Review Policy (''ARP I''), in which the Commission created a voluntary framework for SROs to establish comprehensive planning and assessment programs to determine systems capacity and vulnerability. On May 9, 1991, the Commission published its second Automation Review Policy (''ARP II'') to clarify the types of review and reports expected from SROs. *See* Securities Exchange Act Release No. 27445 (November 16, 1989), 54 FR 48703 (November 24, 1989) and 29185 (May 9, 1991), 56 FR 22490 (May 15, 1991).

[150] 15 U.S.C. 78mm.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[151]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–16079 Filed 6–29–12; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–67259; File No. SR–CME–2012–25]

Self-Regulatory Organizations; Chicago Mercantile Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Adopt Changes That Would Affect Its Standard Portfolio Analysis of Risk Methodology for Certain Energy Futures Contracts

June 26, 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 June 14, 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. CME filed the proposed rule change pursuant to Section 19(b)(3)(A)[3] of the Act and Rule 19b–4(f)(4)(ii)[4] thereunder, so that the proposed rule change was effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested parties.

I. Self-Regulatory Organization's Statement of Terms of Substance of the Proposed Rule Change

CME proposes to adopt certain changes that would affect its Standard Portfolio Analysis of Risk (''SPAN'') methodology for certain energy futures contracts. The text of the proposed rule change is available at the 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, CME 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. CME has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.[5]

A. Self-Regulatory Organization's Statement of Purpose of, and Statutory Basis for, the Proposed Rule Change

CME proposes to adopt certain changes that would affect its SPAN methodology for certain energy futures contracts. The change would be to adopt the Modified Split Allocation feature of SPAN. The Modified Split Allocation feature calibrates the risk of portfolios, consisting of positions in highly similar and correlated futures and options, including instruments which themselves represent the offset or basis between two sets of products. The feature represents an incremental enhancement to the split allocation methodology already in use to allow for the ''splitting'' of certain futures contracts into their true underlying components to enable more accurate margining, while maintaining proper assessments of second order volatility risk.

With the Modified Split Allocation feature, futures products, which are made up of components of other futures products will no longer have to be margined separately and managed with inter-commodity credit amounts allowing for more optimal spread offsets. The Modified Split Allocation will allow automatic, consistent and accurate portfolio margining of these types of futures contracts, beginning with the WTI Calendar Swap Futures (CS) and the Brent Calendar Swap Futures (CY).

The text of a CME Clearing Advisory Notice constitutes CME's proposed change. CME also made a filing, CME Submission 12–189, with the CFTC with respect to the proposed changes. The changes were scheduled to become operational on June 25, 2012.

The proposed CME changes are limited to CME's activities as a derivatives clearing organization clearing futures transactions. As such, CME believes the proposed CME changes do not significantly affect the security-based swap clearing operations of CME or any related rights or obligations of CME security-based swap clearing participants. CME believes the proposed change is therefore properly filed under Section 19(b)(3)(A) and Rule 19b–4(f)(4)(ii) thereunder because it effects a change in an existing service of a registered clearing agency that primarily affects the futures clearing operations of the clearing agency with respect to futures that are not security futures and does not significantly affect any securities clearing operations of the clearing agency or any related rights or obligations of the clearing agency or persons using such service.

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

The foregoing rule change was filed pursuant to Section 19(b)(3)(A)[6] of the Act and Rule 19b–4(f)(4)(ii)[7] thereunder and thus became effective upon filing because it effects a change in an existing service of a registered clearing agency that primarily affects the futures clearing operations of the clearing agency with respect to futures that are not security futures and does not significantly affect any securities clearing operations of the clearing agency or any related rights or obligations of the clearing agency or persons using such service. At any time within sixty days of the filing of such 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 may be submitted by using the Commission's

[151] 17 CFR 200.30(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(4)(ii).

[5] The Commission has modified the text of the summaries prepared by CME.

[6] 15 U.S.C. 78s(b)(3)(A).

[7] 17 CFR 240.19b–4(f)(4)(ii).

Internet comment form (*http://www.sec.gov/rules/sro.shtml*), or send an email to *rule-comments@sec.gov*. Please include File No. SR–CME–2012–25 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–2012–25. 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. 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–2012–25 and should be submitted on or before July 23, 2012.

For the Commission by the Division of Trading and Markets, pursuant to delegated authority.[8]

Kevin M. O'Neill,

Deputy Secretary.

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[8] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–67260; File No. SR–NYSEMKT–2012–11]

Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing of Proposed Rule Change Amending the NYSE Amex Options Fee Schedule To Provide for Additional Co-Location Services and Establish Related Fees

June 26, 2012.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (''Act''),[2] and Rule 19b-4 thereunder,[3] notice is hereby given that on June 13, 2012, NYSE MKT LLC (the ''Exchange'' or ''NYSE MKT'') 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 self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the NYSE Amex Options Fee Schedule to provide for additional co-location services and establish related fees. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the 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 aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

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 the NYSE Amex Options Fee Schedule to provide for additional co-location services and establish related fees.[4]

Cabinet Cross Connects

A User that has more than one cabinet within the data center is currently able to purchase one or more fiber cross connects between its cabinets. Currently, a $500 initial fee and a $500 monthly fee are charged per cross connect. The Exchange proposes that each User be permitted to purchase cross connects between its own cabinets, as is currently permitted, as well as between its cabinet(s) and the cabinets of separate Users within the data center.[5] A cross connect would be used to connect cabinets of separate Users when, for example, a User receives technical support, order routing and/or market data delivery services from another User in the data center.

Cross connects may be bundled (i.e., multiple cross connects within a single sheath) such that a single sheath can hold either one cross connect or several cross connects in multiples of six (*e.g.,* six or 12 cross connects). The Exchange is proposing fees for bundled cross connects[6] that correspond to the

[4] *See* Securities Exchange Act Release No. 63274 (November 8, 2010), 75 FR 69722 (November 15, 2010) (SR–NYSEAmex–2010–101) (the ''Original Co-location Notice''). *See also* Securities Exchange Act Release No. 65975 (December 15, 2011), 76 FR 79233 (December 21, 2011) (SR–NYSEAmex–2011–82). The Exchange operates a data center in Mahwah, New Jersey (''data center'') from which it provides co-location services to Users. The Exchange's co-location services allow Users to rent space in the data center in order that they may locate their electronic servers in close physical proximity to the Exchange's trading and execution system. *See* Original Co-location Notice at 69722. For purposes of its co-location services, the term ''User'' includes (i) ''ATP Holders,'' as that term is defined in Rule 900.2NY(5); (ii) Sponsored Participants, as that term is defined in Rule 900.2NY(77); and (iii) non-ATP Holder broker-dealers and vendors that request to receive co-location services directly from the Exchange.

[5] The Exchange notes that fees for a cross connect would be the same, regardless of whether the cross connect is between the cabinets of a single User or between the cabinets of separate Users within the data center. The Exchange further notes that only the User requesting the cross connect would be charged the related initial and monthly fees; the other User would simply be required to give permission for the cross connection. This proposed change would require that the existing cross connect fee in the Fee Schedule be amended to reflect that it is no longer applicable only to cross connects between a single User's cabinets.

[6] All multiple cross connects within the bundle would be installed at once and only in multiples of six, regardless of the number of cross connects

number of cross connects in the bundle, as follows: [7]

6 Cross Connects	$500 initial charge plus $1,500 monthly charge.
12 Cross Connects	$500 initial charge plus $2,500 monthly charge.
18 Cross Connects	$500 initial charge plus $3,200 monthly charge.
24 Cross Connects	$500 initial charge plus $3,900 monthly charge.

The Exchange's initial cost for installing bundled cross connects is generally consistent with the cost of installing a single cross connect. The Exchange therefore proposes that the same $500 initial fee apply to install bundled cross connects as is currently applicable to a single cross connect. However, the Exchange's cost for ongoing maintenance of cross connects decreases on a per cross connect basis as the number of cross connects within a sheath increases. Accordingly, the monthly fees proposed for bundled cross connects would likewise decrease on a per cross connect basis as the number of cross connects within a sheath increases, as reflected in the amended Fee Schedule.[8]

10 Gb LCN Connections

Users are currently able to purchase access to the Exchange's Liquidity Center Network (''LCN''), a local area network that is available in the data center. LCN access is available in either one or 10 gigabit (''Gb'') capacities, for which Users incur an initial and monthly fee per connection. The Exchange proposes that a User that purchases five 10 Gb LCN connections would only be charged the initial fee for a sixth 10 Gb LCN connection and would not be charged the monthly fee that would otherwise be applicable.[9] This would apply to a User that purchases six 10 Gb LCN connections at one time as well as to a User that purchases six 10 Gb LCN connections at separate times.[10]

LCN CSP Connections

A User is currently able to act as a content service provider (a ''CSP'' User) and deliver services to another User in the data center (a ''Subscribing'' User). These services could include, for example, order routing/brokerage services and/or market data delivery services. Many of these services can be provided via direct cross connect between the User providing a service and the User receiving it. However, using direct cross connects would require the User providing the service to have a direct cross connect with each User receiving it and would require the User providing the service to send the same data multiple times, *i.e.,* once per receiving User.

LCN CSP connections address this issue by allowing the CSP User to send data to, and communicate with, all the properly authorized Subscribing Users at once, via a specific, dedicated LCN connection (an ''LCN CSP'' connection); [11] the Subscribing User must also have an LCN connection in order to communicate with the LCN CSP.[12] The LCN CSP connection used by the CSP User may only be used for providing services to, and communicating with, Subscribing Users and is separate and distinct from any LCN connection used by the CSP User to access the Exchange.[13] Conversely, the Subscribing User receives the services via its standard LCN connection [14] and is charged an initial and monthly fee that reflects the benefit of receiving services from the CSP User in the data center in this manner. Accordingly, the Exchange proposes the following fees for LCN CSP connections and Subscribing Users: [15]

LCN CSP Access	1 Gb Circuit	$6,000 per connection initial charge plus $500 monthly per connection.
LCN CSP Access	10 Gb Circuit	$10,000 per connection initial charge plus $5,000 monthly per connection.
CSP Subscriber		$950 per LCN CSP initial charge plus $300 monthly per LCN CSP.

the User utilizes. This proposed change would require that the existing cross connect fee in the Fee Schedule be amended to reflect that it is applicable only for a single cross connect (i.e., not for bundled cross connects). A User could still elect to purchase individual cross connects, but once the User anticipates utilizing four cross connects, it would be more economical to purchase a bundle of six (with two unused) for a $500 initial charge plus a $1,500 monthly charge, which would be less than the $500 initial charge and $2,000 monthly charge for purchasing four cross connects individually. The additional unused cross connects in the bundle would not result in any additional internal costs or Exchange fees for the User.

[7] The Exchange has made bundled cross connects available for a User to connect its cabinets within the data center beginning with the availability of co-location services in the data center in September 2010. In certain circumstances, the Exchange charged certain Users that purchased bundled cross connects a monthly per cross connect fee that was equal to the monthly fees proposed herein and therefore less than the $500 fee per cross connect that is currently reflected within the Fee Schedule. The Exchange has granted credits to the other Users that purchased bundled cross connects such that all Users have been charged the monthly fees proposed herein.

[8] For example, a single cross connect currently has a corresponding monthly fee of $500. However, as proposed, a bundle of 6 cross connects would have a monthly fee of $1,500 ($250 monthly fee per cross connect), a bundle of 12 cross connects would have a monthly fee of $2,500 ($208 monthly fee per cross connect), a bundle of 18 cross connects would have a monthly fee of $3,200 ($178 monthly fee per cross connect), and a bundle of 24 cross connects would have a monthly fee of $3,900 ($162 monthly fee per cross connect). Because the cross connects are bundled, the proposed change would not apply to incremental cross connects.

[9] Beginning with the availability of co-location services in the data center in September 2010, the Exchange charged certain Users that purchased a sixth LCN connection as proposed herein, i.e., the Exchange charged the initial fee but not the monthly fee. The Exchange has granted credits to those other Users that purchased a sixth LCN connection and were charged the monthly fee for such connection.

[10] A User would be charged an initial and monthly fee according to the Fee Schedule for any additional 10 Gb LCN connections it purchases (e.g., a seventh or eighth 10 Gb LCN connection). Additionally, a User that cancels a 10 Gb LCN connection, such that the User is no longer paying for at least five 10 Gb LCN connections, would thereafter be charged the monthly fee for what had been its free sixth 10 Gb LCN connection.

[11] A single LCN CSP connection may be used to provide services to more than one Subscribing User. A CSP User's LCN CSP connection may be used to receive data or communications from a Subscribing User.

[12] The Subscribing User's LCN connection is the standard LCN connection that is described in the preceding section.

[13] Thus, in order to access the Exchange, the CSP User is required to maintain an existing standard LCN connection. As above, the current fees in the Fee Schedule are applicable to such connection, e.g., a $10,000 initial fee and $12,000 monthly fee for a 10 Gb LCN connection.

[14] The current fees in the Fee Schedule are applicable, *e.g.,* a $10,000 initial fee and $12,000 monthly fee for a 10 Gb LCN connection. If the Subscribing User does not have an existing LCN connection, it is required to purchase one in order to receive services from a CSP User over the LCN.

[15] The Exchange has made LCN CSP connections available to Users beginning with the availability of co-location services in the data center in September 2010. During this time, three Users have purchased LCN CSP connections and have been charged the related LCN CSP fee proposed herein. Also, one User has become a Subscribing User and has been charged the CSP subscriber fee proposed herein.

The Exchange notes that the proposed initial fee for an LCN CSP connection is the same as the existing fee for a standard LCN connection, both for the 1 Gb and 10 Gb capacities. This is because an LCN CSP connection is physically the same as a standard LCN connection. However, the proposed monthly fee for an LCN CSP connection is less than the existing monthly fee for a standard LCN connection, both for the 1 Gb and 10 Gb capacities. This is because an LCN CSP connection is functionally limited as compared to a standard LCN connection—as noted above, an LCN CSP connection may only be used for providing services to Subscribing Users and may not be used for accessing the Exchange or for other purposes.

Cages

A User is currently able to purchase a cage to house its cabinets within the data center.[16] A cage would typically be purchased by a User that has several cabinets within the data center and that wishes to enhance privacy around its cabinets, e.g., so that other Users cannot see what type of hardware is being utilized. The Exchange charges fees for cages based on the size of the cage, which directly corresponds to the number of cabinets housed therein. The Exchange is proposing the following fees for cages:[17]

1–14 Cabinets	$5,000 initial charge plus $2,700 monthly charge.
15–28 Cabinets	$10,000 initial charge plus $4,100 monthly charge.
29+ Cabinets	$15,000 initial charge plus $5,500 monthly charge.

The Exchange's initial cost to construct a cage is directly related to the size of the cage, which is determined by the number of the User's cabinets that are to be housed therein. The initial fees proposed for a cage would accordingly increase on a proportional basis as the number of cabinets housed in the cage increases, as reflected in the amended Fee Schedule.[18] The monthly fee would reflect the opportunity cost to the Exchange of giving up floor space in the data center for the cage's physical footprint and the value of such space to the User; such floor space otherwise could be utilized for additional cabinets for the same or other Users or other Exchange purposes. Accordingly, the monthly fees proposed for a cage would increase on a marginal basis as the number of cabinets housed in the cage increases, as reflected in the amended Fee Schedule.[19]

Change Fee

A User is currently able to arrange for the Exchange to reconfigure, modify, or otherwise change a co-location service that the Exchange has already established and completed for the User. In this regard, the Exchange notes that the Fee Schedule includes several co-location services for which an initial fee is applicable in addition to an ongoing monthly fee.[20] These initial fees are related to the Exchange's initial cost of establishing or installing the particular co-location service for the User. The Exchange proposes to charge a User a fee of $950 per order if the User requests a change to one or more existing co-location services that the Exchange has already established or completed for the User (''Change Fee'').[21] For example, the initial installation of an LCN connection would include establishing and configuring market data services requested by the User, which would be covered by the initial install fee. However, if a User requests that the Exchange establish and configure additional market data services for its LCN connection, the User would be charged a one-time Change Fee of $950 for that request. If a User orders two or more services at one time (for example, through submitting an order form requesting multiple services) the User would be charged a one-time Change Fee of $950, which would cover the multiple services.

Expedite Fee

A User is currently able to request that the Exchange expedite the completion of co-location services purchased or ordered by the User. The Exchange proposes to charge Users $4,000 for expedited completion of co-location services (''Expedite Fee'').[22] At the time that services are ordered, the Exchange informs the User of the expected completion date; if a User wishes to obtain the services on an expedited basis, the Exchange would inform the User of the earlier completion date that could be expected with payment of the Expedite Fee. The time saved would vary depending on the type(s) of service(s) being ordered, but the Expedite Fee would always be a flat $4,000, allowing the User to determine if the expected time savings warrants payment of the fee. The Expedite Fee relates to the Exchange's cost of expediting the services. For example, the expedited service may require that work be completed on the weekend or after normal business hours, thereby resulting in the Exchange providing overtime compensation to data center staff.[23]

Power Not Utilized Fee

A User is currently able to obtain space in the data center for future use of currently available, unused cabinet space in proximity to the User's existing cabinet space—i.e., space that the User does not anticipate using until some point in the future and therefore is reserved but not currently utilized. The applicable fee for this space in which power is not utilized (''PNU Fee'') was described within the Original Co-

[16] The Exchange has made cages available to Users beginning with the availability of co-location services in the data center in September 2010.

[17] The Exchange currently charges cage fees to Users at the levels proposed herein.

[18] For example, a cage housing between one and 14 cabinets would have a corresponding initial fee of $5,000. However, a cage housing between 15 and 28 cabinets—as many as twice the number of cabinets—would have a corresponding initial fee of $10,000. Similarly, a cage housing 29 or more cabinets—possibly as many as three times the number of cabinets as the lowest tier—would have a corresponding initial fee of $15,000.

[19] For example, a cage housing between one and 14 cabinets would have a corresponding monthly fee of $2,700 ($193 per cabinet when housing 14 cabinets). However, a cage housing between 15 and 28 cabinets—as many as twice the number of cabinets—would have a corresponding monthly fee of $4,100 (an additional monthly cost that is slightly greater than 150% of the lowest tier and $146 per cabinet when housing 28 cabinets). Similarly, a cage housing 29 or more cabinets—which could be as many as three times the number of cabinets as the lowest tier—would have a corresponding monthly fee of $5,500 (an additional monthly cost that is slightly greater than 200% of the lowest tier and $131 per cabinet when housing, for example, 42 cabinets). As the cage size increases, its physical footprint on the data center floor correspondingly increases.

[20] For example, the initial 1 Gb LCN Access fee is $6,000 per connection and the ongoing monthly fee is $5,000.

[21] The Exchange has uniformly charged this $950 Change Fee to Users beginning with the availability of co-location services at the data center in September 2010.

[22] The Exchange has made the option of expedited services available to Users beginning with the availability of co-location services in the data center in September 2010. Three Users have requested expedited services and have been charged the $4,000 Expedite Fee, beginning in April 2011.

[23] Offering expedited services would not have any impact on the normal delivery time for all other pending co-location work orders. In other words, Users that do not elect to pay the Expedite Fee would not be disadvantaged by those who do. The Exchange does not guarantee that any work is completed by a specific date under either normal or expedited delivery time, but rather does all work on a best efforts basis.

location Notice.[24] Such description provided that the PNU Fee would be 40% of the applicable monthly per kilowatt (''kW'') fee. The Exchange now proposes to provide for the PNU Fee within the Fee Schedule as $360 per month, which is 40% of the lowest per kW monthly cabinet fee that is specified in the Fee Schedule.

General

As is the case with all Exchange co-location arrangements, neither a User nor any of the User's customers would be permitted to submit orders directly to the Exchange unless such User or customer is an ATP Holder, a Sponsored Participant or an agent thereof (e.g., a service bureau providing order entry services). Additionally, as is the case with existing co-location services, use of the co-location services proposed herein would be completely voluntary and would be available to all Users on a non-discriminatory basis.[25]

2. Statutory Basis

The Exchange believes that the proposed change is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the ''Act''),[26] in general, and furthers the objectives of Section 6(b)(4) of the Act,[27] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities.

The Exchange proposes to offer the additional services described herein as a convenience to Users, but in doing so will incur certain costs, including costs related to the data center facility, hardware and equipment and costs related to personnel required for initial installation and ongoing monitoring, support and maintenance of such services. As with fees for existing co-location services, the fees proposed herein would be charged only to those Users that voluntarily select the related services, which would be available to all Users. Accordingly, the Exchange believes that the proposed change is equitable because it will result in fees being charged only to Users that voluntarily select to receive the corresponding services and because those services will be available to all Users.

The Exchange believes that the proposed fees are reasonable because, for example, where the Exchange anticipates incurring a lower marginal monthly cost per cross connect or with respect to cages, the Exchange has proposed to apply a corresponding lower marginal monthly fee. Additionally, the Exchange believes that the Change Fee is reasonable because it would permit the Exchange to offset the expense of completing changes to co-location services that the Exchange has previously already established/completed for a User. Furthermore, the Exchange believes that the Expedite Fee is reasonable because it would permit the Exchange to charge a User for the expedited completion of the delivery of a co-location service, which could require that the Exchange expend increased resources (e.g., overtime labor costs) above what would otherwise be required for non-expedited service. Users that do not elect expedited service would not be disadvantaged by the offering of that service as it would not affect normal delivery times for services. The Exchange also believes that the proposed change regarding the sixth 10 Gb LCN connection is reasonable because it would incentivize Users to request at least five connections. The Exchange understands that other exchanges and self-regulatory organizations charge their members for certain similar co-location services.[28] Additionally, the Exchange believes that the fees for LCN CSP Access and CSP Subscribing Users are reasonable because they directly relate to how Users are permitted to utilize these connections and the value to each party to get the benefit of this service in the data center without having to set up individual cross connections or experience the latency that could be present if the service were only offered outside the data center. The Exchange also believes that listing the PNU Fee within the Fee Schedule at $360 per month, rather than as a formula, will add clarity to the Fee Schedule.

The Exchange believes that the services and fees proposed herein are not unfairly discriminatory and are equitably allocated because, in addition to the services being completely voluntary, they are available to all Users on an equal basis (i.e., the same range of products and services are available to all Users and there is no differentiation among Users with regard to the fees charged for a particular product, service, or piece of equipment). In this regard, the proposed change would not unfairly discriminate between or among market participants that are otherwise capable of satisfying any applicable co-location fees, requirements, terms and conditions established from time to time by the Exchange.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

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

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date 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 such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

[24] *See* Original Co-location Notice at 69722, note 7. Except for the PNU Fee, Users are not charged for PNU cabinets until power is activated, at which point the fees applicable to other cabinets are charged (i.e., the $5,000 initial fee per cabinet and the per kilowatt fee).

[25] As is currently the case, Users that receive co-location services from the Exchange will not receive any means of access to the Exchange's trading and execution systems that is separate from, or superior to, that of other Users. In this regard, all orders sent to the Exchange enter the Exchange's trading and execution systems through the same order gateway, regardless of whether the sender is co-located in the data center or not. In addition, co-located Users do not receive any market data or data service product that is not available to all Users, although Users that receive co-location services normally would expect reduced latencies in sending orders to, and receiving market data from, the Exchange.

[26] 15 U.S.C. 78f(b).

[27] 15 U.S.C. 78f(b)(4).

[28] For example, similar to cross connects between cabinets of different Users in the data center, NASDAQ Stock Market LLC (''NASDAQ'') Rule 7034 (Co-location Services) provides for ''External Telco/Inter-Cabinet Connectivity'' and includes charges corresponding thereto. See Securities Exchange Act Release No. 64060 (March 8, 2011), 76 FR 13686 (March 14, 2011) (SR–NASDAQ–2011–035). Additionally, similar to the proposed Expedite Fee, NASDAQ Rule 7034 provides for a ''Telco Connectivity Expedite Fee.'' *See* Securities Exchange Act Release No. 62397 (June 28, 2010), 75 FR 38860 (July 6, 2010) (SR–NASDAQ–2010–019). Also, similar to the proposed fees for cages, NASDAQ Rule 7034 provides for ''Cabinet Caging.'' *See* Securities Exchange Act Release No. 63189 (October 27, 2010), 75 FR 67414 (November 2, 2010) (SR–NASDAQ–2010–135). NASDAQ Rule 7034 also provides for discounts for NASDAQ's co-location customers that receive more than one unit of a particular service.

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–NYSEMKT–2012–11 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEMKT–2012–11. 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. The text of the proposed rule change is available on the Commission's Web site at *http://www.sec.gov*. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEMKT–2012–11, and should be submitted on or before July 23, 2012.

[29] 17 CFR 200.30–3(a)(12).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[29]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–16130 Filed 6–29–12; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–67262; File No. SR–NYSE–2012–18]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing of Proposed Rule Change Amending the New York Stock Exchange Price List To Provide for Additional Co-Location Services and Establish Related Fees

June 26, 2012.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on June 13, 2012, New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') 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 self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its Price List to provide for additional co-location services and establish related fees. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the 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 the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Price List to provide for additional co-location services and establish related fees.[4]

Cabinet Cross Connects

A User that has more than one cabinet within the data center is currently able to purchase one or more fiber cross connects between its cabinets. Currently, a $500 initial fee and a $500 monthly fee are charged per cross connect. The Exchange proposes that each User be permitted to purchase cross connects between its own cabinets, as is currently permitted, as well as between its cabinet(s) and the cabinets of separate Users within the data center.[5] A cross connect would be used to connect cabinets of separate Users when, for example, a User receives technical support, order routing, and/or market data delivery services from another User in the data center.

Cross connects may be bundled (i.e., multiple cross connects within a single sheath) such that a single sheath can hold either one cross connect or several cross connects in multiples of six (e.g., six or 12 cross connects). The Exchange

[1] 15 U.S.C.78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Securities Exchange Act Release No. 62960 (September 21, 2010), 75 FR 59310 (September 27, 2010) (SR–NYSE–2010–56) (the ''Original Co-location Approval''). *See also* Securities Exchange Act Release No. 65973 (December 15, 2011), 76 FR 79232 (December 21, 2011) (SR–NYSE–2011–53). The Exchange operates a data center in Mahwah, New Jersey (''data center'') from which it provides co-location services to Users. The Exchange's co-location services allow Users to rent space in the data center in order that they may locate their electronic servers in close physical proximity to the Exchange's trading and execution system. *See* Original Co-location Approval at 59310. For purposes of its co-location services, the term ''User'' includes (i) member organizations, as that term is defined in NYSE Rule 2(b); (ii) Sponsored Participants, as that term is defined in NYSE Rule 123B.30(a)(ii)(B); and (iii) non-member organization broker-dealers and vendors that request to receive co-location services directly from the Exchange.

[5] The Exchange notes that fees for a cross connect would be the same, regardless of whether the cross connect is between the cabinets of a single User or between the cabinets of separate Users within the data center. The Exchange further notes that only the User requesting the cross connect would be charged the related initial and monthly fees; the other User would simply be required to give permission for the cross connection. This proposed change would require that the existing cross connect fee in the Price List be amended to reflect that it is no longer applicable only to cross connects between a single User's cabinets.

is proposing fees for bundled cross connects [6] that correspond to the number of cross connects in the bundle, as follows: [7]

6 Cross Connects	$500 initial charge plus $1,500 monthly charge.
12 Cross Connects	$500 initial charge plus $2,500 monthly charge.
18 Cross Connects	$500 initial charge plus $3,200 monthly charge.
24 Cross Connects	$500 initial charge plus $3,900 monthly charge.

The Exchange's initial cost for installing bundled cross connects is generally consistent with the cost of installing a single cross connect. The Exchange therefore proposes that the same $500 initial fee apply to install bundled cross connects as is currently applicable to a single cross connect. However, the Exchange's cost for ongoing maintenance of cross connects decreases on a per cross connect basis as the number of cross connects within a sheath increases. Accordingly, the monthly fees proposed for bundled cross connects would likewise decrease on a per cross connect basis as the number of cross connects within a sheath increases, as reflected in the amended Price List.[8]

10 Gb LCN Connections

Users are currently able to purchase access to the Exchange's Liquidity Center Network (''LCN''), a local area network that is available in the data center. LCN access is available in either one or 10 gigabit (''Gb'') capacities, for which Users incur an initial and monthly fee per connection. The Exchange proposes that a User that purchases five 10 Gb LCN connections would only be charged the initial fee for a sixth 10 Gb LCN connection and would not be charged the monthly fee that would otherwise be applicable.[9] This would apply to a User that purchases six 10 Gb LCN connections at one time as well as to a User that purchases six 10 Gb LCN connections at separate times.[10]

LCN CSP Connections

A User is currently able to act as a content service provider (a ''CSP'' User) and deliver services to another User in the data center (a ''Subscribing'' User). These services could include, for example, order routing/brokerage services and/or market data delivery services. Many of these services can be provided via direct cross connect between the User providing a service and the User receiving it. However, using direct cross connects would require the User providing the service to have a direct cross connect with each User receiving it and would require the User providing the service to send the same data multiple times, i.e., once per receiving User.

LCN CSP connections address this issue by allowing the CSP User to send data to, and communicate with, all the properly authorized Subscribing Users at once, via a specific, dedicated LCN connection (an ''LCN CSP'' connection); [11] the Subscribing User must also have an LCN connection in order to communicate with the LCN CSP.[12] The LCN CSP connection used by the CSP User may only be used for providing services to, and communicating with, Subscribing Users and is separate and distinct from any LCN connection used by the CSP User to access the Exchange.[13] Conversely, the Subscribing User receives the services via its standard LCN connection [14] and is charged an initial and monthly fee that reflects the benefit of receiving services from the CSP User in the data center in this manner. Accordingly, the Exchange proposes the following fees for LCN CSP connections and Subscribing Users: [15]

LCN CSP Access	1 Gb Circuit	$6,000 per connection initial charge plus $500 monthly per connection.
LCN CSP Access	10 Gb Circuit	$10,000 per connection initial charge plus $5,000 monthly per connection.
CSP Subscriber		$950 per LCN CSP initial charge plus $300 monthly per LCN CSP.

[6] All multiple cross connects within the bundle would be installed at once and only in multiples of six, regardless of the number of cross connects the User utilizes. This proposed change would require that the existing cross connect fee in the Price List be amended to reflect that it is applicable only for a single cross connect (i.e., not for bundled cross connects). A User could still elect to purchase individual cross connects, but once the User anticipates utilizing four cross connects, it would be more economical to purchase a bundle of six (with two unused) for a $500 initial charge plus a $1,500 monthly charge, which would be less than the $500 initial charge and $2,000 monthly charge for purchasing four cross connects individually. The additional unused cross connects in the bundle would not result in any additional internal costs or Exchange fees for the User.

[7] The Exchange has made bundled cross connects available for a User to connect its cabinets within the data center beginning with the availability of co-location services in the data center in September 2010. In certain circumstances, the Exchange charged certain Users that purchased bundled cross connects a monthly per cross connect fee that was equal to the monthly fees proposed herein and therefore less than the $500 fee per cross connect that is currently reflected within the Price List. The Exchange has granted credits to the other Users that purchased bundled cross connects such that all Users have been charged the monthly fees proposed herein.

[8] For example, a single cross connect currently has a corresponding monthly fee of $500. However, as proposed, a bundle of 6 cross connects would have a monthly fee of $1,500 ($250 monthly fee per cross connect), a bundle of 12 cross connects would have a monthly fee of $2,500 ($208 monthly fee per cross connect), a bundle of 18 cross connects would have a monthly fee of $3,200 ($178 monthly fee per cross connect), and a bundle of 24 cross connects would have a monthly fee of $3,900 ($162 monthly fee per cross connect). Because the cross connects are bundled, the proposed change would not apply to incremental cross connects.

[9] Beginning with the availability of co-location services in the data center in September 2010, the Exchange charged certain Users that purchased a sixth LCN connection as proposed herein, i.e., the Exchange charged the initial fee but not the monthly fee. The Exchange has granted credits to those other Users that purchased a sixth LCN connection and were charged the monthly fee for such connection.

[10] A User would be charged an initial and monthly fee according to the Price List for any additional 10 Gb LCN connections it purchases (e.g., a seventh or eighth 10 Gb LCN connection). Additionally, a User that cancels a 10 Gb LCN connection, such that the User is no longer paying for at least five 10 Gb LCN connections, would thereafter be charged the monthly fee for what had been its free sixth 10 Gb LCN connection.

[11] A single LCN CSP connection may be used to provide services to more than one Subscribing User. A CSP User's LCN CSP connection may be used to receive data or communications from a Subscribing User.

[12] The Subscribing User's LCN connection is the standard LCN connection that is described in the preceding section.

[13] Thus, in order to access the Exchange, the CSP User is required to maintain an existing standard LCN connection. As above, the current fees in the Price List are applicable to such connection, e.g., a $10,000 initial fee and $12,000 monthly fee for a 10 Gb LCN connection.

[14] The current fees in the Price List are applicable, e.g., a $10,000 initial fee and $12,000 monthly fee for a 10 Gb LCN connection. If the Subscribing User does not have an existing LCN connection, it is required to purchase one in order to receive services from a CSP User over the LCN.

[15] The Exchange has made LCN CSP connections available to Users beginning with the availability of co-location services in the data center in September 2010. During this time, three Users have purchased LCN CSP connections and have been charged the related LCN CSP fee proposed herein. Also, one User has become a Subscribing User and has been charged the CSP subscriber fee proposed herein.

The Exchange notes that the proposed initial fee for an LCN CSP connection is the same as the existing fee for a standard LCN connection, both for the 1 Gb and 10 Gb capacities. This is because an LCN CSP connection is physically the same as a standard LCN connection. However, the proposed monthly fee for an LCN CSP connection is less than the existing monthly fee for a standard LCN connection, both for the 1 Gb and 10 Gb capacities. This is because an LCN CSP connection is functionally limited as compared to a standard LCN connection—as noted above, an LCN CSP connection may only be used for providing services to Subscribing Users and may not be used for accessing the Exchange or for other purposes.

Cages

A User is currently able to purchase a cage to house its cabinets within the data center.[16] A cage would typically be purchased by a User that has several cabinets within the data center and that wishes to enhance privacy around its cabinets, e.g., so that other Users cannot see what type of hardware is being utilized. The Exchange charges fees for cages based on the size of the cage, which directly corresponds to the number of cabinets housed therein. The Exchange is proposing the following fees for cages:[17]

1–14 Cabinets	$5,000 initial charge plus $2,700 monthly charge.
15–28 Cabinets	$10,000 initial charge plus $4,100 monthly charge.
29+ Cabinets	$15,000 initial charge plus $5,500 monthly charge.

The Exchange's initial cost to construct a cage is directly related to the size of the cage, which is determined by the number of the User's cabinets that are to be housed therein. The initial fees proposed for a cage would accordingly increase on a proportional basis as the number of cabinets housed in the cage increases, as reflected in the amended Price List.[18] The monthly fee would reflect the opportunity cost to the Exchange of giving up floor space in the data center for the cage's physical footprint and the value of such space to the User; such floor space otherwise could be utilized for additional cabinets for the same or other Users or other Exchange purposes. Accordingly, the monthly fees proposed for a cage would increase on a marginal basis as the number of cabinets housed in the cage increases, as reflected in the amended Price List.[19]

Change Fee

A User is currently able to arrange for the Exchange to reconfigure, modify, or otherwise change a co-location service that the Exchange has already established and completed for the User. In this regard, the Exchange notes that the Price List includes several co-location services for which an initial fee is applicable in addition to an ongoing monthly fee.[20] These initial fees are related to the Exchange's initial cost of establishing or installing the particular co-location service for the User. The Exchange proposes to charge a User a fee of $950 per order if the User requests a change to one or more existing co-location services that the Exchange has already established or completed for the User (''Change Fee'').[21] For example, the initial installation of an LCN connection would include establishing and configuring market data services requested by the User, which would be covered by the initial install fee. However, if a User requests that the Exchange establish and configure additional market data services for its LCN connection, the User would be charged a one-time Change Fee of $950 for that request. If a User orders two or more services at one time (for example, through submitting an order form requesting multiple services) the User would be charged a one-time Change Fee of $950, which would cover the multiple services.

Expedite Fee

A User is currently able to request that the Exchange expedite the completion of co-location services purchased or ordered by the User. The Exchange proposes to charge Users $4,000 for expedited completion of co-location services (''Expedite Fee'').[22] At the time that services are ordered, the Exchange informs the User of the expected completion date; if a User wishes to obtain the services on an expedited basis, the Exchange would inform the User of the earlier completion date that could be expected with payment of the Expedite Fee. The time saved would vary depending on the type(s) of service(s) being ordered, but the Expedite Fee would always be a flat $4,000, allowing the User to determine if the expected time savings warrants payment of the fee. The Expedite Fee relates to the Exchange's cost of expediting the services. For example, the expedited service may require that work be completed on the weekend or after normal business hours, thereby resulting in the Exchange providing overtime compensation to data center staff.[23]

Power Not Utilized Fee

A User is currently able to obtain space in the data center for future use of currently available, unused cabinet space in proximity to the User's existing cabinet space—i.e., space that the User does not anticipate using until some point in the future and therefore is reserved but not currently utilized. The applicable fee for this space in which power is not utilized (''PNU Fee'') was described within the Original Co-

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[19] For example, a cage housing between one and 14 cabinets would have a corresponding monthly fee of $2,700 ($193 per cabinet when housing 14 cabinets). However, a cage housing between 15 and 28 cabinets—as many as twice the number of cabinets—would have a corresponding monthly fee of $4,100 (an additional monthly cost that is slightly greater than 150% of the lowest tier and $146 per cabinet when housing 28 cabinets). Similarly, a cage housing 29 or more cabinets—which could be as many as three times the number of cabinets as the lowest tier—would have a corresponding monthly fee of $5,500 (an additional monthly cost that is slightly greater than 200% of the lowest tier and $131 per cabinet when housing, for example, 42 cabinets). As the cage size increases, its physical footprint on the data center floor correspondingly increases.

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[22] The Exchange has made the option of expedited services available to Users beginning with the availability of co-location services in the data center in September 2010. Three Users have requested expedited services and have been charged the $4,000 Expedite Fee, beginning in April 2011.

[23] Offering expedited services would not have any impact on the normal delivery time for all other pending co-location work orders. In other words, Users that do not elect to pay the Expedite Fee would not be disadvantaged by those who do. The Exchange does not guarantee that any work is completed by a specific date under either normal or expedited delivery time, but rather does all work on a best efforts basis.

location Approval.[24] Such description provided that the PNU Fee would be 40% of the *applicable* monthly per kilowatt (''kW'') fee. The Exchange now proposes to provide for the PNU Fee within the Price List as $360 per month, which is 40% of the *lowest* per kW monthly cabinet fee that is specified in the Price List.

General

As is the case with all Exchange co-location arrangements, neither a User nor any of the User's customers would be permitted to submit orders directly to the Exchange unless such User or customer is a member organization, a Sponsored Participant or an agent thereof (e.g., a service bureau providing order entry services). Additionally, as is the case with existing co-location services, use of the co-location services proposed herein would be completely voluntary and would be available to all Users on a non-discriminatory basis.[25]

2. Statutory Basis

The Exchange believes that the proposed change is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the ''Act''),[26] in general, and furthers the objectives of Section 6(b)(4) of the Act,[27] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities.

The Exchange proposes to offer the additional services described herein as a convenience to Users, but in doing so will incur certain costs, including costs related to the data center facility, hardware and equipment and costs related to personnel required for initial installation and ongoing monitoring, support and maintenance of such services. As with fees for existing co-location services, the fees proposed herein would be charged only to those Users that voluntarily select the related services, which would be available to all Users. Accordingly, the Exchange believes that the proposed change is equitable because it will result in fees being charged only to Users that voluntarily select to receive the corresponding services and because those services will be available to all Users.

The Exchange believes that the proposed fees are reasonable because, for example, where the Exchange anticipates incurring a lower marginal monthly cost per cross connect or with respect to cages, the Exchange has proposed to apply a corresponding lower marginal monthly fee. Additionally, the Exchange believes that the Change Fee is reasonable because it would permit the Exchange to offset the expense of completing changes to co-location services that the Exchange has previously already established/completed for a User. Furthermore, the Exchange believes that the Expedite Fee is reasonable because it would permit the Exchange to charge a User for the expedited completion of the delivery of a co-location service, which could require that the Exchange expend increased resources (e.g., overtime labor costs) above what would otherwise be required for non-expedited service. Users that do not elect expedited service would not be disadvantaged by the offering of that service as it would not affect normal delivery times for services. The Exchange also believes that the proposed change regarding the sixth 10 Gb LCN connection is reasonable because it would incentivize Users to request at least five connections. The Exchange understands that other exchanges and self-regulatory organizations charge their members for certain similar co-location services.[28] Additionally, the Exchange believes that the fees for LCN CSP Access and CSP Subscribing Users are reasonable because they directly relate to how Users are permitted to utilize these connections and the value to each party to get the benefit of this service in the data center without having to set up individual cross connections or experience the latency that could be present if the service were only offered outside the data center. The Exchange also believes that listing the PNU Fee within the Price List at $360 per month, rather than as a formula, will add clarity to the Price List.

The Exchange believes that the services and fees proposed herein are not unfairly discriminatory and are equitably allocated because, in addition to the services being completely voluntary, they are available to all Users on an equal basis (i.e., the same range of products and services are available to all Users and there is no differentiation among Users with regard to the fees charged for a particular product, service, or piece of equipment). In this regard, the proposed change would not unfairly discriminate between or among market participants that are otherwise capable of satisfying any applicable co-location fees, requirements, terms and conditions established from time to time by the Exchange.

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

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date 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.

[24] *See* Original Co-location Approval at 59310, note 5. Except for the PNU Fee, Users are not charged for PNU cabinets until power is activated, at which point the fees applicable to other cabinets are charged (i.e., the $5,000 initial fee per cabinet and the per kilowatt fee).

[25] As is currently the case, Users that receive co-location services from the Exchange will not receive any means of access to the Exchange's trading and execution systems that is separate from, or superior to, that of other Users. In this regard, all orders sent to the Exchange enter the Exchange's trading and execution systems through the same order gateway, regardless of whether the sender is co-located in the data center or not. In addition, co-located Users do not receive any market data or data service product that is not available to all Users, although Users that receive co-location services normally would expect reduced latencies in sending orders to, and receiving market data from, the Exchange.

[26] 15 U.S.C. 78f(b).

[27] 15 U.S.C. 78f(b)(4).

[28] For example, similar to cross connects between cabinets of different Users in the data center, NASDAQ Stock Market LLC (''NASDAQ'') Rule 7034 (Co-location Services) provides for ''External Telco/Inter-Cabinet Connectivity'' and includes charges corresponding thereto. *See* Securities Exchange Act Release No. 64060 (March 8, 2011), 76 FR 13686 (March 14, 2011) (SR–NASDAQ–2011–035). Additionally, similar to the proposed Expedite Fee, NASDAQ Rule 7034 provides for a ''Telco Connectivity Expedite Fee.'' *See* Securities Exchange Act Release No. 62397 (June 28, 2010), 75 FR 38860 (July 6, 2010) (SR–NASDAQ–2010–019). Also, similar to the proposed fees for cages, NASDAQ Rule 7034 provides for ''Cabinet Caging.'' *See* Securities Exchange Act Release No. 63189 (October 27, 2010), 75 FR 67414 (November 2, 2010) (SR–NASDAQ–2010–135). NASDAQ Rule 7034 also provides for discounts for NASDAQ's co-location customers that receive more than one unit of a particular service.

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–NYSE–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–NYSE–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–NYSE–2012–18 and should be submitted on or before July 23, 2012.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[29]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–16132 Filed 6–29–12; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–67264; File No. SR–NYSEArca-2012–63]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Proposed Rule Change Amending the NYSE Arca Options Fee Schedule To Provide for Additional Co-Location Services and Establish Related Fees

June 26, 2012.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on June 13, 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, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its Fee Schedule to provide for additional co-location services and establish related fees. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the 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 the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Fee Schedule to provide for additional co-location services and establish related fees.[4]

Cabinet Cross Connects

A User that has more than one cabinet within the data center is currently able to purchase one or more fiber cross connects between its cabinets. Currently, a $500 initial fee and a $500 monthly fee are charged per cross connect. The Exchange proposes that each User be permitted to purchase cross connects between its own cabinets, as is currently permitted, as well as between its cabinet(s) and the cabinets of separate Users within the data center.[5] A cross connect would be used to connect cabinets of separate Users when, for example, a User receives technical support, order routing and/or market data delivery services from another User in the data center.

Cross connects may be bundled (i.e., multiple cross connects within a single sheath) such that a single sheath can hold either one cross connect or several cross connects in multiples of six (e.g., six or 12 cross connects). The Exchange is proposing fees for bundled cross

[29] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Securities Exchange Act Release No. 63275 (November 8, 2010), 75 FR 70048 (November 16, 2010) (SR–NYSEArca–2010–100). (the ''Original Co-location Notice''). *See also* Securities Exchange Act Release No. 65971; (December 15, 2011), 76 FR 79267 (December 21, 2011) (SR–NYSEArca–2011–75). The Exchange operates a data center in Mahwah, New Jersey (''data center'') from which it provides co-location services to Users. The Exchange's co-location services allow Users to rent space in the data center in order that they may locate their electronic servers in close physical proximity to the Exchange's trading and execution system. *See* Original Co-location Notice at 70049. For purposes of its co-location services, the term ''User'' includes (i) OTP Holders, OTP Firms and Sponsored Participants that are authorized to obtain access to the NYSE Arca System pursuant to Rule 6.2A (*see* Rule 6.1A(a)(19)) and (ii) non-OTP Holder and non-OTP Firm broker-dealers and vendors that request to receive co-location services directly from the Exchange.

[5] The Exchange notes that fees for a cross connect would be the same, regardless of whether the cross connect is between the cabinets of a single User or between the cabinets of separate Users within the data center. The Exchange further notes that only the User requesting the cross connect would be charged the related initial and monthly fees; the other User would simply be required to give permission for the cross connection. This proposed change would require that the existing cross connect fee in the Fee Schedule be amended to reflect that it is no longer applicable only to cross connects between a single User's cabinets.

connects [6] that correspond to the number of cross connects in the bundle, as follows: [7]

6 Cross Connects	$500 initial charge plus $1,500 monthly charge.
12 Cross Connects	$500 initial charge plus $2,500 monthly charge.
18 Cross Connects	$500 initial charge plus $3,200 monthly charge.
24 Cross Connects	$500 initial charge plus $3,900 monthly charge.

The Exchange's initial cost for installing bundled cross connects is generally consistent with the cost of installing a single cross connect. The Exchange therefore proposes that the same $500 initial fee apply to install bundled cross connects as is currently applicable to a single cross connect. However, the Exchange's cost for ongoing maintenance of cross connects decreases on a per cross connect basis as the number of cross connects within a sheath increases. Accordingly, the monthly fees proposed for bundled cross connects would likewise decrease on a per cross connect basis as the number of cross connects within a sheath increases, as reflected in the amended Fee Schedule.[8]

10 Gb LCN Connections

Users are currently able to purchase access to the Exchange's Liquidity Center Network (''LCN''), a local area network that is available in the data center. LCN access is available in either one or 10 gigabit (''Gb'') capacities, for which Users incur an initial and monthly fee per connection. The Exchange proposes that a User that purchases five 10 Gb LCN connections would only be charged the initial fee for a sixth 10 Gb LCN connection and would not be charged the monthly fee that would otherwise be applicable.[9] This would apply to a User that purchases six 10 Gb LCN connections at one time as well as to a User that purchases six 10 Gb LCN connections at separate times.[10]

LCN CSP Connections

A User is currently able to act as a content service provider (a ''CSP'' User) and deliver services to another User in the data center (a ''Subscribing'' User). These services could include, for example, order routing/brokerage services and/or market data delivery services. Many of these services can be provided via direct cross connect between the User providing a service and the User receiving it. However, using direct cross connects would require the User providing the service to have a direct cross connect with each User receiving it and would require the User providing the service to send the same data multiple times, i.e., once per receiving User.

LCN CSP connections address this issue by allowing the CSP User to send data to, and communicate with, all the properly authorized Subscribing Users at once, via a specific, dedicated LCN connection (an ''LCN CSP'' connection); [11] the Subscribing User must also have an LCN connection in order to communicate with the LCN CSP.[12] The LCN CSP connection used by the CSP User may only be used for providing services to, and communicating with, Subscribing Users and is separate and distinct from any LCN connection used by the CSP User to access the Exchange.[13] Conversely, the Subscribing User receives the services via its standard LCN connection [14] and is charged an initial and monthly fee that reflects the benefit of receiving services from the CSP User in the data center in this manner. Accordingly, the Exchange proposes the following fees for LCN CSP connections and Subscribing Users: [15]

LCN CSP Access	1 Gb Circuit	$6,000 per connection initial charge plus $500 monthly per connection.
LCN CSP Access	10 Gb Circuit	$10,000 per connection initial charge plus $5,000 monthly per connection.
CSP Subscriber		$950 per LCN CSP initial charge plus $300 monthly per LCN CSP.

[6] All multiple cross connects within the bundle would be installed at once and only in multiples of six, regardless of the number of cross connects the User utilizes. This proposed change would require that the existing cross connect fee in the Fee Schedule be amended to reflect that it is applicable only for a single cross connect (i.e., not for bundled cross connects). A User could still elect to purchase individual cross connects, but once the User anticipates utilizing four cross connects, it would be more economical to purchase a bundle of six (with two unused) for a $500 initial charge plus a $1,500 monthly charge, which would be less than the $500 initial charge and $2,000 monthly charge for purchasing four cross connects individually. The additional unused cross connects in the bundle would not result in any additional internal costs or Exchange fees for the User.

[7] The Exchange has made bundled cross connects available for a User to connect its cabinets within the data center beginning with the availability of co-location services in the data center in September 2010. In certain circumstances, the Exchange charged certain Users that purchased bundled cross connects a monthly per cross connect fee that was equal to the monthly fees proposed herein and therefore less than the $500 fee per cross connect that is currently reflected within the Fee Schedule. The Exchange has granted credits to the other Users that purchased bundled cross connects such that all Users have been charged the monthly fees proposed herein.

[8] For example, a single cross connect currently has a corresponding monthly fee of $500. However, as proposed, a bundle of 6 cross connects would have a monthly fee of $1,500 ($250 monthly fee per cross connect), a bundle of 12 cross connects would have a monthly fee of $2,500 ($208 monthly fee per cross connect), a bundle of 18 cross connects would have a monthly fee of $3,200 ($178 monthly fee per cross connect), and a bundle of 24 cross connects would have a monthly fee of $3,900 ($162 monthly fee per cross connect). Because the cross connects are bundled, the proposed change would not apply to incremental cross connects.

[9] Beginning with the availability of co-location services in the data center in September 2010, the Exchange charged certain Users that purchased a sixth LCN connection as proposed herein, i.e., the Exchange charged the initial fee but not the monthly fee. The Exchange has granted credits to those other Users that purchased a sixth LCN connection and were charged the monthly fee for such connection.

[10] A User would be charged an initial and monthly fee according to the Fee Schedule for any additional 10 Gb LCN connections it purchases (e.g., a seventh or eighth 10 Gb LCN connection). Additionally, a User that cancels a 10 Gb LCN connection, such that the User is no longer paying for at least five 10 Gb LCN connections, would thereafter be charged the monthly fee for what had been its free sixth 10 Gb LCN connection.

[11] A single LCN CSP connection may be used to provide services to more than one Subscribing User. A CSP User's LCN CSP connection may be used to receive data or communications from a Subscribing User.

[12] The Subscribing User's LCN connection is the standard LCN connection that is described in the preceding section.

[13] Thus, in order to access the Exchange, the CSP User is required to maintain an existing standard LCN connection. As above, the current fees in the Fee Schedule are applicable to such connection, e.g., a $10,000 initial fee and $12,000 monthly fee for a 10 Gb LCN connection.

[14] The current fees in the Fee Schedule are applicable, e.g., a $10,000 initial fee and $12,000 monthly fee for a 10 Gb LCN connection. If the Subscribing User does not have an existing LCN connection, it is required to purchase one in order to receive services from a CSP User over the LCN.

[15] The Exchange has made LCN CSP connections available to Users beginning with the availability of co-location services in the data center in September 2010. During this time, three Users have purchased LCN CSP connections and have been charged the related LCN CSP fee proposed herein. Also, one User has become a Subscribing User and has been charged the CSP subscriber fee proposed herein.

The Exchange notes that the proposed initial fee for an LCN CSP connection is the same as the existing fee for a standard LCN connection, both for the 1 Gb and 10 Gb capacities. This is because an LCN CSP connection is physically the same as a standard LCN connection. However, the proposed monthly fee for an LCN CSP connection is less than the existing monthly fee for a standard LCN connection, both for the 1 Gb and 10 Gb capacities. This is because an LCN CSP connection is functionally limited as compared to a standard LCN connection—as noted above, an LCN CSP connection may only be used for providing services to Subscribing Users and may not be used for accessing the Exchange or for other purposes.

Cages

A User is currently able to purchase a cage to house its cabinets within the data center.[16] A cage would typically be purchased by a User that has several cabinets within the data center and that wishes to enhance privacy around its cabinets, e.g., so that other Users cannot see what type of hardware is being utilized. The Exchange charges fees for cages based on the size of the cage, which directly corresponds to the number of cabinets housed therein. The Exchange is proposing the following fees for cages:[17]

1–14 Cabinets	$5,000 initial charge plus $2,700 monthly charge.
15–28 Cabinets	$10,000 initial charge plus $4,100 monthly charge.
29+ Cabinets	$15,000 initial charge plus $5,500 monthly charge.

The Exchange's initial cost to construct a cage is directly related to the size of the cage, which is determined by the number of the User's cabinets that are to be housed therein. The initial fees proposed for a cage would accordingly increase on a proportional basis as the number of cabinets housed in the cage increases, as reflected in the amended Fee Schedule.[18] The monthly fee would reflect the opportunity cost to the Exchange of giving up floor space in the data center for the cage's physical footprint and the value of such space to the User; such floor space otherwise could be utilized for additional cabinets for the same or other Users or other Exchange purposes. Accordingly, the monthly fees proposed for a cage would increase on a marginal basis as the number of cabinets housed in the cage increases, as reflected in the amended Fee Schedule.[19]

Change Fee

A User is currently able to arrange for the Exchange to reconfigure, modify, or otherwise change a co-location service that the Exchange has already established and completed for the User. In this regard, the Exchange notes that the Fee Schedule includes several co-location services for which an initial fee is applicable in addition to an ongoing monthly fee.[20] These initial fees are related to the Exchange's initial cost of establishing or installing the particular co-location service for the User. The Exchange proposes to charge a User a fee of $950 per order if the User requests a change to one or more existing co-location services that the Exchange has already established or completed for the User (''Change Fee'').[21] For example, the initial installation of an LCN connection would include establishing and configuring market data services requested by the User, which would be covered by the initial install fee. However, if a User requests that the Exchange establish and configure additional market data services for its LCN connection, the User would be charged a one-time Change Fee of $950 for that request. If a User orders two or more services at one time (for example, through submitting an order form requesting multiple services) the User would be charged a one-time Change Fee of $950, which would cover the multiple services.

Expedite Fee

A User is currently able to request that the Exchange expedite the completion of co-location services purchased or ordered by the User. The Exchange proposes to charge Users $4,000 for expedited completion of co-location services (''Expedite Fee'').[22] At the time that services are ordered, the Exchange informs the User of the expected completion date; if a User wishes to obtain the services on an expedited basis, the Exchange would inform the User of the earlier completion date that could be expected with payment of the Expedite Fee. The time saved would vary depending on the type(s) of service(s) being ordered, but the Expedite Fee would always be a flat $4,000, allowing the User to determine if the expected time savings warrants payment of the fee. The Expedite Fee relates to the Exchange's cost of expediting the services. For example, the expedited service may require that work be completed on the weekend or after normal business hours, thereby resulting in the Exchange providing overtime compensation to data center staff.[23]

Power Not Utilized Fee

A User is currently able to obtain space in the data center for future use of currently available, unused cabinet space in proximity to the User's existing cabinet space—i.e., space that the User does not anticipate using until some point in the future and therefore is reserved but not currently utilized. The applicable fee for this space in which power is not utilized (''PNU Fee'') was described within the Original Co-location Notice.[24] Such description provided that the PNU Fee would be 40% of the applicable monthly per kilowatt (''kW'') fee. The Exchange now

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[17] The Exchange currently charges cage fees to Users at the levels proposed herein.

[18] For example, a cage housing between one and 14 cabinets would have a corresponding initial fee of $5,000. However, a cage housing between 15 and 28 cabinets—as many as twice the number of cabinets—would have a corresponding initial fee of $10,000. Similarly, a cage housing 29 or more cabinets—possibly as many as three times the number of cabinets as the lowest tier—would have a corresponding initial fee of $15,000.

[19] For example, a cage housing between one and 14 cabinets would have a corresponding monthly fee of $2,700 ($193 per cabinet when housing 14 cabinets). However, a cage housing between 15 and 28 cabinets—as many as twice the number of cabinets—would have a corresponding monthly fee of $4,100 (an additional monthly cost that is slightly greater than 150% of the lowest tier and $146 per cabinet when housing 28 cabinets). Similarly, a cage housing 29 or more cabinets—which could be as many as three times the number of cabinets as the lowest tier—would have a corresponding monthly fee of $5,500 (an additional monthly cost that is slightly greater than 200% of the lowest tier and $131 per cabinet when housing, for example, 42 cabinets). As the cage size increases, its physical footprint on the data center floor correspondingly increases.

[20] For example, the initial 1 Gb LCN Access fee is $6,000 per connection and the ongoing monthly fee is $5,000.

[21] The Exchange has uniformly charged this $950 Change Fee to Users beginning with the availability of co-location services at the data center in September 2010.

[22] The Exchange has made the option of expedited services available to Users beginning with the availability of co-location services in the data center in September 2010. Three Users have requested expedited services and have been charged the $4,000 Expedite Fee, beginning in April 2011.

[23] Offering expedited services would not have any impact on the normal delivery time for all other pending co-location work orders. In other words, Users that do not elect to pay the Expedite Fee would not be disadvantaged by those who do. The Exchange does not guarantee that any work is completed by a specific date under either normal or expedited delivery time, but rather does all work on a best efforts basis.

[24] *See* Original Co-location Notice at 70049, note 7. Except for the PNU Fee, Users are not charged for PNU cabinets until power is activated, at which point the fees applicable to other cabinets are charged (i.e., the $5,000 initial fee per cabinet and the per kilowatt fee).

proposes to provide for the PNU Fee within the Fee Schedule as $360 per month, which is 40% of the lowest per kW monthly cabinet fee that is specified in the Fee Schedule.

General

As is the case with all Exchange co-location arrangements, neither a User nor any of the User's customers would be permitted to submit orders directly to the Exchange unless such User or customer is a an OTP Holder, OTP Firm, a Sponsored Participant or an agent thereof (e.g., a service bureau providing order entry services). Additionally, as is the case with existing co-location services, use of the co-location services proposed herein would be completely voluntary and would be available to all Users on a non-discriminatory basis.[25]

2. Statutory Basis

The Exchange believes that the proposed change is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the ''Act''),[26] in general, and furthers the objectives of Section 6(b)(4) of the Act,[27] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities.

The Exchange proposes to offer the additional services described herein as a convenience to Users, but in doing so will incur certain costs, including costs related to the data center facility, hardware and equipment and costs related to personnel required for initial installation and ongoing monitoring, support and maintenance of such services. As with fees for existing co-location services, the fees proposed herein would be charged only to those Users that voluntarily select the related services, which would be available to all Users. Accordingly, the Exchange believes that the proposed change is equitable because it will result in fees being charged only to Users that voluntarily select to receive the corresponding services and because those services will be available to all Users.

The Exchange believes that the proposed fees are reasonable because, for example, where the Exchange anticipates incurring a lower marginal monthly cost per cross connect or with respect to cages, the Exchange has proposed to apply a corresponding lower marginal monthly fee. Additionally, the Exchange believes that the Change Fee is reasonable because it would permit the Exchange to offset the expense of completing changes to co-location services that the Exchange has previously already established/completed for a User. Furthermore, the Exchange believes that the Expedite Fee is reasonable because it would permit the Exchange to charge a User for the expedited completion of the delivery of a co-location service, which could require that the Exchange expend increased resources (e.g., overtime labor costs) above what would otherwise be required for non-expedited service. Users that do not elect expedited service would not be disadvantaged by the offering of that service as it would not affect normal delivery times for services. The Exchange also believes that the proposed change regarding the sixth 10 Gb LCN connection is reasonable because it would incentivize Users to request at least five connections. The Exchange understands that other exchanges and self-regulatory organizations charge their members for certain similar co-location services.[28] Additionally, the Exchange believes that the fees for LCN CSP Access and CSP Subscribing Users are reasonable because they directly relate to how Users are permitted to utilize these connections and the value to each party to get the benefit of this service in the data center without having to set up individual cross connections or experience the latency that could be present if the service were only offered outside the data center. The Exchange also believes that listing the PNU Fee within the Fee Schedule at $360 per month, rather than as a formula, will add clarity to the Fee Schedule.

The Exchange believes that the services and fees proposed herein are not unfairly discriminatory and are equitably allocated because, in addition to the services being completely voluntary, they are available to all Users on an equal basis (i.e., the same range of products and services are available to all Users and there is no differentiation among Users with regard to the fees charged for a particular product, service, or piece of equipment). In this regard, the proposed change would not unfairly discriminate between or among market participants that are otherwise capable of satisfying any applicable co-location fees, requirements, terms and conditions established from time to time by the Exchange.

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

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date 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:

[25] As is currently the case, Users that receive co-location services from the Exchange will not receive any means of access to the Exchange's trading and execution systems that is separate from, or superior to, that of other Users. In this regard, all orders sent to the Exchange enter the Exchange's trading and execution systems through the same order gateway, regardless of whether the sender is co-located in the data center or not. In addition, co-located Users do not receive any market data or data service product that is not available to all Users, although Users that receive co-location services normally would expect reduced latencies in sending orders to, and receiving market data from, the Exchange.

[26] 15 U.S.C. 78f(b).

[27] 15 U.S.C. 78f(b)(4).

[28] For example, similar to cross connects between cabinets of different Users in the data center, NASDAQ Stock Market LLC (''NASDAQ'') Rule 7034 (Co-location Services) provides for ''External Telco/Inter-Cabinet Connectivity'' and includes charges corresponding thereto. *See* Securities Exchange Act Release No. 64060 (March 8, 2011), 76 FR 13686 (March 14, 2011) (SR–NASDAQ–2011–035). Additionally, similar to the proposed Expedite Fee, NASDAQ Rule 7034 provides for a ''Telco Connectivity Expedite Fee.'' *See* Securities Exchange Act Release No. 62397 (June 28, 2010), 75 FR 38860 (July 6, 2010) (SR–NASDAQ–2010–019). Also, similar to the proposed fees for cages, NASDAQ Rule 7034 provides for ''Cabinet Caging.'' *See* Securities Exchange Act Release No. 63189 (October 27, 2010), 75 FR 67414 (November 2, 2010) (SR–NASDAQ–2010–135). NASDAQ Rule 7034 also provides for discounts for NASDAQ's co-location customers that receive more than one unit of a particular service.

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-2012–63 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 NYSEArca–2012–63. 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 NYSEArca–2012–63 and should be submitted on or before July 23, 2012.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[29]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–16134 Filed 6–29–12; 8:45 am]

BILLING CODE 8011–01–P

[29] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–67266; File No. SR–EDGX–2012–21]

Self-Regulatory Organizations; EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to New Market Access Risk Management Service, EdgeRisk Controls℠

June 26, 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 June 19, 2012, EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

EDGX Exchange, Inc. (''EDGX'' or the ''Exchange'') is filing with the Securities and Exchange Commission (the ''Commission'') a proposed rule change to establish a new market access risk management service, called EdgeRisk Controls℠ (the ''Service'').

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 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 the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Background on Market Access Rule

On November 3, 2010, the Commission adopted Rule 15c3–5 under the Act. Rule 15c3–5, known as the ''Market Access Rule'', governs risk management controls by broker-dealers with market access. The Market Access Rule had an effective date of January 14, 2011, with phased-in compliance dates of July 14, 2011, and November 30, 2011.[3]

Among other things, the Market Access Rule requires that any broker-dealer with market access,[4] or that provides a customer or any other person with market access, must establish, document and maintain a system of risk management controls and supervisory procedures that are reasonably designed to manage the financial, regulatory and other risks of this business activity. These controls include financial risk management controls reasonably designed to prevent the entry of orders that exceed appropriate pre-set credit or capital thresholds in the aggregate for each customer and the broker-dealer itself, and to prevent the entry of erroneous orders. In addition, the Market Access Rule requires certain regulatory risk management controls that, among other things, prevent the entry of orders unless compliance with applicable regulatory requirements has been satisfied on a pre-order entry basis, and restrict access to trading systems and technology that provide market access to persons and accounts that have been pre-approved and authorized by the broker-dealer. These regulatory risk management controls also include measures designed to prevent the entry of orders for a broker-dealer, customer or other person if such person is restricted from trading those securities, and to assure that appropriate surveillance personnel receive immediate, post-trade execution reports that result from market access.

These risk management controls and associated supervisory procedures must be under the direct and exclusive control of the broker-dealer that is subject to the Market Access Rule. While a broker-dealer can use third-party providers to satisfy some or all of these requirements, the broker-dealer is nonetheless required to ensure that whatever technology or other services

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 63241 (November 3, 2010), 75 FR 69792 (November 15, 2011) [sic] (File No. S7–03–10). *See also* Securities Exchange Act Release No. 64798 [sic] (June 27, 2011), 76 FR 38293 (June 30, 2011) (File No. S7–03–10) (providing limited extension of compliance date for certain requirements); Securities Exchange Act Release No. 65132 (August 15, 2011), 76 FR 51457 (August 18, 2011) (exempting floor broker operations of certain broker-dealers with market access from automated controls requirement of Rule 15c3–5).

[4] The term ''market access'' is defined in Rule 15c3–5(a)(1) to include, *inter alia,* access to trading in securities on an exchange or alternative trading system (''ATS'') as a result of being a member or subscriber of the exchange or ATS, respectively.

are provided by such third-party are under their direct and exclusive control. Thus, the broker-dealer must retain the ability to make adjustments to and monitor the operation of the controls.

*Description of EdgeRisk Controls*SM

To assist Members [5] in satisfying their compliance obligations under the Market Access Rule, the Exchange is proposing to offer the Service.[6] This optional Service would act as a risk filter by causing the orders of Members, and/or their Sponsored Participants [7] if applicable, to be evaluated by the Service against an array of manageable threshold limits pre-selected and controlled by the Member prior to entering the Exchange's System.[8] Based on parameters provided to the Service by the Member, the order would be immediately passed on to the matching engine or rejected back to the Member (and its Sponsored Participant, if applicable). The Service is designed so that Members would have the ability to select from a menu of financial and regulatory controls, as well as supervisory and monitoring tools, and to manage the parameter settings of those features in real time.[9] To that end, the Service would enable Members to receive FIX Drop Order Copy [10] sessions, which include complete XPRS [11]/FIX conversations, as well as web-based management services to configure certain controls.

The Exchange does not guarantee that the Service offers or will offer tools sufficiently comprehensive to be the exclusive means by which Members could satisfy their compliance obligations under the Market Access Rule. The Exchange would not require Members to use the Service, nor would use of the Service by a member automatically constitute compliance with the Market Access Rule. The Service is but one option that Members may elect to use in the efficient risk management of the Members' and/or Sponsored Participants' access to the Exchange. Members are free to use any appropriate risk management tool or service, or combination thereof, which could but is not required to include the Service. Ultimately, it is the Member's responsibility, and not the Exchange's, to demonstrate its compliance with the Market Access Rule and the Exchange's Rule 11.3.[12] The Exchange will not provide preferential treatment to Members electing to use the Service, nor will the Exchange discriminate against Members who choose not to utilize the Service.

Finally, the Service does not supersede other controls that the Exchange and its affiliated routing broker dealer (''DE Route'') have established to manage the potential financial, regulatory and other risks associated with providing Members access to the Exchange and to external market centers, respectively.[13] Thus, even if an order were to satisfy the risk controls established by a Member via the Service, it is still possible that the Exchange's own risk controls could either reject the order from entry to the Exchange or cancel the order back to the Member and/or Sponsored Participant if the order could not be routed as a result of the separate risk controls that DE Route has established to satisfy its own compliance obligations under the Market Access Rule.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act [14] and furthers the objectives of Section 6(b)(5) of the Act,[15] 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 mechanisms of a free and open market and a national market system, and, in general, to protect investors and the public interest. Moreover, the proposed rule change is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In its release adopting the Market Access Rule, the Commission stated that the rule ''is designed to ensure that broker-dealers appropriately control the risks associated with market access, so as not to jeopardize their own financial condition, that of other market participants, the integrity of trading on the securities markets, and the stability of the financial system.'' [16] As noted above, the obligation to comply with the Market Access Rule falls squarely on broker-dealers that have and provide market access. The Service is designed to provide certain functionality to assist broker-dealers that are Members of the Exchange to satisfy their compliance obligations under the Market Access Rule (although not necessarily to the exclusion of other appropriate tools and services that are also available to Members). In this regard, the Exchange believes that the Service is consistent with the objectives in the Act of protecting investors and the public interest, promoting just and equitable principles of trade, and preventing fraudulent and manipulative acts and practices, as it would contribute to helping Members further the objectives of the Market Access Rule.

The proposed rule change is also consistent with the Exchange's responsibilities under the Act as a self-regulatory organization, as the Exchange is not purporting to offer a tool that would necessarily be the exclusive means by which Members could satisfy their obligations under the Market Access Rule, nor is the Exchange requiring its Members to use the Service. Indeed, the Exchange represents that it will not discriminate against any Member that elects not to use the Service. In that regard, the Service is not designed to permit unfair discrimination between Members.

Finally, the Exchange believes that the proposed rule change would foster competition by providing another option in the efficient risk management of trading on the Exchange, in a manner similar to those which are currently being provided by competitors of the Exchange.[17]

[5] As defined in EDGX Rule 1.5(n).

[6] The Exchange is not proposing to charge a fee for the Service at this time, although it is possible that the Exchange might submit a fee filing in respect of the Service at some later point in time. The Service would be made available to Members upon request.

[7] A ''Sponsored Participant'' is a person who has entered into a sponsorship arrangement with a Sponsoring Member. EDGX Rule 1.5(z). A ''Sponsoring Member'', in turn, is a Member that is a registered broker-dealer and that has been designated by a Sponsored Participant to execute, clear and settle transactions executed on or through the Exchange. EDGX Rule 1.5(aa).

[8] As defined in EDGX Rule 1.5(cc).

[9] These features are dynamic are likely to evolve over time.

[10] The Financial Information eXchange (''FIX'') Protocol is a series of messaging specifications for the electronic communication of trade-related messages. A Drop Copy is a trade execution report or message that is sent back to a trading participant's system using the FIX protocol.

[11] Edge XPRS is a high-performance order entry protocol.

[12] EDGX Rule 11.3 addresses access by Members and Sponsored Participants to the facilities of the Exchange.

[13] *See* Direct Edge Regulatory Notice 11–01 (November 30, 2011).

[14] 15 U.S.C. 78f(b).

[15] 15 U.S.C. 78f(b)(5).

[16] *See* Securities Exchange Act Release No. 69792 [sic] at 69792.

[17] *See* Securities Exchange Act Release No. 60236 (July 2, 2009), 74 FR 34068 (July 14, 2009) (SR–BATS–2009–19) (Notice of Filing and Immediate Effectiveness of BATS Exchange, Inc.'s Sponsored Access Risk Management Tool). *See also* Securities Exchange Act Release No. 59354 (February 3, 2009), 74 FR 6683 (February 10, 2009) (SR–NYSE–2008–101) (Approval of New York Stock Exchange LLC's Risk Management Gateway).

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

The Exchange has neither solicited nor received written comments on the proposed rule change.

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 Section 19(b)(3)(A) of the Act [18] and Rule 19b–4(f)(6) [19] thereunder.

The Exchange has asked the Commission to accelerate the 30-day operative delay.[20] The Commission finds that accelerating the 30-day operative delay is consistent with the protection of investors and the public interest because it will allow the Exchange to begin offering the Service immediately to its Members. The Commission notes that other exchanges currently provide services similar to the Service proposed by EDGX.[21] Accordingly, the Commission designates the proposal operative upon filing.[22]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–EDGX–2012–21 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–EDGX–2012–21. 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–EDGX–2012–21 and should be submitted on or before July 23, 2012.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[23]

Kevin M. O'Neill,

Deputy Secretary.

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[18] 15 U.S.C. 78s(b)(3)(A).

[19] 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.

[20] 17 CFR 240.19b–4(f)(6)(iii).

[21] *See supra* note 17 and accompanying text.

[22] For purposes only of accelerating the 30-day operative delay, the Commission has considered the proposed rule change's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[23] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–67265; File No. SR–EDGA–2012–23]

Self-Regulatory Organizations; EDGA Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to New Market Access Risk Management Service, EdgeRisk Controls℠

June 26, 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 June 19, 2012, EDGA Exchange, Inc. (the ''Exchange'' or ''EDGA'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

EDGA Exchange, Inc. (''EDGA'' or the ''Exchange'') is filing with the Securities and Exchange Commission (the ''Commission'') a proposed rule change to establish a new market access risk management service, called EdgeRisk Controls℠ (the ''Service'').

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 self-regulatory organization has prepared summaries, set forth in Sections A, B and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Background on Market Access Rule

On November 3, 2010, the Commission adopted Rule 15c3–5 under the Act. Rule 15c3–5, known as the ''Market Access Rule'', governs risk management controls by broker-dealers with market access. The Market Access Rule had an effective date of January 14, 2011, with phased-in compliance dates of July 14, 2011, and November 30, 2011.[3]

Among other things, the Market Access Rule requires that any broker-dealer with market access,[4] or that provides a customer or any other person with market access, must establish, document and maintain a system of risk management controls and supervisory procedures that are reasonably designed to manage the financial, regulatory and other risks of this business activity. These controls include financial risk management controls reasonably designed to prevent the entry of orders that exceed appropriate pre-set credit or capital thresholds in the aggregate for each customer and the broker-dealer itself, and to prevent the entry of erroneous orders. In addition, the Market Access Rule requires certain regulatory risk management controls that, among other things, prevent the entry of orders unless compliance with applicable regulatory requirements has been satisfied on a pre-order entry basis, and restrict access to trading systems and technology that provide market access to persons and accounts that have been pre-approved and authorized by the broker-dealer. These regulatory risk management controls also include measures designed to prevent the entry of orders for a broker-dealer, customer or other person if such person is restricted from trading those securities, and to assure that appropriate surveillance personnel receive immediate, post-trade execution reports that result from market access.

These risk management controls and associated supervisory procedures must be under the direct and exclusive control of the broker-dealer that is subject to the Market Access Rule. While a broker-dealer can use third-party providers to satisfy some or all of these requirements, the broker-dealer is nonetheless required to ensure that whatever technology or other services are provided by such third-party are under their direct and exclusive control. Thus, the broker-dealer must retain the ability to make adjustments to and monitor the operation of the controls.

Description of EdgeRisk Controls℠

To assist Members[5] in satisfying their compliance obligations under the Market Access Rule, the Exchange is proposing to offer the Service.[6] This optional Service would act as a risk filter by causing the orders of Members, and/or their Sponsored Participants[7] if applicable, to be evaluated by the Service against an array of manageable threshold limits pre-selected and controlled by the Member prior to entering the Exchange's System.[8] Based on parameters provided to the Service by the Member, the order would be immediately passed on to the matching engine or rejected back to the Member (and its Sponsored Participant, if applicable). The Service is designed so that Members would have the ability to select from a menu of financial and regulatory controls, as well as supervisory and monitoring tools, and to manage the parameter settings of those features in real time.[9] To that end, the Service would enable Members to receive FIX Drop Order Copy[10] sessions, which include complete XPRS[11]/FIX conversations, as well as web-based management services to configure certain controls.

The Exchange does not guarantee that the Service offers or will offer tools sufficiently comprehensive to be the exclusive means by which Members could satisfy their compliance obligations under the Market Access Rule. The Exchange would not require Members to use the Service, nor would use of the Service by a member automatically constitute compliance with the Market Access Rule. The Service is but one option that Members may elect to use in the efficient risk management of the Members' and/or Sponsored Participants' access to the Exchange. Members are free to use any appropriate risk management tool or service, or combination thereof, which could but is not required to include the Service. Ultimately, it is the Member's responsibility, and not the Exchange's, to demonstrate its compliance with the Market Access Rule and the Exchange's Rule 11.3.[12] The Exchange will not provide preferential treatment to Members electing to use the Service, nor will the Exchange discriminate against Members who choose not to utilize the Service.

Finally, the Service does not supersede other controls that the Exchange and its affiliated routing broker dealer (''DE Route'') have established to manage the potential financial, regulatory and other risks associated with providing Members access to the Exchange and to external market centers, respectively.[13] Thus, even if an order were to satisfy the risk controls established by a Member via the Service, it is still possible that the Exchange's own risk controls could either reject the order from entry to the Exchange or cancel the order back to the Member and/or Sponsored Participant if the order could not be routed as a result of the separate risk controls that DE Route has established to satisfy its own compliance obligations under the Market Access Rule.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act[14] and furthers the objectives of Section 6(b)(5) of the

[3] *See* Securities Exchange Act Release No. 63241 (November 3, 2010), 75 FR 69792 (November 15, 2011) [sic] (File No. S7–03–10); *See also* Securities Exchange Act Release No. 64748 (June 27, 2011), 76 FR 38293 (June 30, 2011) (File No. S7–03–10) (providing limited extension of compliance date for certain requirements); Securities Exchange Act Release No. 65132 (August 15, 2011), 76 FR 51457 (August 18, 2011) (exempting floor broker operations of certain broker-dealers with market access from automated controls requirement of Rule 15c3–5).

[4] The term ''market access'' is defined in Rule 15c3–5(a)(1) to include, *inter alia,* access to trading in securities on an exchange or alternative trading system (''ATS'') as a result of being a member or subscriber of the exchange or ATS, respectively.

[5] As defined in EDGA Rule 1.5(n).

[6] The Exchange is not proposing to charge a fee for the Service at this time, although it is possible that the Exchange might submit a fee filing in respect of the Service at some later point in time. The Service would be made available to Members upon request.

[7] A ''Sponsored Participant'' is a person who has entered into a sponsorship arrangement with a Sponsoring Member. EDGA Rule 1.5(z). A ''Sponsoring Member'', in turn, is a Member that is a registered broker-dealer and that has been designated by a Sponsored Participant to execute, clear and settle transactions executed on or through the Exchange. EDGA Rule 1.5(aa).

[8] As defined in EDGA Rule 1.5(cc).

[9] These features are dynamic are likely to evolve over time.

[10] The Financial Information eXchange (''FIX'') Protocol is a series of messaging specifications for the electronic communication of trade-related messages. A Drop Copy is a trade execution report or message that is sent back to a trading participant's system using the FIX protocol.

[11] Edge XPRS is a high-performance order entry protocol.

[12] EDGA Rule 11.3 addresses access by Members and Sponsored Participants to the facilities of the Exchange.

[13] *See* Direct Edge Regulatory Notice 11–01 (November 30, 2011).

[14] 15 U.S.C. 78f(b).

Act,[15] 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 mechanisms of a free and open market and a national market system, and, in general, to protect investors and the public interest. Moreover, the proposed rule change is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In its release adopting the Market Access Rule, the Commission stated that the rule ''is designed to ensure that broker-dealers appropriately control the risks associated with market access, so as not to jeopardize their own financial condition, that of other market participants, the integrity of trading on the securities markets, and the stability of the financial system.'' [16] As noted above, the obligation to comply with the Market Access Rule falls squarely on broker-dealers that have and provide market access. The Service is designed to provide certain functionality to assist broker-dealers that are Members of the Exchange to satisfy their compliance obligations under the Market Access Rule (although not necessarily to the exclusion of other appropriate tools and services that are also available to Members). In this regard, the Exchange believes that the Service is consistent with the objectives in the Act of protecting investors and the public interest, promoting just and equitable principles of trade, and preventing fraudulent and manipulative acts and practices, as it would contribute to helping Members further the objectives of the Market Access Rule.

The proposed rule change is also consistent with the Exchange's responsibilities under the Act as a self-regulatory organization, as the Exchange is not purporting to offer a tool that would necessarily be the exclusive means by which Members could satisfy their obligations under the Market Access Rule, nor is the Exchange requiring its Members to use the Service. Indeed, the Exchange represents that it will not discriminate against any Member that elects not to use the Service. In that regard, the Service is not designed to permit unfair discrimination between Members.

Finally, the Exchange believes that the proposed rule change would foster competition by providing another option in the efficient risk management of trading on the Exchange, in a manner similar to those which are currently being provided by competitors of the Exchange.[17]

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

The Exchange has neither solicited nor received written comments on the proposed rule change.

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 Section 19(b)(3)(A) of the Act [18] and Rule 19b–4(f)(6) [19] thereunder.

The Exchange has asked the Commission to accelerate the 30-day operative delay.[20] The Commission finds that accelerating the 30-day operative delay is consistent with the protection of investors and the public interest because it will allow the Exchange to begin offering the Service immediately to its Members. The Commission notes that other exchanges currently provide services similar to the Service proposed by EDGA.[21] Accordingly, the Commission designates the proposal operative upon filing.[22]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–EDGA–2012–23 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–EDGA–2012–23. 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.,

[15] 15 U.S.C. 78f(b)(5).

[16] *See* Securities Exchange Act Release No. 69792 [sic] at 69792.

[17] *See* Securities Exchange Act Release No. 60236 (July 2, 2009), 74 FR 34068 (July 14, 2009) (SR–BATS–2009–19) (Notice of Filing and Immediate Effectiveness of BATS Exchange, Inc.'s Sponsored Access Risk Management Tool). *See also* Securities Exchange Act Release No. 59354 (February 3, 2009), 74 FR 6683 (February 10, 2009) (SR–NYSE–2008–101) (Approval of New York Stock Exchange LLC's Risk Management Gateway).

[18] 15 U.S.C. 78s(b)(3)(A).

[19] 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.

[20] 17 CFR 240.19b–4(f)(6)(iii).

[21] *See supra* note 17 and accompanying text.

[22] For purposes only of accelerating the 30-day operative delay, the Commission has considered the proposed rule change's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

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–EDGA–2012–23 and should be submitted on or before July 23, 2012.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[23]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–16135 Filed 6–29–12; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–67263; File No. SR–NYSEArca–2012–62]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Proposed Rule Change Amending the NYSE Arca Equities Schedule of Fees and Charges for Exchange Services To Provide for Additional Co-location Services and Establish Related fees

June 26, 2012.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on June 13, 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, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the NYSE Arca Equities Schedule of Fees and Charges for Exchange Services (''Fee Schedule'') to provide for additional co-location services and establish related fees. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the 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 proposes to amend its Fee Schedule to provide for additional co-location services and establish related fees.[4]

Cabinet Cross Connects

A User that has more than one cabinet within the data center is currently able to purchase one or more fiber cross connects between its cabinets. Currently, a $500 initial fee and a $500 monthly fee are charged per cross connect. The Exchange proposes that each User be permitted to purchase cross connects between its own cabinets, as is currently permitted, as well as between its cabinet(s) and the cabinets of separate Users within the data center.[5] A cross connect would be used to connect cabinets of separate Users when, for example, a User receives technical support, order routing and/or market data delivery services from another User in the data center.

Cross connects may be bundled (i.e., multiple cross connects within a single sheath) such that a single sheath can hold either one cross connect or several cross connects in multiples of six (e.g., six or 12 cross connects). The Exchange is proposing fees for bundled cross connects[6] that correspond to the number of cross connects in the bundle, as follows:[7]

6 Cross Connects	$500 initial charge plus $1,500 monthly charge.
12 Cross Connects	$500 initial charge plus $2,500 monthly charge.
18 Cross Connects	$500 initial charge plus $3,200 monthly charge.
24 Cross Connects	$500 initial charge plus $3,900 monthly charge.

[23] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C.78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Securities Exchange Act Release No. 63275 (November 8, 2010), 75 FR 70048 (November 16, 2010) (SR–NYSEArca–2010–100) (the ''Original Co-location Notice''). *See also* Securities Exchange Act Release No. 65970 (December 15, 2011), 76 FR 79242 (December 21, 2011) (SR–NYSEArca–2011–74). The Exchange operates a data center in Mahwah, New Jersey (''data center'') from which it provides co-location services to Users. The Exchange's co-location services allow Users to rent space in the data center in order that they may locate their electronic servers in close physical proximity to the Exchange's trading and execution system. *See* Original Co-location Notice at 70049. For purposes of its co-location services, the term ''User'' includes (i) ETP Holders and Sponsored Participants who are authorized to obtain access to the NYSE Arca Marketplace pursuant to Rule 7.29 (*see* Rule 1.1(yy)); and (ii) non-ETP Holder broker-dealers and vendors that request to receive co-location services directly from the Exchange.

[5] The Exchange notes that fees for a cross connect would be the same, regardless of whether the cross connect is between the cabinets of a single User or between the cabinets of separate Users within the data center. The Exchange further notes that only the User requesting the cross connect would be charged the related initial and monthly fees; the other User would simply be required to give permission for the cross connection. This proposed change would require that the existing cross connect fee in the Fee Schedule be amended to reflect that it is no longer applicable only to cross connects between a single User's cabinets.

[6] All multiple cross connects within the bundle would be installed at once and only in multiples of six, regardless of the number of cross connects the User utilizes. This proposed change would require that the existing cross connect fee in the Fee Schedule be amended to reflect that it is applicable only for a single cross connect (i.e., not for bundled cross connects). A User could still elect to purchase individual cross connects, but once the User anticipates utilizing four cross connects, it would be more economical to purchase a bundle of six (with two unused) for a $500 initial charge plus a $1,500 monthly charge, which would be less than the $500 initial charge and $2,000 monthly charge for purchasing four cross connects individually. The additional unused cross connects in the bundle would not result in any additional internal costs or Exchange fees for the User.

[7] The Exchange has made bundled cross connects available for a User to connect its cabinets within the data center beginning with the availability of co-location services in the data center in September 2010. In certain circumstances, the Exchange charged certain Users that purchased bundled cross connects a monthly per cross connect fee that was equal to the monthly fees proposed herein and therefore less than the $500 fee per cross connect that is currently reflected within the Fee Schedule. The Exchange has granted credits to the other Users that purchased bundled cross connects such that all Users have been charged the monthly fees proposed herein.

The Exchange's initial cost for installing bundled cross connects is generally consistent with the cost of installing a single cross connect. The Exchange therefore proposes that the same $500 initial fee apply to install bundled cross connects as is currently applicable to a single cross connect. However, the Exchange's cost for ongoing maintenance of cross connects decreases on a per cross connect basis as the number of cross connects within a sheath increases. Accordingly, the monthly fees proposed for bundled cross connects would likewise decrease on a per cross connect basis as the number of cross connects within a sheath increases, as reflected in the amended Fee Schedule.[8]

10 Gb LCN Connections

Users are currently able to purchase access to the Exchange's Liquidity Center Network (''LCN''), a local area network that is available in the data center. LCN access is available in either one or 10 gigabit (''Gb'') capacities, for which Users incur an initial and monthly fee per connection. The Exchange proposes that a User that purchases five 10 Gb LCN connections would only be charged the initial fee for a sixth 10 Gb LCN connection and would not be charged the monthly fee that would otherwise be applicable.[9] This would apply to a User that purchases six 10 Gb LCN connections at one time as well as to a User that purchases six 10 Gb LCN connections at separate times.[10]

LCN CSP Connections

A User is currently able to act as a content service provider (a ''CSP'' User) and deliver services to another User in the data center (a ''Subscribing'' User). These services could include, for example, order routing/brokerage services and/or market data delivery services. Many of these services can be provided via direct cross connect between the User providing a service and the User receiving it. However, using direct cross connects would require the User providing the service to have a direct cross connect with each User receiving it and would require the User providing the service to send the same data multiple times, i.e., once per receiving User.

LCN CSP connections address this issue by allowing the CSP User to send data to, and communicate with, all the properly authorized Subscribing Users at once, via a specific, dedicated LCN connection (an ''LCN CSP'' connection);[11] the Subscribing User must also have an LCN connection in order to communicate with the LCN CSP.[12] The LCN CSP connection used by the CSP User may only be used for providing services to, and communicating with, Subscribing Users and is separate and distinct from any LCN connection used by the CSP User to access the Exchange.[13] Conversely, the Subscribing User receives the services via its standard LCN connection[14] and is charged an initial and monthly fee that reflects the benefit of receiving services from the CSP User in the data center in this manner. Accordingly, the Exchange proposes the following fees for LCN CSP connections and Subscribing Users:[15]

LCN CSP Access	1 Gb Circuit	$6,000 per connection initial charge plus $500 monthly per connection.
LCN CSP Access	10 Gb Circuit	$10,000 per connection initial charge plus $5,000 monthly per connection.
CSP Subscriber		$950 per LCN CSP initial charge plus $300 monthly per LCN CSP.

The Exchange notes that the proposed initial fee for an LCN CSP connection is the same as the existing fee for a standard LCN connection, both for the 1 Gb and 10 Gb capacities. This is because an LCN CSP connection is physically the same as a standard LCN connection. However, the proposed monthly fee for an LCN CSP connection is less than the existing monthly fee for a standard LCN connection, both for the 1 Gb and 10 Gb capacities. This is because an LCN CSP connection is functionally limited as compared to a standard LCN connection—as noted above, an LCN CSP connection may only be used for providing services to Subscribing Users and may not be used for accessing the Exchange or for other purposes.

Cages

A User is currently able to purchase a cage to house its cabinets within the data center.[16] A cage would typically be purchased by a User that has several cabinets within the data center and that wishes to enhance privacy around its cabinets, e.g., so that other Users cannot see what type of hardware is being utilized. The Exchange charges fees for cages based on the size of the cage, which directly corresponds to the number of cabinets housed therein. The Exchange is proposing the following fees for cages:[17]

[8] For example, a single cross connect currently has a corresponding monthly fee of $500. However, as proposed, a bundle of 6 cross connects would have a monthly fee of $1,500 ($250 monthly fee per cross connect), a bundle of 12 cross connects would have a monthly fee of $2,500 ($208 monthly fee per cross connect), a bundle of 18 cross connects would have a monthly fee of $3,200 ($178 monthly fee per cross connect), and a bundle of 24 cross connects would have a monthly fee of $3,900 ($162 monthly fee per cross connect). Because the cross connects are bundled, the proposed change would not apply to incremental cross connects.

[9] Beginning with the availability of co-location services in the data center in September 2010, the Exchange charged certain Users that purchased a sixth LCN connection as proposed herein, i.e., the Exchange charged the initial fee but not the monthly fee. The Exchange has granted credits to those other Users that purchased a sixth LCN connection and were charged the monthly fee for such connection.

[10] A User would be charged an initial and monthly fee according to the Fee Schedule for any additional 10 Gb LCN connections it purchases (e.g., a seventh or eighth 10 Gb LCN connection). Additionally, a User that cancels a 10 Gb LCN connection, such that the User is no longer paying for at least five 10 Gb LCN connections, would thereafter be charged the monthly fee for what had been its free sixth 10 Gb LCN connection.

[11] A single LCN CSP connection may be used to provide services to more than one Subscribing User. A CSP User's LCN CSP connection may be used to receive data or communications from a Subscribing User.

[12] The Subscribing User's LCN connection is the standard LCN connection that is described in the preceding section.

[13] Thus, in order to access the Exchange, the CSP User is required to maintain an existing standard LCN connection. As above, the current fees in the Fee Schedule are applicable to such connection, e.g., a $10,000 initial fee and $12,000 monthly fee for a 10 Gb LCN connection.

[14] The current fees in the Fee Schedule are applicable, e.g., a $10,000 initial fee and $12,000 monthly fee for a 10 Gb LCN connection. If the Subscribing User does not have an existing LCN connection, it is required to purchase one in order to receive services from a CSP User over the LCN.

[15] The Exchange has made LCN CSP connections available to Users beginning with the availability of co-location services in the data center in September 2010. During this time, three Users have purchased LCN CSP connections and have been charged the related LCN CSP fee proposed herein. Also, one User has become a Subscribing User and has been charged the CSP subscriber fee proposed herein.

[16] The Exchange has made cages available to Users beginning with the availability of co-location services in the data center in September 2010.

[17] The Exchange currently charges cage fees to Users at the levels proposed herein.

1–14 Cabinets	$5,000 initial charge plus $2,700 monthly charge.
15–28 Cabinets	$10,000 initial charge plus $4,100 monthly charge.
29+ Cabinets	$15,000 initial charge plus $5,500 monthly charge.

The Exchange's initial cost to construct a cage is directly related to the size of the cage, which is determined by the number of the User's cabinets that are to be housed therein. The initial fees proposed for a cage would accordingly increase on a proportional basis as the number of cabinets housed in the cage increases, as reflected in the amended Fee Schedule.[18] The monthly fee would reflect the opportunity cost to the Exchange of giving up floor space in the data center for the cage's physical footprint and the value of such space to the User; such floor space otherwise could be utilized for additional cabinets for the same or other Users or other Exchange purposes. Accordingly, the monthly fees proposed for a cage would increase on a marginal basis as the number of cabinets housed in the cage increases, as reflected in the amended Fee Schedule.[19]

Change Fee

A User is currently able to arrange for the Exchange to reconfigure, modify, or otherwise change a co-location service that the Exchange has already established and completed for the User. In this regard, the Exchange notes that the Fee Schedule includes several co-location services for which an initial fee is applicable in addition to an ongoing monthly fee.[20] These initial fees are related to the Exchange's initial cost of establishing or installing the particular co-location service for the User. The Exchange proposes to charge a User a fee of $950 per order if the User requests a change to one or more existing co-location services that the Exchange has already established or completed for the User (''Change Fee'').[21] For example, the initial installation of an LCN connection would include establishing and configuring market data services requested by the User, which would be covered by the initial install fee. However, if a User requests that the Exchange establish and configure additional market data services for its LCN connection, the User would be charged a one-time Change Fee of $950 for that request. If a User orders two or more services at one time (for example, through submitting an order form requesting multiple services) the User would be charged a one-time Change Fee of $950, which would cover the multiple services.

Expedite Fee

A User is currently able to request that the Exchange expedite the completion of co-location services purchased or ordered by the User. The Exchange proposes to charge Users $4,000 for expedited completion of co-location services (''Expedite Fee'').[22] At the time that services are ordered, the Exchange informs the User of the expected completion date; if a User wishes to obtain the services on an expedited basis, the Exchange would inform the User of the earlier completion date that could be expected with payment of the Expedite Fee. The time saved would vary depending on the type(s) of service(s) being ordered, but the Expedite Fee would always be a flat $4,000, allowing the User to determine if the expected time savings warrants payment of the fee. The Expedite Fee relates to the Exchange's cost of expediting the services. For example, the expedited service may require that work be completed on the weekend or after normal business hours, thereby resulting in the Exchange providing overtime compensation to data center staff.[23]

Power Not Utilized Fee

A User is currently able to obtain space in the data center for future use of currently available, unused cabinet space in proximity to the User's existing cabinet space—i.e., space that the User does not anticipate using until some point in the future and therefore is reserved but not currently utilized. The applicable fee for this space in which power is not utilized (''PNU Fee'') was described within the Original Co-location Notice.[24] Such description provided that the PNU Fee would be 40% of the *applicable* monthly per kilowatt (''kW'') fee. The Exchange now proposes to provide for the PNU Fee within the Fee Schedule as $360 per month, which is 40% of the *lowest* per kW monthly cabinet fee that is specified in the Fee Schedule.

General

As is the case with all Exchange co-location arrangements, neither a User nor any of the User's customers would be permitted to submit orders directly to the Exchange unless such User or customer is an ETP Holder, a Sponsored Participant or an agent thereof (e.g., a service bureau providing order entry services). Additionally, as is the case with existing co-location services, use of the co-location services proposed herein would be completely voluntary and would be available to all Users on a non-discriminatory basis.[25]

2. Statutory Basis

The Exchange believes that the proposed change is consistent with

[18] For example, a cage housing between one and 14 cabinets would have a corresponding initial fee of $5,000. However, a cage housing between 15 and 28 cabinets—as many as twice the number of cabinets—would have a corresponding initial fee of $10,000. Similarly, a cage housing 29 or more cabinets—possibly as many as three times the number of cabinets as the lowest tier—would have a corresponding initial fee of $15,000.

[19] For example, a cage housing between one and 14 cabinets would have a corresponding monthly fee of $2,700 ($193 per cabinet when housing 14 cabinets). However, a cage housing between 15 and 28 cabinets—as many as twice the number of cabinets—would have a corresponding monthly fee of $4,100 (an additional monthly cost that is slightly greater than 150% of the lowest tier and $146 per cabinet when housing 28 cabinets). Similarly, a cage housing 29 or more cabinets—which could be as many as three times the number of cabinets as the lowest tier—would have a corresponding monthly fee of $5,500 (an additional monthly cost that is slightly greater than 200% of the lowest tier and $131 per cabinet when housing, for example, 42 cabinets). As the cage size increases, its physical footprint on the data center floor correspondingly increases.

[20] For example, the initial 1 Gb LCN Access fee is $6,000 per connection and the ongoing monthly fee is $5,000.

[21] The Exchange has uniformly charged this $950 Change Fee to Users beginning with the availability of co-location services at the data center in September 2010.

[22] The Exchange has made the option of expedited services available to Users beginning with the availability of co-location services in the data center in September 2010. Three Users have requested expedited services and have been charged the $4,000 Expedite Fee, beginning in April 2011.

[23] Offering expedited services would not have any impact on the normal delivery time for all other pending co-location work orders. In other words, Users that do not elect to pay the Expedite Fee would not be disadvantaged by those who do. The Exchange does not guarantee that any work is completed by a specific date under either normal or expedited delivery time, but rather does all work on a best efforts basis.

[24] *See* Original Co-location Notice at 70049, note 7. Except for the PNU Fee, Users are not charged for PNU cabinets until power is activated, at which point the fees applicable to other cabinets are charged (i.e., the $5,000 initial fee per cabinet and the per kilowatt fee).

[25] As is currently the case, Users that receive co-location services from the Exchange will not receive any means of access to the Exchange's trading and execution systems that is separate from, or superior to, that of other Users. In this regard, all orders sent to the Exchange enter the Exchange's trading and execution systems through the same order gateway, regardless of whether the sender is co-located in the data center or not. In addition, co-located Users do not receive any market data or data service product that is not available to all Users, although Users that receive co-location services normally would expect reduced latencies in sending orders to, and receiving market data from, the Exchange.

Section 6(b) of the Securities Exchange Act of 1934 (the ''Act''),[26] in general, and furthers the objectives of Section 6(b)(4) of the Act,[27] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities.

The Exchange proposes to offer the additional services described herein as a convenience to Users, but in doing so will incur certain costs, including costs related to the data center facility, hardware and equipment and costs related to personnel required for initial installation and ongoing monitoring, support and maintenance of such services. As with fees for existing co-location services, the fees proposed herein would be charged only to those Users that voluntarily select the related services, which would be available to all Users. Accordingly, the Exchange believes that the proposed change is equitable because it will result in fees being charged only to Users that voluntarily select to receive the corresponding services and because those services will be available to all Users.

The Exchange believes that the proposed fees are reasonable because, for example, where the Exchange anticipates incurring a lower marginal monthly cost per cross connect or with respect to cages, the Exchange has proposed to apply a corresponding lower marginal monthly fee. Additionally, the Exchange believes that the Change Fee is reasonable because it would permit the Exchange to offset the expense of completing changes to co-location services that the Exchange has previously already established/completed for a User. Furthermore, the Exchange believes that the Expedite Fee is reasonable because it would permit the Exchange to charge a User for the expedited completion of the delivery of a co-location service, which could require that the Exchange expend increased resources (e.g., overtime labor costs) above what would otherwise be required for non-expedited service. Users that do not elect expedited service would not be disadvantaged by the offering of that service as it would not affect normal delivery times for services. The Exchange also believes that the proposed change regarding the sixth 10 Gb LCN connection is reasonable because it would incentivize Users to request at least five connections. The Exchange understands that other exchanges and self-regulatory organizations charge their members for certain similar co-location services.[28] Additionally, the Exchange believes that the fees for LCN CSP Access and CSP Subscribing Users are reasonable because they directly relate to how Users are permitted to utilize these connections and the value to each party to get the benefit of this service in the data center without having to set up individual cross connections or experience the latency that could be present if the service were only offered outside the data center. The Exchange also believes that listing the PNU Fee within the Fee Schedule at $360 per month, rather than as a formula, will add clarity to the Fee Schedule.

The Exchange believes that the services and fees proposed herein are not unfairly discriminatory and are equitably allocated because, in addition to the services being completely voluntary, they are available to all Users on an equal basis (i.e., the same range of products and services are available to all Users and there is no differentiation among Users with regard to the fees charged for a particular product, service, or piece of equipment). In this regard, the proposed change would not unfairly discriminate between or among market participants that are otherwise capable of satisfying any applicable co-location fees, requirements, terms and conditions established from time to time by the Exchange.

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.

[26] 15 U.S.C. 78f(b).

[27] 15 U.S.C. 78f(b)(4).

[28] For example, similar to cross connects between cabinets of different Users in the data center, NASDAQ Stock Market LLC (''NASDAQ'') Rule 7034 (Co-location Services) provides for ''External Telco/Inter-Cabinet Connectivity'' and includes charges corresponding thereto. *See* Securities Exchange Act Release No. 64060 (March 8, 2011), 76 FR 13686 (March 14, 2011) (SR–NASDAQ–2011–035). Additionally, similar to the proposed Expedite Fee, NASDAQ Rule 7034 provides for a ''Telco Connectivity Expedite Fee.'' *See* Securities Exchange Act Release No. 62397 (June 28, 2010), 75 FR 38860 (July 6, 2010) (SR–NASDAQ–2010–019). Also, similar to the proposed fees for cages, NASDAQ Rule 7034 provides for ''Cabinet Caging.'' *See* Securities Exchange Act Release No. 63189 (October 27, 2010), 75 FR 67414 (November 2, 2010) (SR–NASDAQ–2010–135). NASDAQ Rule 7034 also provides for discounts for NASDAQ's co-location customers that receive more than one unit of a particular service.

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

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date 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

- 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–2012–62 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–2012–62. 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 Streetm 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–2012–62 and should be submitted on or before July 23, 2012.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[29]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–16133 Filed 6–29–12; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–67261; File No. SR–NYSEMKT–2012–10]

Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing of Proposed Rule Change Amending the NYSE MKT Price List To Provide for Additional Co-Location Services and Establish Related Fees

June 26, 2012.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (''Act''),[2] and Rule 19b-4 thereunder,[3] notice is hereby given that on June 13, 2012, NYSE MKT LLC (the ''Exchange'' or ''NYSE MKT'') 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 self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its Price List to provide for additional co-location services and establish related fees. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the 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 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 its Price List to provide for additional co-location services and establish related fees.[4]

Cabinet Cross Connects

A User that has more than one cabinet within the data center is currently able to purchase one or more fiber cross connects between its cabinets. Currently, a $500 initial fee and a $500 monthly fee are charged per cross connect. The Exchange proposes that each User be permitted to purchase cross connects between its own cabinets, as is currently permitted, as well as between its cabinet(s) and the cabinets of separate Users within the data center.[5] A cross connect would be used to connect cabinets of separate Users when, for example, a User receives technical support, order routing and/or market data delivery services from another User in the data center.

Cross connects may be bundled (i.e., multiple cross connects within a single sheath) such that a single sheath can hold either one cross connect or several cross connects in multiples of six (e.g., six or 12 cross connects). The Exchange is proposing fees for bundled cross connects[6] that correspond to the number of cross connects in the bundle, as follows:[7]

6 Cross Connects	$500 initial charge plus $1,500 monthly charge.
12 Cross Connects.	$500 initial charge plus $2,500 monthly charge.
18 Cross Connects.	$500 initial charge plus $3,200 monthly charge.
24 Cross Connects.	$500 initial charge plus $3,900 monthly charge.

The Exchange's initial cost for installing bundled cross connects is generally consistent with the cost of

[29] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Securities Exchange Act Release No. 62961 (September 21, 2010), 75 FR 59299 (September 27, 2010) (SR–NYSEAmex–2010–80) (the ''Original Co-location Approval''). *See also* Securities Exchange Act Release No. 65974 (December 15, 2011), 76 FR 79249 (December 21, 2011) (SR–NYSEAmex–2011–81). The Exchange operates a data center in Mahwah, New Jersey (''data center'') from which it provides co-location services to Users. The Exchange's co-location services allow Users to rent space in the data center in order that they may locate their electronic servers in close physical proximity to the Exchange's trading and execution system. *See* Original Co-location Approval at 59299. For purposes of its co-location services, the term ''User'' includes (i) member organizations, as that term is defined in Rule 2(b)—Equities; (ii) Sponsored Participants, as that term is defined in Rule 123B.30(a)(ii)(B)—Equities; and (iii) non-member organization broker-dealers and vendors that request to receive co-location services directly from the Exchange.

[5] The Exchange notes that fees for a cross connect would be the same, regardless of whether the cross connect is between the cabinets of a single User or between the cabinets of separate Users within the data center. The Exchange further notes that only the User requesting the cross connect would be charged the related initial and monthly fees; the other User would simply be required to give permission for the cross connection. This proposed change would require that the existing cross connect fee in the Price List be amended to reflect that it is no longer applicable only to cross connects between a single User's cabinets.

[6] All multiple cross connects within the bundle would be installed at once and only in multiples of six, regardless of the number of cross connects the User utilizes. This proposed change would require that the existing cross connect fee in the Price List be amended to reflect that it is applicable only for a single cross connect (i.e., not for bundled cross connects). A User could still elect to purchase individual cross connects, but once the User anticipates utilizing four cross connects, it would be more economical to purchase a bundle of six (with two unused) for a $500 initial charge plus a $1,500 monthly charge, which would be less than the $500 initial charge and $2,000 monthly charge for purchasing four cross connects individually. The additional unused cross connects in the bundle would not result in any additional internal costs or Exchange fees for the User.

[7] The Exchange has made bundled cross connects available for a User to connect its cabinets within the data center beginning with the availability of co-location services in the data center in September 2010. In certain circumstances, the Exchange charged certain Users that purchased bundled cross connects a monthly per cross connect fee that was equal to the monthly fees proposed herein and therefore less than the $500 fee per cross connect that is currently reflected within the Price List. The Exchange has granted credits to the other Users that purchased bundled cross connects such that all Users have been charged the monthly fees proposed herein.

installing a single cross connect. The Exchange therefore proposes that the same $500 initial fee apply to install bundled cross connects as is currently applicable to a single cross connect. However, the Exchange's cost for ongoing maintenance of cross connects decreases on a per cross connect basis as the number of cross connects within a sheath increases. Accordingly, the monthly fees proposed for bundled cross connects would likewise decrease on a per cross connect basis as the number of cross connects within a sheath increases, as reflected in the amended Price List.[8]

10 Gb LCN Connections

Users are currently able to purchase access to the Exchange's Liquidity Center Network (''LCN''), a local area network that is available in the data center. LCN access is available in either one or 10 gigabit (''Gb'') capacities, for which Users incur an initial and monthly fee per connection. The Exchange proposes that a User that purchases five 10 Gb LCN connections would only be charged the initial fee for a sixth 10 Gb LCN connection and would not be charged the monthly fee that would otherwise be applicable.[9] This would apply to a User that purchases six 10 Gb LCN connections at one time as well as to a User that purchases six 10 Gb LCN connections at separate times.[10]

LCN CSP Connections

A User is currently able to act as a content service provider (a ''CSP'' User) and deliver services to another User in the data center (a ''Subscribing'' User). These services could include, for example, order routing/brokerage services and/or market data delivery services. Many of these services can be provided via direct cross connect between the User providing a service and the User receiving it. However, using direct cross connects would require the User providing the service to have a direct cross connect with each User receiving it and would require the User providing the service to send the same data multiple times, i.e., once per receiving User.

LCN CSP connections address this issue by allowing the CSP User to send data to, and communicate with, all the properly authorized Subscribing Users at once, via a specific, dedicated LCN connection (an ''LCN CSP'' connection);[11] the Subscribing User must also have an LCN connection in order to communicate with the LCN CSP.[12] The LCN CSP connection used by the CSP User may only be used for providing services to, and communicating with, Subscribing Users and is separate and distinct from any LCN connection used by the CSP User to access the Exchange.[13] Conversely, the Subscribing User receives the services via its standard LCN connection [14] and is charged an initial and monthly fee that reflects the benefit of receiving services from the CSP User in the data center in this manner. Accordingly, the Exchange proposes the following fees for LCN CSP connections and Subscribing Users:[15]

LCN CSP Access	1 Gb Circuit	$6,000 per connection initial charge plus $500 monthly per connection.
LCN CSP Access	10 Gb Circuit	$10,000 per connection initial charge plus $5,000 monthly per connection.
CSP Subscriber		$950 per LCN CSP initial charge plus $300 monthly per LCN CSP.

The Exchange notes that the proposed initial fee for an LCN CSP connection is the same as the existing fee for a standard LCN connection, both for the 1 Gb and 10 Gb capacities. This is because an LCN CSP connection is physically the same as a standard LCN connection. However, the proposed monthly fee for an LCN CSP connection is less than the existing monthly fee for a standard LCN connection, both for the 1 Gb and 10 Gb capacities. This is because an LCN CSP connection is functionally limited as compared to a standard LCN connection—as noted above, an LCN CSP connection may only be used for providing services to Subscribing Users and may not be used for accessing the Exchange or for other purposes.

Cages

A User is currently able to purchase a cage to house its cabinets within the data center.[16] A cage would typically be purchased by a User that has several cabinets within the data center and that wishes to enhance privacy around its cabinets, e.g., so that other Users cannot see what type of hardware is being utilized. The Exchange charges fees for cages based on the size of the cage, which directly corresponds to the number of cabinets housed therein. The Exchange is proposing the following fees for cages:[17]

1–14 Cabinets	$5,000 initial charge plus $2,700 monthly charge.
15–28 Cabinets	$10,000 initial charge plus $4,100 monthly charge.
29+ Cabinets	$15,000 initial charge plus $5,500 monthly charge.

The Exchange's initial cost to construct a cage is directly related to the size of the cage, which is determined by

[8] For example, a single cross connect currently has a corresponding monthly fee of $500. However, as proposed, a bundle of 6 cross connects would have a monthly fee of $1,500 ($250 monthly fee per cross connect), a bundle of 12 cross connects would have a monthly fee of $2,500 ($208 monthly fee per cross connect), a bundle of 18 cross connects would have a monthly fee of $3,200 ($178 monthly fee per cross connect), and a bundle of 24 cross connects would have a monthly fee of $3,900 ($162 monthly fee per cross connect). Because the cross connects are bundled, the proposed change would not apply to incremental cross connects.

[9] Beginning with the availability of co-location services in the data center in September 2010, the Exchange charged certain Users that purchased a sixth LCN connection as proposed herein, i.e., the Exchange charged the initial fee but not the monthly fee. The Exchange has granted credits to those other Users that purchased a sixth LCN connection and were charged the monthly fee for such connection.

[10] A User would be charged an initial and monthly fee according to the Price List for any additional 10 Gb LCN connections it purchases (e.g., a seventh or eighth 10 Gb LCN connection). Additionally, a User that cancels a 10 Gb LCN connection, such that the User is no longer paying for at least five 10 Gb LCN connections, would thereafter be charged the monthly fee for what had been its free sixth 10 Gb LCN connection.

[11] A single LCN CSP connection may be used to provide services to more than one Subscribing User. A CSP User's LCN CSP connection may be used to receive data or communications from a Subscribing User.

[12] The Subscribing User's LCN connection is the standard LCN connection that is described in the preceding section.

[13] Thus, in order to access the Exchange, the CSP User is required to maintain an existing standard LCN connection. As above, the current fees in the Price List are applicable to such connection, e.g., a $10,000 initial fee and $12,000 monthly fee for a 10 Gb LCN connection.

[14] The current fees in the Price List are applicable, e.g., a $10,000 initial fee and $12,000 monthly fee for a 10 Gb LCN connection. If the Subscribing User does not have an existing LCN connection, it is required to purchase one in order to receive services from a CSP User over the LCN.

[15] The Exchange has made LCN CSP connections available to Users beginning with the availability of co-location services in the data center in September 2010. During this time, three Users have purchased LCN CSP connections and have been charged the related LCN CSP fee proposed herein. Also, one User has become a Subscribing User and has been charged the CSP subscriber fee proposed herein.

[16] The Exchange has made cages available to Users beginning with the availability of co-location services in the data center in September 2010.

[17] The Exchange currently charges cage fees to Users at the levels proposed herein.

the number of the User's cabinets that are to be housed therein. The initial fees proposed for a cage would accordingly increase on a proportional basis as the number of cabinets housed in the cage increases, as reflected in the amended Price List.[18] The monthly fee would reflect the opportunity cost to the Exchange of giving up floor space in the data center for the cage's physical footprint and the value of such space to the User; such floor space otherwise could be utilized for additional cabinets for the same or other Users or other Exchange purposes. Accordingly, the monthly fees proposed for a cage would increase on a marginal basis as the number of cabinets housed in the cage increases, as reflected in the amended Price List.[19]

Change Fee

A User is currently able to arrange for the Exchange to reconfigure, modify, or otherwise change a co-location service that the Exchange has already established and completed for the User. In this regard, the Exchange notes that the Price List includes several co-location services for which an initial fee is applicable in addition to an ongoing monthly fee.[20] These initial fees are related to the Exchange's initial cost of establishing or installing the particular co-location service for the User. The Exchange proposes to charge a User a fee of $950 per order if the User requests a change to one or more existing co-location services that the Exchange has already established or completed for the User (''Change Fee'').[21] For example, the initial installation of an LCN connection would include establishing and configuring market data services requested by the User, which would be covered by the initial install fee. However, if a User requests that the Exchange establish and configure additional market data services for its LCN connection, the User would be charged a one-time Change Fee of $950 for that request. If a User orders two or more services at one time (for example, through submitting an order form requesting multiple services) the User would be charged a one-time Change Fee of $950, which would cover the multiple services.

Expedite Fee

A User is currently able to request that the Exchange expedite the completion of co-location services purchased or ordered by the User. The Exchange proposes to charge Users $4,000 for expedited completion of co-location services (''Expedite Fee'').[22] At the time that services are ordered, the Exchange informs the User of the expected completion date; if a User wishes to obtain the services on an expedited basis, the Exchange would inform the User of the earlier completion date that could be expected with payment of the Expedite Fee. The time saved would vary depending on the type(s) of service(s) being ordered, but the Expedite Fee would always be a flat $4,000, allowing the User to determine if the expected time savings warrants payment of the fee. The Expedite Fee relates to the Exchange's cost of expediting the services. For example, the expedited service may require that work be completed on the weekend or after normal business hours, thereby resulting in the Exchange providing overtime compensation to data center staff.[23]

Power Not Utilized Fee

A User is currently able to obtain space in the data center for future use of currently available, unused cabinet space in proximity to the User's existing cabinet space—i.e., space that the User does not anticipate using until some point in the future and therefore is reserved but not currently utilized. The applicable fee for this space in which power is not utilized (''PNU Fee'') was described within the Original Co-location Approval.[24] Such description provided that the PNU Fee would be 40% of the *applicable* monthly per kilowatt (''kW'') fee. The Exchange now proposes to provide for the PNU Fee within the Price List as $360 per month, which is 40% of the *lowest* per kW monthly cabinet fee that is specified in the Price List.

General

As is the case with all Exchange co-location arrangements, neither a User nor any of the User's customers would be permitted to submit orders directly to the Exchange unless such User or customer is a member organization, a Sponsored Participant or an agent thereof (e.g., a service bureau providing order entry services). Additionally, as is the case with existing co-location services, use of the co-location services proposed herein would be completely voluntary and would be available to all Users on a non-discriminatory basis.[25]

2. Statutory Basis

The Exchange believes that the proposed change is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the ''Act''),[26] in general, and furthers the objectives of Section 6(b)(4) of the Act,[27] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities.

The Exchange proposes to offer the additional services described herein as a convenience to Users, but in doing so will incur certain costs, including costs related to the data center facility,

[18] For example, a cage housing between one and 14 cabinets would have a corresponding initial fee of $5,000. However, a cage housing between 15 and 28 cabinets—as many as twice the number of cabinets—would have a corresponding initial fee of $10,000. Similarly, a cage housing 29 or more cabinets—possibly as many as three times the number of cabinets as the lowest tier—would have a corresponding initial fee of $15,000.

[19] For example, a cage housing between one and 14 cabinets would have a corresponding monthly fee of $2,700 ($193 per cabinet when housing 14 cabinets). However, a cage housing between 15 and 28 cabinets—as many as twice the number of cabinets—would have a corresponding monthly fee of $4,100 (an additional monthly cost that is slightly greater than 150% of the lowest tier and $146 per cabinet when housing 28 cabinets). Similarly, a cage housing 29 or more cabinets—which could be as many as three times the number of cabinets as the lowest tier—would have a corresponding monthly fee of $5,500 (an additional monthly cost that is slightly greater than 200% of the lowest tier and $131 per cabinet when housing, for example, 42 cabinets). As the cage size increases, its physical footprint on the data center floor correspondingly increases.

[20] For example, the initial 1 Gb LCN Access fee is $6,000 per connection and the ongoing monthly fee is $5,000.

[21] The Exchange has uniformly charged this $950 Change Fee to Users beginning with the availability of co-location services at the data center in September 2010.

[22] The Exchange has made the option of expedited services available to Users beginning with the availability of co-location services in the data center in September 2010. Three Users have requested expedited services and have been charged the $4,000 Expedite Fee, beginning in April 2011.

[23] Offering expedited services would not have any impact on the normal delivery time for all other pending co-location work orders. In other words, Users that do not elect to pay the Expedite Fee would not be disadvantaged by those who do. The Exchange does not guarantee that any work is completed by a specific date under either normal or expedited delivery time, but rather does all work on a best efforts basis.

[24] *See* Original Co-location Approval at 59299, note 5. Except for the PNU Fee, Users are not charged for PNU cabinets until power is activated, at which point the fees applicable to other cabinets are charged (i.e., the $5,000 initial fee per cabinet and the per kilowatt fee).

[25] As is currently the case, Users that receive co-location services from the Exchange will not receive any means of access to the Exchange's trading and execution systems that is separate from, or superior to, that of other Users. In this regard, all orders sent to the Exchange enter the Exchange's trading and execution systems through the same order gateway, regardless of whether the sender is co-located in the data center or not. In addition, co-located Users do not receive any market data or data service product that is not available to all Users, although Users that receive co-location services normally would expect reduced latencies in sending orders to, and receiving market data from, the Exchange.

[26] 15 U.S.C. 78f(b).

[27] 15 U.S.C. 78f(b)(4).

hardware and equipment and costs related to personnel required for initial installation and ongoing monitoring, support and maintenance of such services. As with fees for existing co-location services, the fees proposed herein would be charged only to those Users that voluntarily select the related services, which would be available to all Users. Accordingly, the Exchange believes that the proposed change is equitable because it will result in fees being charged only to Users that voluntarily select to receive the corresponding services and because those services will be available to all Users.

The Exchange believes that the proposed fees are reasonable because, for example, where the Exchange anticipates incurring a lower marginal monthly cost per cross connect or with respect to cages, the Exchange has proposed to apply a corresponding lower marginal monthly fee. Additionally, the Exchange believes that the Change Fee is reasonable because it would permit the Exchange to offset the expense of completing changes to co-location services that the Exchange has previously already established/completed for a User. Furthermore, the Exchange believes that the Expedite Fee is reasonable because it would permit the Exchange to charge a User for the expedited completion of the delivery of a co-location service, which could require that the Exchange expend increased resources (e.g., overtime labor costs) above what would otherwise be required for non-expedited service. Users that do not elect expedited service would not be disadvantaged by the offering of that service as it would not affect normal delivery times for services. The Exchange also believes that the proposed change regarding the sixth 10 Gb LCN connection is reasonable because it would incentivize Users to request at least five connections. The Exchange understands that other exchanges and self-regulatory organizations charge their members for certain similar co-location services.[28] Additionally, the Exchange believes that the fees for LCN CSP Access and CSP Subscribing Users are reasonable because they directly relate to how Users are permitted to utilize these connections and the value to each party to get the benefit of this service in the data center without having to set up individual cross connections or experience the latency that could be present if the service were only offered outside the data center. The Exchange also believes that listing the PNU Fee within the Price List at $360 per month, rather than as a formula, will add clarity to the Price List.

The Exchange believes that the services and fees proposed herein are not unfairly discriminatory and are equitably allocated because, in addition to the services being completely voluntary, they are available to all Users on an equal basis (i.e., the same range of products and services are available to all Users and there is no differentiation among Users with regard to the fees charged for a particular product, service, or piece of equipment). In this regard, the proposed change would not unfairly discriminate between or among market participants that are otherwise capable of satisfying any applicable co-location fees, requirements, terms and conditions established from time to time by the Exchange.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

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

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date 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 such 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

- 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–NYSEMKT–2012–10 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–NYSEMKT–2012–10. 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. The text of the proposed rule change is available on the Commission's Web site at *http://www.sec.gov.* 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

[28] For example, similar to cross connects between cabinets of different Users in the data center, NASDAQ Stock Market LLC (''NASDAQ'') Rule 7034 (Co-location Services) provides for ''External Telco/Inter-Cabinet Connectivity'' and includes charges corresponding thereto. *See* Securities Exchange Act Release No. 64060 (March 8, 2011), 76 FR 13686 (March 14, 2011) (SR–NASDAQ–2011–035). Additionally, similar to the proposed Expedite Fee, NASDAQ Rule 7034 provides for a ''Telco Connectivity Expedite Fee.'' *See* Securities Exchange Act Release No. 62397 (June 28, 2010), 75 FR 38860 (July 6, 2010) (SR–NASDAQ–2010–019). Also, similar to the proposed fees for cages, NASDAQ Rule 7034 provides for ''Cabinet Caging.'' *See* Securities Exchange Act Release No. 63189 (October 27, 2010), 75 FR 67414 (November 2, 2010) (SR–NASDAQ–2010–135). NASDAQ Rule 7034 also provides for discounts for NASDAQ's co-location customers that receive more than one unit of a particular service.

should refer to File Number SR–NYSEMKT–2012–10, and should be submitted on or before July 23, 2012.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[29]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–16131 Filed 6–29–12; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–67257; File No. SR–FINRA–2012–033]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Make Non-Substantive Technical Changes to the Supplemental Statement of Income Required To Be Filed Pursuant to FINRA Rule 4524 (Supplemental FOCUS Information)

June 26, 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 June 26, 2012, Financial Industry Regulatory Authority, Inc. (''FINRA'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by FINRA. FINRA has designated the proposed rule change as constituting a ''non-controversial'' rule change under paragraph (f)(6) of Rule 19b–4 under the Act,[3] which renders the proposal effective upon receipt of this filing by the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

FINRA is proposing a rule change to make non-substantive technical changes to the Supplemental Statement of Income (''SSOI'') required to be filed pursuant to FINRA Rule 4524 (Supplemental FOCUS Information).

The text of the proposed rule change is available on FINRA's Web site at *http://www.finra.org,* at the principal office of FINRA and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, FINRA included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. FINRA has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On February 9, 2012, the Commission adopted FINRA Rule 4524 (Supplemental FOCUS Information), which requires each firm, as FINRA shall designate, to file such additional financial or operational schedules or reports as FINRA may deem necessary or appropriate for the protection of investors or in the public interest as a supplement to the FOCUS Report. FINRA has previously adopted one such schedule, the SSOI, as a supplement to the Statement of Income (Loss) page of the FOCUS Report.[4] FINRA is proposing to make non-substantive technical changes to the SSOI in order to provide more clarity, reduce unnecessary duplication, and reflect a renumbering change to the Securities Act of 1933 (''Securities Act'') as a result of the Dodd-Frank Wall Street Reform and Consumer Protection Act (''Dodd-Frank Act'').[5]

The proposed rule change would amend the title of line 13935 (Equities, ETFs and Closed End Funds) to clarify that the commissions reported are for listed equities, ETFs and closed end funds executed on an exchange. The proposed rule change would also amend the instructions: (1) To clarify that all revenue and expense items must be reported in accordance with U.S. generally accepted accounting principles; (2) to clarify that line 13940 (Total Commissions) will equal line 3940 (Total securities commissions) of Part II and IIA of the FOCUS Report if the firm did not have commissions from foreign exchange transactions during the reporting period; and (3) to clarify that line 14075 (Total Interest and Dividend Expenses) will equal line 4075 (Interest expense) of the FOCUS Report only if the firm did not have dividend expense. Further, the proposed rule would add instructions for line 13939 (All Other Securities Commissions) to clarify that commissions for unlisted equities should be included.

FINRA is also proposing to delete line 11299 (Total Net Income) because it is duplicative of line 14230 (Net income (loss) after Federal income taxes and extraordinary item). The proposed rule change would also delete the word ''Forms'' in front of Part II, Part IIA or Part II CSE in the first paragraph of the instructions.

In an effort to provide greater clarity, FINRA is also proposing to delete: (1) The instructions that state line 13950 (Total Net Gains or Losses on Principal Trades) must equal line 3950 (Total gains or (losses)) of Part II CSE and Part II or line 3950 (Total gain (loss)) of Part IIA of the FOCUS Report as depending on the facts and circumstances, the lines may not be equal; (2) the instructions for line 13937 (Exchange Listed Equity Securities Executed OTC) as they are unwarranted because the title of line 13937 provides sufficient clarity for what needs to be reported; and (3) the instructions for line 14100 (Other Expenses) that reference the inclusion of 12b–1 service and distribution fees and other expenses not otherwise provided for in the SSOI because Line 11211 (12b–1 Fees) captures 12b–1 fees paid to other broker-dealers or institutions.

In addition, the Dodd-Frank Act renumbered Securities Act Section 4(6) to Securities Act Section 4(5).[6] Accordingly, FINRA is renumbering Securities Act Section 4(6) to Securities Act Section 4(5) in Item D (Federal Exemptions and Exclusions Claimed) of the Operational Page. Moreover, FINRA is proposing to clarify Item D by adding an ''Other'' line because Item D is designed to capture all federal exemptions and exclusions claimed for an unregistered offering.

FINRA has filed the proposed rule change for immediate effectiveness and has requested that the Commission waive the requirement that the proposed rule change not become operative for 30 days after the date of the filing. This would allow FINRA to provide more time to firms to prepare before the October 26, 2012, due date of the initial SSOI.

[29] 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. 66364 (February 9, 2012), 77 FR 8938 (February 15, 2012) (Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 2; File No. SR–FINRA–2011–064).

[5] *See* Dodd-Frank Wall Street Reform and Consumer Protection Act, Pub. L. No. 111–203, 124 Stat. 1376 (2010).

[6] *See* Dodd-Frank Act Section 944.

2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act, which requires, among other things, that FINRA rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest.[7] FINRA believes that the proposed rule change will provide greater clarity to members and the public regarding its rules, as well as ensure a more efficient reporting process for the SSOI.

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[8] and Rule 19b–4(f)(6) thereunder.[9]

FINRA has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. In accordance with Rule 19b–4(f)(6),[10] FINRA submitted 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, or such shorter time as the Commission may designate, as specified in Rule 19b–4(f)(6)(iii) under the Act.[11] The first reporting period covered by the initial SSOI commences on July 1, 2012. FINRA has stated that it wishes the Commission to waive the operative delay so that FINRA may give as much time as possible for member firms to prepare prior to the October 26, 2012 due date of the initial SSOI. Accordingly, FINRA would like the SSOI to be in final form and fully operative as of the start of the first reporting period on July 1.

Given FINRA's desire to provide member firms with a final and completed SSOI at the outset of the initial SSOI reporting period, the Commission believes that FINRA's request is reasonable and believes that waiver of the operative delay is consistent with the protection of investors and the public interest, and therefore designates the proposal operative upon filing.[12]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–FINRA–2012–033 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–FINRA–2012–033. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of FINRA.

All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–FINRA–2012–033 and should be submitted on or before July 23, 2012.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–16129 Filed 6–29–12; 8:45 am]

BILLING CODE 8011–01–P

[7] 15 U.S.C. 78*o*–3(b)(6).

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f)(6).

[10] 17 CFR 240.19b–4(f)(6).

[11] 17 CFR 240.19b–4(f)(6)(iii).

[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. 34–67258; File No. SR–NASDAQ–2012–059]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Designation of a Longer Period for Commission Action on Proposed Rule Change To Establish ''Benchmark Orders'' Under NASDAQ Rule 4751(f)

June 26, 2012.

On May 1, 2012, The NASDAQ Stock Market LLC (''NASDAQ'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to establish various ''Benchmark Orders'' under NASDAQ Rule 4751(f). The

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

proposed rule change was published for comment in the **Federal Register** on May 17, 2012.[3] The Commission received no comments on the proposal.

Section 19(b)(2) of the Act[4] provides that, within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day for this filing is July 1, 2012. The Commission is extending this 45-day time period.

The Commission finds that it is appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposal. The Benchmark Order would allow NASDAQ members to enter a single order in a single security that seeks to match the performance of one of three selected benchmarks—Volume Weighted Average Price, Time Weighted Average Price and Percent of Volume—over a pre-determined period of time. Benchmark Orders would not be executed by the NASDAQ matching engine, but would be directed to a system application dedicated to processing Benchmark Orders (''Application''). The Application would generate Child Orders to be sent to the NASDAQ matching engine or to the NASDAQ router, as necessary, to achieve the desired benchmark selected by the entering firm.

Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[5] designates August 15, 2012, as the date by which the Commission should either approve or disapprove or institute proceedings to determine whether to disapprove the proposed rule change.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–16089 Filed 6–29–12; 8:45 am]

BILLING CODE 8011–01–P

[3] *See* Securities Exchange Act Release No. 66972 (May 11, 2012), 77 FR 29435 (May 17, 2012) (''Notice'').

[4] 15 U.S.C. 78s(b)(2).

[5] 15 U.S.C. 78s(b)(2).

[6] 17 CFR 200.30–3(a)(31).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–67255; File No. SR–BOX–2012–009)]

Self-Regulatory Organizations; BOX Options Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposal To Extend a Pilot Program That Permits BOX to Have No Minimum Size Requirement for Orders Entered Into the Price Improvement Period

June 26, 2012.

Pursuant to Section 19(b)(1) under the Securities Exchange Act of 1934 (the ''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on June 25, 2012, BOX Options Exchange LLC (the ''Exchange'') 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 non-controversial rule change under Rule 19b–4(f)(6) under the Act,[3] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend proposes to amend Interpretive Material to Rule 7150 (Price Improvement Period ''PIP'') to extend a pilot program that permits the Exchange to have no minimum size requirement for orders entered into the PIP (''PIP Pilot Program''). The text of the proposed rule change is available from the principal office of the Exchange, on the Exchange's Web site at *http://boxexchange.com*, at the Commission's Public Reference Room, and on the Commission's Web site at *http://www.sec.gov*.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to extend the PIP Pilot Program for twelve additional months. The PIP Pilot Program allows the Exchange to have no minimum size requirement for orders entered into the PIP.[4] The Exchange has committed to provide certain data to the Commission during the PIP Pilot Program.[5] The proposed rule change retains the text of IM–7150–1 to Rule 7150 and seeks to extend the operation of the PIP Pilot Program until July 18, 2013.

The Exchange notes that the PIP Pilot Program guarantees Participants the right to trade with their customer orders that are less than 50 contracts. In particular, any order entered into the PIP is guaranteed an execution at the end of the auction at a price at least equal to the national best bid or offer. In further support of this proposed rule change, the Exchange will submit to the Commission monthly a PIP Pilot Program Report, offering detailed data from, and analysis of, the PIP Pilot Program.

To aid the Commission in its evaluation of the PIP Pilot Program, the Exchange provides the following additional information each month: (1) The number of orders of 50 contracts or greater entered into the PIP auction; (2) The percentage of all orders of 50 contracts or greater sent to the Exchange that are entered into the PIP auction; (3) The spread in the option, at the time an order of 50 contracts or greater is submitted to the PIP auction; (4) The percentage of PIP trades executed at the National Best Bid or Offer (''NBBO'') plus $.01, plus $.02, plus $.03, etc.; and (5) The number of orders submitted by Order Flow Providers (''OFPs'') when the spread was at a particular increment (*e.g.,* $.05, $.10, $.15, etc.). Also, relative to item 5 above, for each spread, BOX provides the percentage of contracts in orders of fewer than 50 contracts submitted to the PIP that were traded

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 240.19b–4(f)(6).

[4] The Pilot Program is currently set to expire on July 18, 2012. *See* Securities Exchange Act Release No. 66871 (April 27, 2012) 77 FR 26323 (May 3, 2012) (File No.10–206, In the Matter of the Application of BOX Options Exchange LLC for Registration as a National Securities Exchange Findings, Opinion, and Order of the Commission).

[5] *Id.* at 26334.

by: (a) The OFP that submitted the order to the PIP; (b) BOX Market Makers assigned to the class; (c) other BOX Participants; (d) Public Customer Orders (including Customer PIP Orders (''CPOs'')); and (e) unrelated orders (orders in standard increments entered during the PIP). Additionally, for each spread, BOX provides the percentage of contracts in orders of 50 contracts or greater submitted to the PIP that were traded by: (a) The OFP that submitted the order to the PIP; (b) BOX Market Makers assigned to the class; (c) other BOX Participants; (d) Public Customer Orders (including Customer PIP Orders (''CPOs'')); and (e) unrelated orders. Further, BOX provides, for the first and third Wednesday of each month, the: (a) Total number of PIP auctions on that date; (b) number of PIP auctions where the order submitted to the PIP was fewer than 50 contracts; (c) number of PIP auctions where the order submitted to the PIP was 50 contracts or greater; (d) number of PIP auctions where the number of Participants (excluding the Initiating Participant) was zero, one, two, three, four, etc. Finally, during the PIP Pilot, BOX provides information each month with respect to situations in which the PIP is terminated prematurely or a Market Order, Limit Order, or BOX–Top Order immediately execute with a PIP Order before the PIP's conclusion. The following information is provided: (1) The number of times that a Market Order, Limit Order, or BOX–Top Order in the same series on the same side of the market as the PIP Order prematurely terminated the PIP, and (a) the number of times such orders were entered by the same (or affiliated) firm that initiated the PIP that was terminated, and (b) the number of times such orders were entered by a firm (or an affiliate of such firm) that participated in the execution of the PIP Order; (2) For the orders addressed in each of 1(a) and 1(b) above, the percentage of PIP premature terminations due to the receipt, during the PIP, of a Market Order, Limit Order, or BOX–Top Order in the same series on the same side of the market as the PIP Order; and the average amount of price improvement provided to the PIP Order where the PIP is prematurely terminated; (3) The number of times that a Market Order, Limit Order, or BOX–Top Order in the same series on the opposite side of the market as the PIP Order immediately executed against the PIP Order, and (a) the number of times such orders were entered by the same (or affiliated) firm that initiated the PIP, and (b) the number of times such orders were entered by a firm (or an affiliate of such firm) that participated in the execution of the PIP Order; (4) For the orders addressed in each of 3(a) and 3(b) above, the percentage of PIP early executions due to the receipt, during the PIP, of a Market Order, Limit Order, or BOX–Top Order in the same series on the opposite side of the market as the PIP Order; and the average amount of price improvement provided to the PIP Order where the PIP Order is immediately executed; and (5) The average amount of price improvement provided to the PIP Order when the PIP runs for one hundred milliseconds.

2. Statutory Basis

The Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Act,[6] in general, and Section 6(b)(5) of the Act,[7] in particular, in that it is designed 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 for a free and open market and a national market system and, in general, to protect investors and the public interest. The Exchange believes that the data demonstrates that there is sufficient investor interest and demand to extend the PIP Pilot Program for an additional twelve months. The Exchange represents that the Pilot Program is designed to provide investors with real and significant price improvement regardless of the size of the order.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[8] and Rule 19b–4(f)(6) thereunder.[9] 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, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[10] and Rule 19b–4(f)(6)(iii) thereunder.[11]

A proposed rule change filed under Rule 19b–4(f)(6)[12] normally does not become operative for 30 days after the date of filing. However, pursuant to Rule 19b–4(f)(6)(iii)[13] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange requested that the Commission waive the 30-day operative delay. The Exchange noted that such waiver will permit the PIP Pilot Program to continue without interruption.

The Commission believes that waiving operative delay as of July 18, 2012 is consistent with the protection of investors and the public interest, as it will allow the pilot program to continue uninterrupted, thereby avoiding any potential investor confusion that could result from a temporary interruption in the pilot program. Further, the Commission notes that, because the filing was submitted for immediate effectiveness on June 25, 2012 the fact that the current rule provision does not expire until July 18, 2012 will afford interested parties the opportunity to comment on the proposal before the Exchange requires it to become operative. For this reason, the Commission designates the proposed rule change to be operative on July 18, 2012.[14]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

[8] 15 U.S.C. 78s(b)(3)(A)(iii).

[9] 17 CFR 240.19b–4(f)(6).

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(6)(iii). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[12] 17 CFR 240.19b–4(f)(6).

[13] 17 CFR 240.19b–4(f)(6)(iii).

[14] For purposes only of waiving the operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

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 No. SR–BOX–2012–009 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–BOX–2012–009. 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–BOX–2012–009 and should be submitted on or before July 23, 2012.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–16088 Filed 6–29–12; 8:45 am]

BILLING CODE 8011–01–P

DEPARTMENT OF STATE

[Public Notice 7939]

30-Day Notice of Proposed Information Collection, DS–5520, Supplemental Questionnaire to Determine Identity for a U.S. Passport, 1405–XXXX

ACTION: Notice of request for public comment and submission to OMB of proposed collection of information.

SUMMARY: The Department of State has submitted the following information collection request to the Office of Management and Budget (OMB) for approval in accordance with the Paperwork Reduction Act of 1995.

- *Title of Information Collection:* Supplemental Questionnaire to Determine Identity for a U.S. Passport.
- *OMB Control Number:* None.
- *Type of Request:* Existing Collection in Use Without an OMB Control Number.
- *Originating Office:* Bureau of Consular Affairs, Passport Services, Office of Project Management and Operational Support, Program Coordination (CA/PPT/PMO/PC).
- *Form Number:* DS–5520.
- *Respondents:* Individuals applying for a U.S. passport.
- *Estimated Number of Respondents:* 69,011.
- *Estimated Number of Responses:* 69,011.
- *Average Hours per Response:* 45 Minutes.
- *Total Estimated Burden:* 51,758 hours.
- *Frequency:* On occasion.
- *Obligation to Respond:* Required to Obtain a Benefit.

DATES: Submit comments to the Office of Management and Budget (OMB) for up to 30 days from July 2, 2012.

ADDRESSES: U.S. Department of State, Bureau of Consular Affairs, Passport Services, Office of Program Management and Operational Support, 2201 C Street NW., Washington, DC 20037.

Direct comments to the Department of State Desk Officer in the Office of Information and Regulatory Affairs at the Office of Management and Budget (OMB). You may submit comments by the following methods:

- *Email: oira_submission@omb.eop.gov.* You must include the DS form number, information collection title, and OMB control number in the subject line of your message.
- *Fax:* 202–395–5806. Attention: Desk Officer for Department of State.

FOR FURTHER INFORMATION CONTACT: You may obtain copies of the proposed information collection and supporting documents from PPT Forms Officer, U.S. Department of State, 2100 Pennsylvania Ave. NW., Room 3031, Washington, DC 20037, who may be reached on 202–663–2457 or at *PPTFormsOfficer@state.gov.*

SUPPLEMENTARY INFORMATION: We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary to properly perform our functions.
- Evaluate the accuracy of our estimate of the burden of the proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond.

Abstract of Proposed Collection

The primary purpose for soliciting this information is to validate an identity claim for a U.S. Passport Book or Passport Card in the narrow category of cases in which the evidence presented by an applicant is insufficient to establish identity. The information may also be used in adjudicating applications for other travel documents and services, and in connection with law enforcement, fraud prevention, border security, counterterrorism, litigation activities, and administrative purposes.

Methodology

The Supplemental Questionnaire to Determine Identity for a U.S. Passport is intended to verify the respondent's identity for purposes of determining eligibility for a U.S. passport. This form is used to supplement an existing passport application and solicits information relating to the respondent's employment and residences that is needed to corroborate an applicant's identity claim prior to passport issuance.

Additional Information

The DS–5520 is questionnaire is designed to help determine the identity of passport applicants. The DS–5520 is not designed to replace the DS–11, Application for a U.S. Passport, but rather to supplement the application

[15] 17 CFR 200.30–3(a)(12).

when the applicant initially submits evidence that is insufficient to meet his/her burden of proving identity. The Department estimates that such supplemental information will only be requested for a small number of applicants, estimated to be less than 0.5% of applications received annually. For information on what documentation is required when submitting a DS–11, please refer to page two of the instructions.

The DS–5520 is largely based on the original Biographical Questionnaire for a U.S. Passport, posted on the **Federal Register** for public comment on February 24, 2011 (page 10421) and closed April 25, 2011.

Comments we received from the original **Federal Register** posting were considered, and several suggestions were incorporated into the current version of the forms. The Department split the form into two shorter forms: the DS–5520 for identity questions and the DS–5513 for entitlement. Both revised forms assure applicants that failure to answer every question will not necessarily preclude passport issuance, as the responses to the questions in the forms are considered in their entirety.

In response to comments regarding burden and privacy concerns, the proposed forms amend many of the questions to more accurately obtain the information the Department is seeking. For example, the proposed DS–5520 limits the number of past employment and residences requested. The Department also removed the question regarding past supervisors and employers' contact information based on public comment.

After dramatically revising the form, the Department posted a second **Federal Register** notice for public comment. For this notice, the Department received comments remarked that providing information about one's family members (living and deceased) is irrelevant for determining their identity. Others expressed concern regarding how it will be difficult for some applicants (such as applicants who lived overseas or people who are adopted or elderly) to provide some of the requested information.

The details surrounding one's family are usually one of the easiest pieces of information an applicant can provide that can also easily be verified via records by the Department. That being said, the Department is also well aware of how complicated family dynamics can be regardless of whether or not the applicant is adopted (a fact which would be reflected in the citizenship evidence an applicant submits with the initial application) which is why the form's instructions stress that if you are unsure of the information, please provide a response to the best of your knowledge as Passport Services will consider all the information derived from this form in its entirety. This form instruction also applies to the comments regarding children who went to school overseas as well as elderly applicants who may not remember where they lived five addresses ago. The Department understands that when it comes to an applicant's life history, there can be a wide variety of responses provided and the Department therefore accepts a wide variety of answers.

Dated: May 9, 2012.

Barry J. Conway,

Acting Deputy Assistant Secretary for Passport Services, Bureau of Consular Affairs, Department of State.

[FR Doc. 2012–16190 Filed 6–29–12; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF STATE

[Public Notice 7938]

30-Day Notice of Proposed Information Collection: DS–5513, Supplemental Questionnaire To Determine Entitlement for a U.S. Passport, 1405–XXXX

ACTION: Notice of request for public comment and submission to OMB of proposed collection of information.

SUMMARY: The Department of State has submitted the following information collection request to the Office of Management and Budget (OMB) for approval in accordance with the Paperwork Reduction Act of 1995.

- *Title of Information Collection:* Supplemental Questionnaire to Determine Entitlement for a U.S. Passport
- *OMB Control Number:* None
- *Type of Request:* Existing Collection in Use Without an OMB Control Number
- *Originating Office:* Bureau of Consular Affairs, Passport Services, Office of Project Management and Operational Support, Program Coordination (CA/PPT/PMO/PC)
- *Form Number:* DS–5513
- *Respondents:* Individuals applying for a U.S. passport
- *Estimated Number of Respondents:* 5,010
- *Estimated Number of Responses:* 5,010
- *Average Hours per Response:* 85 Minutes
- *Total Estimated Burden:* 7,098 hours
- *Frequency:* On occasion
- *Obligation to Respond:* Required to Obtain a Benefit

DATES: Submit comments to the Office of Management and Budget (OMB) for up to 30 days from July 2, 2012.

ADDRESSES: U.S. Department of State, Bureau of Consular Affairs, Passport Services, Office of Program Management and Operational Support, 2201 C Street NW., Washington, DC 20037.

Direct comments to the Department of State Desk Officer in the Office of Information and Regulatory Affairs at the Office of Management and Budget (OMB). You may submit comments by the following methods:

- *Email: oira_submission@omb.eop.gov.* You must include the DS form number, information collection title, and OMB control number in the subject line of your message.
- *Fax:* 202–395–5806. Attention: Desk Officer for Department of State.

FOR FURTHER INFORMATION CONTACT: You may obtain copies of the proposed information collection and supporting documents from PPT Forms Officer, U.S. Department of State, 2100 Pennsylvania Ave. NW., Room 3031, Washington, DC 20037, who may be reached on 202–663–2457 or at *PPTFormsOfficer@state.gov.*

SUPPLEMENTARY INFORMATION: We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary to properly perform our functions.
- Evaluate the accuracy of our estimate of the burden of the proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond.

Abstract of Proposed Collection

The primary purpose for soliciting this information is to establish entitlement for a U.S. Passport Book or Passport Card. The information may also be used in connection with issuing other travel documents or evidence of citizenship, and in furtherance of the Secretary's responsibility for the protection of U.S. nationals abroad.

Methodology

The Supplemental Questionnaire to Determine Entitlement for a U.S. Passport is used to supplement an existing passport application and solicits information relating to the respondent's family and birth circumstances that is needed prior to passport issuance.

Additional Information

The DS–5513 is questionnaire is designed to help determine the entitlement of passport applicants. The DS–5513 is not designed to replace the DS–11, Application for a U.S. Passport, but rather to supplement the application when the applicant initially submits evidence that is insufficient to meet his/her burden of proving entitlement. The Department estimates that such supplemental information will only be requested for a small number of applicants, estimated to be less than 0.5% of applications received annually. For information on what documentation is required when submitting a DS–11, please refer to page two of the instructions.

The DS–5513 is largely based on the original Biographical Questionnaire for a U.S. Passport, posted on the **Federal Register** for public comment on February 24, 2011 (page 10421) and closed April 25, 2011.

Comments received from the original **Federal Register** posting were considered, and several suggestions were incorporated into the current version of the forms. The Department split the form into two shorter forms: the DS–5520 for identity questions and the DS–5513 for entitlement. Both revised forms assure applicants that failure to answer every question will not necessarily preclude passport issuance, as the responses to the questions in the forms are considered in their entirety.

In response to comments regarding burden and privacy concerns, the proposed forms amend many of the questions to more accurately obtain the information the Department is seeking. For example, on the DS–5513, the questions concentrate around the time of the applicant's birth and there are no longer any questions seeking information about periods of time beyond the applicant's 18th birthday.

The Department also received comments that expressed concern over the ability of an applicant who is adopted or elderly to answer the DS–5513's questions on birth circumstances. The form asks a wide range of questions related to the circumstances and facts surrounding an applicant's birth in order to accommodate the various situations in which Americans are born, whether hospital, home birth, non-institutional birth, etc. The Department realizes that most information an applicant supplies for this questionnaire surrounding his/her birth and early life will likely come from other sources and takes this into account during the adjudication process. In addition, many of these questions may not apply to some applicants; however, in those instances where the questions are relevant, the supplemental form gives the applicant an opportunity to provide additional information that may support passport issuance.

Dated: May 9, 2012.

Barry J. Conway,

Acting Deputy Assistant Secretary for Passport Services, Bureau of Consular Affairs, Department of State.

[FR Doc. 2012–16142 Filed 6–29–12; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF STATE

[Public Notice 7941]

Culturally Significant Objects Imported for Exhibition Determinations: ''Bodies and Shadows: Caravaggio and His Legacy''

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257 of April 15, 2003), I hereby determine that the objects to be included in the exhibition ''Bodies and Shadows: Caravaggio and His Legacy'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at the Los Angeles County Museum of Art, Los Angeles, CA, from on or about November 11, 2012, until on or about February 10, 2013; the Wadsworth Atheneum Museum of Art, Hartford, CT, from on or about March 8, 2013, until on or about June 16, 2013, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Julie Simpson, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6467). The mailing address is U.S. Department of State, SA–5, L/PD, Fifth Floor (Suite 5H03), Washington, DC 20522–0505.

Dated: June 22, 2012.

J. Adam Ereli,

Principal Deputy Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2012–16139 Filed 6–29–12; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 7940]

Determination Under the Foreign Assistance Act and the Department of State, Foreign Operations, and Related Programs Appropriations Acts

Pursuant to Section 654(c) of the Foreign Assistance Act of 1961, as amended (FAA), notice is hereby given that the Deputy Secretary of State has made a determination pursuant to Section 620H of the FAA, and Section 7021 of the Department of State, Foreign Operations, and Related Programs Appropriations, 2012 (Div. I, Pub. L. 112–74), and similar provisions in prior-year appropriations acts, and has concluded that publication of the determination would be harmful to the national security of the United States.

This notice shall be published in the **Federal Register**.

Dated: *June 22, 2012.*

Vann H. Van Diepen,

Principal Deputy Assistant Secretary of State.

[FR Doc. 2012–16196 Filed 6–29–12; 8:45 am]

BILLING CODE 4710–27–P

DEPARTMENT OF STATE

[Public Notice 7942]

Suggestions for Environmental Cooperation Pursuant to the United States-Korea Environmental Cooperation Agreement

AGENCY: Department of State.

ACTION: Notice of preparation of and request for comments regarding the first United States—Korea Environmental Cooperation Work Program.

SUMMARY: The Department invites the public, including NGOs, educational institutions, private sector enterprises and other interested persons, to submit written comments or suggestions regarding items for inclusion in the first Work Program for implementing the United States—Korea Environmental Cooperation Agreement, which entered into force on March 15, 2012. We encourage submitters to refer to: (1) The U.S.—Korea Environmental Cooperation Agreement; (2) Chapter 20 (Environment) of the U.S.—Korea Free

Trade Agreement; and (3) the Environmental Review of the U.S.—Korea Free Trade Agreement. These documents are available at: *http://www.state.gov/e/oes/env/trade/c49687.htm.*

DATES: To be assured of timely consideration, all written comments or suggestions are requested no later than July 16, 2012.

ADDRESSES: Written comments or suggestions should be emailed to (*MartirTorresMC@state.gov*) or faxed ((202) 647–5947) to Maina Martir-Torres, Office of Environmental Policy, Bureau of Oceans and International Environmental and Scientific Affairs, U.S. Department of State, with the subject line ''U.S.-Korea Environmental Cooperation.'' If you have access to the Internet, you can view and comment on this notice by going to: *http://www.regulations.gov/#!home* and searching on docket number: DOS–2012–0040.

FOR FURTHER INFORMATION, CONTACT: Maina Martir-Torres, telephone (202) 647–4750.

SUPPLEMENTARY INFORMATION:

U.S.-Korea Environmental Cooperation Agreement

The United States—Korea Environmental Cooperation Agreement (ECA) entered into force on March 15, 2012. The United States and Korea negotiated the ECA in parallel with the U.S.—Korea Free Trade Agreement. The ECA establishes a framework to promote cooperation on environmental protection, sustainable management of natural resources, conservation and protection of biodiversity, and strengthening of environmental law enforcement. Article 3 of the ECA establishes the Environmental Cooperation Commission (ECC), which is responsible for developing programs of work that reflect the parties' priorities for cooperative environmental activities.

We are requesting suggestions for cooperative environmental activities to consider for inclusion in the first Work Program. For additional information, please visit: *http://www.state.gov/e/oes/env/trade/c49687.htm.*

Disclaimer: This Public Notice is a request for comments and suggestions, and is not a request for applications. No granting of money is directly associated with this request for suggestions for the Work Program and Plan of Action. There is no expectation of resources or funding associated with any comments or suggestions for the Work Program or the Plan of Action.

Dated: June 22, 2012.

George Sibley,

Director, Office of Environmental Policy, Department of State.

[FR Doc. 2012–16141 Filed 6–29–12; 8:45 am]

BILLING CODE 4710–09–P

DEPARTMENT OF STATE

[Public Notice 7943]

Suggestions for Environmental Cooperation Pursuant to the United States-Singapore Memorandum of Intent on Environmental Cooperation

AGENCY: Department of State.

ACTION: Notice of preparation of and request for comments regarding the 2013–2014 United States—Singapore Plan of Action for Environmental Cooperation.

SUMMARY: The Department invites the public, including NGOs, educational institutions, private sector enterprises and other interested persons, to submit written comments or suggestions regarding items for inclusion in the next Plan of Action for implementing the U.S.–Singapore Memorandum of Intent on Cooperation in Environmental Matters (MOI), signed on June 13, 2003. In preparing such comments or suggestions, we encourage submitters to refer to: (1) The U.S.–Singapore MOI, (2) the U.S.–Singapore 2011–2012 Plan of Action on Environmental Cooperation, (3) the U.S.–Singapore FTA Environment Chapter, and (4) the Environmental Review of the FTA. These documents are available at: *http://www.state.gov/e/oes/env/trade/singapore/index.htm.*

DATES: To be assured of timely consideration, all written comments or suggestions are requested no later than July 16, 2012.

ADDRESSES: Written comments or suggestions should be emailed to (*MartirTorresMC@state.gov*) or faxed (202) 647–5947) to Maina Martir-Torres, Office of Environmental Policy, Bureau of Oceans and International Environmental and Scientific Affairs, U.S. Department of State, with the subject line ''U.S.–Singapore Environmental Cooperation.'' If you have access to the Internet, you can view and comment on this notice by going to: *http://www.regulations.gov/#!home* and searching on docket number: DOS–2012–0042.

FOR FURTHER INFORMATION CONTACT: Maina Martir-Torres, telephone (202) 647–4750.

SUPPLEMENTARY INFORMATION:

U.S.-Singapore Memorandum of Intent on Cooperation in Environmental Matters

The United States and Singapore signed the MOI on Cooperation in Environmental Matters, on June 13, 2003. The United States and Singapore negotiated the MOI in parallel with the U.S.–Singapore Free Trade Agreement. In Section 3 of the MOI, the Governments state that they plan to meet at least biennially to review the status of cooperation and to develop and update, as appropriate, a Plan of Action for Environmental Cooperation. The Plan of Action is a tool which identifies and outlines agreed upon environmental cooperation priorities, on-going efforts, and possibilities for future cooperation.

The mutually identified goals of cooperation under the 2011–2012 Plan of Action are: (1) Encouraging the bilateral and regional use of innovative and climate friendly environmental technology and pollution management techniques; (2) participating in regional initiatives on environmentally sustainable cities and sustainable management and trade in sustainably managed resources; and (3) further improving capacity to implement and enforce environmental laws, including further enhancing efforts of countries in the region to combat illegal trade in environmentally sensitive goods through bilateral and regional cooperative activities.

For the 2013–2014 Plan of Action, we anticipate building upon cooperative work initiated under previous Plans of Action. We are requesting suggestions that may be considered for inclusion in the next Plan of Action.

For additional information, please visit: *http://www.state.gov/e/oes/env/trade/singapore/index.htm.*

Disclaimer: This Public Notice is a request for comments and suggestions, and is not a request for applications. No granting of money is directly associated with this request for suggestions for the Work Program and Plan of Action. There is no expectation of resources or funding associated with any comments or suggestions for the Work Program or the Plan of Action.

Dated: June 22, 2012.

George Sibley,

Director, Office of Environmental Policy, Department of State.

[FR Doc. 2012–16138 Filed 6–29–12; 8:45 am]

BILLING CODE 4710–09–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Air Traffic Procedures Advisory Committee

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Categorical Exclusion from Further Environmental Review for Standard Instrument Departures at La Guardia Airport.

SUMMARY: The FAA is issuing this notice to advise the public of its environmental review of four standard instrument departure procedures at LaGuardia International Airport (LGA). As required by the National Environmental Policy Act, an evaluation has been performed on the four proposed standard instrument departure procedures to determine the level of environmental review warranted. The FAA has elected to ''Categorically Exclude from further environmental review'' the four proposed departure procedures identified as GLDMN FOUR (RNAV) Runway 13, NTHNS TWO (RNAV) Runway 13, HOPEA ONE (RNAV) Runway 22, and JUTES ONE (RNAV) Runway 22.

DATES: Effective upon publication. A Categorical Exclusion (Cat Ex) from environmental review does not require a formal public hearing or a formal public comment period prior to the Cat Ex becoming effective.

FOR FURTHER INFORMATION CONTACT: Ms. Lee Kyker, Environmental Specialist, Air Traffic Eastern Service Center, Operations Support Group, 1701 Columbia Ave., College Park, GA 30337.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the FAA has elected to ''Categorically Exclude from further environmental review'' the proposed RNAV departure procedures as follows: GLDMN FOUR (RNAV) Runway 13, NTHNS TWO (RNAV) Runway 13, HOPEA ONE (RNAV) Runway 22, and JUTES ONE (RNAV) Runway 22. Project: Publish GLDMN FOUR (RNAV) Runway 13, NTHNS TWO (RNAV) Runway 13, HOPEA ONE (RNAV) Runway 22, and JUTES ONE (RNAV) Runway 22.

Location: LaGuardia International Airport (LGA).

This project consists of publishing RNAV departure procedures identified as the GLDMN FOUR (RNAV) Runway 13, NTHNS TWO (RNAV) Runway 13, HOPEA ONE (RNAV) Runway 22, and JUTES ONE (RNAV) Runway 22. RNAV facilitates more efficient design of airspace and procedures which collectively result in improved safety, access, predictability, and operational efficiency. Improved access and flexibility for point-to-point operations help enhance reliability and reduce delays by defining more precise terminal area procedures. The altitude restrictions in the GLDMN will permit LGA to land Runway 4 and make right turns with Runway 13 departures. LGA's Runway 22 is used under very limited conditions, such as when required by weather or when Runway 13/31 is closed. The conditions of use of Runway 22 will not change, however use of the HOPEA ONE and JUTES ONE procedures will provide for greater efficiency under these limited use conditions. The review process indicated that the proposed project will not adversely impact the environment. Consequently, the FAA has elected to ''Categorically Exclude from further environmental review'' the proposed RNAV Standard Instrument Departure procedures (SIDS), based upon compliance with FAA Order 1050.1E, § 311(i).

Issued in Atlanta, GA, on June 18, 2012.

Barry A. Knight,

Acting Manager, Operations Support Group, FAA, Air Traffic, Eastern Service Center.

[FR Doc. 2012–16100 Filed 6–29–12; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Eighth Meeting: RTCA Special Committee 225, Rechargeable Lithium Battery and Battery Systems—Small and Medium Sizes

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

ACTION: Meeting Notice of RTCA Special Committee 225, Rechargeable Lithium Battery and Battery Systems—Small and Medium Sizes.

SUMMARY: The FAA is issuing this notice to advise the public of the eighth meeting of RTCA Special Committee 225, Rechargeable Lithium Battery and Battery Systems—Small and Medium Sizes.

DATES: The meeting will be held July 17–19, 2012, from 9 a.m.–5 p.m.

ADDRESSES: The meeting will be held at RTCA, Inc., 1150 18th Street NW., Suite 910, Washington, DC, 20036.

FOR FURTHER INFORMATION CONTACT: The RTCA Secretariat, 1150 18th Street NW., Suite 910, Washington, DC, 20036, or by telephone at (202) 833–9339, fax at (202) 833–9434, or Web site at *http://www.rtca.org.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., App.), notice is hereby given for a meeting of Special Committee 225. The agenda will include the following:

Tuesday, July 17, 2012

- Introductions and administrative items.
- Review and approve agenda
- Review and approval of summary from last plenary meeting.
- Update to TOR.
- Review schedule for upcoming Plenaries, working group meetings, and document preparation.
- Review action items.
- Working Group Meeting—Review draft document.

Wednesday, July 18

- Review agenda, other actions.
- Working Group Meeting—Review draft document.

Thursday, July 19

- Review agenda, other actions.
- Verify dates of next plenary and upcoming working group meetings.
- Establish Agenda for next plenary meeting.
- Working Group Meeting—Review draft document.
- Working Group report, review progress and actions.
- Review new action items.
- Adjourn.

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on June 26, 2012.

David Sicard,

Manager, Business Operations Branch, Federal Aviation Administration.

[FR Doc. 2012–16110 Filed 6–29–12; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice to Rescind the Notice of Intent to Prepare an Environmental Impact Statement (EIS), Kootenai County, ID

AGENCY: Federal Highway Administration.

ACTION: Rescind Notice of Intent to prepare an Environmental Impact Statement.

SUMMARY: The FHWA is issuing this notice to advise the public that the Notice of Intent published on May 27, 2005 (Volume 70, Number 102) to prepare an EIS for a proposed highway project in Kootenai County, Idaho is being rescinded.

FOR FURTHER INFORMATION CONTACT: Mr. John Perry, Field Operations Engineer, Federal Highway Administration, 3050 Lakeharbor Lane, Suite 126, Boise, Idaho 83703, Telephone: (208) 334–9180, or Mr. Michael Hartz, Sr. Environmental Planner, Idaho Transportation Department District 1, 600 W. Prairie Ave, Coeur d'Alene, Idaho 83815–8764, Telephone: (208) 772–8018.

SUPPLEMENTARY INFORMATION: The Federal Highway Administration (FHWA), in cooperation with Idaho Transportation Department (ITD), published a Notice of Intent (NOI) on May 27, 2005 (Volume 70, Number 102) to prepare an Environmental Impact Statement (EIS) on a proposal to improve Interstate 90 (I–90) in Kootenai County, Idaho. The proposed improvements involved access and mobility enhancements on I–90 between the Spokane Street interchange to the west at approximately milepost (MP 4.3) and State Highway (SH) 41 interchange (approximately MP 7.6) to the east for a distance of about three (3) miles. The purpose of this project was to provide transportation system solutions on the I–90 corridor, from the Spokane Street Interchange through the SH 41 Interchange, that would enhance access and cross-freeway mobility, improve traffic operations within the corridor, and provide safe and efficient movement of people, goods and services, while giving full consideration to local roads as primary transportation corridors. This project was needed because congestion and safety concerns were rising within the project corridor and travel times for local and through traffic had been increasing. These conditions arose from increased and projected increased regional travel demand due to planned community growth, limited local city street connectivity to and across I–90, and mobility limitations at existing interchanges. Ten alternatives considered included (a) taking no action, (b) applying enhanced Transportation Systems and Transportation Demand Management methods on existing transportation systems, (c) Transit, and (d) seven combinations of actions that included some or all of the following: interchange modifications at the Spokane Street Interchange, interchange modifications at the SH 41 Interchange, expansion of SH 41 to six lanes; interchange modifications at the Seltice Way Interchange, a new interchange or an I–90 grade separation at Greensferry Road, an I–90 grade separation at Syringa Street, applying access management on Seltice Way, and auxiliary lanes and/or collector distributor roads on I–90 from the Spokane Street Interchange to the SH 41 Interchange.

A Draft EIS was published, and a Public Hearing was held on Oct, 29, 2008. A preferred alternative was identified that consisted of a combination of several improvements at the SH 41 Interchange, Spokane St. Interchange, as well as a new Greensferry Interchange, combined with removal of the half interchange at Seltice. Impacts to the social, economic, and natural environment were minimal. After receiving minor comments during the public review period, work on the Final EIS commenced, along with preparation of the Interchange Justification Report (IJR). At that point in the project, an update to the regional traffic model was released. The updated regional traffic model showed a significant drop in the projected traffic volumes and congestion within the project corridor that has resulted in the project's purpose and need being satisfied with minor safety and congestion improvements which may include improvements to existing interchanges and local intersections to meet the future needs of the corridor. These safety and congestion improvements are not anticipated to result in significant impacts on the human or natural environment. The NOI is being rescinded due to the significant decrease in the project scope and the low potential for significant impacts from the alternatives being considered.

If, at a future time, FHWA determines that the proposed improvements are likely to have a significant impact on the environment, a new NOI to prepare an EIS will be published.

To ensure that the full range of issues related are identified, comments or questions regarding this action to rescind the NOI are invited from all interested parties. These comments or questions should be directed to FHWA or ITD at the addresses provided above.

Authority: 23 CFR 771.123.

Dated: June 26, 2012.

Peter J. Hartman,

Division Administrator, FHWA Idaho Division.

[FR Doc. 2012–16112 Filed 6–29–12; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circular 570; 2012 Revision]

Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies

Effective July 2, 2012.

This Circular is published annually, solely for the information of Federal bond-approving officers and persons required to give bonds to the United States. Copies of the Circular and interim changes may be obtained directly from the internet or from the Government Printing Office (202) 512–1800. (Interim changes are published in the **Federal Register** and on the internet as they occur). Other information pertinent to Federal sureties may be obtained from the U.S. Department of the Treasury, Financial Management Service, Surety Bond Branch, 3700 East West Highway, Room 6F01, Hyattsville, MD 20782, Telephone (202) 874–6850 or Fax (202) 874–9978.

The most current list of Treasury authorized companies is always available through the Internet at *www.fms.treas.gov/c570.* In addition, applicable laws, regulations, and application information are also available at the same site.

Please note that the underwriting limitation published herein is on a per bond basis but this does not limit the amount of a bond that a company can write. Companies are allowed to write bonds with a penal sum over their underwriting limitation as long as they protect the excess amount with reinsurance, coinsurance or other methods as specified at 31 CFR 223.10–11. Please refer to Note (b) at the end of this publication.

The following companies have complied with the law and the regulations of the U.S. Department of the Treasury. Those listed in the front of this Circular are acceptable as sureties and reinsurers on Federal bonds

under Title 31 of the United States Code, Sections 9304 to 9308 [See Note (a)]. Those listed in the back are acceptable only as reinsurers on Federal bonds under 31 CFR 223.3(b) [See Note (e)].

If we can be of any assistance, please feel free to contact the Surety Bond Branch at (202) 874–6850.

Randy Thornton,

Acting Assistant Commissioner for Management (CFO).

Important information is contained in the notes at the end of this circular. Please read the notes carefully.

Certified Companies

ACCREDITED SURETY AND CASUALTY COMPANY, INC. (NAIC #26379)
BUSINESS ADDRESS: PO Box 140855, Orlando, FL 32814–0855. PHONE: (407) 629–2131. UNDERWRITING LIMITATION b/: $1,641,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Florida.

ACSTAR INSURANCE COMPANY (NAIC #22950)
BUSINESS ADDRESS: P.O. BOX 2350, NEW BRITAIN, CT 06050–2350. PHONE: (860) 224–2000. UNDERWRITING LIMITATION b/: $2,848,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Illinois.

Aegis Security Insurance Company (NAIC #33898)
BUSINESS ADDRESS: P.O. Box 3153, Harrisburg, PA 17105. PHONE: (717) 657–9671. UNDERWRITING LIMITATION b/: $4,353,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Pennsylvania.

ALL AMERICA INSURANCE COMPANY (NAIC #20222)
BUSINESS ADDRESS: P.O. BOX 351, VAN WERT, OH 45891–0351. PHONE: (419) 238–1010. UNDERWRITING LIMITATION b/: $10,726,000. SURETY LICENSES c,f/: AZ, CA, CT, GA, IL, IN, IA, KY, MA, MI, NV, NJ, NY, NC, OH, OK, TN, TX, VA. INCORPORATED IN: Ohio.

Allegheny Casualty Company (NAIC #13285)
BUSINESS ADDRESS: One Newark Center, 20th Floor, Newark, NJ 07102. PHONE: (800) 333–4167 x-269. UNDERWRITING LIMITATION b/: $1,851,000. SURETY LICENSES c,f/: AL, AK, AS, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Pennsylvania.

ALLEGHENY SURETY COMPANY (NAIC #34541)
BUSINESS ADDRESS: 4217 Steubenville Pike, Pittsburgh, PA 15205. PHONE: (412) 921–3077. UNDERWRITING LIMITATION b/: $295,000. SURETY LICENSES c,f/: PA. INCORPORATED IN: Pennsylvania.

ALLIED Property and Casualty Insurance Company (NAIC #42579)
BUSINESS ADDRESS: ONE WEST NATIONWIDE BLVD., 1–04–701, COLUMBUS, OH 43215–2220. PHONE: (515) 508–4211. UNDERWRITING LIMITATION b/: $6,285,000. SURETY LICENSES c,f/: AZ, CA, CO, DE, FL, GA, ID, IL, IN, IA, KS, KY, MD, MI, MN, MO, MT, NE, NV, NM, OH, PA, SC, SD, TN, TX, UT, VA, WA, WI, WY. INCORPORATED IN: Iowa.

Allied World Reinsurance Company (NAIC #22730)
BUSINESS ADDRESS: 199 Water Street, New York, NY 10038. PHONE: (646) 794–0500. UNDERWRITING LIMITATION b/: $48,578,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: New Hampshire.

AMCO Insurance Company (NAIC #19100)
BUSINESS ADDRESS: ONE WEST NATIONWIDE BLVD., 1–04–701, COLUMBUS, OH 43215–2220. PHONE: (515) 508–4211. UNDERWRITING LIMITATION b/: $46,341,000. SURETY LICENSES c,f/: AZ, CA, CO, DE, FL, GA, ID, IL, IN, IA, KS, KY, MD, MI, MN, MO, MT, NE, NV, NM, NC, OH, OR, PA, SC, SD, TN, TX, UT, VA, WA, WI, WY. INCORPORATED IN: Iowa.

AMERICAN ALTERNATIVE INSURANCE CORPORATION (NAIC #19720)
BUSINESS ADDRESS: 555 COLLEGE ROAD EAST—P.O. BOX 5241, PRINCETON, NJ 08543. PHONE: (609) 243–4200. UNDERWRITING LIMITATION b/: $15,622,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MP, MT, NE, NV, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Delaware.

American Automobile Insurance Company (NAIC #21849)
BUSINESS ADDRESS: 777 San Marin Drive, Novato, CA 94998. PHONE: (415) 899–2000. UNDERWRITING LIMITATION b/: $15,863,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Missouri.

AMERICAN BANKERS INSURANCE COMPANY OF FLORIDA (NAIC #10111)
BUSINESS ADDRESS: 11222 QUAIL ROOST DRIVE, MIAMI, FL 33157–6596. PHONE: (305) 253–2244. UNDERWRITING LIMITATION b/: $40,472,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, VI, WA, WV, WI, WY. INCORPORATED IN: Florida.

American Casualty Company of Reading, Pennsylvania (NAIC #20427)
BUSINESS ADDRESS: 333 S. WABASH AVE, CHICAGO, IL 60604. PHONE: (312) 822–5000. UNDERWRITING LIMITATION b/: $13,107,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Pennsylvania.

AMERICAN CONTRACTORS INDEMNITY COMPANY (NAIC #10216)[1 8]

BUSINESS ADDRESS: 601 South Figueroa Street, 16th Floor, Los Angeles, CA 90017. PHONE: (310) 649–0990. UNDERWRITING LIMITATION b/: $6,555,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, GU, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MI, MN, MS, MO, MP, MT, NE, NV, NJ, NM, NY, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VA, WA, WV, WI, WY. INCORPORATED IN: California.

American Economy Insurance Company (NAIC #19690)

BUSINESS ADDRESS: 350 E. 96th Street, Indianapolis, IN 46240. PHONE: (617) 357–9500. UNDERWRITING LIMITATION b/: $23,403,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NM, NY, NC, ND, OH, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Indiana.

American Fire and Casualty Company (NAIC #24066)

BUSINESS ADDRESS: 9450 Seward Road, Fairfield, OH 45014. PHONE: (617) 357–9500. UNDERWRITING LIMITATION b/: $4,487,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, ID, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MS, MO, MT, NE, NV, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VA, WA, WV, WI, WY. INCORPORATED IN: Ohio.

American Guarantee and Liability Insurance Company (NAIC #26247)

BUSINESS ADDRESS: 1400 AMERICAN LANE, TOWER I, 18TH FLOOR, SCHAUMBURG, IL 60196–1056. PHONE: (847) 605–6000. UNDERWRITING LIMITATION b/: $17,590,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: New York.

American Hardware Mutual Insurance Company (NAIC #13331) [2]

American Home Assurance Company (NAIC #19380)

BUSINESS ADDRESS: 175 WATER STREET, 18TH FLOOR, NEW YORK, NY 10038. PHONE: (212) 770–7000. UNDERWRITING LIMITATION b/: $566,730,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, GU, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MP, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: New York.

American Insurance Company (The) (NAIC #21857)

BUSINESS ADDRESS: 777 San Marin Drive, Novato, CA 94998. PHONE: (415) 899–2000. UNDERWRITING LIMITATION b/: $31,397,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Ohio.

AMERICAN ROAD INSURANCE COMPANY (THE) (NAIC #19631)

BUSINESS ADDRESS: One American Road, MD 7600, Dearborn, MI 48126–2701. PHONE: (313) 337–1102. UNDERWRITING LIMITATION b/: $20,507,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Michigan.

American Safety Casualty Insurance Company (NAIC #39969)

BUSINESS ADDRESS: 100 Galleria Pkwy SE., Suite 700, Atlanta, GA 30339. PHONE: (770) 916–1908. UNDERWRITING LIMITATION b/: $7,536,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MI, MN, MS, MO, MT, NE, NV, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Oklahoma.

AMERICAN SERVICE INSURANCE COMPANY, INC. (NAIC #42897)

BUSINESS ADDRESS: 150 Northwest Point Blvd., Suite 300, Elk Grove Village, IL 60007. PHONE: (847) 472–6700. UNDERWRITING LIMITATION b/: $3,736,000. SURETY LICENSES c,f/: AL, AK, AZ, CO, FL, GA, HI, ID, IL, IN, IA, KS, KY, MD, MA, MS, MO, MT, NE, NV, NY, OH, OK, PA, SC, SD, TX, UT, WA, WV, WY. INCORPORATED IN: Illinois.

American Southern Insurance Company (NAIC #10235)

BUSINESS ADDRESS: P.O. Box 723030, Atlanta, GA 31139–0030. PHONE: (404) 266–9599. UNDERWRITING LIMITATION b/: $3,799,000. SURETY LICENSES c,f/: AL, AZ, AR, CO, DE, DC, FL, GA, IL, IN, KS, KY, MD, MI, MN, MS, MO, NE, NJ, NY, NC, OH, PA, SC, TN, UT, VA, WA, WV, WI, WY. INCORPORATED IN: Kansas.

American States Insurance Company (NAIC #19704)

BUSINESS ADDRESS: 350 E. 96th Street, Indianapolis, IN 46240. PHONE: (617) 357–9500. UNDERWRITING LIMITATION b/: $38,228,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Indiana.

American Surety Company (NAIC #31380)

BUSINESS ADDRESS: 250 East 96th Street, Suite 202, Indianapolis, IN 46240. PHONE: (317) 875–8700. UNDERWRITING LIMITATION b/: $1,104,000. SURETY LICENSES c,f/: AL, AK, AZ, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WY. INCORPORATED IN: Indiana.

Amerisure Mutual Insurance Company (NAIC #23396)

BUSINESS ADDRESS: P.O. Box 2060, Farmington Hills, MI 48333–2060. PHONE: (248) 615–9000. UNDERWRITING LIMITATION b/: $67,305,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Michigan.

Antilles Insurance Company (NAIC #10308)

BUSINESS ADDRESS: P.O. Box 9023507, San Juan, PR 00902–3507. PHONE: (787) 474–4900. UNDERWRITING LIMITATION b/: $5,802,000. SURETY LICENSES c,f/: PR. INCORPORATED IN: Puerto Rico.

Arch Insurance Company (NAIC #11150)

BUSINESS ADDRESS: 300 Plaza Three, Jersey City, NJ 07311–1107. PHONE: (201) 743–4000. UNDERWRITING LIMITATION b/: $56,974,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, GU, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ,

NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, VI, WA, WV, WI, WY. INCORPORATED IN: Missouri.

Arch Reinsurance Company (NAIC #10348)
BUSINESS ADDRESS: 445 South Street, Suite 220, P.O. Box 1988, Morristown, NJ 07962–1988. PHONE: (973) 898–9575. UNDERWRITING LIMITATION b/: $28,904,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV. INCORPORATED IN: Nebraska.

Argonaut Insurance Company (NAIC #19801)
BUSINESS ADDRESS: P.O. BOX 469011, SAN ANTONIO, TX 78246. PHONE: (800) 470–7958. UNDERWRITING LIMITATION b/: $37,305,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, GU, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, VI, WA, WV, WI, WY. INCORPORATED IN: Illinois.

ASPEN AMERICAN INSURANCE COMPANY (NAIC #43460)
BUSINESS ADDRESS: 175 Capital Boulevard, Suite 300, Rocky Hill, CT 06067. PHONE: (860) 258–3500. UNDERWRITING LIMITATION b/: $10,301,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, VI, WA, WV, WI, WY. INCORPORATED IN: Texas.

Associated Indemnity Corporation (NAIC #21865)
BUSINESS ADDRESS: 777 San Marin Drive, Novato, CA 94998. PHONE: (415) 899–2000. UNDERWRITING LIMITATION b/: $8,017,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WY. INCORPORATED IN: California.

Auto-Owners Insurance Company (NAIC #18988)
BUSINESS ADDRESS: P.O. BOX 30660, LANSING, MI 48909–8160. PHONE: (517) 323–1200. UNDERWRITING LIMITATION b/: $606,219,000. SURETY LICENSES c,f/: AL, AZ, AR, CO, FL, GA, ID, IL, IN, IA, KS, KY, MI, MN, MS, MO, NE, NV, NM, NC, ND, OH, OR, PA, SC, SD, TN, UT, VA, WA, WI. INCORPORATED IN: Michigan.

AXIS Insurance Company (NAIC #37273)
BUSINESS ADDRESS: 11680 Great Oaks Way, Ste. 500, Alpharetta, GA 30022. PHONE: (678) 746–9400. UNDERWRITING LIMITATION b/: $52,929,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Illinois.

AXIS Reinsurance Company (NAIC #20370)
BUSINESS ADDRESS: 11680 Great Oaks Way, Suite 500, Alpharetta, GA 30022. PHONE: (678) 746–9400. UNDERWRITING LIMITATION b/: $70,775,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: New York.

Bankers Insurance Company (NAIC #33162)
BUSINESS ADDRESS: P.O. BOX 15707, ST. PETERSBURG, FL 33733. PHONE: (727) 823–4000. UNDERWRITING LIMITATION b/: $3,756,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NM, NY, NC, ND, OH, OK, OR, PA, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Florida.

Beazley Insurance Company, Inc. (NAIC #37540)
BUSINESS ADDRESS: 30 Batterson Park Road, Farmington, CT 06032. PHONE: (860) 677–3700. UNDERWRITING LIMITATION b/: $11,501,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Connecticut.

Berkley Insurance Company (NAIC #32603)
BUSINESS ADDRESS: 475 STEAMBOAT ROAD, GREENWICH, CT 06830. PHONE: (203) 542–3800. UNDERWRITING LIMITATION b/: $179,794,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Delaware.

Berkley Regional Insurance Company (NAIC #29580)
BUSINESS ADDRESS: 11201 Douglas Avenue, Urbandale, IA 50322. PHONE: (203) 629–3000. UNDERWRITING LIMITATION b/: $69,983,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Delaware.

BITUMINOUS CASUALTY CORPORATION (NAIC #20095)
BUSINESS ADDRESS: 320 - 18TH STREET, ROCK ISLAND, IL 61201–8744. PHONE: (309) 786–5401. UNDERWRITING LIMITATION b/: $25,061,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Illinois.

BOND SAFEGUARD INSURANCE COMPANY (NAIC #27081)
BUSINESS ADDRESS: 10002 Shelbyville Road, Suite 100, Louisville, KY 40223. PHONE: (502) 253–6500. UNDERWRITING LIMITATION b/: $2,741,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, GU, HI, ID, IL, IN, KS, KY, LA, ME, MD, MA, MN, MS, MO, MP, MT, NE, NV, NH, NJ, NM, NC, ND, OH, OK, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Illinois.

Boston Indemnity Company, Inc. (NAIC #30279)
BUSINESS ADDRESS: 10002 Shelbyville Road, Suite 100, Louisville, KY 40223. PHONE: (502) 253–6500. UNDERWRITING LIMITATION b/: $491,000. SURETY LICENSES c,f/: SD. INCORPORATED IN: South Dakota.

Brierfield Insurance Company (NAIC #10993)
BUSINESS ADDRESS: 6300

University Parkway, Sarasota, FL 34240. PHONE: (800) 226–3224 x-2726. UNDERWRITING LIMITATION b/: $768,000. SURETY LICENSES c,f/: AL, AR, GA, MS, TN. INCORPORATED IN: Mississippi.

BRITISH AMERICAN INSURANCE COMPANY (NAIC #32875)
BUSINESS ADDRESS: P.O. Box 1590, Dallas, TX 75221–1590. PHONE: (214) 443–5500. UNDERWRITING LIMITATION b/: $3,009,000. SURETY LICENSES c,f/: TX. INCORPORATED IN: Texas.

Capitol Indemnity Corporation (NAIC #10472)
BUSINESS ADDRESS: P.O. Box 5900, Madison, WI 53705–0900. PHONE: (608) 829–4200. UNDERWRITING LIMITATION b/: $18,421,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VA, WA, WV, WI, WY. INCORPORATED IN: Wisconsin.

Capitol Preferred Insurance Company, Inc. (NAIC #10908)
BUSINESS ADDRESS: 2255 Killearn Center Boulevard, Tallahassee, FL 32309. PHONE: (850) 521–0742. UNDERWRITING LIMITATION b/: $1,388,000. SURETY LICENSES c,f/: FL, GA, SC. INCORPORATED IN: Florida.

Carolina Casualty Insurance Company (NAIC #10510)
BUSINESS ADDRESS: P.O. BOX 2575, JACKSONVILLE, FL 32203–2575. PHONE: (904) 363–0900. UNDERWRITING LIMITATION b/: $23,316,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Iowa.

Centennial Casualty Company (NAIC #34568)
BUSINESS ADDRESS: 2200 Woodcrest Place, Suite 200, Birmingham, AL 35209. PHONE: (205) 414–2600. UNDERWRITING LIMITATION b/: $4,738,000. SURETY LICENSES c,f/: AL. INCORPORATED IN: Alabama.

CENTRAL MUTUAL INSURANCE COMPANY (NAIC #20230)
BUSINESS ADDRESS: P.O. Box 351, VAN WERT, OH 45891–0351. PHONE: (419) 238–1010. UNDERWRITING LIMITATION b/: $35,056,000. SURETY LICENSES c,f/: AZ, CA, CO, CT, DE, GA, IL, IN, IA, KY, MA, MI, NV, NH, NJ, NM, NY, NC, OH, OK, PA, TN, TX, VA. INCORPORATED IN: Ohio.

CENTURY SURETY COMPANY (NAIC #36951)
BUSINESS ADDRESS: 465 Cleveland Avenue, Westerville, OH 43082. PHONE: (614) 895–2000. UNDERWRITING LIMITATION b/: $12,055,000. SURETY LICENSES c,f/: AZ, IN, OH, WV, WI. INCORPORATED IN: Ohio.

Cherokee Insurance Company (NAIC #10642)
BUSINESS ADDRESS: 34200 Mound Road, Sterling Heights, MI 48310. PHONE: (800) 201–0450 x-3400. UNDERWRITING LIMITATION b/: $12,535,000. SURETY LICENSES c,f/: AL, AZ, AR, CA, CO, CT, DE, FL, GA, ID, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MS, MO, MT, NE, NV, NJ, NM, NY, NC, ND, OH, OK, OR, PA, SC, SD, TN, TX, UT, VA, WA, WV, WI, WY. INCORPORATED IN: Michigan.

Chrysler Insurance Company (NAIC #10499) [3]

CHUBB INDEMNITY INSURANCE COMPANY (NAIC #12777)
BUSINESS ADDRESS: 15 Mountain View Road, Warren, NJ 07059. PHONE: (212) 612–4000. UNDERWRITING LIMITATION b/: $10,786,000. SURETY LICENSES c,f/: AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MP, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: New York.

Cincinnati Casualty Company (The) (NAIC #28665)
BUSINESS ADDRESS: P.O. Box 145496, Cincinnati, OH 45250–5496. PHONE: (513) 870–2000. UNDERWRITING LIMITATION b/: $27,998,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MI, MN, MS, MO, MT, NE, NV, NH, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Ohio.

Cincinnati Insurance Company (The) (NAIC #10677)
BUSINESS ADDRESS: P.O. BOX 145496, CINCINNATI, OH 45250–5496. PHONE: (513) 870–2000. UNDERWRITING LIMITATION b/: $346,680,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Ohio.

CITIZENS INSURANCE COMPANY OF AMERICA (NAIC #31534)
BUSINESS ADDRESS: 645 W. GRAND RIVER AVENUE, HOWELL, MI 48843–2151. PHONE: (517) 546–2160. UNDERWRITING LIMITATION b/: $70,169,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CO, CT, DE, DC, GA, HI, IL, IN, KS, ME, MD, MA, MI, MN, MO, MT, NE, NH, NJ, NM, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI. INCORPORATED IN: Michigan.

COLONIAL AMERICAN CASUALTY AND SURETY COMPANY (NAIC #34347)
BUSINESS ADDRESS: 1400 AMERICAN LANE, TOWER I, 18TH FLOOR, SCHAUMBURG, IL 60196–1056. PHONE: (847) 605–6000. UNDERWRITING LIMITATION b/: $2,358,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Maryland.

COLONIAL SURETY COMPANY (NAIC #10758)
BUSINESS ADDRESS: 50 Chestnut Ridge Road, Montvale, NJ 07645. PHONE: (201) 573–8788. UNDERWRITING LIMITATION b/: $2,243,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, GU, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MP, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, VI, WA, WV, WI, WY. INCORPORATED IN: Pennsylvania.

COMPANION PROPERTY AND CASUALTY INSURANCE COMPANY (NAIC #12157)
BUSINESS ADDRESS: P.O. Box 100165, Columbia, SC 29202. PHONE: (803) 735–0672. UNDERWRITING LIMITATION b/: $19,692,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: South Carolina.

Continental Casualty Company (NAIC #20443)
BUSINESS ADDRESS: 333 S.

WABASH AVE., CHICAGO, IL 60604. PHONE: (312) 822–5000. UNDERWRITING LIMITATION b/: $743,609,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, VI, WA, WV, WI, WY. INCORPORATED IN: Illinois.

CONTINENTAL HERITAGE INSURANCE COMPANY (NAIC #39551)
BUSINESS ADDRESS: 6140 PARKLAND BLVD., STE 321, MAYFIELD HEIGHTS, OH 44124. PHONE: (440) 229–3420. UNDERWRITING LIMITATION b/: $564,000. SURETY LICENSES c,f/: AZ, CA, FL, GA, ID, IL, IN, IA, LA, MD, MN, MS, NV, ND, OH, PA, SC, TN, TX, UT, VA. INCORPORATED IN: Florida.

Continental Insurance Company (The) (NAIC #35289)
BUSINESS ADDRESS: 333 S. WABASH AVE., CHICAGO, IL 60604. PHONE: (312) 822–5000. UNDERWRITING LIMITATION b/: $124,064,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, GU, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MP, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, VI, WA, WV, WI, WY. INCORPORATED IN: Pennsylvania.

CONTRACTORS BONDING AND INSURANCE COMPANY (NAIC #37206)
BUSINESS ADDRESS: 9025 N. Lindbergh Drive, Peoria, IL 61615. PHONE: (206) 628–7200. UNDERWRITING LIMITATION b/: $9,036,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Washington.

Cooperativa de Seguros Multiples de Puerto Rico (NAIC #18163)
BUSINESS ADDRESS: P.O. BOX 363846, SAN JUAN, PR 00936–3846. PHONE: (787) 622–3575 x–2512. UNDERWRITING LIMITATION b/: $18,333,000. SURETY LICENSES c,f/: FL, PR. INCORPORATED IN: Puerto Rico.

CorePointe Insurance Company (NAIC #10499)
BUSINESS ADDRESS: 401 South Old Woodward Avenue, Suite 300, Birmingham, MI 48009. PHONE: (800) 782–9164. UNDERWRITING LIMITATION b/: $13,552,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Michigan.

CUMIS INSURANCE SOCIETY, INC. (NAIC #10847)
BUSINESS ADDRESS: P.O. Box 1084, Madison, WI 53701. PHONE: (608) 238–5851. UNDERWRITING LIMITATION b/: $50,185,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, GU, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, VI, WA, WV, WI, WY. INCORPORATED IN: Iowa.

Darwin National Assurance Company (NAIC #16624)
BUSINESS ADDRESS: 1690 New Britain Avenue, Suite 101, Farmington, CT 06032. PHONE: (860) 284–1300. UNDERWRITING LIMITATION b/: $34,322,000. SURETY LICENSES c,f/: AL, AK, AZ, CO, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Delaware.

Developers Surety and Indemnity Company (NAIC #12718)
BUSINESS ADDRESS: P.O. BOX 19725, IRVINE, CA 92623–9725. PHONE: (949) 263–3300. UNDERWRITING LIMITATION b/: $5,842,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Iowa.

Employers Insurance Company of Wausau (NAIC #21458)
BUSINESS ADDRESS: 2000 Westwood Drive, Wausau, WI 54401. PHONE: (617) 357–9500. UNDERWRITING LIMITATION b/: $114,180,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, VI, WA, WV, WI, WY. INCORPORATED IN: Wisconsin.

Employers Mutual Casualty Company (NAIC #21415)
BUSINESS ADDRESS: P.O. BOX 712, DES MOINES, IA 50306–0712. PHONE: (515) 280–2511. UNDERWRITING LIMITATION b/: $89,244,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Iowa.

Endurance American Insurance Company (NAIC #10641)
BUSINESS ADDRESS: 333 Westchester Avenue, White Plains, NY 10604. PHONE: (914) 468–8000. UNDERWRITING LIMITATION b/: $23,566,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CO, DE, DC, GA, HI, ID, IL, IN, IA, KS, KY, LA, MD, MA, MI, MS, MO, MT, NE, NV, NH, NJ, NM, NY, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, WA, WV, WI, WY. INCORPORATED IN: Delaware.

Endurance Reinsurance Corporation of America (NAIC #11551)
BUSINESS ADDRESS: 333 Westchester Avenue, White Plains, NY 10604. PHONE: (914) 468–8000. UNDERWRITING LIMITATION b/: $36,272,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, DE, DC, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WY. INCORPORATED IN: Delaware.

Erie Insurance Company (NAIC #26263)
BUSINESS ADDRESS: 100 ERIE INSURANCE PLACE, ERIE, PA 16530. PHONE: (814) 870–2000. UNDERWRITING LIMITATION b/: $26,001,000. SURETY LICENSES c,f/: DC, IL, IN, KY, MD, MN, NY, NC, OH, PA, TN, VA, WV, WI. INCORPORATED IN: Pennsylvania.

Everest Reinsurance Company (NAIC #26921)
BUSINESS ADDRESS: P.O. Box 830, Liberty Corner, NJ 07938–0830. PHONE: (908) 604–3000. UNDERWRITING LIMITATION b/: $232,212,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA,

WV, WI, WY. INCORPORATED IN: Delaware.

Evergreen National Indemnity Company (NAIC #12750)
BUSINESS ADDRESS: 6140 PARKLAND BLVD., STE 321, MAYFIELD HEIGHTS, OH 44124. PHONE: (440) 229–3420. UNDERWRITING LIMITATION b/: $3,377,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WI, WY. INCORPORATED IN: Ohio.

Executive Risk Indemnity Inc. (NAIC #35181)
BUSINESS ADDRESS: 15 Mountain View Road, Warren, NJ 07059. PHONE: (908) 903–2000. UNDERWRITING LIMITATION b/: $107,690,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MP, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Delaware.

Explorer Insurance Company (NAIC #40029)
BUSINESS ADDRESS: P.O. BOX 85563, SAN DIEGO, CA 92186–5563. PHONE: (858) 350–2400 x–2550. UNDERWRITING LIMITATION b/: $4,273,000. SURETY LICENSES c,f/: AZ, CA, CO, HI, ID, IL, IN, IA, MT, NV, NM, OR, PA, TX, UT, WA. INCORPORATED IN: California.

Farmers Alliance Mutual Insurance Company (NAIC #19194)
BUSINESS ADDRESS: P.O. Box 1401, McPherson, KS 67460. PHONE: (620) 241–2200. UNDERWRITING LIMITATION b/: $13,942,000. SURETY LICENSES c,f/: CO, ID, IA, KS, MN, MO, MT, NE, NM, ND, OK, SD, TX. INCORPORATED IN: Kansas.

Farmington Casualty Company (NAIC #41483)
BUSINESS ADDRESS: ONE TOWER SQUARE, HARTFORD, CT 06183. PHONE: (860) 277–0111. UNDERWRITING LIMITATION b/: $26,120,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Connecticut.

Farmland Mutual Insurance Company (NAIC #13838)
BUSINESS ADDRESS: ONE WEST NATIONWIDE BLVD., 1–04–701, COLUMBUS, OH 43215–2220. PHONE: (515) 508–3300. UNDERWRITING LIMITATION b/: $15,020,000. SURETY LICENSES c,f/: AL, AZ, AR, CA, CO, DE, DC, FL, GA, ID, IL, IN, IA, KS, KY, MD, MI, MN, MS, MO, MT, NE, NV, NC, ND, OH, OK, OR, PA, SC, SD, TN, TX, UT, VA, WA, WV, WI, WY. INCORPORATED IN: Iowa.

FCCI Insurance Company (NAIC #10178)
BUSINESS ADDRESS: 6300 University Parkway, Sarasota, FL 34240. PHONE: (800) 226–3224 x–2726. UNDERWRITING LIMITATION b/: $44,920,000. SURETY LICENSES c,f/: AL, AZ, CO, FL, GA, IL, IN, IA, KS, KY, LA, MD, MI, MS, MO, NE, NC, OH, OK, PA, SC, TN, TX, VA. INCORPORATED IN: Florida.

Federal Insurance Company (NAIC #20281)
BUSINESS ADDRESS: 15 Mountain View Road, Warren, NJ 07059. PHONE: (908) 903–2000. UNDERWRITING LIMITATION b/: $1,252,279,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, GU, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MP, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, VI, WA, WV, WI, WY. INCORPORATED IN: Indiana.

FEDERATED MUTUAL INSURANCE COMPANY (NAIC #13935)
BUSINESS ADDRESS: 121 EAST PARK SQUARE, OWATONNA, MN 55060. PHONE: (507) 455–5200. UNDERWRITING LIMITATION b/: $223,721,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Minnesota.

Fidelity and Deposit Company of Maryland (NAIC #39306)
BUSINESS ADDRESS: 1400 AMERICAN LANE, TOWER I, 18TH FLOOR, SCHAUMBURG, IL 60196–1056. PHONE: (847) 605–6000. UNDERWRITING LIMITATION b/: $17,121,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, GU, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MP, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, VI, WA, WV, WI, WY. INCORPORATED IN: Maryland.

FIDELITY AND GUARANTY INSURANCE COMPANY (NAIC #35386)
BUSINESS ADDRESS: 385 Washington Street, St. Paul, MN 55102. PHONE: (651) 310–7911. UNDERWRITING LIMITATION b/: $1,904,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Iowa.

Fidelity and Guaranty Insurance Underwriters, Inc. (NAIC #25879)
BUSINESS ADDRESS: 385 Washington Street, St. Paul, MN 55102. PHONE: (651) 310–7911. UNDERWRITING LIMITATION b/: $9,714,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Wisconsin.

Fidelity National Property and Casualty Insurance Company (NAIC #16578)
BUSINESS ADDRESS: P.O. Box 45126, Jacksonville, FL 32232–5126. PHONE: (800) 849–6140. UNDERWRITING LIMITATION b/: $9,744,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: New York.

Financial Casualty & Surety, Inc. (NAIC #35009)
BUSINESS ADDRESS: 3131 Eastside, Suite 600, Houston, TX 77098. PHONE: (800) 392–1604. UNDERWRITING LIMITATION b/: $1,004,000. SURETY LICENSES c,f/: AZ, CA, CT, DE, FL, ID, IN, IA, KS, LA, MD, MI, MN, MS, MT, NV, NJ, NY, NC, ND, OH, PA, SC, TN, TX, UT, VT, WA, WV. INCORPORATED IN: Texas.

Financial Pacific Insurance Company (NAIC #31453)
BUSINESS ADDRESS: P.O. BOX 73909, CEDAR RAPIDS, IA 52407–3909. PHONE: (319) 399–5700. UNDERWRITING LIMITATION b/: $7,455,000. SURETY LICENSES c,f/: AK, AZ, AR, CA, CO, ID, KS,

MO, MT, NE, NV, NM, ND, OK, OR, SD, UT, WA, WI. INCORPORATED IN: California.

Fireman's Fund Insurance Company (NAIC #21873)
BUSINESS ADDRESS: 777 San Marin Drive, Novato, CA 94998. PHONE: (415) 899–2000. UNDERWRITING LIMITATION b/: $290,569,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, VI, WA, WV, WI, WY. INCORPORATED IN: California.

First Founders Assurance Company (NAIC #12150)
BUSINESS ADDRESS: 6 Mill Ridge Lane, Chester, NJ 07930–2486. PHONE: (908) 879–0990. UNDERWRITING LIMITATION b/: $308,000. SURETY LICENSES c,f/: NJ. INCORPORATED IN: New Jersey.

First Insurance Company of Hawaii, Ltd. (NAIC #41742)
BUSINESS ADDRESS: P.O. Box 2866, Honolulu, HI 96803. PHONE: (808) 527–7777. UNDERWRITING LIMITATION b/: $24,099,000. SURETY LICENSES c,f/: GU, HI. INCORPORATED IN: Hawaii.

First Liberty Insurance Corporation (The) (NAIC #33588)
BUSINESS ADDRESS: 2815 Forbs Avenue, Suite 200, Hoffman Estates, IL 60192. PHONE: (617) 357–9500. UNDERWRITING LIMITATION b/: $2,311,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, GU, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, VI, WA, WV, WI, WY. INCORPORATED IN: Illinois.

First National Insurance Company of America (NAIC #24724)
BUSINESS ADDRESS: 62 Maple Avenue, Keene, NH 03431. PHONE: (617) 357–9500. UNDERWRITING LIMITATION b/: $4,669,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: New Hampshire.

First Net Insurance Company (NAIC #10972)
BUSINESS ADDRESS: 102 JULALE CENTER, HAGATNA, GU 96910. PHONE: (671) 477–8613. UNDERWRITING LIMITATION b/: $1,004,000. SURETY LICENSES c,f/: GU, MP. INCORPORATED IN: Guam.

General Casualty Company Of Wisconsin (NAIC #24414)
BUSINESS ADDRESS: One General Drive, Sun Prairie, WI 53596. PHONE: (608) 837–4440. UNDERWRITING LIMITATION b/: $37,727,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, GA, HI, ID, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Wisconsin.

General Insurance Company of America (NAIC #24732)
BUSINESS ADDRESS: 62 Maple Avenue, Keene, NH 03431. PHONE: (617) 357–9500. UNDERWRITING LIMITATION b/: $41,809,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, GU, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, VI, WA, WV, WI, WY. INCORPORATED IN: New Hampshire.

General Reinsurance Corporation (NAIC #22039)
BUSINESS ADDRESS: 120 LONG RIDGE ROAD, STAMFORD, CT 06902–1843. PHONE: (203) 328–5000. UNDERWRITING LIMITATION b/: $916,037,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, GU, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Delaware.

GRANGE INSURANCE COMPANY OF MICHIGAN (NAIC #11136)
BUSINESS ADDRESS: 671 South High Street, P.O. Box 1218, Columbus, OH 43216–1218. PHONE: (614) 445–2900. UNDERWRITING LIMITATION b/: $3,063,000. SURETY LICENSES c,f/: MI, OH. INCORPORATED IN: Ohio.

GRANGE MUTUAL CASUALTY COMPANY (NAIC #14060)
BUSINESS ADDRESS: 671 South High Street, Columbus, OH 43206–1014. PHONE: (614) 445–2900. UNDERWRITING LIMITATION b/: $80,796,000. SURETY LICENSES c,f/: AL, GA, IL, IN, IA, KS, KY, MO, OH, PA, SC, TN, VA, WI. INCORPORATED IN: Ohio.

GRANITE RE, INC. (NAIC #26310)
BUSINESS ADDRESS: 14001 Quailbrook Drive, Oklahoma City, OK 73134. PHONE: (405) 752–2600. UNDERWRITING LIMITATION b/: $1,519,000. SURETY LICENSES c,f/: AL, AZ, AR, CO, GA, ID, IL, IN, IA, KS, KY, MI, MN, MS, MO, MT, NE, NV, NM, NC, ND, OH, OK, PA, SC, SD, TN, TX, UT, VA, WV, WI, WY. INCORPORATED IN: Oklahoma.

Granite State Insurance Company (NAIC #23809)
BUSINESS ADDRESS: 175 WATER STREET, 18TH FLOOR, NEW YORK, NY 10038. PHONE: (212) 770–7000. UNDERWRITING LIMITATION b/: $3,854,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Pennsylvania.

GRAY CASUALTY & SURETY COMPANY (THE) (NAIC #10671)
BUSINESS ADDRESS: P.O. Box 6202, Metairie, LA 70009–6202. PHONE: (504) 888–7790. UNDERWRITING LIMITATION b/: $1,449,000. SURETY LICENSES c,f/: AL, AZ, AR, CA, DC, GA, IL, KY, LA, MS, MO, NV, NM, NC, OK, PA, SC, TN, TX. INCORPORATED IN: Louisiana.

GRAY INSURANCE COMPANY (THE) (NAIC #36307)
BUSINESS ADDRESS: P.O. BOX 6202, METAIRIE, LA 70009–6202. PHONE: (504) 888–7790. UNDERWRITING LIMITATION b/: $9,100,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Louisiana.

Great American Alliance Insurance Company (NAIC #26832)
BUSINESS ADDRESS: 301 E Fourth Street, Cincinnati, OH 45202. PHONE: (513) 369–5000. UNDERWRITING LIMITATION b/: $3,016,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI,

SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Ohio.

Great American Insurance Company (NAIC #16691)
BUSINESS ADDRESS: 301 E Fourth Street, Cincinnati, OH 45202. PHONE: (513) 369–5000. UNDERWRITING LIMITATION b/: $141,129,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Ohio.

GREAT AMERICAN INSURANCE COMPANY OF NEW YORK (NAIC #22136)
BUSINESS ADDRESS: 301 E Fourth Street, Cincinnati, OH 45202. PHONE: (513) 369–5000. UNDERWRITING LIMITATION b/: $4,395,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: New York.

Great Northern Insurance Company (NAIC #20303)
BUSINESS ADDRESS: 15 Mountain View Road, Warren, NJ 07059. PHONE: (908) 903–2000. UNDERWRITING LIMITATION b/: $43,667,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MP, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Indiana.

Greenwich Insurance Company (NAIC #22322)
BUSINESS ADDRESS: SEAVIEW HOUSE, 70 SEAVIEW AVENUE, STAMFORD, CT 06902. PHONE: (203) 964–5200. UNDERWRITING LIMITATION b/: $40,662,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Delaware.

Guarantee Company of North America USA (The) (NAIC #36650)
BUSINESS ADDRESS: One Towne Square, Suite 1470, Southfield, MI 48076. PHONE: (248) 281–0281 x–6012. UNDERWRITING LIMITATION b/: $13,874,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Michigan.

Hanover Insurance Company (The) (NAIC #22292)
BUSINESS ADDRESS: 440 LINCOLN STREET, WORCESTER, MA 01653–0002. PHONE: (508) 853–7200 x–4476. UNDERWRITING LIMITATION b/: $79,560,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: New Hampshire.

HARCO NATIONAL INSURANCE COMPANY (NAIC #26433)
BUSINESS ADDRESS: 702 OBERLIN ROAD, RALEIGH, NC 27605–0800. PHONE: (919) 833–1600. UNDERWRITING LIMITATION b/: $12,744,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MP, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Illinois.

Harleysville Mutual Insurance Company (NAIC #14168) [4]

Harleysville Worcester Insurance Company (NAIC #26182)
BUSINESS ADDRESS: 355 Maple Avenue, Harleysville, PA 19438–2297. PHONE: (215) 256–5000. UNDERWRITING LIMITATION b/: $18,457,000. SURETY LICENSES c,f/: AL, AR, CT, DE, DC, GA, IL, IN, IA, KS, KY, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, PA, RI, SC, SD, TN, VT, VA, WV, WI. INCORPORATED IN: Pennsylvania.

Hartford Accident and Indemnity Company (NAIC #22357)
BUSINESS ADDRESS: One Hartford Plaza, Hartford, CT 06155–0001. PHONE: (860) 547–5000. UNDERWRITING LIMITATION b/: $192,757,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Connecticut.

Hartford Casualty Insurance Company (NAIC #29424)
BUSINESS ADDRESS: One Hartford Plaza, Hartford, CT 06155–0001. PHONE: (860) 547–5000. UNDERWRITING LIMITATION b/: $89,553,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Indiana.

Hartford Fire Insurance Company (NAIC #19682)
BUSINESS ADDRESS: One Hartford Plaza, Hartford, CT 06155–0001. PHONE: (860) 547–5000. UNDERWRITING LIMITATION b/: $1,259,432,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, GU, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Connecticut.

Hartford Insurance Company of Illinois (NAIC #38288)
BUSINESS ADDRESS: One Hartford Plaza, Hartford, CT 06155–0001. PHONE: (860) 547–5000. UNDERWRITING LIMITATION b/: $125,872,000. SURETY LICENSES c,f/: CT, HI, IL, MI, NY, PA. INCORPORATED IN: Illinois.

Hartford Insurance Company of the Midwest (NAIC #37478)
BUSINESS ADDRESS: One Hartford Plaza, Hartford, CT 06155–0001. PHONE: (860) 547–5000. UNDERWRITING LIMITATION b/: $33,001,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Indiana.

Hartford Insurance Company of the Southeast (NAIC #38261)
BUSINESS ADDRESS: One Hartford Plaza, Hartford, CT 06155–0001. PHONE: (860) 547–5000. UNDERWRITING LIMITATION b/: $5,189,000. SURETY LICENSES c,f/: CT, FL, GA, KS, LA, MI, PA. INCORPORATED IN: Connecticut.

Hudson Insurance Company (NAIC #25054)

BUSINESS ADDRESS: 17 State Street, 29th Floor, New York, NY 10004. PHONE: (212) 978–2800. UNDERWRITING LIMITATION b/: $38,865,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Delaware.

IMT Insurance Company (NAIC #14257)
BUSINESS ADDRESS: P.O. Box 1336, Des Moines, IA 50306–1336. PHONE: (515) 327–2777. UNDERWRITING LIMITATION b/: $10,521,000. SURETY LICENSES c,f/: IL, IA, MN, MO, NE, SD, WI. INCORPORATED IN: Iowa.

Indemnity Company of California (NAIC #25550)
BUSINESS ADDRESS: P.O. BOX 19725, IRVINE, CA 92623–9725. PHONE: (949) 263–3300. UNDERWRITING LIMITATION b/: $1,771,000. SURETY LICENSES c,f/: AK, AZ, CA, GA, HI, ID, IN, NV, OR, SC, UT, VA, WA. INCORPORATED IN: California.

Indemnity National Insurance Company (NAIC #18468)
BUSINESS ADDRESS: 4800 Old Kingston Pike, Knoxville, TN 37919. PHONE: (865) 934–4360. UNDERWRITING LIMITATION b/: $1,193,000. SURETY LICENSES c,f/: AL, AZ, AR, CO, GA, KY, LA, MS, NV, NM, OK, SC, TN, TX, UT. INCORPORATED IN: Mississippi.

Independence Casualty and Surety Company (NAIC #10024)
BUSINESS ADDRESS: P.O. BOX 85563, SAN DIEGO, CA 92186–5563. PHONE: (858) 350–2400. UNDERWRITING LIMITATION b/: $2,405,000. SURETY LICENSES c,f/: TX. INCORPORATED IN: Texas.

Indiana Lumbermens Mutual Insurance Company (NAIC #14265)
BUSINESS ADDRESS: 8888 KEYSTONE CROSSING, SUITE 250, INDIANAPOLIS, IN 46240. PHONE: (800) 428–1441. UNDERWRITING LIMITATION b/: $2,551,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Indiana.

Inland Insurance Company (NAIC #23264)
BUSINESS ADDRESS: P.O. Box 80468, Lincoln, NE 68501. PHONE: (402) 435–4302. UNDERWRITING LIMITATION b/: $14,352,000. SURETY LICENSES c,f/: AZ, CO, IA, KS, MN, MO, MT, NE, ND, OK, SD, WY. INCORPORATED IN: Nebraska.

Insurance Company of the State of Pennsylvania (The) (NAIC #19429)
BUSINESS ADDRESS: 175 WATER STREET, 18TH FLOOR, NEW YORK, NY 10038. PHONE: (212) 770–7000. UNDERWRITING LIMITATION b/: $68,384,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Pennsylvania.

Insurance Company of the West (NAIC #27847)
BUSINESS ADDRESS: P.O. BOX 85563, SAN DIEGO, CA 92186–5563. PHONE: (858) 350–2400 x–2550. UNDERWRITING LIMITATION b/: $28,363,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: California.

Insurors Indemnity Company (NAIC #43273)
BUSINESS ADDRESS: P.O. Box 2683, Waco, TX 76702–2683. PHONE: (254) 759–3703 x–3727. UNDERWRITING LIMITATION b/: $1,026,000. SURETY LICENSES c,f/: AR, NM, OK, TX. INCORPORATED IN: Texas.

INTEGRAND ASSURANCE COMPANY (NAIC #26778)
BUSINESS ADDRESS: PO Box 70128, San Juan, PR 00936–8128. PHONE: (787) 781–0707 x–200. UNDERWRITING LIMITATION b/: $7,199,000. SURETY LICENSES c,f/: PR, VI. INCORPORATED IN: Puerto Rico.

Integrity Mutual Insurance Company (NAIC #14303)
BUSINESS ADDRESS: P.O. Box 539, Appleton, WI 54912–0539. PHONE: (920) 734–4511. UNDERWRITING LIMITATION b/: $3,588,000. SURETY LICENSES c,f/: IL, IA, MN, OH, WI. INCORPORATED IN: Wisconsin.

International Fidelity Insurance Company (NAIC #11592) [5]
BUSINESS ADDRESS: One Newark Center, Newark, NJ 07102–5207. PHONE: (973) 624–7200. UNDERWRITING LIMITATION b/: $7,755,000. SURETY LICENSES c,f/: AL, AK, AS, AZ, AR, CA, CO, CT, DE, DC, FL, GA, GU, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: New Jersey.

ISLAND INSURANCE COMPANY, LIMITED (NAIC #22845)
BUSINESS ADDRESS: P.O. Box 1520, Honolulu, HI 96806–1520. PHONE: (808) 564–8200. UNDERWRITING LIMITATION b/: $11,892,000. SURETY LICENSES c,f/: HI. INCORPORATED IN: Hawaii.

Kansas Bankers Surety Company (The) (NAIC #15962)
BUSINESS ADDRESS: P.O. Box 1654, Topeka, KS 66601. PHONE: (785) 228–0000. UNDERWRITING LIMITATION b/: $13,585,000. SURETY LICENSES c,f/: AZ, AR, CO, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, NM, ND, OH, OK, SD, TN, TX, UT, WV, WI, WY. INCORPORATED IN: Kansas.

LEXINGTON NATIONAL INSURANCE CORPORATION (NAIC #37940)
BUSINESS ADDRESS: P.O. BOX 6098, LUTHERVILLE, MD 21094. PHONE: (410) 625–0800. UNDERWRITING LIMITATION b/: $1,712,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, FL, GA, HI, ID, IN, IA, KS, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, ND, OH, OK, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WY. INCORPORATED IN: Maryland.

Lexon Insurance Company (NAIC #13307)
BUSINESS ADDRESS: 10002 Shelbyville Rd, Suite 100, Louisville, KY 40223. PHONE: (502) 253–6500. UNDERWRITING LIMITATION b/: $4,969,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, GU, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MP, MT, NE, NV, NJ, NM, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, VI, WA, WV, WI, WY. INCORPORATED IN: Texas.

Liberty Insurance Corporation (NAIC #42404)
BUSINESS ADDRESS: 2815 Forbs Avenue, Suite 200, Hoffman Estates, IL 60192. PHONE: (617) 357–9500. UNDERWRITING LIMITATION b/: $24,501,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL,

GA, GU, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MP, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Illinois.

Liberty Mutual Fire Insurance Company (NAIC #23035)
BUSINESS ADDRESS: 2000 Westwood Drive, Wausau, WI 54401. PHONE: (617) 357–9500. UNDERWRITING LIMITATION b/: $100,779,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Wisconsin.

Liberty Mutual Insurance Company (NAIC #23043)
BUSINESS ADDRESS: 175 Berkeley Street, Boston, MA 02116. PHONE: (617) 357–9500. UNDERWRITING LIMITATION b/: $1,042,363,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, VI, WA, WV, WI, WY. INCORPORATED IN: Massachusetts.

LM Insurance Corporation (NAIC #33600)
BUSINESS ADDRESS: 2815 Forbs Avenue, Suite 200, Hoffman Estates, IL 60192. PHONE: (617) 357–9500. UNDERWRITING LIMITATION b/: $15,119,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, GU, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MP, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, VI, WA, WV, WI, WY. INCORPORATED IN: Illinois.

Lyndon Property Insurance Company (NAIC #35769)
BUSINESS ADDRESS: 14755 North Outer Forty Rd., Suite 400, St. Louis, MO 63017. PHONE: (636) 536–5600. UNDERWRITING LIMITATION b/: $18,070,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NH, NJ, NM, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Missouri.

Manufacturers Alliance Insurance Company (NAIC #36897)
BUSINESS ADDRESS: P.O. Box 3031, Blue Bell, PA 19422–0754. PHONE: (610) 397–5000. UNDERWRITING LIMITATION b/: $7,129,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CO, CT, DE, DC, ID, IN, KS, KY, LA, ME, MD, MI, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, OH, PA, RI, SC, SD, TN, UT, VT, VA, WA. INCORPORATED IN: Pennsylvania.

MARKEL INSURANCE COMPANY (NAIC #38970)
BUSINESS ADDRESS: 4521 Highwoods Parkway, Glen Allen, VA 23060. PHONE: (800) 431–1270. UNDERWRITING LIMITATION b/: $20,640,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Illinois.

Massachusetts Bay Insurance Company (NAIC #22306)
BUSINESS ADDRESS: 440 LINCOLN STREET, WORCESTER, MA 01653–0002. PHONE: (508) 853–7200 x–4476. UNDERWRITING LIMITATION b/: $5,699,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, VT, VA, WA, WV, WI, WY. INCORPORATED IN: New Hampshire.

Merchants Bonding Company (Mutual) (NAIC #14494)
BUSINESS ADDRESS: 2100 Fleur Drive, Des Moines, IA 50321–1158. PHONE: (515) 243–8171. UNDERWRITING LIMITATION b/: $6,457,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Iowa.

Merchants National Bonding, Inc. (NAIC #11595)
BUSINESS ADDRESS: 2100 Fleur Drive, Des Moines, IA 50321–1158. PHONE: (515) 243–8171. UNDERWRITING LIMITATION b/: $546,000. SURETY LICENSES c,f/: IA, PA, TX. INCORPORATED IN: Iowa.

Michigan Millers Mutual Insurance Company (NAIC #14508)
BUSINESS ADDRESS: P.O. Box 30060, Lansing, MI 48909–7560. PHONE: (517) 482–6211 x–7765. UNDERWRITING LIMITATION b/: $7,057,000. SURETY LICENSES c,f/: AZ, AR, CA, CO, GA, ID, IL, IN, IA, KS, KY, MI, MN, MO, MT, NE, NY, NC, ND, OH, OK, OR, PA, SD, TN, VA, WA, WI, WY. INCORPORATED IN: Michigan.

Mid-Century Insurance Company (NAIC #21687)
BUSINESS ADDRESS: P.O. Box 2478 Terminal Annex, Los Angeles, CA 90051. PHONE: (323) 932–3200. UNDERWRITING LIMITATION b/: $82,335,000. SURETY LICENSES c,f/: AL, AZ, AR, CA, CO, FL, GA, HI, ID, IL, IN, IA, KS, MA, MI, MN, MS, MO, MT, NE, NV, NJ, NM, NY, NC, ND, OH, OK, OR, PA, SD, TN, TX, UT, VT, VA, WA, WI, WY. INCORPORATED IN: California.

MID-CONTINENT CASUALTY COMPANY (NAIC #23418)
BUSINESS ADDRESS: P.O. Box 1409, Tulsa, OK 74101. PHONE: (918) 587–7221. UNDERWRITING LIMITATION b/: $16,032,000. SURETY LICENSES c,f/: AL, AZ, AR, CO, FL, GA, ID, IL, IN, IA, KS, KY, LA, MD, MI, MN, MS, MO, MT, NE, NM, NC, ND, OH, OK, OR, SC, SD, TN, TX, UT, VA, WA, WY. INCORPORATED IN: Ohio.

Motorists Commercial Mutual Insurance Company (NAIC #13331)
BUSINESS ADDRESS: 471 East Broad Street, Columbus, OH 43215. PHONE: (614) 225–8211. UNDERWRITING LIMITATION b/: $12,135,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, GA, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Ohio.

Motorists Mutual Insurance Company (NAIC #14621)
BUSINESS ADDRESS: 471 East Broad Street, Columbus, OH 43215. PHONE: (614) 225–8211. UNDERWRITING LIMITATION b/: $46,085,000. SURETY LICENSES c,f/: IN, KY, MI, OH, PA, WV. INCORPORATED IN: Ohio.

Motors Insurance Corporation (NAIC #22012)
BUSINESS ADDRESS: 300 GALLERIA OFFICENTRE, SOUTHFIELD, MI 48034. PHONE: (248) 263–6900. UNDERWRITING LIMITATION b/: $134,886,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT,

DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Michigan.

Munich Reinsurance America, Inc. (NAIC #10227)
BUSINESS ADDRESS: 555 COLLEGE ROAD EAST—P.O. BOX 5241, PRINCETON, NJ 08543. PHONE: (609) 243–4200. UNDERWRITING LIMITATION b/: $416,954,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MP, MT, NE, NV, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Delaware.

National American Insurance Company (NAIC #23663)
BUSINESS ADDRESS: P.O. Box 9, Chandler, OK 74834. PHONE: (405) 258–0804. UNDERWRITING LIMITATION b/: $5,485,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, MD, MI, MN, MS, MO, MT, NE, NV, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VA, WA, WV, WI, WY. INCORPORATED IN: Oklahoma.

National Casualty Company (NAIC #11991)
BUSINESS ADDRESS: ONE WEST NATIONWIDE BLVD., 1–04–701, COLUMBUS, OH 43215–2220. PHONE: (480) 365–4000. UNDERWRITING LIMITATION b/: $11,938,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI. INCORPORATED IN: Wisconsin.

NATIONAL FARMERS UNION PROPERTY AND CASUALTY COMPANY (NAIC #16217)
BUSINESS ADDRESS: One General Drive, Sun Prairie, WI 53596. PHONE: (608) 837–4440. UNDERWRITING LIMITATION b/: $6,430,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Wisconsin.

National Fire Insurance Company of Hartford (NAIC #20478)
BUSINESS ADDRESS: 333 S. WABASH AVE, CHICAGO, IL 60604. PHONE: (312) 822–5000. UNDERWRITING LIMITATION b/: $11,805,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Illinois.

National Indemnity Company (NAIC #20087)
BUSINESS ADDRESS: 3024 Harney Street, Omaha, NE 68131–3580. PHONE: (402) 916–3000. UNDERWRITING LIMITATION b/: $7,015,543,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, ID, IL, IN, IA, KS, KY, LA, ME, MD, MI, MN, MS, MO, MT, NE, NV, NH, NM, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Nebraska.

National Surety Corporation (NAIC #21881)
BUSINESS ADDRESS: 777 San Marin Drive, Novato, CA 94998. PHONE: (312) 346–6400. UNDERWRITING LIMITATION b/: $14,233,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Illinois.

NATIONAL TRUST INSURANCE COMPANY (NAIC #20141)
BUSINESS ADDRESS: 6300 University Parkway, Sarasota, FL 34240. PHONE: (800) 226–3224 x–2726. UNDERWRITING LIMITATION b/: $3,447,000. SURETY LICENSES c,f/: AZ, FL, GA, IL, IN, IA, KY, LA, MD, MI, MS, MO, NE, NC, OK, SC, TN, TX. INCORPORATED IN: Indiana.

National Union Fire Insurance Company of Pittsburgh, PA (NAIC #19445)
BUSINESS ADDRESS: 175 WATER STREET, 18TH FLOOR, NEW YORK, NY 10038. PHONE: (212) 770–7000. UNDERWRITING LIMITATION b/: $1,437,971,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, GU, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MP, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Pennsylvania.

NATIONS BONDING COMPANY (NAIC #11595) [6]

Nationwide Mutual Insurance Company (NAIC #23787)
BUSINESS ADDRESS: ONE WEST NATIONWIDE BLVD., 1–04–701, COLUMBUS, OH 43215–2220. PHONE: (614) 249–7111. UNDERWRITING LIMITATION b/: $1,046,449,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, VI, WA, WV, WI, WY. INCORPORATED IN: Ohio.

NAVIGATORS INSURANCE COMPANY (NAIC #42307)
BUSINESS ADDRESS: 6 International Drive, Rye Brook, NY 10573. PHONE: (914) 934–8999. UNDERWRITING LIMITATION b/: $66,216,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: New York.

New Hampshire Insurance Company (NAIC #23841)
BUSINESS ADDRESS: 175 WATER STREET, 18TH FLOOR, NEW YORK, NY 10038. PHONE: (212) 770–7000. UNDERWRITING LIMITATION b/: $80,886,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, GU, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MP, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Pennsylvania.

NGM Insurance Company (NAIC #14788)
BUSINESS ADDRESS: 55 WEST STREET, KEENE, NH 03431. PHONE: (904) 380–7282. UNDERWRITING LIMITATION b/: $74,066,000. SURETY LICENSES c,f/: AL, AZ, AR, CO, CT, DE, DC, FL, GA, ID, IL, IN, IA, KS, KY, ME, MD, MA, MI, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Florida.

NORTH AMERICAN SPECIALTY INSURANCE COMPANY (NAIC #29874)
BUSINESS ADDRESS: 650 ELM

STREET, MANCHESTER, NH 03101. PHONE: (603) 644–6600. UNDERWRITING LIMITATION b/: $27,831,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: New Hampshire.

NORTHWESTERN PACIFIC INDEMNITY COMPANY (NAIC #20338)
BUSINESS ADDRESS: 15 Mountain View Road, Warren, NJ 07059. PHONE: (503) 221–4240. UNDERWRITING LIMITATION b/: $1,529,000. SURETY LICENSES c,f/: CA, OK, OR, TX, WA. INCORPORATED IN: Oregon.

NOVA Casualty Company (NAIC #42552)
BUSINESS ADDRESS: 726 EXCHANGE STREET, SUITE 1020, BUFFALO, NY 14210–1466. PHONE: (716) 856–3722. UNDERWRITING LIMITATION b/: $8,887,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WI, WY. INCORPORATED IN: New York.

Ohio Casualty Insurance Company (The) (NAIC #24074)
BUSINESS ADDRESS: 9450 Seward Road, Fairfield, OH 45014. PHONE: (617) 357–9500. UNDERWRITING LIMITATION b/: $78,870,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Ohio.

Ohio Farmers Insurance Company (NAIC #24104)
BUSINESS ADDRESS: P.O. Box 5001, Westfield Center, OH 44251–5001. PHONE: (330) 887–0101. UNDERWRITING LIMITATION b/: $136,171,000. SURETY LICENSES c,f/: AL, AZ, AR, CO, DE, DC, FL, GA, IL, IN, IA, KY, LA, MD, MA, MI, MN, MS, MO, MT, NE, NV, NJ, NM, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Ohio.

Ohio Indemnity Company (NAIC #26565)
BUSINESS ADDRESS: 250 East Broad Street, 7th Floor, Columbus, OH 43215. PHONE: (614) 228–2800. UNDERWRITING LIMITATION b/: $4,519,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Ohio.

Oklahoma Surety Company (NAIC #23426)
BUSINESS ADDRESS: P.O. Box 1409, Tulsa, OK 74101. PHONE: (918) 587–7221. UNDERWRITING LIMITATION b/: $1,675,000. SURETY LICENSES c,f/: AR, KS, LA, OH, OK, TX. INCORPORATED IN: Ohio.

OLD DOMINION INSURANCE COMPANY (NAIC #40231)
BUSINESS ADDRESS: 55 WEST STREET, KEENE, NH 03431. PHONE: (904) 642–3000. UNDERWRITING LIMITATION b/: $2,981,000. SURETY LICENSES c,f/: CT, DE, FL, GA, ME, MD, MA, NH, NY, NC, PA, RI, SC, TN, VT, VA. INCORPORATED IN: Florida.

Old Republic General Insurance Corporation (NAIC #24139)
BUSINESS ADDRESS: 307 NORTH MICHIGAN AVENUE, CHICAGO, IL 60601. PHONE: (312) 346–8100. UNDERWRITING LIMITATION b/: $30,798,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Illinois.

Old Republic Insurance Company (NAIC #24147)
BUSINESS ADDRESS: P.O. Box 789, Greensburg, PA 15601–0789. PHONE: (724) 834–5000. UNDERWRITING LIMITATION b/: $85,962,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, GU, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, VI, WA, WV, WI, WY. INCORPORATED IN: Pennsylvania.

Old Republic Surety Company (NAIC #40444)
BUSINESS ADDRESS: P.O. BOX 1635, MILWAUKEE, WI 53201–1635. PHONE: (262) 797–2640. UNDERWRITING LIMITATION b/: $4,808,000. SURETY LICENSES c,f/: AL, AZ, AR, CA, CO, DC, FL, GA, ID, IL, IN, IA, KS, MD, MN, MS, MO, MT, NE, NV, NM, NC, ND, OH, OK, OR, PA, SC, SD, TN, TX, UT, VA, WA, WV, WI, WY. INCORPORATED IN: Wisconsin.

OneBeacon America Insurance Company (NAIC #20621)
BUSINESS ADDRESS: 150 Royall Street, Canton, MA 02021–1030. PHONE: (781) 332–7000. UNDERWRITING LIMITATION b/: $18,287,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, VI, WA, WV, WI, WY. INCORPORATED IN: Massachusetts.

OneBeacon Insurance Company (NAIC #21970)
BUSINESS ADDRESS: 150 Royall Street, Canton, MA 02021–1030. PHONE: (781) 332–7000. UNDERWRITING LIMITATION b/: $73,017,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Pennsylvania.

Pacific Employers Insurance Company (NAIC #22748)
BUSINESS ADDRESS: 436 WALNUT STREET, P.O. Box 1000, Philadelphia, PA 19106. PHONE: (215) 640–1000. UNDERWRITING LIMITATION b/: $104,839,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, VI, WA, WV, WI, WY. INCORPORATED IN: Pennsylvania.

Pacific Indemnity Company (NAIC #20346)
BUSINESS ADDRESS: 15 Mountain View Road, Warren, NJ 07059. PHONE: (908) 903–2000. UNDERWRITING LIMITATION b/: $244,076,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Wisconsin.

PACIFIC INDEMNITY INSURANCE COMPANY (NAIC #18380)
BUSINESS ADDRESS: 348 WEST O'BRIEN DRIVE, HAGATNA, GU 96910. PHONE: (671) 477–1663. UNDERWRITING LIMITATION b/: $1,362,000. SURETY LICENSES c,f/: GU, MP. INCORPORATED IN: Guam.

PARTNER REINSURANCE COMPANY OF THE U.S. (NAIC #38636)
BUSINESS ADDRESS: ONE GREENWICH PLAZA, GREENWICH, CT 06830–6352. PHONE: (203) 485–4200. UNDERWRITING LIMITATION b/: $106,126,000. SURETY LICENSES c,f/: AL, AZ, CA, CO, DC, IL, KS, MI, MS, NE, NY, TX, UT, WA. INCORPORATED IN: New York.

PARTNERRE INSURANCE COMPANY OF NEW YORK (NAIC #10006)
BUSINESS ADDRESS: One Greenwich Plaza, Greenwich, CT 06830–6352. PHONE: (203) 485–4200. UNDERWRITING LIMITATION b/: $11,233,000. SURETY LICENSES c,f/: AL, AZ, CA, CO, DE, DC, ID, IL, IN, IA, KS, KY, MD, MI, MN, MS, MT, NE, NJ, NM, NY, ND, OH, OK, OR, PA, RI, SC, SD, TX, UT, VT, VA, WA, WV, WI. INCORPORATED IN: New York.

Pekin Insurance Company (NAIC #24228)
BUSINESS ADDRESS: 2505 COURT STREET, PEKIN, IL 61558. PHONE: (309) 346–1161. UNDERWRITING LIMITATION b/: $10,426,000. SURETY LICENSES c,f/: AZ, IL, IN, IA, MI, OH, WI. INCORPORATED IN: Illinois.

Pennsylvania General Insurance Company (NAIC #21962)
BUSINESS ADDRESS: 150 Royall Street, Canton, MA 02021–1030. PHONE: (781) 332–7000. UNDERWRITING LIMITATION b/: $6,177,000. SURETY LICENSES c,f/: AL, AZ, AR, CA, CO, CT, DE, DC, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Pennsylvania.

Pennsylvania Manufacturers Indemnity Company (NAIC #41424)
BUSINESS ADDRESS: P.O. Box 3031, Blue Bell, PA 19422–0754. PHONE: (610) 397–5000. UNDERWRITING LIMITATION b/: $8,135,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CO, CT, DE, DC, ID, IN, KS, KY, LA, ME, MD, MI, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, OH, PA, RI, SC, SD, TN, UT, VT, VA, WA. INCORPORATED IN: Pennsylvania.

Pennsylvania Manufacturers' Association Insurance Company (NAIC #12262)
BUSINESS ADDRESS: P.O. Box 3031, Blue Bell, PA 19422–0754. PHONE: (610) 397–5000. UNDERWRITING LIMITATION b/: $23,012,000. SURETY LICENSES c,f/: AL, AK, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IA, KS, KY, LA, ME, MD, MA, MI, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, OH, OK, PA, RI, SC, SD, TN, TX, UT, VT, WA, WV. INCORPORATED IN: Pennsylvania.

Pennsylvania National Mutual Casualty Insurance Company (NAIC #14990)
BUSINESS ADDRESS: P.O. Box 2361, Harrisburg, PA 17105–2361. PHONE: (717) 234–4941. UNDERWRITING LIMITATION b/: $45,115,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CO, DE, DC, FL, GA, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NJ, NM, NY, NC, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI. INCORPORATED IN: Pennsylvania.

PHILADELPHIA INDEMNITY INSURANCE COMPANY (NAIC #18058)
BUSINESS ADDRESS: One Bala Plaza, Suite 100, Bala Cynwyd, PA 19004–1403. PHONE: (610) 617–7900. UNDERWRITING LIMITATION b/: $186,700,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Pennsylvania.

Pioneer General Insurance Company (NAIC #12670) [8]

PLATTE RIVER INSURANCE COMPANY (NAIC #18619)
BUSINESS ADDRESS: P.O. Box 5900, Madison, WI 53705–0900. PHONE: (608) 829–4200. UNDERWRITING LIMITATION b/: $3,806,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Nebraska.

Plaza Insurance Company (NAIC #30945)
BUSINESS ADDRESS: 700 West 47th Street, Suite 350, Kansas City, MO 64112. PHONE: (816) 412–1800. UNDERWRITING LIMITATION b/: $2,375,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, DE, DC, FL, GA, ID, IL, IN, IA, KS, KY, LA, ME, MD, MI, MS, MO, MT, NE, NV, NJ, NM, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Missouri.

ProCentury Insurance Company (NAIC #21903)
BUSINESS ADDRESS: 465 Cleveland Avenue, Westerville, OH 43082. PHONE: (614) 895–2000. UNDERWRITING LIMITATION b/: $3,569,000. SURETY LICENSES c,f/: AK, AZ, AR, CA, DE, DC, GA, IL, IN, IA, KS, LA, MD, MA, MI, MN, MS, MO, MT, NE, NV, NJ, NM, NY, ND, OK, PA, SC, SD, TX, UT, WV, WI, WY. INCORPORATED IN: Texas.

Progressive Casualty Insurance Company (NAIC #24260)
BUSINESS ADDRESS: P.O. BOX 89490, CLEVELAND, OH 44101–6490. PHONE: (440) 461–5000. UNDERWRITING LIMITATION b/: $135,987,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Ohio.

Protective Insurance Company (NAIC #12416)
BUSINESS ADDRESS: PO Box 7099, Indianapolis, IN 46207. PHONE: (317) 636–9800 x–2632. UNDERWRITING LIMITATION b/: $19,500,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Indiana.

Regent Insurance Company (NAIC #24449)
BUSINESS ADDRESS: One General Drive, Sun Prairie, WI 53596. PHONE: (608) 837–4440. UNDERWRITING LIMITATION b/: $3,993,000. SURETY LICENSES c,f/: AL, AK, AZ, CA, CO, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Wisconsin.

Republic—Franklin Insurance Company (NAIC #12475)
BUSINESS ADDRESS: P.O. Box 530,

Utica, NY 13503–0530. PHONE: (315) 734–2000. UNDERWRITING LIMITATION b/: $4,085,000. SURETY LICENSES c,f/: CT, DE, DC, GA, IL, IN, KS, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, TN, TX, VA, WI. INCORPORATED IN: Ohio.

RLI Indemnity Company (NAIC #28860)
BUSINESS ADDRESS: 9025 N. Lindbergh Drive, Peoria, IL 61615. PHONE: (309) 692–1000. UNDERWRITING LIMITATION b/: $4,142,000. SURETY LICENSES c,f/: AL, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Illinois.

RLI Insurance Company (NAIC #13056)
BUSINESS ADDRESS: 9025 N. Lindbergh Drive, Peoria, IL 61615. PHONE: (309) 692–1000. UNDERWRITING LIMITATION b/: $57,840,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Illinois.

Roche Surety and Casualty Company, Inc. (NAIC #42706)
BUSINESS ADDRESS: 1910 Orient Road, Tampa, FL 33619. PHONE: (813) 623–5042. UNDERWRITING LIMITATION b/: $817,000. SURETY LICENSES c,f/: AK, AZ, AR, CT, DE, FL, GA, ID, IN, IA, KS, LA, MD, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NC, ND, OH, OK, PA, SC, SD, TN, TX, UT, VT, VA, WA. INCORPORATED IN: Florida.

Rockwood Casualty Insurance Company (NAIC #35505)
BUSINESS ADDRESS: 654 Main Street, Rockwood, PA 15557. PHONE: (814) 926–4661. UNDERWRITING LIMITATION b/: $5,667,000. SURETY LICENSES c,f/: AK, AZ, AR, CO, DE, FL, GA, ID, IL, IN, IA, KS, KY, LA, MD, MN, MS, MO, MT, NV, NM, NY, NC, OH, OK, OR, PA, SC, SD, TX, UT, VA, WV. INCORPORATED IN: Pennsylvania.

SAFECO Insurance Company of America (NAIC #24740)
BUSINESS ADDRESS: 62 Maple Avenue, Keene, NH 03431. PHONE: (617) 357–9500. UNDERWRITING LIMITATION b/: $56,360,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, GU, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: New Hampshire.

Safety National Casualty Corporation (NAIC #15105)
BUSINESS ADDRESS: 1832 Schuetz Road, St. Louis, MO 63146–3540. PHONE: (314) 995–5300. UNDERWRITING LIMITATION b/: $84,447,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Missouri.

Sagamore Insurance Company (NAIC #40460)
BUSINESS ADDRESS: PO Box 7099, Indianapolis, IN 46207. PHONE: (317) 636–9800 x–2632. UNDERWRITING LIMITATION b/: $11,733,000. SURETY LICENSES c,f/: AL, AK, AZ, CO, CT, DE, GA, HI, ID, IL, IN, IA, KS, KY, ME, MD, MA, MN, MS, MO, MT, NE, NM, NY, NC, OH, OR, PA, RI, SC, SD, TN, TX, UT, VT, WA, WV, WI, WY. INCORPORATED IN: Indiana.

SECURA INSURANCE, A Mutual Company (NAIC #22543)
BUSINESS ADDRESS: P.O. Box 819, Appleton, WI 54912–0819. PHONE: (920) 739–3161. UNDERWRITING LIMITATION b/: $24,124,000. SURETY LICENSES c,f/: AZ, AR, CO, ID, IL, IN, IA, KS, KY, MI, MN, MO, MT, NE, NV, NM, ND, OH, OK, OR, PA, SD, TN, UT, WA, WI, WY. INCORPORATED IN: Wisconsin.

Selective Insurance Company of America (NAIC #12572)
BUSINESS ADDRESS: 40 WANTAGE AVENUE, BRANCHVILLE, NJ 07890. PHONE: (973) 948–3000. UNDERWRITING LIMITATION b/: $50,739,000. SURETY LICENSES c,f/: AL, AK, AR, CT, DE, DC, GA, IL, IN, IA, KS, KY, MD, MA, MI, MN, MS, MO, MT, NE, NJ, NY, NC, ND, OH, OR, PA, RI, SC, SD, TN, TX, VA, WA, WV, WI, WY. INCORPORATED IN: New Jersey.

Seneca Insurance Company, Inc. (NAIC #10936)
BUSINESS ADDRESS: 160 Water Street, New York, NY 10038–4922. PHONE: (212) 344–3000. UNDERWRITING LIMITATION b/: $12,916,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, GU, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MP, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, VI, WA, WV, WI, WY. INCORPORATED IN: New York.

Sentry Insurance A Mutual Company (NAIC #24988)
BUSINESS ADDRESS: 1800 NORTH POINT DRIVE, STEVENS POINT, WI 54481–8020. PHONE: (715) 346–6000. UNDERWRITING LIMITATION b/: $319,690,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Wisconsin.

Sentry Select Insurance Company (NAIC #21180)
BUSINESS ADDRESS: 1800 NORTH POINT DRIVE, STEVENS POINT, WI 54481–8020. PHONE: (715) 346–6000. UNDERWRITING LIMITATION b/: $22,026,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Wisconsin.

SERVICE INSURANCE COMPANY (NAIC #36560)
BUSINESS ADDRESS: P.O. Box 9729, Bradenton, FL 34206–9729. PHONE: (800) 780–8423. UNDERWRITING LIMITATION b/: $2,121,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MI, MS, MO, MT, NE, NV, NM, NC, ND, OK, OR, PA, RI, SC, SD, TN, TX, UT, VA, WA, WV, WI, WY. INCORPORATED IN: Florida.

SERVICE INSURANCE COMPANY INC. (THE) (NAIC #28240)
BUSINESS ADDRESS: 80 Main Street, West Orange, NJ 07052. PHONE: (973) 731–7650. UNDERWRITING LIMITATION b/: $578,000. SURETY LICENSES c,f/: CT, DE, MD, MA, NH, NJ, NY, PA, RI, VA. INCORPORATED IN: New Jersey.

SIRIUS AMERICA INSURANCE COMPANY (NAIC #38776)
BUSINESS ADDRESS: ONE LIBERTY PLAZA—18TH FLOOR, NEW YORK, NY 10006—1404. PHONE: (212) 312–2500. UNDERWRITING LIMITATION b/: $53,369,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CO, CT, DC, GA, ID, IL, IN,

IA, KS, KY, LA, MD, MA, MI, MS, MT, NE, NJ, NM, NY, NC, ND, OH, OK, OR, PA, SC, SD, TX, UT, VA, WA, WV, WI. INCORPORATED IN: New York.

SOUTHWEST MARINE AND GENERAL INSURANCE COMPANY (NAIC #12294)
BUSINESS ADDRESS: 412 Mt. Kemble Ave., Suite 300C, Morristown, NJ 07960. PHONE: (800) 774–2755. UNDERWRITING LIMITATION b/: $3,727,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CT, DE, DC, GA, HI, ID, IL, IN, IA, KS, KY, LA, MD, MA, MI, MS, MO, MT, NE, NV, ND, OH, OK, PA, SC, SD, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Arizona.

St. Paul Fire and Marine Insurance Company (NAIC #24767)
BUSINESS ADDRESS: ONE TOWER SQUARE, HARTFORD, CT 06183. PHONE: (860) 277–0111. UNDERWRITING LIMITATION b/: $300,330,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, GU, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, VI, WA, WV, WI, WY. INCORPORATED IN: Connecticut.

ST. PAUL GUARDIAN INSURANCE COMPANY (NAIC #24775)
BUSINESS ADDRESS: One Tower Square, Hartford, CT 06183. PHONE: (860) 277–0111. UNDERWRITING LIMITATION b/: $2,486,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Connecticut.

St. Paul Mercury Insurance Company (NAIC #24791)
BUSINESS ADDRESS: One Tower Square, Hartford, CT 06183. PHONE: (860) 277–0111. UNDERWRITING LIMITATION b/: $13,214,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Connecticut.

Standard Fire Insurance Company (The) (NAIC #19070)
BUSINESS ADDRESS: ONE TOWER SQUARE, HARTFORD, CT 06183. PHONE: (860) 277–0111. UNDERWRITING LIMITATION b/: $100,987,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, VI, WA, WV, WI, WY. INCORPORATED IN: Connecticut.

Star Insurance Company (NAIC #18023)
BUSINESS ADDRESS: 26255 American Drive, Southfield, MI 48034. PHONE: (248) 358–1100. UNDERWRITING LIMITATION b/: $22,914,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Michigan.

StarNet Insurance Company (NAIC #40045)
BUSINESS ADDRESS: 475 Steamboat Road, Greenwich, CT 06830. PHONE: (630) 210–0360. UNDERWRITING LIMITATION b/: $11,340,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Delaware.

State Auto Property and Casualty Insurance Company (NAIC #25127)
BUSINESS ADDRESS: 518 EAST BROAD STREET, COLUMBUS, OH 43215. PHONE: (614) 464–5000. UNDERWRITING LIMITATION b/: $47,358,000. SURETY LICENSES c,f/: AL, AZ, AR, CO, CT, DE, DC, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, UT, VT, VA, WV, WI, WY. INCORPORATED IN: Iowa.

State Automobile Mutual Insurance Company (NAIC #25135)
BUSINESS ADDRESS: 518 EAST BROAD STREET, COLUMBUS, OH 43215. PHONE: (614) 464–5000. UNDERWRITING LIMITATION b/: $46,528,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Ohio.

State Farm Fire and Casualty Company (NAIC #25143)
BUSINESS ADDRESS: ONE STATE FARM PLAZA, BLOOMINGTON, IL 61710. PHONE: (309) 766–2311. UNDERWRITING LIMITATION b/: $774,868,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Illinois.

SureTec Insurance Company (NAIC #10916)
BUSINESS ADDRESS: 1330 POST OAK BLVD, SUITE 1100, HOUSTON, TX 77056. PHONE: (713) 812–0800. UNDERWRITING LIMITATION b/: $6,645,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VA, WA, WV, WI, WY. INCORPORATED IN: Texas.

SURETY BONDING COMPANY OF AMERICA (NAIC #24047)
BUSINESS ADDRESS: 333 S. WABASH AVE, CHICAGO, IL 60604. PHONE: (312) 822–5000. UNDERWRITING LIMITATION b/: $778,000. SURETY LICENSES c,f/: AL, AZ, AR, CA, CO, DE, DC, GA, ID, IL, IN, KS, MN, MO, MT, NE, NV, NM, NY, ND, OK, OR, SC, SD, TN, TX, UT, WV, WY. INCORPORATED IN: South Dakota.

Swiss Reinsurance America Corporation (NAIC #25364)
BUSINESS ADDRESS: 175 KING STREET, ARMONK, NY 10504. PHONE: (913) 676–5200. UNDERWRITING LIMITATION b/: $496,094,000. SURETY LICENSES c,f/: AL, AK, AZ, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WI. INCORPORATED IN: New York.

TEXAS PACIFIC INDEMNITY COMPANY (NAIC #20389)
BUSINESS ADDRESS: 15 Mountain View Road, Warren, NJ 07059. PHONE: (214) 754–0777. UNDERWRITING LIMITATION b/: $678,000. SURETY LICENSES c,f/: AR, TX. INCORPORATED IN: Texas.

TRANSATLANTIC REINSURANCE COMPANY (NAIC #19453)
BUSINESS ADDRESS: 80 PINE STREET, NEW YORK, NY 10005.

PHONE: (212) 365–2200. UNDERWRITING LIMITATION b/: $384,383,000. SURETY LICENSES c,f/: AK, AZ, AR, CA, CO, DE, DC, GA, ID, IL, IN, IA, KS, KY, LA, MI, MN, MS, NE, NV, NJ, NM, NY, OH, OK, PA, SD, UT, WA, WI. INCORPORATED IN: New York.

Travelers Casualty and Surety Company (NAIC #19038)
BUSINESS ADDRESS: ONE TOWER SQUARE, HARTFORD, CT 06183. PHONE: (860) 277–0111. UNDERWRITING LIMITATION b/: $298,394,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, GU, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, VI, WA, WV, WI, WY. INCORPORATED IN: Connecticut.

Travelers Casualty and Surety Company of America (NAIC #31194)
BUSINESS ADDRESS: ONE TOWER SQUARE, HARTFORD, CT 06183. PHONE: (860) 277–0111. UNDERWRITING LIMITATION b/: $165,208,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, GU, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, VI, WA, WV, WI, WY. INCORPORATED IN: Connecticut.

Travelers Casualty Insurance Company of America (NAIC #19046)
BUSINESS ADDRESS: ONE TOWER SQUARE, HARTFORD, CT 06183. PHONE: (860) 277–0111. UNDERWRITING LIMITATION b/: $48,899,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Connecticut.

Travelers Indemnity Company (The) (NAIC #25658)
BUSINESS ADDRESS: ONE TOWER SQUARE, HARTFORD, CT 06183. PHONE: (860) 277–0111. UNDERWRITING LIMITATION b/: $697,527,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CO, CT, DE, DC, FL, GA, GU, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Connecticut.

U.S. Specialty Insurance Company (NAIC #29599)
BUSINESS ADDRESS: 13403 NORTHWEST FREEWAY, HOUSTON, TX 77040–6094. PHONE: (713) 462–1000. UNDERWRITING LIMITATION b/: $50,730,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Texas.

ULLICO Casualty Company (NAIC #37893)
BUSINESS ADDRESS: 8403 Colesville Road, Silver Spring, MD 20910. PHONE: (202) 682–8901. UNDERWRITING LIMITATION b/: $9,309,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MS, MO, MT, NE, NV, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Delaware.

UNITED CASUALTY AND SURETY INSURANCE COMPANY (NAIC #36226)
BUSINESS ADDRESS: 1250 Hancock Street, Suite 803N, Quincy, MA 02169. PHONE: (617) 471–1112 x–109. UNDERWRITING LIMITATION b/: $430,000. SURETY LICENSES c,f/: CT, DC, FL, MD, MA, NH, NJ, NY, PA. INCORPORATED IN: Massachusetts.

United Fire & Casualty Company (NAIC #13021)
BUSINESS ADDRESS: P.O. BOX 73909, CEDAR RAPIDS, IA 52407–3909. PHONE: (319) 399–5700. UNDERWRITING LIMITATION b/: $47,509,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, DC, FL, GA, ID, IL, IN, IA, KS, KY, LA, MD, MI, MN, MS, MO, MT, NE, NV, NM, NY, NC, ND, OH, OK, OR, PA, SC, SD, TN, TX, UT, VA, WA, WV, WI, WY. INCORPORATED IN: Iowa.

UNITED FIRE & INDEMNITY COMPANY (NAIC #19496)
BUSINESS ADDRESS: P.O. BOX 73909, CEDAR RAPIDS, IA 52407–3909. PHONE: (319) 399–5700. UNDERWRITING LIMITATION b/: $1,620,000. SURETY LICENSES c,f/: AL, CO, IN, KY, LA, MS, MO, NM, TX. INCORPORATED IN: Texas.

United States Fidelity and Guaranty Company (NAIC #25887)
BUSINESS ADDRESS: ONE TOWER SQUARE, HARTFORD, CT 06183. PHONE: (860) 277–0111. UNDERWRITING LIMITATION b/: $248,869,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, VI, WA, WV, WI, WY. INCORPORATED IN: Connecticut.

United States Fire Insurance Company (NAIC #21113)
BUSINESS ADDRESS: 305 Madison Avenue, Morristown, NJ 07962. PHONE: (973) 490–6600. UNDERWRITING LIMITATION b/: $59,899,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, VI, WA, WV, WI, WY. INCORPORATED IN: Delaware.

United States Surety Company (NAIC #10656)
BUSINESS ADDRESS: P.O. Box 5605, Timonium, MD 21094–5605. PHONE: (410) 453–9522. UNDERWRITING LIMITATION b/: $2,693,000. SURETY LICENSES c,f/: CT, DE, DC, FL, GA, ME, MD, MA, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV. INCORPORATED IN: Maryland.

UNITED SURETY AND INDEMNITY COMPANY (NAIC #44423)
BUSINESS ADDRESS: P.O. BOX 2111, SAN JUAN, PR 00922–2111. PHONE: (787) 625–1105. UNDERWRITING LIMITATION b/: $6,433,000. SURETY LICENSES c,f/: PR. INCORPORATED IN: Puerto Rico.

UNIVERSAL INSURANCE COMPANY (NAIC #31704)
BUSINESS ADDRESS: GPO BOX 71338, SAN JUAN, PR 00936. PHONE: (787) 706–7155. UNDERWRITING LIMITATION b/: $25,194,000. SURETY LICENSES c,f/: PR. INCORPORATED IN: Puerto Rico.

Universal Surety Company (NAIC #25933)
BUSINESS ADDRESS: P.O. Box 80468, Lincoln, NE 68501. PHONE: (402) 435–4302. UNDERWRITING LIMITATION b/: $8,280,000. SURETY LICENSES c,f/: AZ, AR, CO, ID, IL, IN, IA, KS, KY, MI, MN, MO, MT, NE, NM, ND, OH, OK, OR, SD, UT, WA, WI, WY. INCORPORATED IN: Nebraska.

UNIVERSAL UNDERWRITERS INSURANCE COMPANY (NAIC #41181)
BUSINESS ADDRESS: 1400 AMERICAN LANE, TOWER I, 18TH FLOOR, SCHAUMBURG, IL 60196–1056. PHONE: (847) 605–6000. UNDERWRITING LIMITATION b/: $34,180,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Kansas.

Utica Mutual Insurance Company (NAIC #25976)
BUSINESS ADDRESS: POST OFFICE BOX 530, UTICA, NY 13503–0530. PHONE: (315) 734–2000. UNDERWRITING LIMITATION b/: $69,461,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: New York.

Van Tol Surety Company, Inc. (NAIC #30279) [9]

Vigilant Insurance Company (NAIC #20397)
BUSINESS ADDRESS: 15 Mountain View Road, Warren, NJ 07059. PHONE: (212) 612–4000. UNDERWRITING LIMITATION b/: $23,360,000. SURETY LICENSES c,f/: AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, VI, WA, WV, WI, WY. INCORPORATED IN: New York.

Washington International Insurance Company (NAIC #32778)
BUSINESS ADDRESS: 475 North Martingale Road, Suite 850, Schaumburg, IL 60173. PHONE: (603) 644–6600. UNDERWRITING LIMITATION b/: $6,633,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: New Hampshire.

West American Insurance Company (NAIC #44393)
BUSINESS ADDRESS: 350 E. 96th Street, Indianapolis, IN 46240. PHONE: (617) 357–9500. UNDERWRITING LIMITATION b/: $25,398,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CO, CT, DE, DC, FL, GA, ID, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VA, WA, WV, WI, WY. INCORPORATED IN: Indiana.

WEST BEND MUTUAL INSURANCE COMPANY (NAIC #15350)
BUSINESS ADDRESS: 1900 South 18th Avenue, West Bend, WI 53095. PHONE: (262) 334–5571. UNDERWRITING LIMITATION b/: $54,763,000. SURETY LICENSES c,f/: IL, IN, IA, KS, KY, MI, MN, MO, NE, OH, WI. INCORPORATED IN: Wisconsin.

Westchester Fire Insurance Company (NAIC #10030)
BUSINESS ADDRESS: 436 Walnut Street, P.O. Box 1000, Philadelphia, PA 19106. PHONE: (215) 640–1000. UNDERWRITING LIMITATION b/: $110,462,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, GU, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MP, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, VI, WA, WV, WI, WY. INCORPORATED IN: Pennsylvania.

Western National Mutual Insurance Company (NAIC #15377)
BUSINESS ADDRESS: P.O. BOX 1463, MINNEAPOLIS, MN 55440. PHONE: (952) 835–5350. UNDERWRITING LIMITATION b/: $26,960,000. SURETY LICENSES c,f/: AZ, CO, ID, IL, IA, MN, MT, NE, NV, ND, OR, SD, TX, UT, WA, WI. INCORPORATED IN: Minnesota.

Western Surety Company (NAIC #13188)
BUSINESS ADDRESS: 333 S. WABASH AVE, CHICAGO, IL 60604. PHONE: (312) 822–5000. UNDERWRITING LIMITATION b/: $88,171,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: South Dakota.

Westfield Insurance Company (NAIC #24112)
BUSINESS ADDRESS: P.O. Box 5001, Westfield Center, OH 44251–5001. PHONE: (330) 887–0101. UNDERWRITING LIMITATION b/: $77,426,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CO, CT, DE, DC, FL, GA, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: Ohio.

Westfield National Insurance Company (NAIC #24120)
BUSINESS ADDRESS: P.O. Box 5001, Westfield Center, OH 44251–5001. PHONE: (330) 887–0101. UNDERWRITING LIMITATION b/: $18,659,000. SURETY LICENSES c,f/: AZ, CA, FL, GA, IL, IN, IA, KY, MI, MN, NM, ND, OH, PA, SD, TN, TX, WV, WI. INCORPORATED IN: Ohio.

Westport Insurance Corporation (NAIC #39845)
BUSINESS ADDRESS: P.O. Box 2991, OVERLAND PARK, KS 66202–1391. PHONE: (913) 676–5200. UNDERWRITING LIMITATION b/: $159,631,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, GU, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, VI, WA, WV, WI, WY. INCORPORATED IN: Missouri.

WHITE MOUNTAINS REINSURANCE COMPANY OF AMERICA (NAIC #38776) [10]

XL Reinsurance America Inc. (NAIC #20583)
BUSINESS ADDRESS: SEAVIEW HOUSE, 70 SEAVIEW AVENUE, STAMFORD, CT 06902. PHONE: (203) 964–5200. UNDERWRITING LIMITATION b/: $152,304,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. INCORPORATED IN: New York.

XL Specialty Insurance Company (NAIC #37885)
BUSINESS ADDRESS: SEAVIEW HOUSE, 70 SEAVIEW AVENUE, STAMFORD, CT 06902. PHONE: (203) 964–5200. UNDERWRITING LIMITATION b/: $16,404,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, GU, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MP, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, VI, WA, WV, WI, WY. INCORPORATED IN: Delaware.

Zurich American Insurance Company (NAIC #16535)

BUSINESS ADDRESS: 1400 AMERICAN LANE, TOWER I, 18TH FLOOR, SCHAUMBURG, IL 60196–1056. PHONE: (847) 605–6000. UNDERWRITING LIMITATION b/: $630,629,000. SURETY LICENSES c,f/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, GU, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MP, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, VI, WA, WV, WI, WY. INCORPORATED IN: New York.

Certified Reinsurer Companies

Companies holding certificates of authority as acceptable reinsuring companies under section 223.3(b) of Treasury Circular No. 297. [See Note (e)].

Alterra Reinsurance USA Inc. (NAIC #10829)
BUSINESS ADDRESS: 535 SPRINGFIELD AVENUE, SUMMIT, NJ 07901. PHONE: (908) 630–2700. UNDERWRITING LIMITATION b/: $67,648,000. SURETY LICENSES c,f/:.

Odyssey America Reinsurance Corporation (NAIC #23680) [7]

Odyssey Reinsurance Company (NAIC #23680)
BUSINESS ADDRESS: 300 FIRST STAMFORD PLACE, STAMFORD, CT 06902. PHONE: (203) 977–8000. UNDERWRITING LIMITATION b/: $265,997,000. SURETY LICENSES c,f/:.

Phoenix Insurance Company (The) (NAIC #25623)
BUSINESS ADDRESS: ONE TOWER SQUARE, HARTFORD, CT 06183. PHONE: (860) 277–0111. UNDERWRITING LIMITATION b/: $129,447,000. SURETY LICENSES c,f/:.

PLATINUM UNDERWRITERS REINSURANCE, INC. (NAIC #10357)
BUSINESS ADDRESS: 225 Liberty Street, Suite 2300, New York, NY 10281–1008. PHONE: (212) 238–9600. UNDERWRITING LIMITATION b/: $52,992,000. SURETY LICENSES c,f/:.

SAFECO Insurance Company of Illinois (NAIC #39012)
BUSINESS ADDRESS: 27201 Bella Vista Parkway, Suite 130, Warrenville, IL 60555. PHONE: (617) 357–9500. UNDERWRITING LIMITATION b/: $19,290,000. SURETY LICENSES c,f/:.

Safeco National Insurance Company (NAIC #24759)
BUSINESS ADDRESS: 62 Maple Avenue, Keene, NH 03431. PHONE: (617) 357–9500. UNDERWRITING LIMITATION b/: $6,761,000. SURETY LICENSES c,f/:.

ST. PAUL PROTECTIVE INSURANCE COMPANY (NAIC #19224)
BUSINESS ADDRESS: 385 Washington Street, St. Paul, MN 55102. PHONE: (651) 310–7911. UNDERWRITING LIMITATION b/: $22,161,000. SURETY LICENSES c,f/:.

Footnotes

[1] AMERICAN CONTRACTORS INDEMNITY COMPANY (NAIC #10216) is required by state law to conduct business in the state of Texas as TEXAS BONDING COMPANY. However, business is conducted in all other covered states as AMERICAN CONTRACTORS INDEMNITY COMPANY.

[2] American Hardware Mutual Insurance Company (NAIC #13331) formally changed its name to Motorists Commercial Mutual Insurance Company. The effective date of the name change is April 25, 2011.

[3] Chrysler Insurance Company (NAIC #10499) formally changed its name to CorePointe Insurance Company. The effective date of the name change is March 2, 2011.

[4] Harleysville Mutual Insurance Company (NAIC #14168) merged with and into Nationwide Mutual Insurance Company (NAIC #23787), effective May 1, 2012. The surviving corporation is Nationwide Mutual Insurance Company.

[5] International Fidelity Insurance Company's (NAIC #11592) name is very similar to another company that is NOT certified by this Department. Please ensure that the name of the Company and the state of incorporation are exactly as they appear in this Circular. Do not hesitate to contact the Company to verify the authenticity of a bond.

[6] NATIONS BONDING COMPANY (NAIC #11595) formally changed its name to Merchants National Bonding, Inc. The effective date of the name change is January 1, 2012.

[7] Odyssey America Reinsurance Corporation (NAIC #23680) formally changed its name to Odyssey Reinsurance Company. The effective date of the name change is February 18, 2011.

[8] Pioneer General Insurance Company (NAIC #12670) merged with and into AMERICAN CONTRACTORS INDEMNITY COMPANY (NAIC #10216), effective December 31, 2011. The surviving corporation is AMERICAN CONTRACTORS INDEMNITY COMPANY.

[9] Van Tol Surety Company, Inc. (NAIC #30279) formally changed its name to Boston Indemnity Company, Inc. The effective date of the name change is December 31, 2011.

[10] WHITE MOUNTAINS REINSURANCE COMPANY OF AMERICA (NAIC #38776) formally changed its name to Sirius America Insurance Company. The effective date of the name change is September 10, 2011.

Notes

(a) All Certificates of Authority expire June 30, and are renewable July 1, annually. Companies holding Certificates of Authority as acceptable sureties on Federal bonds are also acceptable as reinsuring companies.

(b) The Underwriting Limitations published herein are on a *per bond basis.* Treasury requirements do not limit the penal sum (face amount) of bonds which surety companies may provide. However, *when the penal sum exceeds a company's Underwriting Limitation, the excess must be protected* by co-insurance, reinsurance, or other methods in accordance with 31 CFR 223.10, 223.11. Treasury refers to a *bond of this type as an Excess Risk.* When Excess Risks on *bonds in favor of the United States are protected by reinsurance,* such reinsurance is to be effected by use of a *Federal reinsurance form* to be filed with the bond or within 45 days thereafter. In protecting such excess risks, the underwriting limitation in force on the day in which the bond was provided will govern absolutely. For further assistance, contact the Surety Bond Branch at (202) 874–6850.

(c) A surety company *must be licensed in the State or other area in which it provides a bond,* but need not be licensed in the State or other area in which the principal resides or where the contract is to be performed [28 Op. Atty. Gen. 127, Dec. 24, 1909; 31 CFR 223.5 (b)]. The term ''other area'' includes the District of Columbia, American Samoa, Guam, Northern Mariana Islands, Puerto Rico, and the Virgin Islands.

License information in this Circular is provided to the Treasury Department by the companies themselves. *For updated license information, you may contact the company directly or the applicable State Insurance Department.* Refer to the list of state insurance departments at the end of this publication. For further assistance, contact the Surety Bond Branch at (202) 874–6850.

(d) *Federal Process Agents:* Treasury Approved surety companies are required to appoint Federal process agents in accord with 31 U.S.C. 9306 and 31 CFR part 224.

(e) Companies holding Certificates of Authority as acceptable reinsuring companies are acceptable only as reinsuring companies on Federal bonds and may not directly write Federal bonds.

(f) Some companies may be Approved *surplus lines carriers* in various states. Such approval may indicate that the company is *authorized to write surety in a particular state, even though the company is not licensed in the state.* Questions related to this may be directed to the appropriate State Insurance Department. Refer to the list of state insurance departments at the end of this publication.

STATE INSURANCE DEPARTMENTS

State insurance departments	Telephone No.
Alabama, Montgomery 36104	(334) 269–3550
Alaska, Anchorage 99501–3567	(907) 269–7900
Arizona, Phoenix 85018–7256	(602) 364–2499

STATE INSURANCE DEPARTMENTS—Continued

State insurance departments	Telephone No.
Arkansas, Little Rock 72201–1904	(501) 371–2600
California, Sacramento 95814	(916) 492–3500
Colorado, Denver 80202	(303) 894–7499
Connecticut, Hartford 06142–0816	(860) 297–3800
Delaware, Dover 19904	(302) 674–7300
District of Columbia, Washington 20002	(202) 442–7813
Florida, Tallahassee 32399–0300	(850) 413–2850
Georgia, Atlanta 30334	(404) 656–2056
Hawaii, Honolulu 96813	(808) 586–2790
Idaho, Boise 83720–0043	(208) 334–4250
Illinois, Springfield 62767–0001	(217) 782–4515
Indiana, Indianapolis 46204–2787	(317) 232–2385
Iowa, Des Moines 50319	(515) 281–5705
Kansas, Topeka 66612–1678	(785) 296–3071
Kentucky, Frankfort 40602–0517	(502) 564–6027
Louisiana, Baton Rouge 70802	(225) 342–5423
Maine, Augusta 04333–0034	(207) 624–8475
Maryland, Baltimore 21202–2272	(410) 468–2000
Massachusetts, Boston 02110	(617) 521–7794
Michigan, Lansing 48933–1020	(517) 373–0220
Minnesota, St. Paul 55101–2198	(651) 296–6025
Mississippi, Jackson 39201	(601) 359–3569
Missouri, Jefferson City 65102	(573) 751–4126
Montana, Helena 59601	(406) 444–2040
Nebraska, Lincoln 68508	(402) 471–2201
Nevada, Carson City 89701–5753	(775) 687–0700
New Hampshire, Concord 03301	(603) 271–2261
New Jersey, Trenton 08625	(609) 292–5360
New Mexico, Santa Fe 87504–1269	(800) 947–4722
New York, New York 10004–2319	(212) 480–2289
North Carolina, Raleigh 27611	(919) 807–6750
North Dakota, Bismarck 58505–0320	(701) 328–2440
Ohio, Columbus 43215–1067	(614) 644–2658
Oklahoma, Oklahoma City 73107	(405) 521–2828
Oregon, Salem 97301–3883	(503) 947–7980
Pennsylvania, Harrisburg 17120	(877)881–6388
Puerto Rico, Santurce 00909	(787) 722–8686

STATE INSURANCE DEPARTMENTS—Continued

State insurance departments	Telephone No.
Rhode Island, Providence 02903–4233	(401) 462–9500
South Carolina, Columbia 29202–3105	(803) 737–6160
South Dakota, Pierre 57501–3185	(605) 773–4104
Tennessee, Nashville 37243–0565	(615) 741–2176
Texas, Austin 78701	(800) 578–4677
Utah, Salt Lake City 84114–1201	(801) 538–3800
Vermont, Montpelier 05620–3101	(802) 828–3301
Virginia, Richmond 23218	(800) 552–7945
Virgin Islands, St. Thomas 00802	(340) 774–7166
Washington, Olympia 98504–0255	(360) 725–7144
West Virginia, Charleston 25305–0540	(304) 558–3354
Wisconsin, Madison 53707–7873	(608) 266–3586
Wyoming, Cheyenne 82002–0440	(307) 777–7401

[FR Doc. 2012–15800 Filed 6–29–12; 8:45 am]

BILLING CODE 4810–35–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0017]

Proposed Information Collection (Annual-Final Report and Account) Activity: Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on the information needed to ensure fiduciaries are properly administering VA beneficiaries' compensation and pension payments.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before August 31, 2012.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email to *nancy.kessinger@va.gov*. Please refer to ''OMB Control No. 2900–0017'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 461–9769 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Titles:

a. Annual-Final Report and Account, VA Form 21–4706.

b. Federal Fiduciary's Account, VA Form 21–4706b.

c. Court Appointed Fiduciary's Account, VA Form 21–4706c.

d. Account Book, VA Form 21–4718.

e. Certificate of Balance on Deposit and Authorization to Disclose Financial Records (Pursuant to Title 38, U.S.C., Chapter 55 and Title 12, U.S.C., Chapter 35), VA Form 21–4718a.

OMB Control Number: 2900–0017.

Type of Review: Extension of a currently approved collection.

Abstract: VA maintain supervision of the distribution and use of VA benefits paid to fiduciaries on behalf of VA claimants who are incompetent, a minor, or under legal disability. The forms are used to verify beneficiaries' deposit remaining at a financial

institution against a fiduciary's accounting. The following forms will be used to ensure claimants' benefits payments are administered properly.

a. VA Forms 21–4706, 4706b and 4706c are used by estate to determine proper usage of benefits paid to fiduciaries. The 21–4706 and 21–4706b are both necessary to conform to requirement of various state courts.

b. VA Form 21–4718 is provided to VA fiduciaries to submit accountings to either State courts or the VA. It is not a reporting form per se, but a vehicle to assist the fiduciary in accurately maintaining records of monies received and spent.

c. VA Form 21–4718a—Fiduciaries are required to obtain certifications that the balances remaining on deposit in financial institutions as shown on accountings are correct. Certifying official at a financial institution completing the form must affix the institution's official seal or stamp. The data collected is used to appoint an appropriate fiduciary for a VA beneficiary and to prevent fiduciaries from supplying false certification, embezzling funds, and possibly prevent and/or identify fraud, waste and abuse of government funds paid to fiduciaries on behalf of VA beneficiaries.

Affected Public: Individuals or households.

Estimated Annual Burden:

a. Annual-Final Report and Account, VA Form 21–4706—1,100.

b. Federal Fiduciary's Account, VA Form 21–4706b—6,300.

c. Court Appointed Fiduciary's Account, VA Form 21–4706c—2,000.

d. Account Book, VA Form 21–4718—20,000.

e. Certificate of Balance on Deposit and Authorization to Disclose Financial Records, VA Form 21–4718a—166.

Estimated Average Burden per Respondent:

a. Annual-Final Report and Account, VA Form 21–4706—30 minutes.

b. Federal Fiduciary's Accounts, VA Form 21–4706b—27 minutes.

c. Court Appointed Fiduciary's Account, VA Form 21–4706c—30 minutes.

d. Account Book, VA Form 21–4718—2½ hours.

e. Certificate of Balance on Deposit and Authorization to Disclose Financial Records, VA Form 21–4718a—3 minutes.

Frequency of Response: Annually.

Estimated Number of Respondents:

a. Annual-Final Report and Account, VA Form 21–4706—2,200.

b. Federal Fiduciary's Accounts, VA Form 21–4706b—14,000.

c. Court Appointed Fiduciary's Account, VA Form 21–4706c—4,000.

d. Account Book, VA Form 21–4718—8,000.

e. Certificate of Balance on Deposit and Authorization to Disclose Financial Records, VA Form 21–4718a—3,312.

Dated: June 27, 2012.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Enterprise Records Service.

[FR Doc. 2012–16101 Filed 6–29–12; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0554]

Proposed Information Collection (Homeless Providers Grant and Per Diem Program) Activity; Comment Request

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Health Administration (VHA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on the information needed to determine an applicant's eligibility to receive a grant and/or per diem for programs to assist homeless veterans' transition to independent living and to determine if the grantee is meeting the objectives outlined in the original grant application.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before August 31, 2012.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov;* or to Cynthia Harvey-Pryor, Veterans Health Administration (10P7BFP), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420; or email: *cynthia.harvey-pryor@va.gov.* Please refer to ''OMB Control No. 2900–0554'' in any correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Cynthia Harvey-Pryor (202) 461–5870 or Fax (202) 273–9381.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Titles

a. Homeless Providers Grant and Per Diem Program, Capital Grant. Application, VA Form 10–0361–CG.

b. Homeless Providers Grant and Per Diem Program, Life Safety Code Application, VA Form 10–0361–LSC.

c. Homeless Providers Grant and Per Diem Program, Per Diem Only Application, VA Form 10–0361–PDO.

d. Homeless Providers Grant and Per Diem Program, Special Needs Application, VA Form 10–0361–SN.

e. Compliance Reports for Per Diem and Special Needs Grants. No form needed. May be reported to VA in standard business narrative.

f. Homeless Providers Grant and Per Diem Program, Technical Assistance Application, VA Form 10–0361–TA.

g. Compliance Reports for Technical Assistance Grants. No form needed. May be reported to VA in standard business narrative.

OMB Control Number: 2900–0554.

Type of Review: Revision of a currently approved collection.

Abstract: VA Form 10–0361 series, Homeless Providers Grant and Per Diem Program, will be used to evaluate applicants eligibility to receive a grant and/or per diem payments, apply the specific criteria to rate and rank each application; and to obtain information necessary to ensure that Federal funds are awarded to applicants who are financially stable and who will conduct

the program for which grant and/or per diem award was made.

Affected Public: Not-for-profit institutions.

Estimated Annual Burden:

a. Homeless Providers Grant and Per Diem Program, Capital Grant. Application, VA Form 10–0361–CG—3,500 hours.

b. Homeless Providers Grant and Per Diem Program, Life Safety Code Application, VA Form 10–0361–LSC—2,000 hours.

c. Homeless Providers Grant and Per Diem Program, Per Diem Only Application, VA Form 10–0361–PDO—3,000 hours.

d. Homeless Providers Grant and Per Diem Program, Special Needs Application, VA Form 10–0361–SN—4,000 hours.

e. Compliance Reports for Per Diem and Special Needs Grants—1,500 hours.

f. Homeless Providers Grant and Per Diem Program, Technical Assistance Application, VA Form 10–0361–TA—250 hours.

g. Compliance Reports for Technical Assistance Grants—90 hours.

Estimated Average Burden per Respondent:

a. Homeless Providers Grant and Per Diem Program, Capital Grant Application, VA Form 10–0361–CG—35 hours.

b. Homeless Providers Grant and Per Diem Program, Life Safety Code Application, VA Form 10–0361–LSC—10 hours.

c. Homeless Providers Grant and Per Diem Program, Per Diem Only Application, VA Form 10–0361–PDO—20 hours.

d. Homeless Providers Grant and Per Diem Program, Special Needs Application, VA Form 10–0361–SN—20 hours.

e. Compliance Reports for Per Diem and Special Needs Grants—5 hours.

f. Homeless Providers Grant and Per Diem Program, Technical Assistance Application, VA Form 10–0361–TA—10 hours.

g. Compliance Reports for Technical Assistance Grants—2.25 hours.

Frequency of Response: On occasion.

Estimated Number of Respondents:

a. Homeless Providers Grant and Per Diem Program, Capital Grant Application, VA Form 10–0361–CG—100.

b. Homeless Providers Grant and Per Diem Program, Life Safety Code Application, VA Form 10–0361–LSC—200.

c. Homeless Providers Grant and Per Diem Program, Per Diem Only Application, VA Form 10–0361–PDO—150.

d. Homeless Providers Grant and Per Diem Program, Special Needs Application, VA Form 10–0361–SN—200.

e. Compliance Reports for Per Diem and Special Needs Grants—300.

f. Homeless Providers Grant and Per Diem Program, Technical Assistance Application, VA Form 10–0361–TA—25.

g. Compliance Reports for Technical Assistance Grants—10.

Dated: June 27, 2012.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Enterprise Records Service.

[FR Doc. 2012–16102 Filed 6–29–12; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0165]

Agency Information Collection (Financial Status Report) Activities Under OMB Review

AGENCY: Office of Management, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Office of Management, Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before August 1, 2012.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov* or to VA's OMB Desk Officer, Office of Information and Regulatory Affairs, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–7316. Please refer to ''OMB Control No. 2900–0165'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Denise McLamb, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 632–7479, FAX (202) 632–7634 or email *denise.mclamb@va.gov.* Please refer to ''OMB Control No. 2900–0165.''

SUPPLEMENTARY INFORMATION: *Title:* Financial Status Report, VA Form 5655.

OMB Control Number: 2900–0165.

Type of Review: Extension of a currently approved collection.

Abstract: Claimants complete VA Form 5655 to report their financial status. VA uses the data collected to determine the claimant's eligibility for a waiver of collection, setup a payment plan or for the acceptance of a compromise offer on their VA benefit debt.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on April 12, 2012, at page 22068.

Affected Public: Individuals or households.

Estimated Annual Burden: 57,155 hours.

Estimated Average Burden Per Respondent: 1 hour.

Frequency of Response: On occasion.

Estimated Number of Respondents: 57,155.

Dated: June 27, 2012.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Enterprise Records Service.

[FR Doc. 2012–16103 Filed 6–29–12; 8:45 am]

BILLING CODE A320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0002]

Agency Information Collection (Income-Net Worth and Employment Statement) Activity Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Veterans Benefits Administration, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before August 1, 2012.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov* or to VA's OMB Desk Officer, OMB Human Resources

and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–7316. Please refer to ''OMB Control No. 2900–0002'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Denise McLamb, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 461–7485, FAX (202) 273–0443 or email *denise.mclamb@va.gov.* Please refer to ''OMB Control No. 2900–0002.''

SUPPLEMENTARY INFORMATION: *Title:* Income-Net Worth and Employment Statement, VA Form 21–527.

OMB Control Number: 2900–0002.

Type of Review: Extension of a currently approved collection.

Abstract: VA Form 21–527 used to obtain current employment, dependency, and family income and net worth information to determine a claimant's entitlement to disability pension.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on April 6, 2012, at page 20888.

Affected Public: Individuals or Households.

Estimated Annual Burden: 104,440 hours.

Estimated Average Burden per Respondent: 60 minutes.

Frequency of Response: One-time.

Estimated Number of Respondents: 104,440.

Dated: June 27, 2012.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Enterprise Records Service.

[FR Doc. 2012–16104 Filed 6–29–12; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-New (Post-9/11 GI Bill Longitudinal Study Survey)]

Agency Information (Post-9/11 GI Bill Education Longitudinal Study Survey) Activity Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–21), this notice announces that the Veterans Benefits Administration, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

DATES: Comments must be submitted on or before August 1, 2012.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov;* or to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–7316. Please refer to ''OMB Control No. 2900–New (Post-9/11 GI Bill Longitudinal Study Survey) in any correspondence

For Further Information or a Copy of the Submission Contact: Denise McLamb, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, (202) 632–7479, FAX (202) 632–7583 or email: *denise.mclamb@ va.gov.* Please refer to ''OMB Control 2900–New (Post-9/11 GI Bill Longitudinal Study Survey)''.

SUPPLEMENTARY INFORMATION: *Title:* Post-9/11 GI Bill Longitudinal Study Survey.

OMB Control Number: 2900–New Post-9/11 GI Bill Longitudinal Study Survey.

Type of Review: New data collection.

Abstract: VBA will collect survey data on individuals who began participating in the Post 9/11—GI Bill Chapter 33 program during fiscal years 2010, 2012, and 2014. VBA will analyze the survey data to determine the long-term positive outcomes of individuals participating in VBA's Chapter 33 program. The purpose of this study is to assess the effectiveness of the Chapter 33 program, so that VA can find ways to improve the program and increase the educational support the agency provides to Veterans and their eligible dependents.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on April 12, 2012, at pages 22068–22069.

Affected Public: Individuals and Households

Estimated Annual Burden: 2,333 hours.

Estimated Average Burden Per Respondent: 20 minutes.

Frequency of Response: Annually.

Estimated Number of Respondents: 7,000.

Dated: June 27, 2012.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Enterprise Records Service.

[FR Doc. 2012–16105 Filed 6–29–12; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0018]

Agency Information Collection (Application for Accreditation as Service Organization Representative) Activities Under OMB Review

AGENCY: Office of General Counsel, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Office of General Counsel, Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before August 1, 2012.

ADDRESSES: Submit written comments on the collection of information through www.Regulations.gov; or to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–7316. Please refer to ''OMB Control No. 2900–0018'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Denise McLamb, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, (202) 632–7479, fax (202) 632–7583 or email *denise.mclamb@va.gov.* Please refer to ''OMB Control No. 2900–0018.''

SUPPLEMENTARY INFORMATION: *Titles:* Application for Accreditation as Service Organization Representative, VA Form 21; Accreditation Cancellation Information.

OMB Control Number: 2900–0018.

Type of Review: Extension of a currently approved collection.

Abstract: Service organizations are required to file an application with VA to establish eligibility for accreditation

for representatives of that organization to represent benefit claimants before VA. VA Form 21 is completed by service organizations to establish accreditation for representatives, recertify the qualifications of accredited representatives.

Organizations requesting cancellation of a representative's accreditation based on misconduct or incompetence or resignation to avoid cancellation of accreditation based upon misconduct or incompetence, are required to inform VA of the specific reason for the cancellation request. VA will use the information collected to determine whether service organizations representatives continue to meet regulatory eligibility requirements to ensure claimants have qualified representatives to assist in the preparation, presentation and prosecution of their claims for benefits.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on April 23, 2012, at page 24269.

Affected Public: Not-for profit institutions.

Estimated Annual Burden: 1,003 hours.

Estimated Average Burden Per Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 4,780.

Dated: June 27, 2012.

By direction of the Secretary.

Denise McLamb,

Program Anaylst, Enterprise Records Service.

[FR Doc. 2012–16106 Filed 6–29–12; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–New (26–1852)]

Agency Information Collection Activities (Description of Materials) Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–21), this notice announces that the Veterans Benefits Administration, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

DATES: Comments must be submitted on or before August 1, 2012.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov;* or to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–7316. Please refer to ''OMB Control No. 2900–New (26–1852)'' in any correspondence.

FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT: Denise McLamb, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, (202) 632–7479, FAX (202) 632–7583 or email: *denise.mclamb@va.gov*. Please refer to ''OMB Control No. 2900–New (26–1852).''

SUPPLEMENTARY INFORMATION: *Title:* Description of Materials.

OMB Control Number: 2900–New (26–1852).

Type of Review: In use without an OMB number.

Abstract: VA Form 26–1852 is used to document material used in the construction of a dwelling or specially adapted housing project. VA appraiser will use the information collected to establish the value and/or cost of adaptations for the property before it is constructed.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on April 23, 2012, at pages 24269–24270.

Affected Public: Individuals or households.

Estimated Annual Burden: 2,100 hours.

Estimated Average Burden Per Respondent: 30 minutes.

Frequency of Response: On time.

Estimated Number of Respondents: 4,200.

Dated: June 27, 2012.

By direction of the Secretary:

Denise McLamb,

Program Analyst, Enterprise Records Service.

[FR Doc. 2012–16107 Filed 6–29–12; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0319]

Proposed Information Collection (Fiduciary Agreement) Activity: Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments for information needed to establish a legal contract between VA and Federal-appointed fiduciaries.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before August 31, 2012.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0319'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 461–9769 or Fax (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501—3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the

burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Fiduciary Agreement, VA Form 21–4703.

OMB Control Number: 2900–0319.

Type of Review: Extension of a currently approved collection.

Abstract: VA Form 21–4703 is a legal binding contract between VA and Federally appointed fiduciaries receiving VA funds on behalf beneficiaries who were determined to be incompetent or under legal disability by reason of minority or court action. The form outlines the fiduciary's responsibility regarding the use of VA funds.

Affected Public: Individuals or households.

Estimated Annual Burden: 1,467 hours.

Estimated Average Burden Per Respondent: 5 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 17,600.

Dated: June 27, 2012.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Enterprise Records Service.

[FR Doc. 2012–16108 Filed 6–29–12; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0042]

Proposed Information Collection (Statement of Accredited Representative in Appealed Case, VA Form 646) Activity: Comment Request

AGENCY: The Board of Veterans' Appeals (BVA), Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Board of Veterans' Appeals (BVA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments for information needed to summarize a claimant's disagreement of denied VA benefits before the Board of Veterans' Appeals.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before August 31, 2012.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* to Sue Hamlin, Board of Veterans' Appeals (01C), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email *Sue.Hamlin@mail.va.gov*. Please refer to ''OMB Control No. 2900–0042'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Sue Hamlin at (202) 632–5100 or FAX (202) 632–5841.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501—3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, BVA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of BVA's functions, including whether the information will have practical utility; (2) the accuracy of BVA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Statement of Accredited Representative in Appealed Case, VA Form 646.

OMB Control Number: 2900–0042.

Type of Review: Extension of a currently approved collection.

Abstract: A recognized organization, attorney, agent, or other authorized person representing VA claimants before the Board of Veterans' Appeals complete VA Form 646 to provide identifying data describing the basis for their claimant's disagreement with the denial of VA benefits. VA uses the data collected to identify the issues in dispute and to prepare a decision responsive to the claimant's disagreement.

Affected Public: Not for profit institution.

Estimated Annual Burden: 44,551.

Estimated Average Burden per Respondent: 60 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 44,551.

Dated: June 27, 2012.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Enterprise Records Service.

[FR Doc. 2012–16109 Filed 6–29–12; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Privacy Act of 1974; System of Records

AGENCY: Department of Veterans Affairs.

ACTION: Notice of Amendment of System of Records Notice ''Personnel and Accounting Integrated Data System''—VA (27VA047).

SUMMARY: As required by the Privacy Act of 1974, 5 U.S.C. 552a(e)(4) notice is hereby given that the Department of Veterans Affairs (VA) proposes to amend a system of records entitled ''Personnel and Accounting Integrated Data System''—VA (27VA047). This amendment will update our Routine Uses of Records Maintained in the System. VA has changed the title of this System of Record from ''Personnel and Accounting Pay System''—VA (27VA047) to ''Personnel and Accounting Integrated Data System''—VA (27VA047). VA is republishing this system of records in its entirety.

DATES: Written comments mailed to the Department must be postmarked no later than August 1, 2012, and written comments hand-delivered or submitted electronically to the Department must be received no later than 5 p.m. Eastern Time on August 1, 2012. If no public comment is received during the 30-day public comment period, or unless otherwise published in the **Federal Register** by VA, the amended system of records statement is effective August 1, 2012.

ADDRESSES: Written comments may be submitted through *http://www.Regulations.gov;* by mail or hand-delivery to the Director, Regulations Management (02REG), Department of Veterans Affairs, 810 Vermont Avenue NW., Room 1068, Washington, DC 20420; or by fax to (202) 273–9026. Copies of comments received will be

available for public inspection in the Office of Regulation Policy and Management, Room 1063B, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays). Please call (202) 461–4902 for an appointment. This is not a toll-free number. In addition, during the comment period, comments may be viewed online through the Federal Docket Management System (FDMS) at *http://www.Regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Karen Barber, Cost and Debt Management Service (047GC), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, Telephone: (202) 461–6432 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: Pursuant to the Privacy Act of 1974 (5 U.S.C. 552a) and the Office of Management and Budget (OMB) Circular No. A–130, VA has conducted a review of its Privacy Act systems of records notices and has determined that the system of records entitled ''Personnel and Accounting Integrated Data System''—VA needs to be amended to better identify to the public the types of records that are maintained by VA, the various methods of retention of these records, and the purposes for which the records are used, including Routine uses. VA had determined that several existing Routine uses need to be modified or revised and new Routine uses are proposed to be added to this system of records. VA has determined that the release of information for these purposes is a necessary and proper use of the information in this system of records and that the new specific Routine uses for transfer of this information are appropriate.

The majority of the changes will occur in the following sections: system location, categories of records in the system, Routine uses or records maintained in the system, including categories of users and the purpose of such uses, and policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system. Because there are a number of changes, VA is republishing this system of records in its entirety.

E-Payroll is an initiative that is part of the President's Management Agenda. Coordinated by OMB and managed by the Office of Personnel Management (OPM), it is designed to save taxpayers dollars and to streamline government payroll operations. One of the major goals is the consolidation of Executive Branch civilian payroll systems into four e-Payroll providers. These four providers are formed into two partnerships: (1) the Department of the Interior's National Business Center (NBC) and the Department of Agriculture's National Finance Center (NFC), and (2) the Defense Finance and Accounting Service (DFAS) and General Services Administration (GSA). OMB selected DFAS as the provider that would process the payroll of VA and other Federal agencies and will collect and maintain personal information concerning the individual employees of the agencies that DFAS services. DFAS has completed the process of migrating client agencies from their existing payroll system to the DFAS payroll system. Therefore, certain portions of 27VA047 must be amended to accommodate this migration and consolidation. Specifically, the ''Systems Location'' must be amended to include a reference to the collection and maintenance by DFAS of information concerning VA employees.

We are proposing to amend and establish the following Routine use disclosures maintained in the system:

Routine use number 1 is overly broad and as currently written may permit disclosures under conditions not authorized by law. Clarifying language is added to the end of the Routine use.

Routine use number 2 is modified to include Direct Deposit/Electronic Funds Transfer (DD/EFT) reference.

Routine use number 9 is modified so that VA will be able to comply with the requirements of agencies charged with enforcing the law and investigations of violations or possible violations of law. VA must also be able to provide information to Federal, State, local, tribal and foreign agencies charged with protecting the public health as set forth in law.

Routine use number 11 is revised to clarify when information may be released to a Federal, State, or local agency conducting a security or suitability investigation.

Routine use number 15 is revised to better identify situations in which an individual requests the help of a Member of Congress in resolving certain issues relating to a matter before VA. The Member of Congress then responds in writing to VA, and VA in turn must provide sufficient information in response to the inquiry.

Routine use number 16 is clarified to indicate that the National Archives and Records Administration (NARA) is responsible for archiving old records no longer actively used, but which may be appropriate for preservation. NARA is responsible in general for the maintenance of the Federal Government's records. VA must be able to turn records over to NARA in order to determine the proper disposition of such records.

Routine use numbers 18 and 19 are deleted and replaced by a new Routine use number 18 so that whenever VA is involved in litigation or an adjudicative or administrative process, or occasionally when another party is involved in litigation or an adjudicative or administrative process and VA policies or operations could be affected by the outcome of the litigation or process, VA will be able to disclose information to the court, the adjudicative or administrative bodies, or the parties involved. A determination would be made in each instance that, under the circumstances involved, the purpose served by the use of the information in the particular litigation or process is compatible with a purpose for which VA collects the information. Subsequent Routine uses are renumbered because of the deletion of the current Routine use number 19.

Current Routine use number 21 is deleted because legislation relating to restrictions on the outside professional activities of certain full-time title 38 health care professionals has been repealed. Subsequent Routine uses are renumbered as result of this deletion.

Routine use number 22 (former Routine use number 24) is revised because language relating to reporting individuals who have lost or surrendered their clinical privileges should refer to ''physicians and other practitioners,'' rather than ''physicians and dentists.'' Clinical privileges are granted to individuals in other occupations (e.g., podiatrists and nurse practitioners).

Routine use number 25 (former Routine use number 27) is changed to refer to ''residents'' only, rather than ''residents and interns.'' The term ''interns'' is no longer used by VA, the general medical community, or examining boards.

Routine use numbers 26 and 27 (former Routine use numbers 28 and 29) are revised for clarity.

New Routine use numbers 33, 34, and 35 are added to authorize release of information to the Department of the Treasury, the Department of Justice, and other Federal agencies for debt collection purposes.

On April 26, 1996, Congress passed Public Law 104–134. Among the provisions of this law was the ''Debt Collection Improvement Act of 1996'' (DCIA), which authorizes and requires several new techniques for collecting debts. VA and other Federal agencies must now notify the Department of the Treasury of all delinquent debts over 180 days old so that Treasury can

collect these debts through administrative offset from Federal payments, including tax refunds and salary payments. VA and other Federal agencies are also required to refer delinquent debts over 180 days old to the Department of the Treasury so that Treasury may attempt to collect, compromise, or terminate these debts. Treasury may also refer these debts to other designated Federal debt collection centers, to the Department of Justice for litigation, or to private collection agencies. The DCIA also authorizes Federal agencies to sell outstanding debts.

Routine use numbers 36 and 37 are added to identify information referred to the Office of Federal Employees' Group Life Insurance and to health care insurance carriers contracting with OPM under the Federal Health Benefits Program.

A new Routine use number 38 is added to identify information transferred to DFAS so that DFAS can effectively process the payroll for VA employees.

A new Routine use number 39 is added to identify information transferred to another Federal agency in order for that agency to conduct a Federal salary offset hearing requested by an indebted VA employee. Under 5 U.S.C. 5514, an agency is required to provide prior written notice to an employee-debtor of the agency's intent to initiate salary offset to collect a debt owed by the employee to the agency. The agency must also notify the employee of the right to request a hearing on the existence and amount of the debt, as well as on the offset schedule. In accordance with 5 U.S.C. 5514(a)(2)(D), the hearing must be conducted by an impartial hearing official not under the supervision or control of the creditor agency, unless the hearing official is an administrative law judge employed by the creditor agency. VA has contracted with another Federal agency to conduct these hearings for VA employees and must transfer information pertaining to the employee to this agency in order to have the hearings conducted.

A new Routine use number 40 is added to enable disclosure to other Federal agencies in order to assist such agencies in preventing and detecting possible fraud or abuse by individuals in their operations and programs.

A new Routine use number 41 is added. VA may, on its own initiative, disclose any information or records to appropriate agencies, entities, and persons to respond to a suspected or confirmed data breach, including the conduct of any risk analysis or provision of credit protection services.

New Routine use numbers 42, 43, and 44 are added. The three new Routine uses are added to enable disclosure of information to the Merit Systems Protection Board (MSPB), the Federal Labor Relations Authority (FLRA), and the Equal Employment Opportunity Commission (EEOC) in order for each to address matters within their jurisdiction.

Finally, VA is adding new Routine use number 45. The new Routine use is added to provide VA information or records to appropriate Federal Government agencies, upon request, for employee accountability purposes, during the time of a declared national, state, or local emergency.

The Privacy Act permits VA to disclose information about individuals without their consent for a Routine use when the information will be used for a purpose that is compatible with the purpose for which VA collected the information. In all of the Routine use disclosures described above, the recipient of the information will use the information either in connection with a matter relating to one of VA's programs, or will use the information to provide a benefit to VA, or will disclose as required by law.

The notice of intent to publish an advance copy of the system notice has been sent to the appropriate Congressional committees and to the Director of the Office of Management and Budget (OMB) as required by 5 U.S.C. 552a(r) (Privacy Act of 1974) and guidelines issued by OMB on December 12, 2000 (65 FR 77677).

Approved: June 7, 2012.

John R. Gingrich,

Chief of Staff, Department of Veterans Affairs.

27VA047

SYSTEM NAME:

''Personnel and Accounting Integrated Data System'' —VA

SYSTEM LOCATION:

This system of records is located in the VA Central Office, Washington, DC; the VA Austin Information Technology Center and VA Austin Financial Services Center, Austin, Texas; at the facilities of the Defense Finance and Accounting Service (DFAS) and the Department of Agriculture's National Finance Center (NFC); at the offices of contractors and subcontractors; and VA field facilities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by the system are all VA employees, except employees appointed on a without compensation basis, medical or dental residents who receive their stipends and fringe benefits through full disbursement agreements, and employees of the VA Office of Inspector General.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records include, but are not limited to: Name; home address; social security number (SSN); taxpayer identification number (TIN); date of birth; grade; race; employing organization; timekeeper number; salary; pay plan; number of hours worked, including compensatory time; leave accrual rate, usage, and balances; records related to retirement and benefit elections; FICA withholdings; Federal, State, and local tax withholdings; records related to travel expenses and payments; telework indicator codes; carpool and ridesharing program records (i.e., name, address, office location at the facility); public transportation benefit program records; records related to garnishments, deductions, allotments, and direct deposit/electronic funds transfer (DD/EFT); and records related to background information investigations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

38 U.S.C. 501(a); 5 U.S.C. Part III, Subparts D and E.

PURPOSE(S):

These records are used to administer the pay, leave, and travel requirements related to VA employees.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. To produce and maintain automated human resources and payroll information, including reports and statistical data, on VA employees for use by Federal, State, and local agencies and organizations authorized by law or regulation, to have access to such information. These records may be disclosed as part of an ongoing computer-matching program to accomplish these purposes. This Routine use does not authorize the disclosure of information that must be disclosed under the criteria contained in 5 U.S.C. 552a(b)(7), (8), and (11).

2. To transfer human resources and payroll information to complete payroll checks and DD/EFT, bond deductions, and withholding taxes to DFAS to affect delivery of salary payments to VA employees.

3. Transfer payroll information to the Social Security Administration in order to credit quarterly posting for social security.

4. Transfer withholding tax information to State and/or city governments to effect payment of taxes to State and/or city governments and to create W–2s.

5. Transfer retirement record information to the Office of Personnel Management (OPM) in order to provide a history of service and retirement deductions.

6. Information and records in this system may be transferred to the National Archives and Records Administration (NARA) to provide a history of all salaries, deductions, and time and leave.

7. Transfer unemployment compensation information to State agencies to compile unemployment compensation data.

8. Transfer personnel data to OPM in order to provide OPM with a readily accessible major data source for meeting workforce information needs of OPM, national planning agencies, Congress, the White House, and the public.

9. VA may disclose on its own initiative any information in this system, that is relevant to a suspected or reasonably imminent violation of law, whether civil, criminal, or regulatory in nature and whether arising by general or program statute or by regulation, rule, or order issued pursuant thereto, to a Federal, State, local, tribal, or foreign agency charged with the responsibility of investigating or prosecuting such violation, or charged with enforcing or implementing the statute, regulation, rule, or order. VA may also disclose on its own initiative the names and addresses of veterans and their dependants to a Federal agency charged with the responsibility of investigating or prosecuting civil, criminal, or regulatory violations of law, or charged with enforcing or implementing the statute, regulation, or order issued pursuant thereto.

10. A record from this system of records may be disclosed as a ''routine use'' to a Federal, State, or local agency, or to a non-governmental organization maintaining civil, criminal, or other relevant information, such as current licenses, registration, or certification, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the use of an individual as a consultant, attending or to provide fee basis health care, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefits. These records may also be disclosed as part of an ongoing computer matching program to accomplish these purposes.

11. A record from this system of records may be disclosed to a Federal, State, or local agency in response to its request, in connection with the hiring and retention of an employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the letting of a contract or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

12. Relevant information from this system of records, including the nature and amount of a financial obligation, may be disclosed as a ''routine use'', in order to assist VA in the collection of unpaid financial obligations owed to VA, to a debtor's employing agency or commanding officer so that the debtor-employee may be counseled by his or her Federal employer or commanding officer. This purpose is consistent with the Government-wide debt collection standards set forth at 31 U.S.C. chapter 37, subchapters I and II, 31 CFR parts 900–904, and VA regulations 38 CFR 1.900–1.954.

13. To provide State and local taxing authorities employee names, home addresses, social security numbers, gross compensation paid for a given period, taxes withheld for the benefit of the recipient jurisdiction or other jurisdictions, according to the provisions of State and/or local law.

14. Relevant information from this system of records, including available identifying data regarding the debtor, such as name of debtor, last known address of debtor, social security number of debtor, place and date of birth of debtor, name and address of debtor's employer or firm, and dates of employment, may be disclosed to other Federal agencies, State probate courts, State drivers' license bureaus, and State automobile title and license bureaus as a ''routine use'' in order to obtain current address, locator and credit report assistance in the collection of unpaid financial obligations owed to the U.S. This purpose is consistent with the Government-wide debt collection standards set forth at 38 U.S.C., chapter 37, subchapters I and II, 31 CFR parts 900–904, and VA regulations 38 CFR 1.900–1.954.

15. The record of an individual who is covered by this system may be disclosed to a Member of Congress, or a staff person acting for the Member, when the Member or staff person requests the record on behalf of and at the written request of the individual.

16. Information and records in this system may be disclosed to NARA in records management inspections conducted under the authority of title 44 U.S.C.

17. The name and general geographic location where an employee resides (not specific home address) may be disclosed by the facility Employee Transportation Coordinator to other employees in order to promote the car/vanpooling and ridesharing program established in accordance with Executive Order 12191 and to enable VA to verify membership in car and vanpools.

18. VA may disclose information from this system of records to the Department of Justice (DoJ), either on VA's initiative or in response to DoJ's request for the information, after either VA or DoJ determines that such information is relevant to DoJ's representation of the United States or any of its components in legal proceedings before a court or adjudicative body, provided that, in each case, the agency also determines prior to disclosure that release of the records to DoJ is a use of the information contained in the records that is compatible with the purpose for which VA collected the records. VA, on its own initiative, may disclose records in this system of records in legal proceedings before a court or administrative body after determining that the disclosure of the records to the court or administrative body is a use of the information contained in the records that is compatible with the purpose for which VA collected the records.

19. The name of the employee, social security number, beginning and ending pay period dates, the number of hours worked during a given pay period, the gross salary and duty station may be disclosed to the Department of Labor's (DOL) Office of Inspector General (IG) in order for DOL IG to conduct a computer match of these records with various State unemployment benefit files. The purpose of this computer-matching program will be to determine if Federal employees have been properly drawing State unemployment benefit payments. These payments are ultimately reimbursed to the State by the Federal Government.

20. Records from this system of records may be disclosed to a Federal, State, or local government agency or licensing board and/or to the Federation of State Medical Boards or a similar nongovernment entity. These entities maintain records concerning an individual's employment or practice histories or concerning the issuance, retention, or revocation of licenses, certifications, or registration necessary to practice an occupation, profession or specialty. Disclosures may be made in order for the agency to obtain

information determined relevant to an agency decision concerning the hiring, retention, or termination of an employee. Disclosures may also be made to inform a Federal agency or licensing boards or the appropriate nongovernment entities about the health care practices of a terminated, resigned, or retired health care employee whose professional health care activity so significantly failed to conform to generally accepted standards of professional medical practice as to raise reasonable concern for the health and safety of patients. These records may also be disclosed as part of an ongoing computer-matching program to accomplish these purposes.

21. Any information in this system of records may be disclosed to any State, local, or foreign civil or criminal law enforcement governmental agency or instrumentality charged under applicable law with the protection of the public health or safety for the purpose of protecting public health or safety if qualified representatives of such agency or instrumentality has made a written request that such information be provided in order to meet a statutory reporting requirement.

22. Relevant information from this system of records may be disclosed to the National Practitioner Data Bank and/or State Licensing Board in the State(s) in which a practitioner is licensed, in which the VA facility is located, and/or in which an act or omission occurred upon which a medical malpractice claim was based when VA reports information concerning: (1) Any payment for the benefit of a physician or other licensed health care practitioner which was made as the result of a settlement or judgment of a claim of medical malpractice if an appropriate determination is made in accordance with agency policy that payment was related to substandard care, professional incompetence or professional misconduct on the part of the individual; (2) a final decision which relates to possible incompetence or improper professional conduct that adversely affects the clinical privileges of a physician or other licensed health care practitioner for a period longer than 30 days; or (3) the acceptance of the surrender of clinical privilege or any restriction of such privileges by a physician or other licensed health care practitioner either while under investigation by the health care entity relating to possible incompetence or improper professional conduct, or in return for not conducting such an investigation or proceeding. These records may also be disclosed as part of a computer-matching program to accomplish these purposes.

23. Any information in this system may be disclosed to the Department of the Treasury, Internal Revenue Service (IRS), where required by law or regulation to report withholding information and to affect payment of taxes withheld to IRS and to create W–2s.

24. Relevant information from this system of records, including social security number, date of birth, home address, and the amount of contributions, interfund transfers, or other financial information may be disclosed to the Federal Retirement Thrift Investment Board in order to effect employee participation in the Thrift Savings Plan.

25. Relevant information from this system of records concerning residents employed at VA Medical Centers, including names, social security numbers, occupational titles, and dates of service, may be disclosed to the Health Care Financing Administration (HCFA) as part of an ongoing computer-matching program. The purpose of this computer-matching program is to help ensure that no resident is counted as more than one full-time equivalent in accordance with program regulations governing Medicare education costs.

26. Information from this system of records may be disclosed in response to legal processes, including interrogatories, served on the agency in connection with garnishment proceedings against current or former VA employees under 5 U.S.C. 5520a.

27. Disclosure of relevant information may be made to individuals, organizations, private or public agencies, or other agencies with whom VA has a contract or agreement or where there is a subcontract to perform such services as VA may deem practicable for the purposes of laws administered by VA, in order for the contractor or subcontractor to perform the services of the contract or agreement.

28. The names, social security numbers, home addresses, dates of birth, dates of hire, quarterly earnings, employer identifying information, and State of hire of employees may be disclosed to the Office of Child Support Enforcement, Administration for Children and Families, Department of Health and Human Services Federal Parent Locator System (FPLS) for the purpose of locating individuals to establish paternity, establishing and modifying orders of child support, identifying sources of income, and for other child support enforcement actions as required by the Personal Responsibility and Work Opportunity Reconciliation Act (Welfare Reform Law, Pub. L. 104–193).

29. Information from this system of records may be released to the Social Security Administration for verifying social security numbers in connection with the operation of the FPLS by the Office of Child Support Enforcement.

30. Information from this system of records may be released to the Department of the Treasury for purposes of administering the Earned Income Tax Credit Program (Section 32, Internal Revenue Code of 1986) and verifying a claim with respect to employment in a tax return.

31. To disclose information to the FLRA (including its General Counsel) when requested in connection with the investigation and resolution of allegations of unfair labor practices, in connection with the resolution of exceptions to arbitrator awards when a question of material fact is raised, in connection with matters before the Federal Service Impasses Panel, and to investigate representation petitions and conduct or supervise representation elections.

32. VA may disclose information from this system of records to a court, administrative entity, or custodial parent of a child in order to provide documentation of payroll deductions for child healthcare insurance coverage in accordance with a court or administrative order as required by 5 U.S.C. 8905(h), as enacted by Public Law 106–394, and in accordance with the procedures stated in the applicable Office of Personnel Management Benefits Administration and Payroll Office Letters. VA may also disclose information from this system of records to healthcare insurance carriers in order to enroll employees and their children in healthcare insurance plans in accordance with Public Law 106–394.

33. Any information in this system of records may be disclosed to the Secretary of the Treasury, or to any designated Government disbursing official, for the purpose of conducting administrative offset of any eligible Federal payments in order to collect debts owed to the United States under the authority set forth in 31 U.S.C. 3716. Tax refund and Federal salary payments may be included in those Federal payments eligible for administrative offset.

34. Any information in this system of records concerning a delinquent debt may be disclosed to the Secretary of the Treasury for appropriate collection or termination action, including the transfer of the indebtedness for collection or termination, in accordance with 31 U.S.C. 3711(g)(4), to DFAS, to

a debt collection center designated by the Secretary of the Treasury, to a private collection agency, or to the Department of Justice. The Secretary of the Treasury, through the Department of the Treasury, a designated debt collection center, a private collection agency, or DoJ, may take appropriate action on a debt in accordance with the existing laws under which the debt arose.

35. Any information in this system of records may be disclosed to a third party purchaser of delinquent debt sold pursuant to the provisions of 31 U.S.C. 3711(i).

36. To disclose to the Office of Federal Employees' Group Life Insurance information necessary to verify election, declination, or waiver of regular and/or optional life insurance coverage or eligibility for payment of a claim for life insurance.

37. To disclose information to health insurance carriers contracting with OPM under the Federal Health Benefits Program that is necessary to identify enrollment in the plan, to verify eligibility for payment of a claim for health benefits, or to carry out the coordination or audit of benefits provisions of such contracts.

38. Any information in this system of records, including social security numbers and home addresses, may be disclosed to DFAS so that DFAS may process the payment of pay and allowances for VA employees.

39. Any information in this system of records, including social security numbers, may be disclosed to another Federal agency when that agency has been requested to conduct a Federal salary offset hearing under 5 U.S.C. 5514(a)(2)(D) for VA employees.

40. Disclosures to other Federal agencies may be made to assist such agencies in preventing and detecting possible fraud or abuse by individuals in their operations and programs.

41. VA may, on its own initiative, disclose any information or records to appropriate agencies, entities, and persons when (1) VA suspects or has confirmed that the integrity or confidentiality of information in the system of records has been compromised; (2) the Department has determined that as a result of the suspected or confirmed compromise, there is a risk of embarrassment or harm to the reputations of the record subjects, harm to economic or property interests, identity theft or fraud, or harm to the security, confidentiality, or integrity of this system or other systems or programs (whether maintained by the Department or another agency or entity) that rely upon the potentially compromised information; and (3) the disclosure is to agencies, entities, or persons whom VA determines are reasonably necessary to assist or carry out the Department's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm. This Routine use permits disclosures by the Department to respond to a suspected or confirmed data breach, including the conduct of any risk analysis or provision of credit protection services as provided in 38 U.S.C. 5724, as the terms are defined in 38 U.S.C. 5727.

42. VA may disclose information from this system to the Merit Systems Protection Board (MSPB), or the Office of Special Counsel, when requested in connection with appeals, special studies of the civil service and other merit systems, review of rules and regulations, investigation of alleged or possible prohibited personnel practices, and such other functions promulgated in 5 U.S.C. 1205 and 1206, or as authorized by law.

43. VA may disclose information from this system to the FLRA, including its General Counsel, information related to the establishment of jurisdiction, investigation, and resolution of allegations of unfair labor practices, or in connection with the resolution of exceptions to arbitration awards when a question of material fact is raised; for it to address matters properly before the Federal Services Impasses Panel, investigate representation petitions, and conduct or supervise representation elections.

44. VA may disclose information from this system to the Equal Employment Opportunity Commission (EEOC) when requested in connection with investigations of alleged or possible discriminatory practices, examination of Federal affirmative employment programs, or other functions of the Commission as authorized by law or regulation.

45. VA may disclose information or records from this system to appropriate Federal Government agencies, upon request, for employee accountability purposes, during the time of a declared national, state, or local emergency.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12), VA may disclose records from this system of records to consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)). The disclosure is limited to information necessary to establish the identity of the individual, including name, address, and taxpayer identification number (social security number), the amount, status and history of the claim; and the agency or program under which the claim arose for the sole purpose of allowing the consumer reporting agency to prepare a commercial credit report. 31 U.S.C. 3711(e) governs the release of names and addresses of any person to consumer reporting agencies under certain circumstances.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper documents, microfilm, microfiche, and computer storage media.

RETRIEVABILITY:

These records may be retrieved using various combinations of name, birth date, social security number, or identification number of the individual on whom the records are maintained.

SAFEGUARDS:

PHYSICAL SECURITY:

Access to these records is restricted to authorized VA employees, contractors, or subcontractors on a ''need to know'' basis. Offices where these records are maintained are locked after working hours and are protected from outside access by the Federal Protective Service, other security officers, and alarm systems. Access to computerized records is restricted to authorized VA employees, contractors, or subcontractors by means of unique user identification and passwords.

RETENTION AND DISPOSAL:

The payroll records are maintained for the period of the employee's service in VA and are then transferred to the National Personnel Records Center for storage or, as appropriate, to the next employing Federal agency. Other records are either retained at VA for various lengths of time in accordance with NARA records schedules or destroyed when they have served their purpose or the employee leaves VA. Records contained in computer accessible media may be retained indefinitely as a basis for longitudinal work history statistical studies. After the disposition date of related paper-based payroll records in General Records Schedules 1 and 2, the records in this system will not be used in making decisions concerning employees.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Assistant Secretary for Finance (047), VA Central Office, Washington, DC 20420.

NOTIFICATION PROCEDURE:

Individuals seeking information concerning the existence of a record pertaining to themselves must submit a written request to the VA station of employment. Such request must contain a reasonable description of the records requested. In addition, identification of the individual requesting the information will be required in the written request and will consist of the requester's name, signature, address, and social security number, or other identifier, as a minimum.

VA uses the self-service application, MyPay, which is provided by DFAS to all Federal agencies receiving payroll services. MyPay provides VA employees and managers with a way to process their personal and benefit transactions without the personal assistance of human resources or payroll staff. Access is obtained through the use of the employee's social security number and a personal identification number (PIN).

RECORD ACCESS PROCEDURE:

See ''Notification Procedure'' above.

CONTESTING RECORD PROCEDURE:

Current and former VA employees wishing to request amendment of their records should contact their current station of employment. Individuals must furnish the following for their records to be located and identified: Full name, social security number, or other identifier, and signature.

RECORD SOURCE CATEGORIES:

Information received from employees, VA officials, other Federal, State, and local agencies.

[FR Doc. 2012–16167 Filed 6–29–12; 8:45 am]

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FEDERAL REGISTER

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Part II

Department of Commerce

Bureau of Industry and Security

15 CFR Parts 734, 738, 740, et al.
Wassenaar Arrangement 2011 Plenary Agreements Implementation: Commerce Control List, Definitions, New Participating State (Mexico) and Reports; Final Rule

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Parts 734, 738, 740, 742, 743, 744, 746, 748, 752, 770, 772, 774

[Docket No. 111220789–1017–01]

RIN 0694–AF50

Wassenaar Arrangement 2011 Plenary Agreements Implementation: Commerce Control List, Definitions, New Participating State (Mexico) and Reports

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Final rule.

SUMMARY: The Bureau of Industry and Security (BIS) maintains, as part of its Export Administration Regulations (EAR), the Commerce Control List (CCL), which identifies items subject to Department of Commerce export controls. This final rule revises the CCL to implement changes made to the Wassenaar Arrangement's List of Dual-Use Goods and Technologies (Wassenaar List) maintained and agreed to by governments participating in the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies (Wassenaar Arrangement, or WA) at the December 2011 WA Plenary Meeting (the Plenary). The Wassenaar Arrangement advocates implementation of effective export controls on strategic items with the objective of improving regional and international security and stability. To harmonize the CCL with the changes made to the Wassenaar List at the Plenary, this rule amends entries on the CCL that are controlled for national security reasons in Categories 1, 2, 3, 4, 5 Parts I & II, 6, 7, 8, and 9; revises reporting requirements; and adds, removes, and amends definitions in the EAR.

This rule raises the Adjusted Peak Performance (APP) parameter for high performance computers. President Obama sent the report required to make this change to Congress on March 16, 2012. This rule also raises the APP eligibility level for deemed exports of computers in License Exception APP.

This final rule also revises the CCL and definitions of terms used in the EAR to implement changes to the WA list that pertain to low light level (LLL) items that were agreed upon by the WA in December 2007 through 2011 at the Wassenaar Arrangement Plenary Meetings.

Additionally, this rule adds Mexico as the 41st Participating State in the list of WA members in the EAR.

DATES: *Effective Date:* This rule is effective: July 2, 2012.

FOR FURTHER INFORMATION CONTACT: For general questions contact Sharron Cook, Office of Exporter Services, Bureau of Industry and Security, U.S. Department of Commerce at 202–482–2440 or by email: *Sharron.Cook@bis.doc.gov*.
For technical questions contact:
Category 1: Michael Rithmire at 202–482–6105
Category 2: George Loh at 202–482–3570
Category 3: Brian Baker at 202–482–5534
Category 4: Joseph Young at 202–482–4197
Category 5: Part 1: Joseph Young at 202–482–4197
Category 5: Part 2: ITCD staff 202–482–0707
Category 6: (optics): Chris Costanzo at 202–482–0718
Category 6: (lasers): Mark Jaso at 202–482–0987
Category 6: (sensors and cameras): John Varesi 202–482–1114
Categories 7 and 9: Daniel Squire at 202–482–3710
Category 8: Darrell Spires at 202–482–1954

SUPPLEMENTARY INFORMATION:

Background

The Wassenaar Arrangement (WA) on Export Controls for Conventional Arms and Dual-Use Goods and Technologies is a group of 41 like-minded states committed to promoting responsibility and transparency in the global arms trade, and preventing destabilizing accumulations of arms. As a Participating State, the United States has committed to controlling for export all items on the WA control lists. The lists were first established in 1996 and have been revised annually thereafter. Proposals for changes to the WA control lists that achieve consensus are approved by Participating States at annual December Plenary meetings. Participating States are charged with implementing the agreed list changes as soon as possible after approval. Implementation of WA list changes ensures U.S. companies have a level playing field with their competitors in other WA member states.

Revisions to the Commerce Control List

Out of the 44 ECCNs this rule revises, the following 28 ECCNs on the Commerce Control List (CCL) are revised to implement the changes to the Wassenaar List of Dual-Use Goods and Technologies agreed to at the December 2011 WA Plenary meeting: ECCNs 1A004, 1A005, 1C006, 1C008, 2B001, 2B008, 2B009, 2E001, 3A001, 3A002, 3B001, 3C001, 3E003, 4A003, 5A001, 5B001, 5D001,5E001, 5A002, 6A001, 7A004, 7D002, 7D003, 7E004, 8A002, 9A012, 9D004 and 9E003.

Corresponding changes related to the addition of 5A001.i are made to ECCNs: 5A980, 5D980, and 5E980. Corresponding changes are made to ECCN 3E002 to reflect the raising of the Adjusted Peak Performance (APP) control level of high performance computers in ECCN 4A003, in so far as these changes impact deemed export eligibility under License Exception CIV.

To complete the implementation of the December 2007, 2008, and 2009 agreed revisions to the Wassenaar List of Dual Use Goods and Technologies, this rule revises ECCNs: 0A919, 6A002, 6A003, 6D991, 6D994, 6E001, 6E002, 6E101, and 8A002, as described below.

Corrections that are not part of the WA 2011 agreements, but that are essential to the scope of control of these WA listed items, are made to the following ECCNs: 3A001.f, 3E001, 6B008, 7A003 and 7A005. These changes are described in more detail below.

The Wassenaar Arrangement Task Force on Editorial Issues (TFEI) made revisions, editorial in nature, to clarify or correct control text or remove extraneous text. The TFEI revisions (over 2,000) were agreed upon by the WA in December 2007. This rule implements those TFEI revisions that coincide with the revisions to ECCNs affected by the 2007, 2008, 2009, and 2010 WA changes to ECCNs 6A002, 6A003, 6E001, 6E002, and 8A002.

As a result of the changes made to the Technical Notes to Category 2 Product Group B and to ECCN 2B001, there are corresponding changes to ECCNs 2A201 and 2A991, as well as the definition of ''positioning accuracy'' in Section 772.1.

Category 0 Nuclear Materials, Facilities, and Equipment [and Miscellaneous Items]

ECCN 0A919 ''Military commodities''

This rule revises paragraph 0A919.d to add reference to ECCNs 6A003.b.3 and 6A003.b.4.c. Therefore, ECCN 0A919 will control ''military commodities'' that incorporate one or more cameras controlled under ECCN 6A003.b.3, b.4.b, or 6A003.b.4.c. In addition, the RS control paragraph is revised to add a citation reference that states ''see § 742.6(a)(3) for license requirements.'' ECCN 0A919 is controlled for RS:1, AT:1 and UN for Rwanda (see Section 746.7) reasons for control. There are special RS Column 1 license requirements applicable for ECCN 0A919, found in Section

742.6(a)(3), therefore the Commerce Country Chart is not used to determine license requirements for the RS Column 1 control. The special RS:1 license requirements for ECCN 0A919 require a license for reexports to all destinations, except Canada, except when such items are being reexported as part of a military deployment by a unit of the government of Albania, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, South Africa, South Korea, Spain, Sweden, Switzerland, Turkey, the United Kingdom or the United States.

Category 1 Special Materials and Related Equipment, Chemicals, ''Microorganisms,'' and ''Toxins''

ECCN 1A004 (Protective and detection equipment and components)

A Note is added after the introductory paragraph a. in the Items paragraph to clarify that the scope of the control on gas masks, filter canisters, and decontamination equipment includes Powered Air Purifying Respirators (PAPR) that are designed or modified for defense against agents or materials listed in 1A004.a.

ECCN 1A005 (Body armor)

The Heading and the List of Items Controlled are revised to make them clearer. The control paragraphs for ''body armor'' are expanded from one paragraph to two, of which the first lists ''soft body armor * * *'' and second lists ''hard body armor plates providing ballistic protection* * *.''

Note 1 is revised by removing the phrase ''or protective garments'' to be more specific and to harmonize with the scope of the control. The revision also replaces ''their'' with ''its'' to correct the grammar in the Note.

Note 3 is added to make it clear that 1A005 controls body armor that provides ballistic protection and thus ''does not apply to body armor designed to provide protection only from knife, spike, needle or blunt trauma.''

ECCN 1C006 (Fluids and Lubricating Materials)

A Note to paragraph 1C006.d is added so that it ''does not apply to materials specified and packaged as medical products.'' Some WA countries have not controlled such materials based on the medical Statement of Understanding (SOU). Other WA countries interpret the SOU strictly as applying only to medical equipment and controlled medical materials. This note is added to clarify that these fluids and lubricating materials, when specified and packaged as medical products, are not subject to control.

ECCN 1C008 (Non-Fluorinated Polymeric Substances)

The Items paragraph is amended by revising paragraphs a.4 and f. to harmonize them with a glass transition temperature parameter (T_g) that was added to the 1C008.a.2 entry for polyamide-imides (PAIs) in 2010. The value specified is 563 K (290 °C). This new value exceeded the T_g value in 1C008.a.4 for aromatic polyetherimides (PEIs) and in 1C008.f for polybiphenylenethersulphones. The polyimide family, which includes both PAI and PEI, has similar performance characteristics within its overall structure, as do Polysulphone materials, and therefore, the T_g values in 1C008.a.4 (PEI in the polyimide family) and .f (the Polysulphone family) are harmonized with the T_g values in 1C008.a.2 (PAI in the polyimide family).

Category 1 ''Special Materials and Related Equipment,'' Annex ''List of Explosives (See ECCNs 1A004 and 1A008)''

Paragraph 32.g (NTDNA (2-nitrotriazole 5-dinitramide) (CAS 75393–84–9)) of the Annex is removed and reserved to implement a WA 2010 agreement to delete NTDNA (2-nitrotriazole 5-dinitramide) (CAS 75393–84–9) from its Munitions List because the CAS number of 75393–84–9 did not correspond to NTDNA (2-nitrotriazole 5-dinitramide).

Category 2—Materials Processing

The Notes for Category 2B are removed, as they are redundant to the Technical Notes for 2B.

The Technical Notes for 2B001 to 2B009 are amended to account for changing the year from 1988 to 2006 for ISO 230/2. In order to streamline export controls for Category 2B machine tools, BIS is going to use ISO 230/2 (2006) for 2B001 to 2B009, 2B201, 2B290 and 2B991 to 2B999. Although the Nuclear Supplier's Group (NSG) has not yet updated the ISO standard it uses, there are plans to go in that direction. Therefore, the Heading to the Technical Note is changed to ''Technical Notes for 2B001 to 2B009, 2B201, 2B290 and 2B991 to 2B999.''

Technical Note 5 is removed and Technical Note 6 is redesignated as Technical Note 5, to harmonize the EAR with the Technical Note in the WA's List.

Newly designated Note 5 (former Note 6) is revised by correcting capitalization, removing the word ''levels'', changing the year of the ISO from ''1988'' to ''2006'', and adding single quotes around the term 'Stated positioning accuracy.' WA agreed to the new ISO standard ''ISO 230/2 (2006),'' because the previous standard was cancelled when the new one was revised. A Note designation of ''Note to paragraph 5'' is added in front of ''Determination of 'Stated Positioning Accuracy' '', because this was an undesignated paragraph, which is not allowable in **Federal Register** format.

Newly designated Note to paragraph 5, paragraph b is amended by replacing the ISO year 1988 with 2006. Paragraph f of this note is amended by replacing the stated accuracy of 6 microns with 5 microns for grinding machines and 8 microns with 6.5 microns for milling and turning machines.

A Note 6 paragraph is added to the Technical Notes to state, ''Measurement uncertainty for the positioning accuracy of machine tools, as defined in the International Standard ISO 230/2 (2006), shall not be considered.''

ECCN 2B001 (Machine Tools)

The NP control paragraph in the License Requirements section is amended by replacing 0.030 mm with 22.5 μm to align the number with the ISO 230/2 (2006) standard.

Paragraphs 2B001.a.1, b.1.a, and c.1.a (position accuracy) are amended by replacing the word ''any'' with the phrase ''one or more.'' WA made this amendment to reflect its intent that one may not classify such machine tools by referring only to the one axis with the poorest positioning accuracy.

Paragraphs 2B001.a.1, b.1., b.3., c.1.a. and paragraph .b in the Notes to 2B001.c are amended by adding ''according to ISO 230/2 (2006) wherever the term ''positioning accuracy'' or ''positioning accuracies'' is used.

Paragraphs a.1 and b.1.a are amended by replacing the positioning accuracy of ''6 μm'' with ''4.5 μm'' to align with the WA list.

Paragraphs b.3 and c.1.a, as well as paragraph b to the Note to 2B001.c are amended by replacing the positioning accuracy of ''4 μm'' with ''3 μm'' to align with the WA list.

ECCN 2B008 (Assemblies and Units Specially Designed for Machine Tools or Dimensional Inspection or Measuring Systems and Equipment)

This rule moves the examples of linear position feedback units in

paragraph 2B008.a and the examples of rotary position feedback units in paragraph 2B008.b into a new Note added after paragraphs .a and .b. This Note also provides a description of the types of units controlled by these paragraphs.

ECCN 2B009 (Spin Forming Machines and Flow Forming Machines)

Paragraph 2B009.a is amended by increasing the number of axes from ''two or more'' to ''three or more,'' which is a harmonization with the Missile Technology Control Regime (MTCR) control. In addition, the two axes machines having limited contouring capabilities are being replaced by the versatile three or more axes machines due to the technology advancement in the industry.

ECCN 2B201 (Machine Tools)

A new Note is added to the beginning of the Items paragraph to explain that BIS has adopted the ISO 230/2 (2006) standard for use in 2B201. BIS and the Department of Energy decided to utilize one standard to streamline export compliance and license review of all EAR controlled machine tools, and because the Nuclear Suppliers Group (NSG) will eventually adopt the new ISO 230/2 (2006) standard. The ISO 230/2 (1988 and 1997) standards were cancelled when revisions to the standard were adopted in 2006.

Paragraph 2B201.a is amended by deleting double quotes around the term ''positioning accuracies.'' Double quoted words in the EAR are terms that are defined in Part 772 of the EAR. Because the definition in Part 772 no longer aligns with the new ISO 230/2 (2006), this rule removes the quotes around ''positioning accuracies.''

Paragraphs 2B201.a and b.1 are amended by replacing ''6.0 μm'' with ''4.5 μm'' in order to state the correct positioning accuracy for the new standard.

Paragraph 2B201.c.1 is amended by replacing ''4.0 μm'' with ''3 μm'' in order to state the correct positioning accuracy for the new standard.

Paragraph b in the Note to 2B201.b for milling machines is amended by replacing ''30 μm'' with ''22.5 μm'' in order to state the correct positioning accuracy for the new standard.

ECCN 2B991 (Numerical Control Units for Machine Tools and ''Numerically Controlled Machine Tools'')

Paragraphs c.2.a, c.2.b, and c.2.c are amended by replacing ''0.020 mm'' with ''15 μm'' in order to state the correct positioning accuracy for the new ISO 230/2 (2006) standard.

ECCN 2E001

A Note is added to the Items paragraph to clarify that the scope of the 2E001 control includes ''technology'' for the integration of probe systems into coordinate measurement machines specified by 2B006.a.

Category 3—Electronics

Product Group A is amended by revising Notes 1, 2 and the *Nota Bene* to add a reference to a new paragraph 3A001.a.13. The Notes and the *Nota Bene* provide guidance on classifying products described in Category 3.

ECCN 3A001 (Electronic Components and Specially Designed Components Therefor)

The License Exception GBS paragraph is revised to add eligibility for the new paragraph 3A001.a.13.

The License Exception CIV paragraph is revised to correct a reference to 3A001.a.11.

Paragraph 3A001.a.13 is added to control Direct Digital Synthesizer (DDS) integrated circuits having specified parameters. The parameters are harmonized with those for the high performance Digital to Analog Converter in 3A001.a.5.b. This new control fills a gap between exclusively military DDS circuits and dual-use circuits developed for both civil telecommunications testing purposes and military communications, electronic countermeasures, and radar applications.

Paragraph b.10 is amended by replacing the word ''designed'' with ''specified'' because the design intent of such items is difficult to obtain with the passage of time.

Paragraphs b.11.d and b.11.e are revised, and two new paragraphs, b.11.f and b.11.g, are added to the List of Items Controlled section. These paragraphs contain parameters that describe frequency change within a frequency range for ''frequency synthesizer'' ''electronic assemblies.'' These changes extend the frequency range in 3A001.b.11 to 70 GHz and add new frequency breakouts to align with the changes made to 3A002.d.3 (Frequency synthesized signal generators-''frequency switching time'') in 2010.

Paragraph 3A001.e.1.b (high energy devices) is amended by revising the energy density parameter for ''secondary cells'' from 250 to 300 Wh/kg to account for advances in technology in this area.

Paragraphs 3A001.f.1 and f.2 are removed to implement a 2008 WA agreement regarding this control that was inadvertently not reflected in the rule BIS published on December 11, 2009 (74 FR 66003).

ECCN 3A002 (General Purpose Electronic Equipment and Accessories Therefor)

3A002.d.1 is revised by cascading the parameters into two subparagraphs. The existing parameter is moved from paragraph .d.1 to .d.1.a, and a new parameter is added to read ''On/off ratio equal to or exceeding 65 dB.'' The new control parameter ''on/off ratio'' clarifies that pulses are two-dimensional, having both width and depth.

Paragraphs 3A002.d.4, d.4.a, and d.4.b are revised. These revisions clarify that the Single Sideband (SSB) phase noise control applies anywhere within the specified frequency range. The amendments also make the grammatical structure similar to that used in other subparagraphs of 3A002.d, and also of 3A002.c, for controls based on combination of frequency and other parameters.

Technical Note 1 of paragraph d.5 is revised, and a corresponding change is made to Technical Note 2 to harmonize it with the change to 3A002.d.1. Technical Note 1 referenced the ''theoretical'' Nyquist factor of two (2). In engineering practice, ideal behavior cannot be achieved to generate a Radio-frequency (RF) output signal having low distortion and usable quality without using a factor larger than two. Industry's practice is to use a factor of at least 2.5. The revision to Technical Note 1 clarifies that instruments based on Digital-to-Analog Converter/Direct Digital Synthesizer (DAC/DDS) chipsets should not be evaluated using the theoretical Nyquist value of two (2), but instead by using the industry-accepted standard value of 2.5. In addition, the sentence ''Or, when oversampling is used, the maximum direct output capability is proportionately lower'' incorrectly used the term ''oversampling'' to refer to the sampling interval. Removing ''oversampling'' and specifying that a value of 2.5 should be used makes the sentence clearer. The inclusion of the term ''maximum'' clarifies that the sample rate equates to a maximum frequency but does not preclude operation of the instrument at lower frequencies.

Paragraph 3A002.e.1 is revised to clarify that the output power threshold applies only within the specified frequency range (43.5–70 GHz). The grammatical structure in this paragraph is also revised to harmonize it with 3A002.c and 3A002.d, which contain controls based on a combination of frequency and other parameters.

3A002.f.1 is revised by changing the maximum operating frequency from 43.5 GHz to 70 GHz. This change to the

frequency control threshold for microwave test receivers makes 3A002.f consistent with the control thresholds for other controlled microwave instruments, such as those described in 3A002.c, 3A002.d, and 3A002.e. This change also recognizes the emerging civilian uses of the ~60 GHz frequency space. Additionally, it will ensure that instruments such as network analyzers and signal analyzers that were decontrolled in prior years do not inadvertently remain controlled by 3A002.f.

ECCN 3B001 (Equipment for the Manufacturing of Semiconductor Devices or Materials)

WA agreed to remove 3B001.a.2 (Metal Organic Chemical Vapor Deposition (MOCVD) reactors) from the WA Sensitive List (SL). Therefore, License Exception GBS is amended by removing the eligibility exception for 3B001.a.2. License Exception CIV is also amended by adding 3B001.a.2 to the eligibility paragraph. The License Exception STA paragraph is removed from the License Exception section because 3B001.a.2 is no longer ineligible. MOCVD equipment had been added to the WA SL before 1996. The reason for the inclusion was the strategic importance of such equipment and its widespread capabilities for the manufacturing of high frequency semiconductor devices that could be useful for military radar systems, sensors, and communication devices. MOCVD equipment are now commonly used to fabricate mass market consumer products such as luminescence diodes, laser diodes, and high frequency semiconductor devices for mobile phones. Exported systems typically are dedicated to mass production. Thus, WA concluded that this type of equipment was not of such strategic importance to warrant it being on the WA SL.

Paragraph 3B001.d (Plasma enhanced Chemical Vapor Deposition (PECVD) equipment) is removed and reserved. WA determined that such equipment is widely available and does not merit control because it is overwhelmingly used in civil consumer applications. Moreover, there was no basis for controlling this one type of deposition equipment when no other types are or have been controlled.

Paragraph 3B001.e.1 is revised by this rule to remove a reference to 3B001.d.

ECCN 3C001 (Hetero-Epitaxial Materials)

A Note is added to paragraph 3C001.d to explain that ''3C001.d does not apply to a ''substrate'' having one or more P-type epitaxial layers of GaN, InGaN, AlGaN, InAlN, InAlGaN, GaP, InGaP, AlInP or InGaAlP, independent of the sequence of the elements, except if the P-type epitaxial layer is between N-type layers.'' Hetero-epitaxially grown III/V compound semiconductor multi-layers have been widely used for high-speed electronic devices and light emitting devices such as laser diodes (LDs) and light-emitting diodes (LEDs). The purpose of adding the Note is to decrease controls on LEDs to accommodate the fast growing commercial LED industry, while maintaining controls on the more sensitive LDs that have non-civil applications.

ECCN 3E001

The national security paragraph of the License Requirements section is corrected by adding ECCN 3A003, which was inadvertently left out of the NS:1 control paragraph. Although ECCN 3E001 controls both ''production'' and ''development'' technology, there is a Note in its Items paragraph that states, ''3E001 does not control ''technology'' for the ''production'' of equipment or components controlled by 3A003.'' Therefore, NS:1 and AT:1 only apply to the ''technology'' for the ''development'' of equipment or components controlled by 3A003. Technology for the ''development'' of equipment or components controlled by 3A003 is eligible for License Exceptions TSR and STA, as well as transaction-based license exceptions as long as all the criteria for these license exceptions are met and none of the restrictions of Section 740.2 apply.

ECCN 3E002

The License Exception CIV paragraph in the License Exception section of ECCN 3E002 is amended by revising the word ''microprocessors'' to read ''microprocessor cores'' to more accurately describe the scope for License Exception CIV. In addition, this rule raises the eligibility level for technology and software source code for the ''development'' or ''production'' of general purpose microprocessor cores with a vector processor unit with operand length of 64-bit or less, 64-bit floating operations from ''not exceeding 32 GFLOPs'' to ''not exceeding 50 GFLOPS'', or 16-bit or more floating-point operations from ''not exceeding 32 GMACS'' to ''not exceeding 50 GMACS.'' Deemed exports under License Exception CIV are subject to a Foreign National Review (FNR) requirement (see Section 740.5 of the EAR for more information about the FNR). License Exception CIV does not apply to ECCN 3E002 technology also required for the development or production of items controlled under ECCNs beginning with 3A, 3B, or 3C, or to ECCN 3E002 technology also controlled under ECCN 3E003. This amendment makes it clear that classification and application determinations should be based on the performance target of the ''core'' and not the complete processor. It also provides relief for microprocessor manufacturers who employ foreign nationals working on future higher performance core designs.

ECCN 3E003

Paragraph 3E003.b is revised by adding the word ''electronic.'' It now reads ''Hetero-structure semiconductor electronic devices * * *''. The term ''electronic'' was added to clarify that 3E003 does not control technology for the ''development'' or ''production'' of light emitting diodes or solar cells, which is classified as EAR99.

Category 4—Computers

ECCN 4A003 (''Digital Computers,'' ''Electronic Assemblies,'' and Related Equipment)

The Heading is corrected to insert the parenthetical phrase ''(see List of Items Controlled)''.

The NS Column 2 paragraph is amended by removing the reference to 4A003.a, because 4A003.a is removed by this rule.

The upper threshold of the ''Adjusted Peak Performance (APP)'' in the Anti-Terrorism (AT) controls paragraph of the License Requirements section is raised from 1.5 to 3.0 Weighted TeraFLOPS (WT) to harmonize it with the change in 4A003.b.

License Requirement Note 1 is amended by revising the two references to APP levels from 1.5 to 3.0 WT to harmonize it with the change in 4A003.b.

The License Exception APP paragraph in the License Exceptions section is amended by removing the reference to 4A003.a, because 4A003.a is removed by this rule.

Paragraph 4A003.a, ''designed or modified for 'fault tolerance,' '' is removed and reserved. Once a specialty feature in military aerospace applications and the telecommunication world, fault tolerance is now commonplace. Advances in semiconductor technology and computer system design have made control of fault tolerance neither warranted nor feasible.

The APP in paragraph 4A003.b is raised from 1.5 to 3.0 WT. In the spring

of 2010, two top computer processor manufacturers announced the availability of 8-core processors. These commercial processors are now being integrated into high-performance computer systems (HPCs). Today, almost all HPCs employ multi-core processors with four or more cores per processor as the compute engine. It is expected that 6-core and 8-core processors will be rapidly adopted in HPCs based on our experience with the adoption of quad-core processors in 2009. Increases in both the number of cores, and incremental clock improvements, will increase WT values with no additional changes in system architecture. Consequently, WA agreed to an adjustment of the computer threshold in 4A003.b from 1.5 to 3.0 WT.

National Defense Authorization Act (NDAA) Congressional Notification Requirement Subsections 1211(d) and (e) of the National Defense Authorization Act (NDAA) for FY 1998 (Pub. L. 105–85, November 18, 1997, 111 Stat. 1932) provide that the President must submit a report to Congress 60 days before adjusting the composite theoretical performance level above which exports of digital computers to Tier 3 countries require a license. The President sent a report to Congress on March 16, 2012 that establishes and provides justification for the 3.0 WT control level using the APP formula. The APP revisions described above were not contested by Congress and became eligible for adjustment on May 14, 2012 for exports and reexports to Computer Tier 3 countries.

Category 4, Product Group D

Category 4, Product Group D is amended by removing the phrase ''the 'development,' 'production,' or 'use' of'' from the Note that appears at the top of this Product Group, to clarify that this note applies to all software in Category 4.

''Technical Note on ''Adjusted Peak Performance'' (''APP'')''

Note 6 of the ''Technical Note on 'Adjusted Peak Performance' ('APP')'' is amended by adding a Technical Note that reads, ''Aggregate all processors and accelerators operating simultaneously and located on the same die.'' The change clarifies the method of calculating the APP of a digital computer that employs a mixture of general purpose processor cores and accelerators, coprocessors, or General-Purpose computation on Graphics Processing Units (GPGPUs).

Category 5 Part I—''Telecommunications''

Nota Bene 2, at the top of Category 5 Part I, is amended by adding a comma to correct its punctuation.

ECCN 5A001 (Telecommunications Systems, Equipment, Components and Accessories)

Paragraph 5A001.i is added to the NS:2 control paragraph, which requires a license to most destinations, except allied countries such as members of the North Atlantic Treaty Organization (NATO). Surreptitious Listening (SL) controls are added to control 5A001.i equipment and a license is required for all destinations, including Canada, as specified in Section 742.13 of the EAR. In addition, a cross reference to Section 740.2(a)(3) is added to the License Requirement Notes.

Although, the License Exceptions section is not revised by this rule, the addition of 5A001.i to Section 740.2(a)(3) ''Restrictions on All License Exceptions'' makes 5A001.i ineligible for all license exceptions, except when the equipment is consigned to and for the official use of an agency of the U.S. Government (see § 740.2(a)(3)), in which case License Exception GOV may apply for 5A001.i and 5D001 (as it applies to 5A001.i or 5E001.a (as it applies to 5A001.i or 5D001.a (as it applies to 5A001.i))). License Exception GOV does not apply for 5E001.a (as it applies to 5A001.i, or 5D001.a (as it applies to 5A001.i)).

Paragraph 5A001.b.5 (digitally controlled radio receivers) is moved from the NS:2 control paragraph to the NS:1 paragraph. It warrants worldwide controls because it is listed on both the WA Sensitive and Very Sensitive Lists.

The Note to 5A001.b.3.b is amended by adding another parameter for radio equipment that is not controlled by 5A001.b.3.b, which reads, ''Fixed or mobile satellite Earth stations for commercial civil telecommunications.'' This revision seeks to harmonize controls for commercial civil satellite telecommunications products and technology with civil cellular products and technology. The effect of this change will be limited to spread spectrum equipment and technology in fixed or mobile satellite earth stations for commercial civil telecommunications.

Paragraph 5A001.f (existing control on certain jamming equipment for the selective interference, denial, or degradation of mobile telecommunication services) is corrected by replacing the word ''therefore'' with ''therefor'' to harmonize it with the Wassenaar List.

This rule adds a new control in paragraph 5A001.i on ''Systems or equipment, specially designed or modified to intercept and process the air interface of 'mobile telecommunications,' and specially designed components therefor.'' The new control includes an exclusion Note for ''equipment designed for 'mobile telecommunications' network operators, or for the ''development'' or ''production'' of 'mobile telecommunications' equipment or systems.'' It also includes a Technical Note that defines ''mobile telecommunications'' as ''the following telecommunications protocols or standards: GSM, GSM–R, GPRS, IMT–2000, PMR (Professional Mobile Radio), Inmarsat, Iridium, Thuraya, VSAT or ACES.'' Also included is a *Nota Bene* that refers to related controls, ''See also 5A001.f, 5A980, and the U.S. Munitions List.'' Before this change, interception devices for mobile communications were controlled in two particular cases—when such equipment was specially designed or modified for military use, and when such equipment included a cryptanalytic functionality. This amendment establishes multilateral controls over interception devices for mobile communications that do not fit into either of these cases.

Effective with this rule, SL-controlled commodities controlled by 5A001.i, and related SL-controlled software in 5D001 (for 5A001.i equipment or to support 5E001.a ''technology'' for 5A001.i equipment or 5D001.a ''software'' (for 5A001.i equipment)), are only eligible for License Exception GOV, and only when the item is consigned to and for the official use of an agency of the U.S. Government (see Sections 740.2(a)(3) and 740.11(b)(2)(ii) of the EAR). Technology controlled under ECCN 5E001.a (for 5A001.i equipment and for 5D001.a ''software'' (for the 5A001.i equipment)) is not eligible for any license exceptions. As a result of adding 5A001.i, this rule makes corresponding revisions to §§ 738.3(a)(1) (Commerce Country Chart structure), 740.2(a)(3) (License exception restrictions), 742.13(a)(1) (Surreptitious listening devices), 746.7(a) (Iran) and 752.3(a)(7) (Items ineligible for Special Comprehensive License), in order to align with the existing policies the EAR had in place for surreptitious listening devices.

ECCN 5A980 (Devices Primarily Useful for the Surreptitious Interception of Wire, Oral, or Electronic Communications)

The Heading is revised to carve out 5A001.i from the scope of this entry

because WA agreed to add that equipment to the WA Basic List. That equipment is now controlled under 5A001 so that national security (NS) controls can be placed on it.

The Related Controls paragraph is revised to reference ECCNs 5A001.i, 5D980, and 5E980.

ECCN 5B001 (Telecommunication Test, Inspection and Production Equipment, Components and Accessories)

Paragraph 5B001.b.2.c is amended by removing the parenthetical phrase ''(also called optical heterodyne or homodyne techniques)'' and adding a Note and Technical Note to clarify that 5B001.b.2.c, as well as 5E001.c.2.c, control both coherent optical transmission techniques and coherent optical detection techniques, for synchronous optical detection system (systems using an optical local oscillator in the receiving side to synchronize with a carrier ''laser''), but not for delay detection systems.

Paragraph 5B001.b.2.d is amended by adding an ''or'' to correct the grammar of the entry.

Paragraph 5B001.b.5 (equipment employing ''common channel signaling'') is removed, and as a consequential change, paragraph 5B001.b.4 is amended by replacing the semi-colon with a period and removing the ''or.'' Paragraph 5B001.b.5 is removed because the equipment is made obsolete by technical advances in this field. Related changes to the EAR include the removal of paragraph 5E001.c.5 and the removal of the term ''common signal channeling'' in Section 772.1 of the EAR.

ECCN 5D001

The License Requirements section is amended by adding SL (Surreptitious Listening) to the Reasons for Control paragraph and by adding SL controls for the following: 5D001.a ''software'' for the ''development,'' ''production,'' or ''use'' of equipment, functions or features controlled by 5A001.i; 5D001.b ''software'' to support ''technology'' controlled by 5E001.a (for 5A001.i equipment, and for 5D001.a ''software'' for 5A001.i equipment); and 5D001.c ''software'' providing characteristics, functions or features of 5A001.i equipment. A license is required for all destinations, as specified in § 742.13 of the EAR. In addition, a cross reference to Section 740.2(a)(3) is added to the License Requirement Notes.

Although, the License Exceptions section for 5D001 is not revised by this rule, the addition of 5D001 to Section 740.2(a)(3) ''Restrictions on All License Exceptions'' makes 5D001 (as it applies to 5A001.i or 5E001.a (as it applies to 5A001.i or 5D001.a (as it applies to 5A001.i))) ineligible for all license exceptions, except when the ''software'' is consigned to and for the official use of an agency of the U.S. Government (see § 740.2(a)(3)), in which case License Exception GOV may apply for 5D001 (as it applies to 5A001.i or 5E001.a (as it applies to 5A001.i or 5D001.a (as it applies to 5A001.i))).

The Related Controls paragraph is revised to add reference to ECCN 5D980.

ECCN 5D980

The Heading is revised to carve out ''software'' for the equipment, function, features, or characteristics controlled by 5A001.i (including ''software'' to support ''technology'' for 5A001.i controlled by 5E001.a) from the scope of 5D980 because that ''software'' is now controlled by various paragraphs in 5D001.

The Related Controls paragraph is revised to add references to 5D001 and 5E980.

ECCN 5E001

The License Requirements section is revised to add surreptitious listening (SL) controls for ''technology'' for the ''development'' or ''production'' of equipment, functions or features controlled by 5A001.i, or for the ''development'' or ''production'' of ''software'' controlled under ECCN 5D001.a (for 5A001.i equipment). A license is required for all destinations, as specified in § 742.13 of the EAR. In addition, a cross reference to Section 740.2(a)(3) is added to the License Requirement Notes.

Although, the License Exceptions section for 5E001 is not revised by this rule, the addition of 5E001.a (as it applies to 5A001.i, or 5D001.a (as it applies to 5A001.i)) to Section 740.2(a)(3) ''Restrictions on All License Exceptions'' makes it ineligible for all license exceptions, including License Exception GOV.

The Related Controls paragraph is revised to add a reference to 5E980.

The Note to 5E001.b.4 is amended by adding another parameter for radio equipment that is not controlled by 5E001.b.4, which reads, ''Fixed or mobile satellite Earth stations for commercial civil telecommunications.'' This revision seeks to harmonize controls for commercial civil satellite telecommunications products and technology with civil cellular products and technology. The effect of this change is limited to spread spectrum equipment and technology in fixed or mobile satellite earth stations for commercial civil telecommunications.

Paragraph 5E001.c.1 (technology for the development or production of equipment employing digital techniques) is amended by revising the ''total digital transfer rate'' from 50 Gbit/s to 120 Gbit/s. The ratification of new IEEE standards in 2010 has advanced the IEEE standards above the control threshold. Data rates are continuing to increase, with some projections indicating the rate of increase will accelerate. This amendment accounts for such developments.

Paragraph 5E001.c.2.c is amended by removing the parenthetical phrase ''(also called optical heterodyne or homodyne techniques)'' and adding a Note and Technical Note to clarify that 5E001.c.2.c controls ''technology'' for the ''development'' or ''production'' of systems using both coherent optical transmission techniques and coherent optical detection techniques, for synchronous optical detection system (systems using an optical local oscillator in the receiving side to synchronize with a carrier ''laser''), but not for delay detection systems.

Paragraph 5E001.c.5 (technology for the development or production of equipment employing ''common channel signaling'') is removed and reserved because the technology is made obsolete by technical advances in this field. Related changes include the removal of paragraph 5B001.b.5 and the removal of the term ''common signal channeling'' in Section 772.1 of the EAR.

ECCN 5E980

The Heading of ECCN 5E980 is revised to exclude ''technology'' that is controlled by 5E001.a (for 5A001.i equipment, or for 5D001.a ''software'' for 5A001.i equipment). In addition, the Heading is expanded to include ''functions or features of equipment.'' This expands the scope of 5E980 to include ''technology'' primarily useful for the ''development,'' ''production,'' or ''use'' of equipment, functions or features of equipment controlled by 5A980 or ''software'' controlled by 5D980.

In addition, when ECCN 5E980 was created, it was intended to control ''technology'' for ''development,'' ''production'' or ''use'' of both 5A980 equipment and 5D980 ''software.'' Currently, the ECCN does not reflect that control for 5D980 ''software.'' This rule corrects this error by expanding the Heading of 5E980 to fix this oversight.

The Related Controls paragraph is amended by adding a reference to 5E001 (for 5A001.i equipment and 5D001.a ''software'' (for 5A001.i equipment)).

Category 5 Part II—''Information Security''

ECCN 5A002 (''Information Security'' Systems, Equipment and Components Therefor)

The Note to 5A002.a.8 is added to clarify that 5A002.a.8 applies only to the systems detecting physical intrusions communications at the layer 1 (physical layer) of Open Systems Interconnection (OSI) 7 layer model, and does not apply to network Intrusion Detection Systems (IDS) and Intrusion Prevention Systems (IPS) working on layer 3–7 of OSI 7 layer model. The Open Systems Interconnection model (OSI model) was a product of the Open Systems Interconnection effort at the International Organization for Standardization. It is a way of sub-dividing a communications system into smaller parts called layers. The physical layer defines electrical and physical specifications for devices. In particular, it defines the relationship between a device and a transmission medium, such as a copper or optical cable.

The new Note does not change the scope of the existing control on communications cable systems under paragraph 5A002.a.8.

Category 6—Sensors and Lasers

ECCN 6A001 (Acoustic Systems, Equipment and Components)

Paragraph 6A001.a.1.b is amended by adding the phrase, ''Systems or transmitting and receiving arrays, designed for'' to clarify the scope of control for object detection or location systems.

A Technical Note is added to introductory paragraphs a.2.a (following the Note) and a.2.b to clarify the terms ''hydrophones'' and ''hydrophone group.''

Introductory paragraph a.2.e is amended by adding a hyphen between ''bay'' and ''cable'' to make ''bay-cable,'' as well as replacing the word ''systems'' with ''hydrophone arrays'' to clarify the scope of control.

ECCN 6A002 (Optical Sensors)

The MT and RS control paragraphs of the License Requirements section and License Exceptions LVS and STA paragraphs are amended by removing the reference to paragraph 6A002.e, because 6A002.e was moved to 6A002.a.1.d.

The License Exception STA ineligibility paragraph for the eight destinations listed in Section 740.20(c)(2) is amended by moving the phrase ''to any of the eight destinations listed in Section 740.20(c)(2) of the EAR'' to clarify that all the text in the License Exception STA ineligibility paragraph pertains to a prohibition to apply License Exception STA to the eight (8) destinations in Section 740.20(c)(2) of the EAR. This rule also removes most of the text in the License Exception STA paragraph, as 6A002.a.2, a.3.a, a.3.b, a.3.g and .c are no longer eligible for License Exception STA. This revision leaves only 6A002.a.1.a, a.1.b or a.1.c; 6A002.a.3.c, a.3.d, a.3.e, or a.3.f; or 6A002.b in the License Exception STA ineligibility paragraph for the eight (8) countries in Section 740.20(c)(2), see also Section 740.20(b)(2)(viii).

The Items paragraph of the List of Items Controlled section is amended by removing commas from 6A002.a, a.1, a.1.a, a.1.b, a.3, a.3.a, a.3.b, a.3.c, a.3.d, a.3.e, d.2, and d.2.a to correct the punctuation as part of the TFEI revisions.

Paragraph 6A002.a is amended by removing the Note, because 6A002.a no longer controls germanium or silicon photo devices. In addition, paragraph 6A002.a is amended by removing the *Nota Bene,* because it is more appropriately placed under 6A002.a.3 and doesn't need to be repeated under 6A002.a.

Paragraph 6A002.a.1 is amended by adding a Note to explain that solid-state detectors include ''focal plane arrays'' (FPAs) for the purpose of 6A002.a.1.

Paragraph 6A002.e is moved to 6A002.a.1.d to ensure that for the purposes of 6A002.a.1 all FPAs are considered solid state detectors and all ''space qualified'' FPAs are now controlled under 6A002.a.1.

A Note is added to 6A002.a.2 to indicate that 6A002.a.2 does not control certain non-imaging photomultiplier tubes; and adding a Technical Note to define 'charge multiplication' and state that 'charge multiplication' sensors may take the form of an image intensifier tube, solid state detector or ''focal plane array.''

Paragraph 6A002.a.2.a.2 (regarding microchannel plates) is moved to a.2.a.2.a, and paragraph 6A002.a.2.a.2 is revised to read ''Electron image amplification using any of the following:''.

Paragraph 6A002.a.2.a.2.b is added to control electron sensing devices with a non-binned pixel pitch of 500 μm or less, specially designed or modified to achieve 'charge multiplication' other than by a microchannel plate.

Paragraph 6A002.a.2.a.3.a is amended by rearranging the words to clarify the control for multialkali photocathodes.

Paragraphs 6A002.a.2.a.3.c and a.2.c.3 (formerly a.2.b.3) are amended by adding double quotes around the term ''III–V compound'' to indicate that this term is defined in Part 772 of the EAR.

The Note following 6A002.a.2.a.3.c is combined with the control parameter of 6A002.a.2.a.3.c to simplify the text. This is the first use of the term ''radiant sensitivity'' in a control paragraph; see Section 772.1 for the definition. The term is also used in: 6A002.a.2.b.3, Note to 6A002.a.2.c.3, 6A002.c, 6A002.a.3.a.2.b, a.3.g.2, paragraph (c) of Note 2 after 6A002.a.3, and Note to 6A003.b.4.c.

In addition, ECCN 6A002 is amended by:

Redesignating 6A002.a.2.b as 6A002.a.2.c in order to add a new paragraph 6A002.a.2.b to control another type of image intensifier tubes with different parameters, including those using a microchannel plate for electron image amplification;

Removing and reserving a.2.c.2 (formerly a.2.b.2 GaAs or GaInAs photocathodes) in order to combine it with a.2.c.3 (formerly a.2.b.3), as well as adding a control for transferred electron photocathodes to this paragraph, because these devices provide equivalent performance to devices controlled in this entry;

Revising the Note following 6A002.a.2.c.3 (formerly a.2.b.3) to exclude from 6A002 controls certain compound semiconductor photocathodes;

Revising the *Nota Bene* to clarify that ''microbolometer'' non-''space-qualified'' ''focal plane arrays'' are only specified by 6A002.a.3.f;

Moving Technical Note 2, defining ''cross scan direction'' and ''scan direction,'' which follows 6A002.a.3 to now follow 6A002.a.3.d.2.b;

A new paragraph (c) is added to the exclusion Note 2 after 6A002.a.3 to exclude certain ''focal plane arrays'' specially designed or modified to achieve 'charge multiplication' and limited by design to have a maximum ''radiant sensitivity'' of 10 mA/W or less for wavelengths exceeding 760 nm to control focal plane arrays that perform outside the visible range;

Adding a Technical Note after Note 2 for 6A002.a.3 to explain ''response limiting mechanism'';

Reformatting 6A002.a.3.a.2 and 6A002.a.3.b.2 to allow for flexibility to add more parameters in 6A002.a.3.a.2.b and a.3.b.2.b;

Adding capitalization to ''Signal Processing In The Element'' in 6A002.a.3.d.2.b because that term is followed by the acronym 'SPRITE', to clarify the entry as part of the TFEI revisions;

Adding an exclusion Note after 6A002.a.3.d.2.b stating ''6A002.a.3.d does not control ''focal plane arrays'' (not to exceed 32 elements) having detector elements limited solely to germanium material'';

Adding a Technical Note for 6A002.a.3 to add the definitions for 'cross-scan direction' and 'scan direction';

Replacing a period with a semi-colon in 6A002.a.3.e and a.3.f, to correct the punctuation, as part of the TFEI revisions;

Deleting Technical Notes 2 and 3 that followed 6A002.a.3.f to harmonize with the Wassenaar Arrangement List;

Adding a new paragraph 6A002.a.3.g to control certain non-''space-qualified'' ''focal plane arrays'', because this component can be used in low light imagers controlled in ECCN 6A003;

Adding a comma and replacing a comma with an ''and'' in 6A002.b, as part of the TFEI revisions to correct the punctuation and clarify the entry;

Removing the word ''Being'' from 6A002.b.2, as part of the TFEI revisions to remove a superfluous word;

Replacing the word ''Being'' with ''Having'' and adding the word ''characteristics'' in 6A002.b.2.b, pursuant to the TFEI revisions to clarify the entry;

Replacing the period with a semi-colon in 6A002.b.2.b.2, as part of the TFEI revisions to correct the punctuation;

Adding a Note after 6A002.b.2.b.2 to explain that 6A002.b.1 does not control ''monospectral imaging sensors'' with certain parameters;

Adding single quotes around the term 'Direct view,' as part of the TFEI revisions, and removing the parameter ''operating in the visible or infrared spectrum,'' in 6A002.c and the Technical Note that follows 6A002.c.3;

Adding a reference to 6A002.a.2.b and removing the ''or'' in 6A002.c.1;

Adding an ''or'' in 6A002.c.2;

Adding a new paragraph 6A002.c.3 to add a new parameter to control 'direct view' imaging equipment incorporating ''solid state detectors specified by 6A002.a.1'' to close a potential loophole in the controls for this type of equipment; and

Moving 6A002.e to 6A002.a.1.d to ensure that for the purposes of 6A002.a.1 all focal plane arrays (FPAs) are considered solid state detectors and all ''space qualified'' FPAs are now controlled under 6A002.a.1.

ECCN 6A003 (Cameras)

The RS License Requirement paragraph is amended by adding 6A003.b.4.c. Therefore, these cameras will require a license to all destinations, with the exception of Canada.

The Related Control Note 3 is amended to add more descriptive text and a more precise reference.

The Related Control Notes 4 and 5 are amended to add references to 6A003.b.3 and 6A003.b.4.c. Related Control Note 4 references ECCN 0A919 for foreign made military commodities that incorporate cameras described in 6A003.b.3, 6A003.b.4.b, or 6A003.b.4.c. Related Control Note 5 references Section 744.9, which imposes license requirements on cameras described in 6A003.b.3, 6A003.b.4.b, or 6A003.b.4.c if being exported for incorporation into an item controlled by ECCN 0A919 or for a military end user.

In addition, ECCN 6A003 is amended by:

Removing commas from 6A003.a.5, a.6, 6A003.b, as part of the TFEI revisions to correct the punctuation;

Replacing a period with a semi-colon in 6A003.a.5.b, a.6.b, and 6A003.b.1.b.3, as part of the TFEI revisions to correct the punctuation;

Replacing the word ''in'' with ''by'' and replacing a period with a semi-colon in 6A003.a.6.b, as part of the TFEI revisions to clarify the entry;

Adding single quotes around ''camera tracking data'' in 6A003.b.1.b.3 and in Technical Note 2 that follows that paragraph, as part of the TFEI revisions to indicate the term is defined in the entry;

Adding a new Note to release specific scanning cameras from 6A003.b.2 controls, because these cameras are only useful in industrial and civil applications;

Adding ''or 6A002.a.2.b'' in 6A003.b.3;

Removing the ''or'' at the end of 6A003.b.4.a to clarify the entry;

Replacing a period with a semi-colon at the end of 6A003.b.4.b and adding an ''or'', as part of the TFEI revisions to correct the punctuation and make provision for a new sub-paragraph;

Adding a new sub-paragraph 6A003.b.4.c to control imaging cameras that incorporate ''focal plane arrays'' specified in 6A002.a.3.g;

Removing single quotes around the term ''Imaging cameras'' in Note 1 after 6A003.b.4.c to indicate that the term is not defined in the entry, and adding double quotes around ''signal processing'' in that Note to indicate that the term is defined in Part 772 of the EAR;

Replacing the text ''twelve'' with the number ''12'' and replacing a comma with an ''and'' in Note 2 after 6A003.b.4.c to correct the punctuation and clarify the entry;

Removing the word ''characteristics'' from the introductory text of Note 3 after 6A003.b.4.c to remove a superfluous word as part of the TFEI revisions;

Adding single quotes around the term ''Instantaneous-Field-of-View (IFOV)'' in paragraph b.1 of Note 3 after 6A003.b.4.c to indicate that this term is defined in the entry;

Adding single quotes around the term ''direct view'' in paragraph b.3 of Note 3 after 6A003.b.4.c to indicate that this term is defined in the entry, and replacing the comma with a semi-colon, as part of the TFEI revisions to clarify the entry and correct the punctuation;

Replacing the comma with a semi-colon in paragraphs 4.a and 4.b of Note 3 after 6A003.b.4.c, as part of the TFEI revision to correct the punctuation;

Adding single quotes around the terms ''Instantaneous Field of View (IFOV),'' ''Horizontal FOV'' and ''Vertical FOV'' in the Technical Note following Note 3 after 6A003.b.4.c, to indicate that the terms are defined in the entry;

Removing the word ''Where'' and replacing the text ''three tons'' with ''3 tonnes'' in paragraph c of Note 3 after 6A003.b.4.c, to clarify the entry;

Adding a new exclusion Note 4 to 6A003.b.4.c for 'imaging cameras' to indicate that these items are not controlled in this entry;

Adding a new subparagraph 3 to paragraph c of Note 4 to 6A003.b.4.c, to add a new parameter ''Not specially designed or modified for underwater use,'' because this decontrol note is not intended to apply to underwater cameras that were moved from 8A002.f.2 to 6A003.b.4.c;

Adding a Note after Note 4 stating ''When necessary, details of the items will be provided, upon request, to the Bureau of Industry and Security (BIS) in order to ascertain compliance with the conditions described in Note 4'' to clarify BIS policy; and

Adding a new paragraph 6A003.b.5 to control ''Imaging cameras incorporating solid-state detectors specified by 6A002.a.1.''

ECCN 6D991 is amended by replacing the reference to 6A002.e with 6A002.a.1.d in the Heading and the RS control paragraph of the License Requirements section, in order to harmonize with revisions made by this rule.

ECCN 6D994 is removed, because the software that is unilaterally controlled by the United States in this entry is now multilaterally controlled by the member countries of the Wassenaar Arrangement, and the control for this

software is added by this rule to 6D003.c.

ECCN 6E001 is amended by:

Removing the reference to 6A002.e in the RS control paragraph of the License Requirements section, because this control is moved to 6A002.a.1.d, which is already controlled under RS:1; and

Revising the reference to 6A002.e to read 6A002.a.1.d in paragraph 2 of the TSR paragraph of the License Exception section, in order to harmonize with revisions made by this rule;

Removing ''technology'' for commodities controlled by 6A002.a.2, a.3.a, a.3.b, a.3.g, and .c from LE TSR eligibility in paragraph 4 of the LE TSR paragraph of the License Exception Section. Technology for these newly added low light level components warrant a higher degree of control, i.e., no list based license exceptions.

ECCN 6E002 is amended by:

Removing the reference to 6A002.e in the RS control paragraph of the License Requirements section, because this control is moved to 6A002.a.1.d, which is already controlled under RS:1;

Revising the reference to 6A002.e to read 6A002.a.1.d in the TSR paragraph of the License Exception section, in order to harmonize with revisions made by this rule; and

Removing ''technology'' for commodities controlled by 6A002.a.2, a.3.a, a.3.b, a.3.g, and .c from LE TSR eligibility in paragraph 4 of the LE TSR paragraph of the License Exception Section. Technology for these newly added low light level components warrant a higher degree of control, i.e., no list based license exceptions.

ECCN 6E101 is amended by removing the reference to 6A002.e in the Related Definitions paragraph of the List of Items Controlled section, in order to harmonize with revisions made by this rule. 6A002.e is moved by this rule to 6A002.a.1.d. 6A002.a.1 is already referenced in the Related Definitions of ECCN 6E101.

Category 7—Navigation and Avionics

ECCN 7A003 (Inertial Systems and Specially Designed Components)

The Heading is corrected by adding the parenthetical phrase ''(see List of Items Controlled)'' to reference the List of Items Controlled where controlled equipment is set forth.

ECCN 7A004 (Gyro-Astro Compasses/ 'Star Trackers')

The Heading is deleted and replaced with '' 'Star trackers' and components therefor, as follows (see List of Items Controlled).'' ''Star trackers'' is synonymous with ''gyro-astro compasses.'' ''Star trackers'' is, however the more common industry-standard term.

Two paragraphs are added to the List of Items Controlled section. Paragraph 7A004.a controls '' 'Star trackers' with a specified azimuth accuracy of equal to or less (better) than 20 seconds of arc throughout the specified lifetime of the equipment.'' Paragraph 7A004.b is an introductory paragraph that reads ''Components specially designed for equipment specified in 7A004.a as follows:'' Subparagraph b.1 controls ''Optical heads or baffles;'' and subparagraph b.2 controls ''Data processing units.'' A Technical Note is also added to read, '' 'star trackers' are also referred to as stellar attitude sensors or gyro-astro compasses.'' The star trackers are usually integrated in the attitude and orbit control systems for spacecraft. Their performance has a significant influence on the final accuracy of the observation satellites, as well as for telecommunication satellites for civilian and military applications. WA determined that the current threshold is too high to distinguish sensitive observation applications. BIS is therefore revising the azimuth accuracy from ''equal to or less (better) than 5 seconds of arc'' to ''20 seconds of arc throughout the specified lifetime of the equipment.'' WA also determined that the performance threshold should apply to the full duration of the mission because the applicable datasheets often refer to beginning of life (BOL) and the end of life (EOL) performance. Additionally, controls are added for specially designed components, such as, optical heads, baffles, and data processing units, which are sensitive, warrant control, and are now often sold separately.

ECCN 7A005 (Global Navigation Satellite Systems (GNSS) Receiving Equipment)

The Heading is corrected by adding the parenthetical phrase ''(see List of Items Controlled)'' to reference the List of Items Controlled where controlled equipment is set forth.

ECCN 7D002 (''Source Code'' for the ''Use'' of Any Inertial Navigation Equipment, Including Inertial Equipment Not Controlled by 7A003 or 7A004, or Attitude and Heading Reference Systems ('AHRS'))

The Heading and Related Controls paragraph 2 are amended by replacing the term ''use'' with ''operation or maintenance.'' The Wassenaar Arrangement is in the process of reviewing ''use'' controls in the WA Lists and determining which aspects of ''use,'' if any, warrant control. This amendment is an example of the results of the ''use'' controls review.

ECCN 7D003

Paragraph d.7 is amended by removing the phrase ''raster type head up displays or'' because subsequent generations of products have introduced more advanced display technology, such as liquid crystal display (LCD) and light emitting diode (LED) technology. These more sophisticated display technologies do not use raster-scanning.

ECCN 7E004

Paragraph a.1 ''Airborne automatic direction finding equipment operating at frequencies exceeding 5 MHz;'' is removed and reserved because it is redundant. ECCN 7E004 (Other ''technology'') was established on the Commerce Control List to cover the technology for items not specified on the List in Category 7. Airborne automatic direction-finding technology is, however, already covered by ECCNs 7E001 (''development'') and 7E002 (''production'').

Category 8—Marine

ECCN 8A002 (Marine Systems, Equipment and Components)

The Related Control Note is revised to add a reference to 6A003 for cameras controls that are being moved from 8A002.f to 6A003.b.

Paragraph 8A002.c is amended by adding the word ''pressure'' in front of ''hull penetrators'' and removing the words ''or connectors''. This revision decontrols items commonly used for civil applications such as those in the oil and gas industry for exploration. The controls, however, remain in effect for equipment with military significance. WA determined that the crucial aspects of this control in terms of military utility are the ability to penetrate a hull at depth while maintaining hull integrity, which is not a function of connectors. This determination is reinforced with the term ''pressure hull'' and makes it clear that the control relates only to submersibles.

Paragraph 8A002.f is removed and reserved to move all underwater camera controls, other than those for television and film-based photographic still cameras, from Category 8 to Category 6. Specifically, electronic imaging systems specially designed or modified for underwater use incorporating image intensifier tubes specified by 6A002.a.2.a or 6A002.a.2.b are now controlled under 6A003.b.3; and electronic imaging systems specially designed or modified for underwater

use incorporating ''focal plane arrays'' specified by 6A002.a.3.g are now controlled under 6A003.b.4.c.

Category 9—Aerospace and Propulsion

ECCN 9A012 (Non-Military ''Unmanned Aerial Vehicles,'' (''UAVs''))

The Heading and paragraphs a., b.1, b.2, b.3, and b.4 are amended by adding ''unmanned ''airships'' '', because of WA concerns over high-altitude airships using combustion engines.

The Note to 9A012 is amended by adding the phrase ''or model ''airships'' '' to make sure such items are not included in the control of this entry.

ECCN 9D004

Paragraph 9D004.d, including its Note, (''Software'' in ''source code'', ''object code'' or machine code, required for the ''use'' of active compensating systems for rotor blade tip clearance control) is removed and reserved. The Wassenaar Arrangement is in the process of reviewing ''use'' controls in the WA Lists and determining which aspects of ''use,'' if any, warrant control. This and similar amendments described below are examples of the results of this review.

Paragraph 9D004.e is amended by replacing ''use'' with ''operation.'' As noted above, the Wassenaar Arrangement is in the process of reviewing ''use'' controls in the WA Lists and determining which aspects of ''use'', if any, warrant control.

Category 9, Product Group E is amended by revising the Note to remove the phrase ''as ''use'' ''technology'' '' and removing the phrase ''rebuild and''. As noted above, the Wassenaar Arrangement is in the process of reviewing ''use'' controls in the WA Lists and determining which aspects of ''use,'' if any, warrant control.

ECCN 9E003

Paragraph a.2 is simplified by cascading the parameters. The parameter ''average burner outlet temperature'' is replaced by ''combustor exit temperature'' because the parameter was too general and often misunderstood. Therefore, the parameter is replaced by an industry-standard 'combustor exit temperature' phrase in paragraph a.2.a in association with thermally decoupled liners. In addition, a new parameter is added in a.2.d for ''Liners designed to operate at 'combustor exit temperature' exceeding 1,883K (1,610 °C) and having holes that meet the parameters specified by 9E003.c.'' A Technical Note is added to define 'combustor exit temperature.' A note is added to limit the ''required'' technology for holes controlled in 9E003.a.2 to ''the derivation of the geometry and location of the holes.'' Lastly, a *Nota Bene* is added to reference 9E003.c for technology required to manufacture cooling holes.

The parameters defined in 9E003.c (i.e., hole drilling in gas turbine engine components) are specific to round holes of unvarying diameter. Cooling holes in gas turbine engine components can have oval, rectangular, or other shapes, and may vary in size as a function of depth. This rule introduces in paragraph c.1.a a new parameter, 'Cross-Sectional Area (CSA)' to implement WA's recognition of the need to adapt the control parameters to account for non-circular holes. The chosen approach replaces the linear measurement of diameter, which is specific to circles, with the CSA. This CSA is defined in Technical Note 1 to 9E003.c as ''the area of the hole in the plane perpendicular to the hole axis.'' For a circle, the CSA is πR^2 or $\pi(D/2)^2$, where π is the value 3.1416, R is the hole radius, and D is the hole diameter. For other hole shapes, the CSA can be calculated through geometry. CSA is well-known to the component designer because it is critical to determining cooling flow. By using CSA, a new ratio, the Hole Shape Ratio (HSR), is established.

Paragraph c.1.b introduces this new ''hole shape ratio'' (HSR) parameter to the ECCN. It accounts for holes of varying shapes and profiles, yet maintains the scope of control for circular holes. The HSR is defined in Technical Note 2 to 9E003.c as, ''the nominal length of the axis of the hole divided by the square root of its minimum 'cross-sectional area.' '' The square root of CSA is used so that the ratio is unit-less. The HSR increases with smaller hole CSA, or greater depth.

Section 734.4 *De Minimis* U.S. Content

This rule revises paragraph (a)(1) by changing the Adjusted Peak Performance (APP) level from 1.5 Weighted TeraFLOPS (WT) to 3.0 WT. The effect will be that there is no *de minimis* level for the export from a foreign country of a foreign made computer with an APP exceeding 3.0 WT containing U.S.-origin controlled semiconductors (other than memory circuits) classified under ECCN 3A001 to Computer Tier 3 countries.

Section 738.3 Commerce Country Chart Structure

This rule revises paragraph (a)(1) by adding:

- 5A001.i,
- 5D001 (as it applies to 5A001.i or 5E001.a (as it applies to 5A001.i or 5D001.a (as it applies to 5A001.i))), and
- 5E001.a (as it applies to 5A001.i or 5D001.a (as it applies to 5A001.i)).

The result of this revision is that a license is required for all destinations for these items and that there is no license exception availability for 5E001.a (as it applies to 5A001.i or 5D001.a (as it applies to 5A001.i)). However, if the item is consigned to and for the official use of an agency of the U.S. Government (see § 740.2(a)(3)), License Exception GOV may apply for 5A001.i and 5D001 (as it applies to 5A001.i or 5E001.a (as it applies to 5A001.i or 5D001.a (as it applies to 5A001.i))).

Section 740.2 Restrictions on all License Exceptions

Paragraph (a)(3) is amended by adding:

- 5A001.i,
- 5D001 (as it applies to 5A001.i or 5E001.a (as it applies to 5A001.i or 5D001.a (as it applies to 5A001.i))), and
- 5E001.a (as it applies to 5A001.i or 5D001.a (as it applies to 5A001.i)).

The result of this revision is that a license is required for all destinations for these items and that there is no license exception availability for 5E001.a (as it applies to 5A001.i or 5D001.a (as it applies to 5A001.i)). However, if the item is consigned to and for the official use of an agency of the U.S. Government (see § 740.2(a)(3)), License Exception GOV may apply for 5A001.i and 5D001 (as it applies to 5A001.i or 5E001.a (as it applies to 5A001.i or 5D001.a (as it applies to 5A001.i))). In addition, the rule adds a sentence to explain that no license exceptions apply for 5E001.a (as it applies to 5A001.i, or 5D001.a (as it applies to 5A001.i)).

Paragraph (a)(7), ''space qualified'' items, is amended by changing the three references to 6A002.e to 6A002.a.1, because 6A002.e was moved to 6A002.a.1.d and all the subparagraphs of 6A002.a.1 are ''space qualified'' solid-state detectors. Therefore, no license exception may be used for any commodities controlled under 6A002.a.1.

Section 740.7 License Exception APP

Paragraph (c)(3)(ii) is amended by raising the ''Adjusted Peak Performance'' (APP) from 1.5 to 25 Weighted TeraFLOPS (WT). This will raise the License Exception ''APP'' eligibility level for deemed exports of ''technology'' and ''source code'' ''software'' for the ''development'' and

''production'' of computers to foreign nationals of Computer Tier 1 destinations (see Section 740.7(c)(1) for a listing of Computer Tier 1 destinations), except for the subgroup of countries listed in paragraph (c)(3)(i) that already have an unlimited APP eligibility level. Technological advances in computer technology have made it necessary to raise APP eligibility level.

Paragraph (c)(3)(iii) is amended by raising the ''Adjusted Peak Performance'' (APP) from 3 to 120 Weighted TeraFLOPS (WT). This will raise the License Exception ''APP'' eligibility level for deemed exports of ''technology'' and ''source code'' ''software'' for the ''use'' of computers to foreign nationals of Computer Tier 1 destinations (see Section 740.7(c)(1) for a listing of Computer Tier 1 destinations), except for the subgroup of countries listed in paragraph (c)(3)(i) that have an unlimited APP eligibility level. Technological advances in computer technology have made it necessary to raise APP eligibility level.

Paragraph (d)(3)(i) is amended by raising the ''Adjusted Peak Performance'' (APP) from 0.5 to 12 Weighted TeraFLOPS (WT). This will raise the License Exception ''APP'' eligibility level for deemed exports of ''technology'' and ''source code'' ''software'' for the ''development'' and ''production'' of computers to foreign nationals of Computer Tier 3 destinations (see Section 740.7(d)(1) for a listing of Computer Tier 3 destinations). This eligibility is subject to the restrictions in Section 740.7(b) and a Foreign National Review requirement in Section 740.7(d)(4). Technological advances in computer technology have made it necessary to raise APP eligibility level.

Paragraph (d)(3)(ii) is amended by raising the ''Adjusted Peak Performance'' (APP) from 0.75 to 25 Weighted TeraFLOPS (WT). This will raise the License Exception ''APP'' eligibility level for deemed exports of ''technology'' and ''source code'' ''software'' for the ''use'' of computers to foreign nationals of Computer Tier 3 destinations (see Section 740.7(d)(1) for a listing of Computer Tier 3 destinations). This eligibility is subject to the restrictions in Section 740.7(b) and a Foreign National Review requirement in Section 740.7(d)(4). Advances in computer technology have made it necessary to raise APP eligibility level.

License Exception GOV 740.11 Supplement No. 1 to Section 740.11

Introductory paragraph (a)(1) is amended by adding the phrase ''systems or transmitting and receiving arrays, designed for'' and removing the word ''systems'' in the description for ECCN 6A001.a.1.b.1. This revision harmonizes it with the revisions made to 6A001.a.1.b described in the preamble.

Section 740.16 Additional Permissive Reexports (APR)

This rule limits use of License Exception APR for cameras described in ECCN 6A003.b.3 (having the characteristics listed in 6A002.a.2.a or a.2.b), 6A003.b.4.c, or components described in 6A002.a.2.a, a.2.b, a.2.c, a.3.b.2.b, or a.3.g by making such cameras and components ineligible for reexport under paragraph (a)(2) of License Exception APR—''reexports from Country Group A:1 and cooperating countries'' and under paragraph (b)(2) for reexports to and among Country Group A:1 and cooperating countries.

However, paragraph (b)(3) provides for allowances from the exclusions listed in (b)(2) for reexports to among countries listed in (b)(3) under specified circumstances. Paragraph (b)(3) is amended to add cameras described in ECCN 6A003.b.3 (having the characteristics listed in 6A002.a.2.a or a.2.b) and 6A003.b.4.c.

Section 740.20 License Exception Strategic Trade Authorization (STA)

Section 740.20 is amended by adding paragraph (b)(2)(ix) to remove low light level components and related ''technology'' from License Exception STA eligibility. The new paragraph reads, ''License Exception STA may not be used for any commodity controlled by ECCNs 6A002.a.2, a.3.a, a.3.b, a.3.g or .c, or any related ''technology'' controlled by 6E001 or 6E002.''

Section 742.6 Regional Stability

Paragraph (a)(1) is amended by removing all references (four references) to 6A002.e, because this paragraph was moved to 6A002.a.1.d. In addition, paragraph 6A003.b.4.c is added to paragraph (a)(1), because this new paragraph is controlled for RS:1 reasons. ECCN 6D994 is removed from paragraph (a)(1), because this ECCN is removed from the CCL (see explanation for 6D994 above).

Section 742.13 Communications Intercepting Devices; Software and Technology for Communications Intercepting Devices

Paragraph (a)(1) is amended by adding 5A001.i, 5D001.a (''software'' for the ''production'' or ''development'' of 5A001.i equipment, functions or features), 5D001.b (''software'' to support 5E001.a ''technology'' for 5A001.i equipment or certain 5D001.a ''software''), 5D001.c (''software'' to provide characteristics, functions or features of 5A001.i equipment), and 5E001.a (''technology'' for the ''production'' or ''development'' of 5A001.i equipment or certain 5D001.a ''software'') to add license requirements for surreptitious listening (SL) reasons to all destinations, including Canada, and to apply the license policy set forth in this section to these items. License applications will generally be denied to embargoed destinations and to any end-user, except a provider of wire or electronic communication services or an officer, agent, or employee of, or person under contract with such a provider, in the normal course of the business of providing that wire or electronic communication service; or an officer, agent, or employee of, or a person under contract with, the United States, one of the 50 States, or a political subdivision thereof, when engaged in the normal course of government activities.

Part 743 Special Reporting

WA has three levels of controls as reflected in its Basic List (BL), Sensitive List (SL), and Very Sensitive List (VSL). BIS makes items on the WA BL and SL eligible for license exceptions. Because of the U.S. obligations under its agreements to the WA, the United States must report on SL items exported outside of the WA membership countries. BIS does this by gathering data from its licensing database. To collect data on exports made under license exceptions, BIS requires WA reporting on SL items exported (excluding deemed exports) under License Exceptions GBS, CIV, TSR, LVS, APP, STA, and portions of GOV. As a result of WA making changes to its SL, this rule makes corresponding changes to the reporting requirements of section 743.1 of the EAR.

Paragraph 743.1(c)(1)(iii) is amended by removing references to 3B001.a.2 (Metal Organic Chemical Vapor Deposition (MOCVD) reactors). WA agreed to remove MOCVD reactors from the WA Sensitive List because such equipment has become common and is not of any particular strategic importance.

With the addition of License Exception STA, many more Category 6 entries have become eligible for export via license exception and are therefore subject to WA reporting requirements. Therefore, many ECCNs are added to Section 743.1(c)(1)(vi). Some added entries are not eligible themselves for license exception, but are added for reference because the technology for

these ECCNs is eligible for license exception under ECCNs 6E001 and 6E002. In addition, the Notes to Section 743.1(c)(1)(vi) are reinserted and revised to harmonize with the WA Sensitive List. These Notes were inadvertently removed by the May 20, 2011 Wassenaar rule (76 FR 29619).

As a result of the changes described above, this rule adds the Note ''License Requirement Notes: See § 743.1 of the EAR for reporting requirements for exports under License Exceptions.'' to the end of the License Requirements sections of ECCNs 6A003 and 6B008.

As a result of the change to the control level of computers in ECCN 4A003.b, this rule revises the APP from 1.5 WT to 3.0 WT in § 743.2(b) for Computer Tier 3 countries. Exporters must file post-shipment reports and keep records in accordance with recordkeeping requirements in Part 762 for high performance computer exports to destinations in Computer Tier 3, as well as exports of commodities used to enhance computers previously exported or reexported to a Computer Tier 3 destination, where the ''Adjusted Peak Performance'' (''APP'') is greater than 3.0 Weighted TeraFLOPS (WT).

Supplement No. 1 to Part 743 is amended by adding Mexico as the 41st Participating State in the WA. This addition became effective on January 25, 2012, upon Mexico's completion of the necessary procedures for joining the WA and WA's approval of Mexico's application to be a Participating State in the WA.

Section 744.9 Restriction on Certain Exports and Reexports of Cameras Controlled by ECCN 6A003.b.4.b

Section 744.9 is amended by adding ECCNs 6A003.b.3 and 6A003.b.4.c to the Title of Section 744.9, the introductory text of paragraph (a) and in the first sentence of paragraph (b). This will impose a license requirement to all destinations except Canada if at the time of export or reexport, the exporter or reexporter knows or is informed that the item will be or is intended to be: Used by a ''military end user,'' as defined in paragraph (d) of this section; or incorporated into a ''military commodity'' controlled by ECCN 0A919. Applications for licenses required by this section will be reviewed by applying the policies that would be applied under the International Traffic in Arms Regulations (22 CFR parts 120–130). Shipments subject to the prohibitions in this section that are consigned to and for the official use of the U.S. Government authorized pursuant to Section 740.11(b)(2)(ii) of the EAR may be made under License Exception GOV. No other license exceptions apply to the prohibitions described in paragraphs (a) and (b) of this section.

Section 746.7 Iran

Paragraph (a) is amended to add license requirements for exports and reexports to Iran of 5A001.i, 5D001 (for 5A001.i or for 5E001.a (for 5A001.i, or for 5D001.a (for 5A001.i))) and 5E001.a (for 5A001.i, or for 5D001.a (for 5A001.i)). Licenses will generally be denied for such items and no license exceptions may be used to overcome this license requirement.

Supplement No. 7 to Part 748 VEU List

Supplement No. 7 to Part 748 is amended by removing the citation ''3B001.d'' from the ''Eligible Items (by ECCN)'' column for the following six entities: Applied Materials (China), Inc, Applied Materials (Xi'an) Ltd., Grace Semiconductor Manufacturing Corporation, Hynix Semiconductor China Ltd, Hynix Semiconductor (Wuxi) Ltd, Semiconductor Manufacturing International Corporation. The reason for the removal of 3B001.d is explained above under ECCN 3B001.

Section 752.3 Eligible Items

Paragraph (a)(7) is amended by adding 5A001.i, 5D001.a (for 5A001.i), 5D001.b (to support 5E001.a ''technology'' for 5A001.i equipment or certain 5D001.a ''software''), 5D001.c (for 5A001.i), and 5E001.a (for 5A001.i equipment or certain 5D001.a ''software'') to the list of items ineligible for Special Comprehensive Licenses.

Section 770.2 Item Interpretations

Paragraph (l)(1) ''Interpretation 12: Computers'' is amended by removing two references to 4A003.a. Paragraph 4A003.a (fault tolerance) is removed by this rule.

Section 772.1 Definitions of Terms as Used in the Export Administration Regulations (EAR)

The term ''airship'' is added to Section 772.1, which is used in Category 9, as well as its definition, ''A power-driven airborne vehicle that is kept buoyant by a body of gas (usually helium, formerly hydrogen) which is lighter than air.'' The preamble paragraph concerning ECCN 9A012 amendments contains an explanation for this change.

The definition (calculation) for ''Average Output Power,'' as used in Category 6, is amended by replacing ''* * * laser duration in seconds.'' with the following:

''* * * period over which a series of consecutive pulses is emitted, in seconds. For a series of uniformly spaced pulses it is equal to the total ''laser'' output energy in a single pulse, in joules, multiplied by the pulse frequency of the ''laser'', in Hertz.''

The removal of ''laser duration'' from the definition of ''peak power'' would mean that the only remaining place where ''laser duration'' is used is in the definition of ''average output power.'' Therefore, the term ''laser duration'' is removed and the definition of ''laser duration'' is incorporated into the definition of ''average output power.''

The terms ''common channel signaling,'' ''fault tolerance,'' and ''laser duration'' are removed consistent with changes to the entries that used these terms. The preamble paragraph concerning ECCN 5E001.c.5 provides an explanation regarding the deletion of the term ''common channel signaling.'' The preamble paragraph for ECCN 4A003.a contains an explanation regarding the deletion of the term ''fault tolerance.'' The term ''laser duration'' was used in the definitions of ''average output power'' and ''peak power.'' As a result the term ''laser duration'' is no longer needed.

The definition of ''peak power,'' used in Category 6, is revised by removing ''level of'' and ''laser duration.'' The definition now is, ''The highest power attained in the 'pulse duration.' '' The change within the ''Peak power'' definition from ''laser duration'' to ''pulse duration'' removes ambiguity by making the definition pulse specific.

The definition for ''positioning accuracy,'' used in Category 2 is removed. The position accuracy for all machine tools is determined using only the ISO 230/2 (2006). Also see the Technical Notes concerning 'stated position accuracy' set forth in Category 2 at the beginning of Product Group B. BIS, with the support of DOE, made these changes to use only one standard ''ISO 230/2 (2006)'' to determine ''positioning accuracy'' for all machine tools controlled by the EAR in order to streamline export compliance.

The definition for ''pulse duration,'' used in Category 6, is amended by replacing the phrase ''measured at Full Width Half Intensity (FWHI) levels'' with the phrase ''is the time between the half-power points on the leading edge and trailing edge of an individual pulse.'' The definition for ''pulse duration'' is revised because ''Full Width Half Intensity'' is not typically used by industry. The leading and trailing edge of laser pulses are fundamental characteristics and where the half-power points are easily identified.

Export Administration Act

Since August 21, 2001, the Export Administration Act of 1979, as amended, has been in lapse. However, the President, through Executive Order 13222 of August 17, 2001 (3 CFR, 2001 Comp. 783 (2002)), which has been extended by successive Presidential Notices, the most recent being that of Notice of August 12, 2011, 76 FR 50661 (August 16, 2011) has continued the EAR in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*).

Saving Clause

Shipments of items removed from license exception eligibility or eligibility for export without a license as a result of this regulatory action that were on dock for loading, on lighter, laden aboard an exporting carrier, or en route aboard a carrier to a port of export, on July 2, 2012, pursuant to actual orders for export to a foreign destination, may proceed to that destination under the previous license exception eligibility or without a license so long as they have been exported from the United States before August 31, 2012. Any such items not actually exported before midnight, on August 31, 2012, require a license in accordance with this regulation.

Rulemaking Requirements

1. Executive Orders 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, 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 rule has been designated to be a ''significant regulatory action'' although not economically significant, under Executive Order 12866. Accordingly, the rule has been reviewed by the Office of Management and Budget.

2. Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. This rule involves two collections of information subject to the PRA. One of the collections has been approved by OMB under control number 0694–0088, ''Multi-Purpose Application,'' and carries a burden hour estimate of 58 minutes for a manual or electronic submission. The other of the collections has been approved by OMB under control number 0694–0106, ''Reporting and Recordkeeping Requirements under the Wassenaar Arrangement,'' and carries a burden hour estimate of 21 minutes for a manual or electronic submission. Send comments regarding these burden estimates or any other aspect of these collections of information, including suggestions for reducing the burden, to OMB Desk Officer, New Executive Office Building, Washington, DC 20503; and to Jasmeet Seehra, OMB Desk Officer, by email at *Jasmeet_K._Seehra@omb.eop.gov* or by fax to (202) 395–7285; and to the Office of Administration, Bureau of Industry and Security, Department of Commerce, 14th and Pennsylvania Avenue NW., Room 6622, Washington, DC 20230.

3. This rule does not contain policies with Federalism implications as that term is defined under Executive Order 13132.

4. The provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public participation, and a delay in effective date, are inapplicable because this regulation involves a military and foreign affairs function of the United States (5 U.S.C. 553(a)(1)). Immediate implementation of these amendments fulfills the United States' international obligation to the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies. The Wassenaar Arrangement contributes to international security and regional stability by promoting greater responsibility in transfers of conventional arms and dual use goods and technologies, thus preventing destabilizing accumulations of such items. The Wassenaar Arrangement consists of 41 member countries that act on a consensus basis and the changes set forth in this rule implement agreements reached at the December 2011 plenary session of the WA. Since the United States is a significant exporter of the items in this rule, implementation of this provision is necessary for the WA to achieve its purpose. Any delay in implementation will create a disruption in the movement of affected items globally because of disharmony between export control measures implemented by WA members, resulting in tension between member countries. Export controls work best when all countries implement the same export controls in a timely manner. If this rulemaking were delayed to allow for notice and comment and a 30 day delay in effectiveness, it would prevent the United States from fulfilling its commitment to the WA in a timely manner and would injure the credibility of the United States in this and other multilateral regimes.

Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this final rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under the Administrative Procedure Act or by any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable. Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis. Comments should be submitted to Sharron Cook, Office of Exporter Services, Bureau of Industry and Security, Department of Commerce, 14th and Pennsylvania Ave. NW., Room 2099, Washington, DC 20230.

List of Subjects

15 CFR Part 734

Administrative practice and procedure, Exports, Inventions and patents, Research science and technology.

15 CFR Part 738

Exports.

15 CFR Parts 740, 748 and 752

Administrative practice and procedure, Exports, Reporting and recordkeeping requirements.

15 CFR Part 742

Exports, Terrorism.

15 CFR Part 743

Administrative practice and procedure, Reporting and recordkeeping requirements.

15 CFR Part 744

Exports, Reporting and recordkeeping requirements, Terrorism.

15 CFR Parts 746 and 774

Exports, Reporting and recordkeeping requirements.

15 CFR Parts 770 and 772

Exports.

Accordingly, Parts 734, 738, 740, 742, 743, 744, 746, 748, 752, 770, 772 and 774 of the Export Administration

Regulations (15 CFR parts 730–774) are amended as follows:

PART 734—[AMENDED]

■ 1. The authority citation for part 734 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13020, 61 FR 54079, 3 CFR, 1996 Comp., p. 219; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 12, 2011, 76 FR 50661 (August 16, 2011); Notice of November 9, 2011, 76 FR 70319 (November 10, 2011).

■ 2. Section 734.4 is amended by removing ''1.5'' and adding in its place ''3.0'' in paragraph (a)(1).

PART 738—[AMENDED]

■ 3. The authority citation for part 738 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* 10 U.S.C. 7420; 10 U.S.C. 7430(e); 22 U.S.C. 287c; 22 U.S.C. 3201 *et seq.;* 22 U.S.C. 6004; 30 U.S.C. 185(s), 185(u); 42 U.S.C. 2139a; 42 U.S.C. 6212; 43 U.S.C. 1354; 15 U.S.C. 1824a; 50 U.S.C. app. 5; 22 U.S.C. 7201 *et seq.;* 22 U.S.C. 7210; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 12, 2011, 76 FR 50661 (August 16, 2011).

■ 4. Section 738.3 is amended by revising paragraph (a)(1) to read as follows:

§ 738.3 Commerce Country Chart structure.

(a) * * *

(1) *ECCNs 0A983, 5A001.i, 5A980, 5D001 (for 5A001.i, or for 5E001.a (for 5A001.i or for 5D001.a (for 5A001.i))), 5D980, 5E001.a (for 5A001.i, or for 5D001.a (for 5A001.i)) and 5E980.* A license is required for all destinations for items controlled under these entries. For items controlled by 0A983, 5E001.a (for 5A001.i, or for 5D001.a (for 5A001.i)) and 5E980, no license exceptions apply. For items controlled by 5A001.i, 5A980, 5D001 (for 5A001.i or for 5E001.a (for 5A001.i, or for 5D001.a (for 5A001.i))) and 5D980, License Exception GOV may apply if your item is consigned to and for the official use of an agency of the U.S. Government (see § 740.2(a)(3)). If your item is controlled by 0A983, 5A001.i, 5A980, 5D001 (for 5A001.i or for 5E001.a (for 5A001.i, or for 5D001.a (for 5A001.i))), 5D980, 5E001.a (for 5A001.i, or for 5D001.a (for 5A001.i)) or 5E980 you should proceed directly to Part 748 of the EAR for license application instructions and §§ 742.11 or 742.13 of the EAR for information on the licensing policy relevant to these types of applications.

* * * * *

PART 740—[AMENDED]

■ 5. The authority citation for part 740 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 22 U.S.C. 7201 *et seq.*; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 12, 2011, 76 FR 50661 (August 16, 2011).

■ 6. Section 740.2 is amended by revising paragraphs (a)(3) and (a)(7) to read as follows:

§ 740.2 Restrictions on all license exceptions.

(a) * * *

(3) The item is primarily useful for surreptitious interception of wire, oral, or electronic communications, or related software, controlled under ECCNs 5A001.i, 5A980, 5D001 (for 5A001.i or for 5E001.a (for 5A001.i, or for 5D001.a (for 5A001.i))), or 5D980, unless the item is consigned to and for the official use of an agency of the U.S. Government (see § 740.11(b)(2)(ii) of this part, Governments (GOV)). No license exceptions apply for 5E001.a (for 5A001.i, or for 5D001.a (for 5A001.i)) or for 5E980.

* * * * *

(7) *''Space qualified'' items.* Commodities defined in 3A001.b.8 (Traveling Wave Tube Amplifiers (TWTAs) exceeding 18 GHz), 6A002.a.1, 6A008.j.1, or 6A998.b; ''software'' for commodities defined in 3A001.b.8 (Traveling Wave Tube Amplifiers (TWTAs) exceeding 18 GHz), 6A002.a.1, 6A008.j.1, or 6A998.b and controlled under ECCNs 3D001 (Traveling Wave Tube Amplifiers (TWTAs) exceeding 18 GHz), 6D001, 6D002, 6D991; and ''technology'' for commodities defined in ECCNs 3A001.b.8 (Traveling Wave Tube Amplifiers (TWTAs) exceeding 18 GHz), 6A002.a.1, 6A008.j.1, or 6A998.b and controlled under ECCNs 3E001, 6E001, 6E002, 6E101, 6E991.

* * * * *

§ 740.7 [Amended]

■ 7. Section 740.7 is amended by:

■ a. Removing the phrase ''APP less than or equal to 1.5 Weighted TeraFLOPS (WT)'' and adding in its place ''APP less than or equal to 25 Weighted TeraFLOPS (WT)'' in paragraph (c)(3)(ii);

■ b. Removing the phrase ''with an APP less than or equal to 3 WT are eligible'' and adding in its place ''with an APP less than or equal to 120 WT are eligible'' in paragraph (c)(3)(iii);

■ c. Removing the phrase ''with a APP less than or equal to 0.5 Weighted TeraFLOPs (WT)'' and adding in its place ''with an APP less than or equal to 12 Weighted TeraFLOPs (WT)'' in paragraph (d)(3)(i); and

■ d. Removing the phrase ''with an APP less than or equal to 0.75 WT are eligible'' and adding in its place ''with an APP less than or equal to 25 WT are eligible'' in paragraph (d)(3)(ii).

■ 8. Supplement No. 1 to § 740.11 is amended by revising the introductory text of paragraph (a)(1) to read as follows:

§ 740.11 Governments, international organizations, international inspections under the Chemical Weapons Convention, and the International Space Station (GOV).

* * * * *

Supplement No. 1 to § 740.11—Additional Restrictions on use of License Exception GOV

(a) * * *

(1) Items identified on the Commerce Control List as controlled for national security (NS) reasons under Export Control Classification Numbers (ECCNs) as follows for export or reexport to destinations other than Austria, Belgium, Canada, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, Sweden, or the United Kingdom: 1C001, 5A001.b.5, 5A001.h, 6A001.a.1.b.1 systems or transmitting and receiving arrays, designed for object detection and location, having a sound pressure level exceeding 210 dB (reference 1 μPa at 1 m) and an operating frequency in the band from 30 Hz to 2 kHz inclusive, 6A001.a.2.a.1, 6A001.a.2.a.2, 6A001.a.2.a.3, 6A001.a.2.a.5, 6A001.a.2.a.6, 6A001.a.2.b, 6A001.a.2.e, 6A002.a.1.c, 6B008, 8A001.b, 8A001.d, 8A002.o.3.b; and

* * * * *

■ 9. Section 740.16 is amended by revising paragraphs (a)(2) and (b)(2), and the introductory text of paragraph (b)(3), to read as follows:

§ 740.16 Additional permissive reexports (APR).

(a) * * *

(2) The commodities being reexported are not controlled for NP, CB, MT, SI or CC reasons and are not military commodities described in ECCN 0A919 or cameras described in ECCN 6A003.b.3 (having the characteristics listed in 6A002.a.2.a or a.2.b), 6A003.b.4.b, 6A003.b.4.c, or components described in 6A002.a.2.a, a.2.b, a.2.c, a.3.b.2.b, or a.3.g; and

* * * * *

(b) * * *

(2) Except as provided in paragraph (b)(3) of this section, cameras described in ECCN 6A003.b.3 (having the characteristics listed in 6A002.a.2.a or

a.2.b), 6A003.b.4.b, 6A003.b.4.c, or components described in 6A002.a.2.a, a.2.b, a.2.c, a.3.b.2.b, or a.3.g, and ''military commodities'' described in ECCN 0A919 may not be exported under this paragraph (b).

(3) Cameras described in ECCN 6A003.b.3 (having the characteristics listed in 6A002.a.2.a or a.2.b), 6A003.b.4.b, or 6A003.b.4.c may be exported or reexported to and among: Albania, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, South Africa, South Korea, Spain, Sweden, Switzerland, Turkey, and the United Kingdom if:

* * * * *

■ 10. Section 740.20 is amended by adding paragraph (b)(2)(ix), to read as follows:

§ 740.20 License Exception Strategic Trade Authorization (STA).

* * * * *

(b) * * *

(2) * * *

(ix) License Exception STA may not be used for any commodity controlled by ECCNs 6A002.a.2, a.3.a, a.3.b, a.3.g or .c, or any related ''technology'' controlled by 6E001 or 6E002.

* * * * *

PART 742—[AMENDED]

■ 11. The authority citation for part 742 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* 22 U.S.C. 3201 *et seq.;* 42 U.S.C. 2139a; 22 U.S.C. 7201 *et seq.;* 22 U.S.C. 7210; Sec. 1503, Pub. L. 108–11, 117 Stat. 559; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Presidential Determination 2003–23 of May 7, 2003, 68 FR 26459, May 16, 2003; Notice of August 12, 2011, 76 FR 50661 (August 16, 2011); Notice of November 9, 2011, 76 FR 70319 (November 10, 2011).

■ 12. Section 742.6 is amended by revising paragraph (a)(1) to read as follows:

§ 742.6 Regional stability.

(a) * * *

(1) RS Column 1 License Requirements in General. As indicated in the CCL and in RS column 1 of the Commerce Country Chart (see Supplement No. 1 to part 738 of the EAR), a license is required to all destinations, except Canada, for items described on the CCL under ECCNs 3A982; 3D982; 3E982; 6A002.a.1, a.2, a.3, or .c; 6A003.b.3, b.4.a, and b.4.c; 6A008.j.1; 6A998.b; 6D001 (only ''software'' for the ''development'' or ''production'' of items in 6A002.a.1, a.2, a.3, .c; 6A003.b.3 and .b.4; or 6A008.j.1); 6D002 (only ''software'' for the ''use'' of items in 6A002.a.1, a.2, a.3, .c; 6A003.b.3 and .b.4; or 6A008.j.1); 6D003.c; 6D991 (only ''software'' for the ''development,'' ''production,'' or ''use'' of equipment controlled by 6A002.a.1.d or 6A998.b); 6E001 (only ''technology'' for ''development'' of items in 6A002.a.1, a.2, a.3 (except 6A002.a.3.d.2.a and 6A002.a.3.e for lead selenide focal plane arrays), and .c, 6A003.b.3 and b.4, or 6A008.j.1); 6E002 (only ''technology'' for ''production'' of items in 6A002.a.1, a.2, a.3, or .c, 6A003.b.3 or b.4, or 6A008.j.1); 6E991 (only ''technology'' for the ''development,'' ''production,'' or ''use'' of equipment controlled by 6A998.b); 7A994 (only QRS11 00100 100/101 and QRS11 0050 443/569 Micromachined Angular Rate Sensors); 7D001 (only ''software'' for ''development'' or ''production'' of items in 7A001, 7A002, or 7A003); 7E001 (only ''technology'' for the ''development'' of inertial navigation systems, inertial equipment, and specially designed components therefor for civil aircraft); 7E002 (only ''technology'' for the ''production'' of inertial navigation systems, inertial equipment, and specially designed components therefor for civil aircraft); 7E101 (only ''technology'' for the ''use'' of inertial navigation systems, inertial equipment, and specially designed components for civil aircraft).

* * * * *

■ 13. Section 742.13 is amended by revising the section heading and paragraph (a)(1) to read as follows:

§ 742.13 Communications intercepting devices; software and technology for communications intercepting devices.

(a) *License requirement.* (1) In support of U.S. foreign policy to prohibit the export of items that may be used for the surreptitious interception of wire, oral, or electronic communications, a license is required for all destinations, including Canada, for ECCNs having an ''SL'' under the ''Reason for Control'' paragraph. These items include any electronic, mechanical, or other device primarily useful for the surreptitious interception of wire, oral, or electronic communications (ECCNs 5A001.i and 5A980); and for related ''software'' primarily useful for the surreptitious interception of wire, oral, or electronic communications (ECCN 5D001.c and 5D980.a); and ''software'' primarily useful for the ''development'', ''production'', or ''use'' of devices controlled under ECCNs 5A001.i and 5A980 (ECCNs 5D001.a and 5D980.b); and for ''technology'' primarily useful for the ''development'', ''production'', or ''use'' of items controlled by ECCNs 5A001.i, 5D001.a (for 5A001.i), 5A980 and 5D980 (ECCNs 5E001.a and 5E980); and for ''software'' primarily useful to support such ECCN 5E001.a ''development'', ''production'', or ''use'' ''technology'' for 5A001.i equipment and certain 5D001.a ''software'' (ECCN 5D001.b). These licensing requirements do not supersede the requirements contained in the Omnibus Crime Control and Safe Streets Act of 1968, as amended (18 U.S.C. 2512). This license requirement is not reflected on the Commerce Country Chart (Supplement No. 1 to Part 738 of the EAR).

* * * * *

PART 743—[AMENDED]

■ 14. The authority citation for part 743 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 12, 2011, 76 FR 50661 (August 16, 2011).

■ 15. Section 743.1 is amended by:

■ a. Revising paragraphs (c)(1)(iii) and (c)(1)(vi); and

■ b. Adding Notes for paragraph (c)(1)(vi), to read as follows:

§ 743.1 Wassenaar Arrangement.

* * * * *

(c) * * *

(1) * * *

(iii) Category 3: 3A002.g.1, 3D001 for ''development'' or ''production'' of 3A002.g.1, and 3E001 for ''development'' or ''production'' of 3A002.g.1;

* * * * *

(vi) Category 6: 6A001.a.1.b (changing 10 kHz to 5 kHz and adding the text ''or a sound pressure level exceeding 224 dB (reference 1 μPa at 1 m) for equipment with an operating frequency in the band from 5 kHz to 10 kHz inclusive'' to the existing text in 6A001.a.1.b.1), and 6A001.a.2.d; 6A002.a.1.a, 6A002.a.1.b, 6A002.a.1.c, 6A002.a.1.d, 6A002.a.2.a (changing 350 μA/lm to 700 μA/lm in 6A002.a.2.a.3.a), 6A002.a.2.b, 6A002.a.3, 6A002.b, 6A002.c (incorporating image intensifier tubes listed in 6A002.a.2.a (having characteristics described in this paragraph) or 6A002.a.2.b, ''focal plane arrays'' listed in 6A002.a.3 (having characteristics described in Note 1 to

this paragraph) or solid-state detectors having the characteristics listed in 6A002.a.1); 6A003.b.3 (incorporating 6A002.a.2.a (having characteristics described in this paragraph) or 6A002.a.2.b), 6A003.b.4 (incorporating ''focal plane arrays'' listed in 6A002.a.3 to 6A002.a.3.e, 6A002.a.3.f, or 6A002.a.3.g, having characteristics described in this paragraph), 6A003.b.5; 6A004.c and d; 6A006.a.1, 6A006.a.2 (having a 'sensitivity' lower (better) than 2pT rms per square root Hz), 6A006.c.1, 6A006.d (certain items only; see Note to this paragraph), 6A006.e (incorporating magnetometers specified in 6A006.a.1 or 6A006.a.2, as described by this paragraph); 6A008.d, .h, and .k; 6B008, 6D001 (for 6A004.c and .d, 6A008.d, .h, and .k, and 6B008); 6D003.a; 6E001 (for equipment and software listed in this paragraph); and 6E002 (for equipment specified by 6A or 6B in this paragraph);

Notes to paragraph (c)(1)(vi):

Note 1: *Reports for 6A002.a.3 exclude the following ''focal plane arrays'':*

a. Platinum Silicide (PiSi) ''focal plane arrays'' having less than 10,000 elements;

b. Iridium Silicide (IrSi) ''focal plane arrays'';

c. Indium Antimonide (InSb) or Lead Selenide (PbSe) ''focal plane arrays'' having less than 256 elements;

d. Indium Arsenide (InAs) ''focal plane arrays'';

e. Lead Sulphide (PbS) ''focal plane arrays'';

f. Indium Gallium Arsenide (InGaAs) ''focal plane arrays'';

g. Mercury Cadmium Telluride (HgCdTe) ''focal plane arrays'', as follows:

1. 'Scanning Arrays' having any of the following:

a. 30 elements or less; or

b. Incorporating time delay-and-integration within the element and having 2 elements or less;

2. 'Staring Arrays' less than 256 elements;

Technical Notes: *'Scanning Arrays' are defined as ''focal plane arrays'' designed for use with a scanning optical system that images a scene in a sequential manner to produce an image.*

'Staring Arrays' are defined as ''focal plane arrays'' designed for use with a non-scanning optical system that images a scene.

h. Gallium Arsenide (GaAs)or Gallium Aluminum Arsenide (GaAlAs) quantum well ''focal plane arrays'' having less than 256 elements; and

i. Microbolometer ''focal plane arrays'' having less than 8,000 elements.

Note 2: *Reports for 6A002.a.3.g do not apply to:*

a. The linear (1-dimensional) ''focal plane arrays'' specially designed or modified to achieve 'charge multiplication' having 4,096 elements or less; or

b. The non-linear (2-dimensional) ''focal plane arrays'' specially designed or modified to achieve 'charge multiplication' having a maximum linear dimension of 4,096 elements and a total of 250,000 elements or less.

Note 3: *Reports for 6A006.d, are for ''compensation systems'' for the following:*

a. Magnetic sensors controlled in 6A006.a.2 using optically pumped or nuclear precession (proton/Overhauser) ''technology'' that will permit these sensors to realize a 'sensitivity' lower (better) than 2 pT rms per square root Hz.

b. Underwater electric field sensors controlled in 6A006.b.

c. Magnetic gradiometers controlled in 6A006.c that will permit these sensors to realize a 'sensitivity' lower (better) than 3 pT/m rms per square root Hz.

* * * * *

■ 16. Section 743.2 is amended by removing ''1.5'' and adding in its place ''3.0'' in paragraph (b).

■ 17. Supplement No. 1 to part 743 is amended by adding ''Mexico'' in alphabetic order.

PART 744—[AMENDED]

■ 18. The authority citation for part 744 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* 22 U.S.C. 3201 *et seq.;* 42 U.S.C. 2139a; 22 U.S.C. 7201 *et seq.;* 22 U.S.C. 7210; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 12947, 60 FR 5079, 3 CFR, 1995 Comp., p. 356; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13099, 63 FR 45167, 3 CFR, 1998 Comp., p. 208; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13224, 66 FR 49079, 3 CFR, 2001 Comp., p. 786; Notice of August 12, 2011, 76 FR 50661 (August 16, 2011); Notice of September 21, 2011, 76 FR 59001 (September, 22, 2011); Notice of November 9, 2011, 76 FR 70319 (November 10, 2011); Notice of January 19, 2012, 77 FR 3067 (January 20, 2012).

■ 19. Section 744.9 is amended by

■ a. Revising the section heading to read as set forth below; and

■ b. Removing the reference ''ECCN 6A003.b.4.b'' and adding in its place ''ECCNs 6A003.b.3, 6A003.b.4.b, or 6A003.b.4.c'' in the introductory text of paragraph (a) and in the first sentence of paragraph (b).

§ 744.9 Restrictions on certain exports and reexports of cameras controlled by ECCNs 6A003.b.3, 6A003.b.4.b, or 6A003.b.4.c.

* * * * *

PART 746—[AMENDED]

■ 20. The authority citation for part 746 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* 22 U.S.C. 287c; Sec. 1503, Pub. L. 108–11, 117 Stat. 559; 22 U.S.C. 6004; 22 U.S.C. 7201 *et seq.;* 22 U.S.C. 7210; E.O. 12854, 58 FR 36587, 3 CFR, 1993 Comp., p. 614; E.O. 12918, 59 FR 28205, 3 CFR, 1994 Comp., p. 899; E.O. 13222, 3 CFR, 2001 Comp., p. 783; Presidential Determination 2003–23 of May 7, 2003, 68 FR 26459, May 16, 2003; Presidential Determination 2007–7 of December 7, 2006, 72 FR 1899 (January 16, 2007); Notice of August 12, 2011, 76 FR 50661 (August 16, 2011).

■ 21. Section 746.7 is amended by revising paragraph (a)(1) to read as follows:

§ 746.7 Iran.

* * * * *

(a) *License Requirements*—(1) *EAR license requirements.* A license is required under the EAR to export or reexport to Iran any item on the CCL containing a CB Column 1, CB Column 2, CB Column 3, NP Column 1, NP Column 2, NS Column 1, NS Column 2, MT Column 1, RS Column 1, RS Column 2, CC Column 1, CC Column 2, CC Column 3, AT Column 1 or AT Column 2 in the Country Chart Column of the License Requirements section of an ECCN or classified under ECCNs 0A980, 0A982, 0A983, 0A985, 0E982, 1C355, 1C395, 1C980, 1C981, 1C982, 1C983, 1C984, 2A994, 2D994, 2E994, 5A001.i, 5A980, 5D001 (for 5A001.i or for 5E001.a (for 5A001.i, or for 5D001.a (for 5A001.i))), 5D980, 5E001.a (for 5A001.i, or for 5D001.a (for 5A001.i)) or 5E980.

* * * * *

PART 748—[AMENDED]

■ 22. The authority citation for part 748 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 12, 2011, 76 FR 50661 (August 16, 2011).

■ 23. Supplement No. 7 to part 748 is amended by removing the citation ''3B001.d'' wherever it appears in the ''Eligible Items (by ECCN)'' column.

PART 752—[AMENDED]

■ 24. The authority citation for part 752 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* E.O. 13020, 61 FR 54079, 3 CFR, 1996 Comp., p. 219; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 12, 2011, 76 FR 50661 (August 16, 2011).

■ 24a. Section 752.3 is amended by revising paragraph (a)(7) to read as follows:

§ 752.3 Eligible items.

(a) * * *

(7) Communications intercepting devices and related software and technology controlled by ECCNs 5A001.i, 5A980, 5D001 (for 5A001.i or for 5E001.a (for 5A001.i, or for 5D001.a (for 5A001.i))), 5D980, 5E001.a (for 5A001.i, or for 5D001.a (for 5A001.i)) or 5E980 on the CCL;

* * * * *

PART 770 [AMENDED]

■ 25. The authority citation for part 770 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 12, 2011, 76 FR 50661 (August 16, 2011).

■ 26. Section 770.2 is amended by revising paragraph (l)(1) to read as follows:

§ 770.2 Item interpretations.

* * * * *

(l) *Interpretation 12: Computers.* (1) Digital computers or computer systems classified under ECCN 4A003.b or .c, that qualify for ''No License Required'' (NLR) must be evaluated on the basis of Adjusted Peak Performance (APP) alone, to the exclusion of all other technical parameters. Digital computers or computer systems classified under ECCN 4A003.b or .c that qualify for License Exception APP must be evaluated on the basis of APP, to the exclusion of all other technical parameters, except for ECCN 4A003.e (equipment performing analog-to-digital conversions exceeding the limits in ECCN 3A001.a.5.a). Assemblies performing analog-to-digital conversions are evaluated under Category 3—Electronics, ECCN 3A001.a.5.a.

* * * * *

PART 772—[AMENDED]

■ 27. The authority citation for part 772 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 12, 2011, 76 FR 50661 (August 16, 2011).

■ 28. Section 772.1 is amended by:

■ a. Adding the definition for ''airship'' in alphabetical order;

■ b. Revising the definition for ''average output power'';

■ c. Removing the definitions for ''common channel signalling'', ''fault tolerance'', ''laser duration'' and ''positioning accuracy'';

■ d. Revising the definition for ''peak power''; and

■ e. Revising the definition for ''pulse duration'', to read as set forth below;

§ 772.1 Definitions of terms as used in the Export Administration Regulations (EAR).

* * * * *

''Airship''. (Cat 9) A power-driven airborne vehicle that is kept buoyant by a body of gas (usually helium, formerly hydrogen) which is lighter than air.

* * * * *

''Average Output Power.'' (Cat 6) The average output power is the total ''laser'' output energy, in joules, divided by the period over which a series of consecutive pulses is emitted, in seconds. For a series of uniformly spaced pulses it is equal to the total ''laser'' output energy in a single pulse, in joules, multiplied by the pulse frequency of the ''laser,'' in Hertz.

* * * * *

''Peak power''. (Cat 6)—The highest power attained in the ''pulse duration.''

* * * * *

''Pulse duration.'' (Cat 6)—Duration of a ''laser'' pulse is the time between the half-power points on the leading edge and trailing edge of an individual pulse.

* * * * *

PART 774—[AMENDED]

■ 29. The authority citation for part 774 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* 10 U.S.C. 7420; 10 U.S.C. 7430(e); 22 U.S.C. 287c, 22 U.S.C. 3201 *et seq.;* 22 U.S.C. 6004; 30 U.S.C. 185(s), 185(u); 42 U.S.C. 2139a; 42 U.S.C. 6212; 43 U.S.C. 1354; 15 U.S.C. 1824a; 50 U.S.C. app. 5; 22 U.S.C. 7201 *et seq.;* 22 U.S.C. 7210; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 12, 2011, 76 FR 50661 (August 16, 2011).

■ 30. Supplement No. 1 to part 774, Category 0, ECCN 0A919 is amended by revising the RS paragraph in the License Requirements section, and revising paragraph d. in the Items paragraph of the List of Items Controlled section, to read as follows:

Supplement No. 1 to Part 774—The Commerce Control List

* * * * *

0A919 ''Military commodities'' as follows (see list of items controlled).

License Requirements

* * * * *

Control(s)	*Country chart*
RS applies to entire entry.	RS Column 1, see § 742.6(a)(3) for license requirements.

* * * * *

* * * * *

List of Items Controlled

* * * * *

Items:

* * * * *

d. Incorporate one or more cameras controlled under ECCN 6A003.b.3, .b.4.b, or .b.4.c.

* * * * *

■ 31. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1, ECCN 1A004 is amended by adding a Note to introductory paragraph .a in the Items paragraph of the List of Items Controlled section, to read as follows:

1A004 Protective and detection equipment and components, not specially designed for military use, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Items:

a. * * *

Note: *1A004.a includes Powered Air Purifying Respirators (PAPR) that are designed or modified for defense against agents or materials, listed in 1A004.a.*

* * * * *

■ 32. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1, ECCN 1A005 is amended by revising the Heading, the Items paragraph, and the notes to ECCN 1A005, to read as follows:

1A005 Body armor and components therefor, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Items:

a. Soft body armor not manufactured to military standards or specifications, or to their equivalents, and specially designed components therefor;

b. Hard body armor plates providing ballistic protection equal to or less than level IIIA (NIJ 0101.06, July 2008) or national equivalents.

Notes to ECCN 1A005:

1. This entry does not control body armor when accompanying its user for the user's own personal protection.

2. This entry does not control body armor designed to provide frontal protection only from both fragment and blast from non-military explosive devices.

3. This entry does not apply to body armor designed to provide protection only from knife, spike, needle or blunt trauma.

■ 33. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 1, ECCN 1C006, List of Items Controlled section is amended by adding a Note to paragraph d. (after paragraph d.4), to read as follows:

1C006 Fluids and lubricating materials, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Items:

* * * * *

d. * * *

Note: *1C006.d does not apply to materials specified and packaged as medical products.*

■ 34. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 1, ECCN 1C008, the List of Items Controlled section is amended by revising paragraphs a.4. and f. in the Items paragraph, to read as follows:

1C008 Non-fluorinated polymeric substances as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Items:

a. * * *

a.4. Aromatic polyetherimides having a 'glass transition temperature (Tg)' exceeding 563 K (290 °C);

Note: *1C008.a controls the substances in liquid or solid ''fusible'' form, including resin, powder, pellet, film, sheet, tape, or ribbon.*

N.B.: *For non-''fusible'' aromatic polyimides in film, sheet, tape, or ribbon form, see ECCN 1A003.*

* * * * *

f. Polybiphenylenethersulphone having a 'glass transition temperature (Tg)' exceeding 563 K (290 °C).

Technical Note: *The 'glass transition temperature (Tg)' for 1C008 materials is determined using the method described in ISO 11357–2 (1999) or national equivalents. In addition, for 1C008.a.2 materials, 'glass transition temperature (Tg)' is determined on a PAI test specimen having initially been cured at a minimum temperature of 310 °C for a minimum of 15 minutes.*

■ 35. The Annex to Category 1 ''List of Explosives (See ECCNs 1A004 and 1A008)'' is amended by removing and reserving paragraph 32.g.

■ 36. Category 2 ''Materials Processing'', Product Group B ''Test, Inspection and Production Equipment'', the Notes for category 2B are amended by:

■ a. Removing the Notes for Category 2B;

■ b. Revising the ''Technical Notes for 2B001 to 2B009'', including the Heading, to read as follows:

B. Test, Inspection and Production Equipment

Technical Notes for 2B001 to 2B009, 2B201, 2B290 and 2B991 to 2B999:

1. Secondary parallel contouring axes, (e.g., the w-axis on horizontal boring mills or a secondary rotary axis the center line of which is parallel to the primary rotary axis) are not counted in the total number of contouring axes. Rotary axes need not rotate over 360°. A rotary axis can be driven by a linear device (e.g., a screw or a rack-and-pinion).

2. The number of axes which can be coordinated simultaneously for ''contouring control'' is the number of axes along or around which, during processing of the workpiece, simultaneous and interrelated motions are performed between the workpiece and a tool. This does not include any additional axes along or around which other relative motions within the machine are performed, such as:

2.a. Wheel-dressing systems in grinding machines;

2.b. Parallel rotary axes designed for mounting of separate workpieces;

2.c. Co-linear rotary axes designed for manipulating the same workpiece by holding it in a chuck from different ends.

3. Axis nomenclature shall be in accordance with International Standard ISO 841, ''Numerical Control Machines—Axis and Motion Nomenclature''.

4. A ''tilting spindle'' is counted as a rotary axis.

5. 'Stated positioning accuracy' derived from measurements made according to ISO 230/2 (2006) may be used for each specific machine model as an alternative to individual machine tests. 'Stated positioning accuracy' means the accuracy value provided to BIS as representative of the accuracy of a specific machine model.

Note to paragraph 5: *Determination of 'Stated Positioning Accuracy':*

a. Select five machines of a model to be evaluated;

b. Measure the linear axis accuracies according to ISO 230/2 (2006);

c. Determine the A-values for each axis of each machine. The method of calculating the A-value is described in the ISO standard;

*d. Determine the mean value of the A-value of each axis. This mean value A becomes the stated value of each axis for the model ($\bar{A}x$ $\bar{A}y$ * * *);*

e. Since the Category 2 list refers to each linear axis there will be as many stated values as there are linear axes;

f. If any axis of a machine model not controlled by 2B001.a. to 2B001.c. has a stated accuracy $\bar{A}$ of 5 μm for grinding machines and 6.5 μm for milling and turning machines or better, the builder should be required to reaffirm the accuracy level once every eighteen months.

6. *Measurement uncertainty for the positioning accuracy of machine tools, as defined in the International Standard ISO 230/2 (2006), shall not be considered.*

■ 37. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 2, ECCN 2B001, the License Requirements Section,

■ a. The Reason for Control table is amended by revising the ''NP'' entry; and

■ b. The items paragraph is amended by:

■ i. Revising paragraphs a.1., b.1.a., b.3. and c.1.a.; and

■ ii. Revising the Notes to 2B001.c, to read as follows:

2B001 Machine tools and any combination thereof, for removing (or cutting) metals, ceramics or ''composites'', which, according to the manufacturer's technical specifications, can be equipped with electronic devices for ''numerical control''; and specially designed components as follows (see List of Items Controlled).

License Requirements

* * * * *

Control(s)	*Country chart*
* * * * * * *	
NP applies to 2B001.a, .b, .c, and .d, EXCEPT: (1) turning machines under 2B001.a with a capacity no greater than 35 mm diameter; (2) bar machines (Swissturn), limited to machining only bar feed through, if maximum bar diameter is equal to or less than 42 mm and there is no capability of mounting chucks. (Machines may have drilling and/or milling capabilities for machining parts with diameters less than 42 mm); or (3) milling machines under 2B001.b with x-axis travel greater than two meters and overall positioning accuracy according to ISO 230/2 (2006) on the x-axis more (worse) than 22.5 μm.	NP Column 1.

* * * * *

List of Items Controlled

* * * * *

Items:

* * * * *

a. * * *

a.1. Positioning accuracy according to ISO 230/2 (2006) with ''all compensations available'' equal to or less (better) than 4.5 μm along one or more linear axis; and

* * * * *

b. * * *

b.1. * * *

b.1.a. Positioning accuracy according to ISO 230/2 (2006) with ''all compensations available'' of less (better) than 4.5 μm along one or more linear axis; and

* * * * *

b.3. A positioning accuracy according to ISO 230/2 (2006) for jig boring machines, with ''all compensations available'', of less (better) than 3.0 μm along any linear axis; or

c. * * *

c.1. * * *

c.1.a. Positioning accuracy according to ISO 230/2 (2006) with ''all compensations available'' of less (better) than 3.0 μm along one or more linear axis; and

* * * * *

Notes: *2B001.c does not control grinding machines as follows:*

a. Cylindrical external, internal, and external-internal grinding machines, having all of the following:

a.1. Limited to cylindrical grinding; and

a.2. Limited to a maximum workpiece capacity of 150 mm outside diameter or length.

b. Machines designed specifically as jig grinders that do not have a z-axis or a w-axis, with a positioning accuracy according to ISO 230/2 (2006) with ''all compensations available'' less (better) than 3 μm.

c. Surface grinders.

■ 38. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 2, ECCN 2B008, the List of Items Controlled section is amended by revising the Items paragraph to read as follows:

2B008 Assemblies or units, specially designed for machine tools, or dimensional inspection or measuring systems and equipment, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Items:

a. Linear position feedback units having an overall ''accuracy'' less (better) than (800 + (600 × L × 10^{-3})) nm (L equals the effective length in mm);

N.B.: *For ''laser'' systems see also 2B006.b.1.c and d.*

b. Rotary position feedback units having an ''accuracy'' less (better) than 0.00025°;

N.B.: *For ''laser'' systems see also 2B006.b.2.*

Note: *2B008.a and 2B008.b apply to units, which are designed to determine the positioning information for feedback control, such as inductive type devices, graduated scales, infrared systems or ''laser'' systems.*

c. ''Compound rotary tables'' and ''tilting spindles'', capable of upgrading, according to the manufacturer's specifications, machine tools to or above the levels controlled by 2B001 to 2B009.

■ 39. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 2, ECCN 2B009, the List of Items Controlled section is amended by revising paragraph a. in the Items paragraph to read as follows:

2B009 Spin-forming machines and flow-forming machines, which, according to the manufacturer's technical specifications, can be equipped with ''numerical control'' units or a computer control and having all of the following characteristics (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Items:

a. Three or more axes which can be coordinated simultaneously for ''contouring control''; *and*

* * * * *

■ 40. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 2, ECCN 2B201 is amended by revising the Items paragraph, to read as follows:

2B201 Machine tools, other than those controlled by 2B001, for removing or cutting metals, ceramics or ''composites'', which, according to the manufacturer's technical specifications, can be equipped with electronic devices for simultaneous ''contouring control'' in two or more axes.

* * * * *

List of Items Controlled

* * * * *

Items:

Note: *The identified positioning accuracy values in this entry are based on ISO 230/2 (2006), which equates to the values based on ISO 230/2 (1988) that are used by the Nuclear Supplier's Group (NSG). For 2B201.a and b.1, this results in a change from 6 μm to 4.5 μm, in Note to 2B201.b paragraph .b the change is 30 μm to 22.5 μm, and for 2B201.c the change is from 4 μm to 3 μm.*

a. Machine tools for turning, that have positioning accuracies according to ISO 230/2 (2006) with all compensations available better (less) than 4.5 μm along any linear axis (overall positioning) for machines capable of machining diameters greater than 35 mm;

Note: *Item 2B201.a does not control bar machines (Swissturn), limited to machining only bar feed thru, if maximum bar diameter is equal to or less than 42 mm and there is no capability of mounting chucks. Machines may have drilling and/or milling capabilities for machining parts with diameters less than 42 mm.*

b. Machine tools for milling, having any of the following characteristics:

b.1. Positioning accuracies according to ISO 230/2 (2006) with ''all compensations available'' equal to or less (better) than 4.5 μm along any linear axis (overall positioning); *or*

b.2. Two or more contouring rotary axes.

Note: *2B201.b does not control milling machines having the following characteristics:*

a. X-axis travel greater than 2 m; and

b. Overall positioning accuracy according to ISO 230/2 (2006) on the x-axis more (worse) than 22.5 μ*m.*

c. Machine tools for grinding, having any of the following characteristics:

c.1. Positioning accuracies according to ISO 230/2 (2006) with ''all compensations available'' equal to or less (better) than 3 μm along any linear axis (overall positioning); *or*

c.2. Two or more contouring rotary axes.

Note: *2B201.c does not control the following grinding machines:*

a. Cylindrical external, internal, and external-internal grinding machines having all of the following characteristics:

1. Limited to cylindrical grinding;

2. A maximum workpiece outside diameter or length of 150 mm;

3. Not more than two axes that can be coordinated simultaneously for ''contouring control''; and

4. No contouring c-axis.

b. Jig grinders with axes limited to x, y, c and a where c axis is used to maintain the grinding wheel normal to the work surface, and the a axis is configured to grind barrel cams;

c. Tool or cutter grinding machines with ''software'' specially designed for the production of tools or cutters; or

d. Crankshaft or camshaft grinding machines.

■ 41. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 2, ECCN 2B991, the List of Items Controlled section is amended by revising paragraph c. in the Items paragraph, to read as follows:

2B991 Numerical control units for machine tools and ''numerically controlled'' machine tools, n.e.s.

* * * * *

List of Items Controlled

* * * * *

Items:

* * * * *

c. ''Numerically controlled'' machine tools that, according to the manufacturer's technical specifications, can be equipped with electronic devices for simultaneous ''contouring control'' in two or more axes and that have both of the following characteristics:

c.1. Two or more axes that can be coordinated simultaneously for contouring control; *and*

c.2. Positioning accuracies according to ISO 230/2 (2006), with all compensations available:

c.2.a. Better than 15 μm along any linear axis (overall positioning) for grinding machines;

c.2.b. Better than 15 μm along any linear axis (overall positioning) for milling machines; *or*

c.2.c. Better than 15 μm along any linear axis (overall positioning) for turning machines; *or*

* * * * *

■ 42. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 2, ECCN 2E001, List of Items Controlled section is amended adding a Note to the end of the Items paragraph, to read as follows:

2E001 ''Technology'' according to the General Technology Note for the

''development'' of equipment or ''software'' controlled by 2A (except 2A983, 2A984, 2A991, or 2A994), 2B (except 2B991, 2B993, 2B996, 2B997, or 2B998), or 2D (except 2D983, 2D984, 2D991, 2D992, or 2D994).

* * * * *

List of Items Controlled

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Items: The list of items controlled is contained in the ECCN heading.

Note: *ECCN 2E001 includes ''technology'' for the integration of probe systems into coordinate measurement machines specified by 2B006.a.*

■ 43. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 3 Electronics, Product Group A is amended by revising Notes 1 and 2 and the *Nota Bene* to read as follows:

Category 3—Electronics

A. Systems, Equipment and Components

Note 1: *The control status of equipment and components described in 3A001 or 3A002, other than those described in 3A001.a.3 to 3A001.a.10, 3A001.a.12 or 3A001.a.13, which are specially designed for or which have the same functional characteristics as other equipment is determined by the control status of the other equipment.*

Note 2: *The control status of integrated circuits described in 3A001.a.3 to 3A001.a.9, 3A001.a.12 or 3A001.a.13 that are unalterably programmed or designed for a specific function for other equipment is determined by the control status of the other equipment.*

N.B.: *When the manufacturer or applicant cannot determine the control status of the other equipment, the control status of the integrated circuits is determined in 3A001.a.3 to 3A001.a.9, 3A001.a.12 and 3A001.a.13.*

■ 44. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 3 Electronics, ECCN 3A001 is amended by:

■ a. Revising the GBS and CIV paragraphs of the License Exception section, as set forth below; and

■ b. Amending the Items paragraph of the List of Items Controlled section by:

■ 1. Adding paragraph a.13, including Technical Note;

■ 2. Revising paragraphs b.10, b.11.d, and b.11.e;

■ 3. Adding paragraphs b.11.f and b.11.g;

■ 4. Removing the note bene following paragraph b.11.e. and adding the nota bene following paragraph b.11.g;

■ 5. Revising paragraph e.1.b; as set forth below, and

■ 6. Removing paragraphs f.1 and f.2.

3A001 Electronic components and specially designed components therefor, as follows (see List of Items Controlled).

* * * * *

License Exceptions

* * * * *

GBS: Yes for 3A001.a.1.b, a.2 to a.13 (except .a.5.a when controlled for MT), b.2, b.8 (except for TWTAs exceeding 18 GHz), b.9., b.10, .g, and .h.

CIV: Yes for 3A001.a.3, a.7, and a.11.

List of Items Controlled

* * * * *

Items:

a. * * *

a.13. Direct Digital Synthesizer (DDS) integrated circuits having any of the following:

a.13.a. A Digital-to-Analog Converter (DAC) clock frequency of 3.5 GHz or more and a DAC resolution of 10 bit or more, but less than 12 bit; or

a.13.b. A DAC clock frequency of 1.25 GHz or more and a DAC resolution of 12 bit or more;

Technical Note: *The DAC clock frequency may be specified as the master clock frequency or the input clock frequency.*

b. * * *

b.10. Oscillators or oscillator assemblies, specified to operate with all of the following:

* * * * *

b.11. * * *

b.11.d. Less than 500 μs for any frequency change exceeding 550 MHz within the synthesized frequency range exceeding 31.8 GHz but not exceeding 43.5 GHz; *or*

b.11.e. Less than 1 ms for any frequency change exceeding 550 MHz within the synthesized frequency range exceeding 43.5 GHz but not exceeding 56 GHz;

b.11.f. Less than 1 ms for any frequency change exceeding 2.2 GHz within the synthesized frequency range exceeding 56 GHz but not exceeding 70 GHz; *or*

b.11.g. Less than 1 ms within the synthesized frequency range exceeding 70 GHz;

N.B.: *For general purpose ''signal analyzers'', signal generators, network analyzers and microwave test receivers, see 3A002.c, 3A002.d, 3A002.e and 3A002.f, respectively.*

* * * * *

e. * * *

e.1. * * *

e.1.b. 'Secondary cells' having an 'energy density' exceeding 300 Wh/kg at 293 K (20 °C);

* * * * *

■ 45. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 3 Electronics, ECCN 3A002, List of Items Controlled, the Items paragraph is amended by revising paragraphs d.1., d.4., the Technical Notes of paragraph d.5., paragraphs e.1. and f.1., to read as follows:

3A002 General purpose electronic equipment and accessories therefor, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Items:

* * * * *

d. * * *

d.1. Specified to generate pulses having all of the following, anywhere within the synthesized frequency range exceeding 31.8 GHz but not exceeding 70 GHz:

d.1.a. 'Pulse duration' of less than 100 ns; *and*

d.1.b. On/off ratio equal to or exceeding 65 dB;

* * * * *

d.4. Single sideband (SSB) phase noise, in dBc/Hz, specified as being all of the following:

d.4.a. Less (better) than—(126+20 $\log_{10}$ F–20 $\log_{10}$f) for 10 Hz <F<10 kHz anywhere within the synthesized frequency range exceeding 3.2 GHz but not exceeding 70 GHz; *and*

d.4.b. Less (better) than—(114+20 $\log_{10}$ F–20 $\log_{10}$f) for 10 kHz ≤F<500 kHz anywhere within the synthesized frequency range exceeding 3.2 GHz but not exceeding 70 GHz; *or*

Technical Note: *In 3A002.d.4, F is the offset from the operating frequency in Hz and f is the operating frequency in MHz.*

d.5. * * *

Technical Notes: *1. The maximum synthesized frequency of an arbitrary waveform or function generator is calculated by dividing the sample rate, in samples/second, by a factor of 2.5.*

2. For the purposes of 3A002.d.1.a, 'pulse duration' is defined as the time interval between the leading edge of the pulse achieving 90% of the peak and the trailing edge of the pulse achieving 10% of the peak.

e. * * *

e.1. Output power exceeding 31.62 mW (15 dBm) anywhere within the operating frequency range exceeding 43.5 GHz but not exceeding 70 GHz; *or*

* * * * *

f. * * *

f.1. A maximum operating frequency exceeding 70 GHz; *and*

* * * * *

■ 46. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 3 Electronics, ECCN 3B001 is amended by:

■ a. Revising the License Exceptions section to read as set forth below;

■ b. Amending the Items paragraph in the List of Items Controlled by removing and reserving paragraph d.; and

■ c. Revising paragraph e.1 in the Items paragraph of the List of Items Controlled section, to read as follows:

3B001 Equipment for the manufacturing of semiconductor devices or materials, as follows (see List of Items Controlled) and specially designed components and accessories therefor.

* * * * *

License Exceptions

LVS: $500

GBS: Yes, except a.3 (molecular beam epitaxial growth equipment using gas

sources), .e (automatic loading multi-chamber central wafer handling systems *only* if connected to equipment controlled by 3B001. a.3, or .f), and .f (lithography equipment).

CIV: Yes for equipment controlled by 3B001.a.1 and a.2.

List of Items Controlled

* * * * *

Items:

* * * * *

e. * * *

e.1. Interfaces for wafer input and output, to which more than two functionally different 'semiconductor process tools' controlled by 3B001.a, 3B001.b, or 3B001.c are designed to be connected; and

* * * * *

■ 47. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 3 Electronics, ECCN 3C001, List of Items Controlled, Items paragraph is amended by adding a Note to paragraph d. to read as follows:

3C001 Hetero-epitaxial materials consisting of a ''substrate'' having stacked epitaxially grown multiple layers of any of the following (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Items:

* * * * *

d. * * *

Note: *3C001.d does not apply to a ''substrate'' having one or more P-type epitaxial layers of GaN, InGaN, AlGaN, InAlN, InAlGaN, GaP, InGaP, AlInP or InGaAlP, independent of the sequence of the elements, except if the P-type epitaxial layer is between N-type layers.*

■ 48. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 3 Electronics, ECCN 3E001, License Requirements section is amended by revising the NS paragraph to read as follows:

3E001 ''Technology'' according to the General Technology Note for the ''development'' or ''production'' of equipment or materials controlled by 3A (except 3A292, 3A980, 3A981, 3A991 3A992, or 3A999), 3B (except 3B991 or 3B992) or 3C (except 3C992).

License Requirements

* * * * *

Control(s)	*Country chart*
NS applies to ''technology'' for items controlled by 3A001, 3A002, 3A003, 3B001, 3B002, or 3C001 to 3C006.	NS Column 1.

* * * * *

* * * * *

■ 49. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 3 Electronics, ECCN 3E002, License Exception section is amended by revising the CIV paragraph to read as follows:

3E002 ''Technology'' according to the General Technology Note other than that controlled in 3E001 for the ''development'' or ''production'' of a ''microprocessor microcircuit'', ''microcomputer microcircuit'' and microcontroller microcircuit core, having an arithmetic logic unit with an access width of 32 bits or more and any of the following features or characteristics (see List of Items Controlled).

* * * * *

License Exceptions

CIV: Yes, for deemed exports, as described in § 734.2(b)(2)(ii) of the EAR, of ''technology'' for the ''development'' or ''production'' of general purpose microprocessor cores with a vector processor unit with operand length of 64-bit or less, 64-bit floating operations not exceeding 50 GFLOPS, or 16-bit or more floating-point operations not exceeding 50 GMACS (billions of 16-bit fixed-point multiply-accumulate operations per second). Deemed exports under License Exception CIV are subject to a Foreign National Review (FNR) requirement, see § 740.5 of the EAR for more information about the FNR. License Exception CIV does not apply to ECCN 3E002 technology also required for the development or production of items controlled under ECCNs beginning with 3A, 3B, or 3C, or to ECCN 3E002 technology also controlled under ECCN 3E003.

* * * * *

■ 50. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 3 Electronics, ECCN 3E003, List of Items Controlled section the Items paragraph is amended by revising paragraph b. to read as follows:

3E003 Other ''technology'' for the ''development'' or ''production'' of the following (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Items:

* * * * *

b. Hetero-structure semiconductor electronic devices such as high electron mobility transistors (HEMT), hetero-bipolar transistors (HBT), quantum well and super lattice devices;

Note: *3E003.b does not control ''technology'' for high electron mobility transistors (HEMT) operating at frequencies lower than 31.8 GHz and hetero-junction bipolar transistors (HBT) operating at frequencies lower than 31.8 GHz.*

* * * * *

■ 51. Supplement No. 1 to Part 774 (the Commerce Control List), Category 4, ECCN 4A003 is amended by:

■ a. Revising the Heading;

■ b. Revising the NS Column 2 and AT paragraphs in the License Requirements section;

■ c. Revising Note 1 of the License Requirements section;

■ d. Revising the APP paragraph in the License Exception section;

■ e. Removing and reserving paragraph a. of the Items paragraph in the List of Items Controlled section; and

■ f. Revising paragraph b., to read as follows:

4A003 ''Digital computers'', ''electronic assemblies'', and related equipment therefor, as follows (see List of Items Controlled) and specially designed components therefor.

License Requirements

* * * * *

Control(s)	*Country chart*
* * * * *	
NS applies to 4A003.e and .g.	NS Column 2.
* * * * *	
AT applies to entire entry (refer to 4A994 for controls on ''digital computers'' with a APP > 0.0128 but ≤3.0 WT).	AT Column 1.
* * * * *	

* * * * *

Note 1: *For all destinations, except those countries in Country Group E:1 of Supplement No. 1 to part 740 of the EAR, no license is required (NLR) for computers with an ''Adjusted Peak Performance'' (''APP'') not exceeding 3.0 Weighted TeraFLOPS (WT) and for ''electronic assemblies'' described in 4A003.c that are not capable of exceeding an ''Adjusted Peak Performance'' (''APP'') exceeding 3.0 Weighted TeraFLOPS (WT) in aggregation, except certain transfers as set forth in § 746.3 (Iraq).*

License Exceptions

* * * * *

APP: Yes, for computers controlled by 4A003.b, and ''electronic assemblies'' controlled by 4A003.c, to the exclusion of other technical parameters, with the exception of 4A003.e (equipment performing analog-to-digital conversions exceeding the limits of 3A001.a.5.a). See § 740.7 of the EAR.

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List of Items Controlled

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Items:

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b. ''Digital computers'' having an ''Adjusted Peak Performance'' (''APP'') exceeding 3.0 weighted TeraFLOPS (WT);

* * * * *

■ 52. Supplement No. 1 to Part 774 (the Commerce Control List), Category 4, Product Group D is amended by revising the Note to read as follows:

D. Software

Note: *The control status of ''software'' for equipment described in other Categories is dealt with in the appropriate Category.*

■ 53. Supplement No. 1 to Part 774 (the Commerce Control List), Category 4, the ''Technical Note on ''Adjusted Peak Performance'' (''APP'')'' is amended by revising Note 6 to read as follows:

Technical Note on ''Adjusted Peak Performance'' (''APP'')

* * * * *

Note 6: *''APP'' values must be calculated for: (1) Processor combinations containing processors specially designed to enhance performance by aggregation, operating simultaneously and sharing memory; or (2) Multiple memory/processor combinations operating simultaneously utilizing specially designed hardware.*

Technical Note: *Aggregate all processors and accelerators operating simultaneously and located on the same die.*

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■ 54. Supplement No. 1 to Part 774 (the Commerce Control List), Category 5, Part I is amended by revising *Nota Bene* 2 to read as follows:

CATEGORY 5—TELECOMMUNICATIONS AND ''INFORMATION SECURITY''

Part I. TELECOMMUNICATIONS

* * * * *

N.B.2. See also Category 5, Part 2 for equipment, components, and ''software'', performing or incorporating ''information security'' functions.

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■ 55. Supplement No. 1 to Part 774 (the Commerce Control List), Category 5, Part I, ECCN 5A001 is amended by:

■ a. Revising the License Requirements section;

■ b. Revising the Note to paragraph b.3.b;

■ c. Revising the introductory text of paragraph f; and

■ d. Adding paragraph i., and its Notes, to read as follows:

5A001 Telecommunications systems, equipment, components and accessories, as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, SL, AT

Control(s)	*Country chart*
NS applies to 5A001.a, .e, .b.5, and .h.	NS Column 1.
NS applies to 5A001.b (except .b.5), .c, .d, .f, .g, and .i.	NS Column 2.
SL applies to 5A001.i	A license is required for all destinations, as specified in § 742.13 of the EAR. Accordingly, a column specific to this control does not appear on the Commerce Country Chart (Supplement No. 1 to Part 738 of the EAR). *Note to SL paragraph:* This licensing requirement does not supersede, nor does it implement, construe or limit the scope of any criminal statute, including, but not limited to the Omnibus Safe Streets Act of 1968, as amended.
AT applies to entire entry.	AT Column 1.

License Requirement Notes: *See § 743.1 of the EAR for reporting requirements for exports under License Exceptions. See § 740.2(a)(3) of the EAR for restrictions on the use of License Exceptions for 5A001.i.*

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List of Items Controlled

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Related Controls: Telecommunications equipment defined in 5A001.a.1 through 5A001.a.3 for use on board satellites is subject to the export licensing authority of the Department of State, Directorate of Defense Trade Controls (22 CFR part 121). Direction finding equipment defined in 5A001.e is subject to the export licensing authority of the Department of State, Directorate of Defense Trade Controls (22 CFR part 121). See also 5A101, 5A980, and 5A991.

* * * * *

Items:

* * * * *

b. * * *

b.3. * * *

b.3.b. * * *

Note: *5A001.b.3.b does not control radio equipment specially designed for use with any of the following:*

a. Civil cellular radio-communications systems; or

b. Fixed or mobile satellite Earth stations for commercial civil telecommunications.

* * * * *

f. Jamming equipment specially designed or modified to intentionally and selectively interfere with, deny, inhibit, degrade or seduce mobile telecommunication services and perform any of the following, and specially designed components therefor:

* * * * *

i. Systems or equipment, specially designed or modified to intercept and process the air interface of 'mobile telecommunications', and specially designed components therefor.

Note: *5A001.i does not apply to equipment designed for 'mobile telecommunications' network operators, or for the ''development'' or ''production'' of 'mobile telecommunications' equipment or systems.*

Technical Note: *For the purposes of 5A001.i, 'mobile telecommunications' refers to the following telecommunications protocols or standards: GSM, GSM–R, GPRS, IMT–2000, PMR (Professional Mobile Radio), Inmarsat, Iridium, Thuraya, VSAT or ACES.*

N.B.: *See also 5A001.f, 5A980, and the U.S. Munitions List (22 CFR part 121).*

■ 56. Supplement No. 1 to Part 774 (the Commerce Control List), Category 5, Part I, ECCN 5A980 is amended by revising the Heading and the Related Controls paragraph of the List of Items Controlled section, to read as follows:

5A980 Devices primarily useful for the surreptitious interception of wire, oral, or electronic communications, other than those controlled under 5A001.i; and parts and accessories therefor.

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List of Items Controlled

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Related Controls: (1) See ECCN 5A001.i for systems or equipment, specially designed or modified to intercept and process the air interface of 'mobile telecommunications', and specially designed components therefor. (2) See ECCN 5D980 for ''software'' for the ''development'', ''production'' or ''use'' of equipment controlled by 5A980. (3) See ECCN 5E980 for the ''technology'' for the ''development'', ''production'', and ''use'' of equipment controlled by 5A980.

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■ 57. Supplement No. 1 to Part 774 (the Commerce Control List), Category 5, Part I, ECCN 5B001 is amended by:

■ a. Revising paragraphs b.2.c, b.2.d and b.4 in the Items paragraph of the List of Items Controlled section, to read as follows; and

■ b. Removing paragraph b.5.

5B001 Telecommunication test, inspection and production equipment, components and accessories, as follows (See List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Items:

* * * * *

b. * * *

b.2. * * *

b.2.c. Employing coherent optical transmission or coherent optical detection techniques; *or*

Note: *5B001.b.2.c applies to equipment specially designed for the ''development'' of systems using an optical local oscillator in the receiving side to synchronize with a carrier ''laser.''*

Technical Note: *For the purpose of 5B001.b.2.c, these techniques include optical heterodyne, homodyne or intradyne techniques.*

b.2.d. Employing analog techniques and having a bandwidth exceeding 2.5 GHz; or

Note: *5B001.b.2.d. does not include equipment specially designed for the ''development'' of commercial TV systems.*

* * * * *

b.4. Radio equipment employing Quadrature-Amplitude-Modulation (QAM) techniques above level 256.

* * * * *

■ 58. Supplement No. 1 to Part 774 (the Commerce Control List), Category 5, Part I, ECCN 5D001 is amended by revising the License Requirements section, and the Related Controls paragraph of the List of Items Controlled section, to read as follows:

5D001 ''Software'' as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, SL, AT

Control(s)	*Country chart*
NS applies to entire entry.	NS Column 1.
SL applies to the entire entry as applicable for equipment, functions, features, or characteristics controlled by 5A001.i.	A license is required for all destinations, as specified in § 742.13 of the EAR. Accordingly, a column specific to this control does not appear on the Commerce Country Chart (Supplement No. 1 to Part 738 of the EAR). *Note to SL paragraph: This licensing requirement does not supersede, nor does it implement, construe or limit the scope of any criminal statute, including, but not limited to the Omnibus Safe Streets Act of 1968, as amended.*
AT applies to entire entry.	AT Column 1.

License Requirement Notes: *See § 743.1 of the EAR for reporting requirements for exports under License Exceptions. See § 740.2(a)(3) of the EAR for restrictions on the use of License Exceptions for 5D001 (as it applies to 5A001.i or 5E001.a (as it applies to 5A001.i or 5D001.a (as it applies to 5A001.i))).*

* * * * *

List of Items Controlled

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Related Controls: See also 5D980 and 5D991

* * * * *

■ 59. Supplement No. 1 to Part 774 (the Commerce Control List), Category 5, Part I, ECCN 5D980 is amended by revising the Heading and the Related Controls paragraph of the List of Items Controlled section, to read as follows:

5D980 Other ''software'', other than that controlled by 5D001 (for the equipment, functions, features, or characteristics controlled by 5A001.i, or to support certain ''technology'' controlled by 5E001.a), as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Related Controls: See also 5D001.a and .c for software controls for equipment, functions, features or characteristics controlled by 5A001.i and also 5D001.b for controls on ''software'' specially designed or modified to support ''technology'' controlled by 5E001.a (for 5A001.i equipment, functions or features, and for 5D001.a ''software'' for 5A001.i equipment). See 5E980 for ''technology'' for the ''development'', ''production'', and ''use'' of equipment controlled by 5A980 or ''software'' controlled by 5D980.

* * * * *

■ 60. Supplement No. 1 to Part 774 (the Commerce Control List), Category 5, Part I, ECCN 5E001 is amended by:

■ a. Revising the License Requirements section;

■ b. Revising the Related Controls paragraph of the List of Items Controlled;

■ c. Revising the Note to paragraph b.4, and paragraphs c.1, c.2.c, and c.4.c in the Items paragraph of the List of Items Controlled section, as set forth below; and

■ d. Removing and reserving paragraph c.5 in the Items paragraph of the List of Items Controlled section.

5E001 ''Technology'' as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, SL, AT

Control(s)	*Country chart*
NS applies to entire entry.	NS Column 1.
SL applies to ''technology'' for the ''development'' or ''production'' of equipment, functions or features controlled by 5A001.i, or for the ''development'' or ''production'' of ''software'' controlled by ECCN 5D001.a (for 5A001.i).	A license is required for all destinations, as specified in § 742.13 of the EAR. Accordingly, a column specific to this control does not appear on the Commerce Country Chart (Supplement No. 1 to Part 738 of the EAR). *Note to SL paragraph: This licensing requirement does not supersede, nor does it implement, construe or limit the scope of any criminal statute, including, but not limited to the Omnibus Safe Streets Act of 1968, as amended.*
AT applies to entire entry.	AT Column 1.

License Requirement Notes: *See § 743.1 of the EAR for reporting requirements for exports under License Exceptions. See § 740.2(a)(3) of the EAR for restrictions on the use of License Exceptions for 5E001.a (as it applies to 5A001.i or 5D001.a (as it applies to 5A001.i))).*

License Exceptions

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List of Items Controlled

* * * * *

Related Controls: Technology defined in 5E001.b.1, 5E001.b.2, 5E001.b.4, or 5E001.c for use on board satellites is subject to the export licensing authority of the Department of State, Directorate of Defense Trade Controls (22 CFR part 121). See also 5E101, 5E980 and 5E991.

* * * * *

Items:

* * * * *

b. * * *

b.4. * * *

Note: *5E001.b.4 does not apply to ''technology'' for the ''development'' of any of the following:*

a. Civil cellular radio-communications systems; or

b. Fixed or mobile satellite Earth stations for commercial civil telecommunications.

c. * * *

c.1. Equipment employing digital techniques designed to operate at a ''total digital transfer rate'' exceeding 120 Gbit/s;

Technical Note: *For telecommunication switching equipment the ''total digital transfer rate'' is the unidirectional speed of a single interface, measured at the highest speed port or line.*

c.2. * * *

c.2.c. Employing coherent optical transmission or coherent optical detection techniques;

Note: *5E001.c.2.c applies to ''technology'' specially designed for the ''development'' or ''production'' of systems using an optical local oscillator in the receiving side to synchronize with a carrier ''laser.''*

Technical Note: *For the purpose of 5E001.c.2.c, these techniques include optical heterodyne, homodyne or intradyne techniques.*

* * * * *

c.4.c. Operating in the 1.5 MHz to 87.5 MHz band and incorporating adaptive techniques providing more than 15 dB suppression of an interfering signal; *or*

* * * * *

■ 61. Supplement No. 1 to Part 774 (the Commerce Control List), Category 5, Part I, ECCN 5E980 is amended by revising the Heading and the Related Controls paragraph in the List of Items Controlled section to read as follows:

5E980 ''Technology'', other than that controlled by 5E001.a (for 5A001.i, and for 5D001.a (for 5A001.i)), primarily useful for the ''development'', ''production'', or ''use'' of equipment, functions or features, of equipment controlled by 5A980 or ''software'' controlled by 5D980.

* * * * *

List of Items Controlled

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Related Controls: See also 5D001.a and .c (for 5A001.i equipment), 5D001.b (supporting 5E001.a ''technology'' for 5A001.i equipment, or for 5D001.a ''software'' (for 5A001.i equipment)), and 5E001.a (for 5A001.i equipment, or for 5D001.a ''software'' for 5A001.i equipment).

* * * * *

■ 62. Supplement No. 1 to part 774 (the Commerce Control List), Category 5, part II, ECCN 5A002 is amended by adding a Note to paragraph a.8 in the Items paragraph of the List of Items Controlled section to read as follows:

5A002 ''Information security'' systems, equipment and components therefor, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Items:

* * * * *

a. * * *

a.8. * * *

Note: *5A002.a.8 applies only to physical layer security.*

* * * * *

■ 63. Supplement No. 1 to part 774 (the Commerce Control List), Category 6—Sensors and ''Lasers'', ECCN 6A001 is amended by:

■ a. Revising the introductory paragraph a.1.b in the Items paragraph of the List of Items Controlled section;

■ b. Adding a Technical Note to the introductory paragraph a.2.a (following the Note);

■ c. Adding a Technical Note to the introductory paragraph a.2.b;

■ d. Revising the introductory paragraph a.2.e., to read as follows:

6A001 Acoustic systems, equipment and components, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Items:

a. * * *

a.1. * * *

a.1.b. Systems or transmitting and receiving arrays, designed for object detection or location, having any of the following:

* * * * *

a.2. * * *

a.2.a. * * *

Technical Note: *Hydrophones consist of one or more sensing elements producing a single acoustic output channel. Those that contain multiple elements can be referred to as a hydrophone group.*

* * * * *

a.2.b. Towed acoustic hydrophone arrays having any of the following:

Technical Note: *Hydrophone arrays consist of a number of hydrophones providing multiple acoustic output channels.*

* * * * *

a.2.e. Bottom or bay-cable hydrophone arrays having any of the following:

* * * * *

■ 64. In Supplement No. 1 to part 774 (the Commerce Control List), Category, ECCN 6A002 is amended by revising the License Requirements section, the LVS and STA paragraphs of the License Exceptions sections and the Items paragraph of the List of Items Controlled section, to read as follows:

6A002 Optical sensors or equipment and components therefor, as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, MT, CC, RS, AT, UN

Control(s)	*Country chart*
NS applies to entire entry.	NS Column 2.
MT applies to optical detectors in 6A002.a.1, or a.3 that are specially designed or modified to protect ''missiles'' against nuclear effects (e.g., Electromagnetic Pulse (EMP), X-rays, combined blast and thermal effects), and usable for ''missiles''.	MT Column 1.
RS applies to 6A002.a.1, a.2, a.3 (except a.3.d.2.a and a.3.e for lead selenide based focal plane arrays (FPAs)), and .c.	RS Column 1.
CC applies to police-model infrared viewers in 6A002.c.	CC Column 1.
AT applies to entire entry.	AT Column 1.
UN applies to 6A002.a.1, a.2, a.3 and c.	Iraq, North Korea, and Rwanda.

License Requirement Notes: *See § 743.1 of the EAR for reporting requirements for exports under License Exceptions.*

License Exceptions

LVS: $3,000; except N/A for MT and for 6A002.a.1, a.2, a.3, and .c.

* * * * *

STA: License Exception STA may not be used to ship to any of the eight destinations listed in § 740.20(c)(2) of the EAR any commodity in: 6A002.a.1.a, a.1.b or a.1.c; 6A002.a.3.c, a.3.d, a.3.e, or a.3.f; or 6A002.b.

* * * * *

List of Items Controlled

* * * * *

Items:

a. Optical detectors as follows:

a.1. ''Space-qualified'' solid-state detectors as follows:

Note: *For the purpose of 6A002.a.1, solid-state detectors include ''focal plane arrays''.*

a.1.a. ''Space-qualified'' solid-state detectors having all of the following:

a.1.a.1. A peak response in the wavelength range exceeding 10 nm but not exceeding 300 nm; *and*

a.1.a.2. A response of less than 0.1% relative to the peak response at a wavelength exceeding 400 nm;

a.1.b. ''Space-qualified'' solid-state detectors having all of the following:

a.1.b.1. A peak response in the wavelength range exceeding 900 nm but not exceeding 1,200 nm; *and*

a.1.b.2. A response ''time constant'' of 95 ns or less;

a.1.c. ''Space-qualified'' solid-state detectors having a peak response in the

wavelength range exceeding 1,200 nm but not exceeding 30,000 nm;

a.1.d. ''Space-qualified'' ''focal plane arrays'' having more than 2,048 elements per array and having a peak response in the wavelength range exceeding 300 nm but not exceeding 900 nm;

a.2. Image intensifier tubes and specially designed components therefor, as follows:

Note: *6A002.a.2 does not control non-imaging photomultiplier tubes having an electron sensing device in the vacuum space limited solely to any of the following:*

a. A single metal anode; or

b. Metal anodes with a center to center spacing greater than 500 µm.

Technical Note: *'Charge multiplication' is a form of electronic image amplification and is defined as the generation of charge carriers as a result of an impact ionization gain process. 'Charge multiplication' sensors may take the form of an image intensifier tube, solid state detector or ''focal plane array''.*

a.2.a. Image intensifier tubes having all of the following:

a.2.a.1. A peak response in the wavelength range exceeding 400 nm but not exceeding 1,050 nm;

a.2.a.2. Electron image amplification using any of the following:

a.2.a.2.a. A microchannel plate with a hole pitch (center-to-center spacing) of 12 µm or less; *or*

a.2.a.2.b. An electron sensing device with a non-binned pixel pitch of 500 µm or less, specially designed or modified to achieve 'charge multiplication' other than by a microchannel plate; *and*

a.2.a.3. Any of the following photocathodes:

a.2.a.3.a. Multialkali photocathodes (e.g., S–20 and S–25) having a luminous sensitivity exceeding 350 µA/lm;

a.2.a.3.b. GaAs or GaInAs photocathodes; *or*

a.2.a.3.c. Other ''III–V compound'' semiconductor photocathodes having a maximum ''radiant sensitivity'' exceeding 10 mA/W;

a.2.b. Image intensifier tubes having all of the following:

a.2.b.1. A peak response in the wavelength range exceeding 1,050 nm but not exceeding 1,800 nm;

a.2.b.2. Electron image amplification using any of the following:

a.2.b.2.a. A microchannel plate with a hole pitch (center-to-center spacing) of 12 µm or less; *or*

a.2.b.2.b. An electron sensing device with a non-binned pixel pitch of 500 µm or less, specially designed or modified to achieve 'charge multiplication' other than by a microchannel plate; *and*

a.2.b.3. ''III/V compound'' semiconductor (e.g., GaAs or GaInAs) photocathodes and transferred electron photocathodes, having a maximum ''radiant sensitivity'' exceeding 15 mA/W;

a.2.c. Specially designed components as follows:

a.2.c.1. Microchannel plates having a hole pitch (center-to-center spacing) of 12 µm or less;

a.2.c.2. An electron sensing device with a non-binned pixel pitch of 500 µm or less, specially designed or modified to achieve 'charge multiplication' other than by a microchannel plate;

a.2.c.3. ''III–V compound'' semiconductor (e.g., GaAs or GaInAs) photocathodes and transferred electron photocathodes;

Note: *6A002.a.2.c.3 does not control compound semiconductor photocathodes designed to achieve a maximum ''radiant sensitivity'' of any of the following:*

a. 10 mA/W or less at the peak response in the wavelength range exceeding 400 nm but not exceeding 1,050 nm; or

b. 15 mA/W or less at the peak response in the wavelength range exceeding 1,050 nm but not exceeding 1,800 nm.

a.3. Non-''space-qualified'' ''focal plane arrays'' as follows:

N.B.: *'Microbolometer' non-''space-qualified'' ''focal plane arrays'' are only specified by 6A002.a.3.f.*

Technical Note: *Linear or two-dimensional multi-element detector arrays are referred to as ''focal plane arrays'';*

Note 1: *6A002.a.3 includes photoconductive arrays and photovoltaic arrays.*

Note 2: *6A002.a.3 does not control:*

a. Multi-element (not to exceed 16 elements) encapsulated photoconductive cells using either lead sulphide or lead selenide;

b. Pyroelectric detectors using any of the following:

b.1. Triglycine sulphate and variants;

b.2. Lead-lanthanum-zirconium titanate and variants;

b.3. Lithium tantalate;

b.4. Polyvinylidene fluoride and variants; or

b.5. Strontium barium niobate and variants.

c. ''Focal plane arrays'' specially designed or modified to achieve 'charge multiplication' and limited by design to have a maximum ''radiant sensitivity'' of 10 mA/W or less for wavelengths exceeding 760 nm, having all of the following:

c.1. Incorporating a response limiting mechanism designed not to be removed or modified; and

c.2. Any of the following:

c.2.a. The response limiting mechanism is integral to or combined with the detector element; or

c.2.b. The ''focal plane array'' is only operable with the response limiting mechanism in place.

Technical Note: *A response limiting mechanism integral to the detector element is designed not to be removed or modified without rendering the detector inoperable.*

a.3.a. Non-''space-qualified'' ''focal plane arrays'' having all of the following:

a.3.a.1. Individual elements with a peak response within the wavelength range exceeding 900 nm but not exceeding 1,050 nm; *and*

a.3.a.2. Any of the following:

a.3.a.2.a. A response ''time constant'' of less than 0.5 ns; *or*

a.3.a.2.b. Specially designed or modified to achieve 'charge multiplication' and having a maximum ''radiant sensitivity'' exceeding 10 mA/W.

a.3.b. Non-''space-qualified'' ''focal plane arrays'' having all of the following:

a.3.b.1. Individual elements with a peak response in the wavelength range exceeding 1,050 nm but not exceeding 1,200 nm; *and*

a.3.b.2. Any of the following:

a.3.b.2.a. A response ''time constant'' of 95 ns or less; *or*

a.3.b.2.b. Specially designed or modified to achieve 'charge multiplication' and having a maximum ''radiant sensitivity'' exceeding 10 mA/W.

a.3.c. Non-''space-qualified'' non-linear (2-dimensional) ''focal plane arrays'' having individual elements with a peak response in the wavelength range exceeding 1,200 nm but not exceeding 30,000 nm;

N.B.: *Silicon and other material based 'microbolometer' non-''space-qualified'' ''focal plane arrays'' are only specified by 6A002.a.3.f.*

a.3.d. Non-''space-qualified'' linear (1-dimensional) ''focal plane arrays'' having all of the following:

a.3.d.1. Individual elements with a peak response in the wavelength range exceeding 1,200 nm but not exceeding 3,000 nm; *and*

a.3.d.2. Any of the following:

a.3.d.2.a. A ratio of 'scan direction' dimension of the detector element to the 'cross-scan direction' dimension of the detector element of less than 3.8; *or*

a.3.d.2.b. Signal PRocessing In The Element (SPRITE);

Note: *6A002.a.3.d does not control ''focal plane arrays'' (not to exceed 32 elements) having detector elements limited solely to germanium material.*

Technical Note: *For the purposes of 6A002.a.3.d, 'cross-scan direction' is defined as the axis parallel to the linear array of detector elements and the 'scan direction' is defined as the axis perpendicular to the linear array of detector elements.*

a.3.e. Non-''space-qualified'' linear (1-dimensional) ''focal plane arrays'' having individual elements with a peak response in the wavelength range exceeding 3,000 nm but not exceeding 30,000 nm;

a.3.f. Non-''space-qualified'' non-linear (2-dimensional) infrared ''focal plane arrays'' based on 'microbolometer' material having individual elements with an unfiltered response in the wavelength range equal to or exceeding 8,000 nm but not exceeding 14,000 nm;

Technical Note: *For the purposes of 6A002.a.3.f, 'microbolometer' is defined as a thermal imaging detector that, as a result of a temperature change in the detector caused by the absorption of infrared radiation, is used to generate any usable signal.*

a.3.g. Non-''space-qualified'' ''focal plane arrays'' having all of the following:

a.3.g.1. Individual detector elements with a peak response in the wavelength range exceeding 400 nm but not exceeding 900 nm;

a.3.g.2. Specially designed or modified to achieve 'charge multiplication' and having a maximum ''radiant sensitivity'' exceeding 10 mA/W for wavelengths exceeding 760 nm; *and*

a.3.g.3. Greater than 32 elements.

b. ''Monospectral imaging sensors'' and ''multispectral imaging sensors'', designed for remote sensing applications and having any of the following:

b.1. An Instantaneous-Field-Of-View (IFOV) of less than 200 μrad (microradians); *or*

b.2. Specified for operation in the wavelength range exceeding 400 nm but not exceeding 30,000 nm and having all the following:

b.2.a. Providing output imaging data in digital format; *and*

b.2.b. Having any of the following characteristics:

b.2.b.1. ''Space-qualified''; *or*

b.2.b.2. Designed for airborne operation, using other than silicon detectors, and having an IFOV of less than 2.5 mrad (milliradians);

Note: *6A002.b.1 does not control ''monospectral imaging sensors'' with a peak response in the wavelength range exceeding 300 nm but not exceeding 900 nm and only incorporating any of the following non-''space-qualified'' detectors or non-''space-qualified'' ''focal plane arrays'':*

a. Charge Coupled Devices (CCD) not designed or modified to achieve 'charge multiplication'; or

b. Complementary Metal Oxide Semiconductor (CMOS) devices not designed or modified to achieve 'charge multiplication'.

c. 'Direct view' imaging equipment incorporating any of the following:

c.1. Image intensifier tubes having the characteristics listed in 6A002.a.2.a or 6A002.a.2.b;

c.2. ''Focal plane arrays'' having the characteristics listed in 6A002.a.3; *or*

c.3. Solid state detectors specified by 6A002.a.1.

Technical Note: *'Direct view' refers to imaging equipment that presents a visual image to a human observer without converting the image into an electronic signal for television display, and that cannot record or store the image photographically, electronically or by any other means.*

Note: *6A002.c does not control equipment as follows, when incorporating other than GaAs or GaInAs photocathodes:*

a. Industrial or civilian intrusion alarm, traffic or industrial movement control or counting systems;

b. Medical equipment;

c. Industrial equipment used for inspection, sorting or analysis of the properties of materials;

d. Flame detectors for industrial furnaces;

e. Equipment specially designed for laboratory use.

d. Special support components for optical sensors, as follows:

d.1. ''Space-qualified'' cryocoolers;

d.2. Non-''space-qualified'' cryocoolers having a cooling source temperature below 218K (−55 °C), as follows:

d.2.a. Closed cycle type with a specified Mean-Time-To-Failure (MTTF) or Mean-Time-Between-Failures (MTBF), exceeding 2,500 hours;

d.2.b. Joule-Thomson (JT) self-regulating minicoolers having bore (outside) diameters of less than 8 mm;

d.3. Optical sensing fibers specially fabricated either compositionally or structurally, or modified by coating, to be acoustically, thermally, inertially, electromagnetically or nuclear radiation sensitive.

Note: *6A002.d.3 does not apply to encapsulated optical sensing fibers specially designed for bore hole sensing applications.*

■ 65. In Supplement No. 1 to Part 774 (the Commerce Control List), Category, ECCN 6A003 is amended by:

■ a. Revising the Heading;

■ b. Revising the License Requirements section; and

■ c. Revising the Related Controls and Items paragraphs of the List of Items Controlled, to read as follows:

6A003 Cameras, systems or equipment, and components therefor, as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, NP, RS, AT, UN

Control(s)	*Country chart*
NS applies to entire entry.	NS Column 2.
NP applies to items controlled in paragraphs 6A003.a.2, a.3 and a.4.	NP Column 1.
RS applies to 6A003.b.3, 6A003.b.4.a, 6A003.b.4.c and to items controlled in 6A003.b.4.b that have a frame rate greater than 60 Hz or that incorporate a focal plane array with more than 111,000 elements, or to items in 6A003.b.4.b when being exported or reexported to be embedded in a civil product. (But see § 742.6(a)(2)(iii) and (v) for certain exemptions).	RS Column 1.
RS applies to items controlled in 6A003.b.4.b that have a frame rate of 60 Hz or less and that incorporate a focal plane array with not more than 111,000 elements if not being exported or reexported to be embedded in a civil product.	RS Column 2.
RS applies to 6A003.b.4.b.	A license is required to export or reexport these items to Hong Kong. This license requirement does not appear in the Commerce Country Chart.
AT applies to entire entry.	AT Column 1.
UN applies to 6A003.b.3 and b.4.	Iraq and Rwanda.

License Requirement Notes: See § 743.1 of the EAR for reporting requirements for exports under License Exceptions.

* * * * *

List of Items Controlled

Unit: * * *

Related Controls: (1) See ECCNs 6E001 (''development''), 6E002 (''production''), and 6E201 (''use'') for technology for items controlled under this entry. (2) Also see ECCN 6A203. (3) See ECCN 8A002.d.1 and .e for television and film-based photographic still cameras specially designed or modified for underwater use. (4) See ECCN 0A919 for foreign made military commodities that incorporate cameras described in 6A003.b.3, 6A003.b.4.b, or 6A003.b.4.c. (5) Section 744.9 imposes license requirements on cameras described in 6A003.b.3, 6A003.b.4.b, or 6A003.b.4.c if being exported for incorporation into an item controlled by ECCN 0A919 or for a military end-user.

Related Definitions: * * *

Items:

a. Instrumentation cameras and specially designed components therefor, as follows:

Note: *Instrumentation cameras, controlled by 6A003.a.3 to 6A003.a.5, with modular structures should be evaluated by their maximum capability, using plug-ins available according to the camera manufacturer's specifications.*

a.1. High-speed cinema recording cameras using any film format from 8 mm to 16 mm inclusive, in which the film is continuously advanced throughout the recording period, and that are capable of recording at framing rates exceeding 13,150 frames/s;

Note: *6A003.a.1 does not control cinema recording cameras designed for civil purposes.*

a.2. Mechanical high speed cameras, in which the film does not move, capable of recording at rates exceeding 1,000,000 frames/s for the full framing height of 35 mm film, or at proportionately higher rates for lesser frame heights, or at proportionately lower rates for greater frame heights;

a.3. Mechanical or electronic streak cameras having writing speeds exceeding 10 mm/μs;

a.4. Electronic framing cameras having a speed exceeding 1,000,000 frames/s;

a.5. Electronic cameras having all of the following:

a.5.a. An electronic shutter speed (gating capability) of less than 1μs per full frame; *and*

a.5.b. A read out time allowing a framing rate of more than 125 full frames per second;

a.6. Plug-ins having all of the following characteristics:

a.6.a. Specially designed for instrumentation cameras which have modular structures and that are controlled by 6A003.a; *and*

a.6.b. Enabling these cameras to meet the characteristics specified by 6A003.a.3, 6A003.a.4 or 6A003.a.5, according to the manufacturer's specifications;

b. Imaging cameras as follows:

Note: *6A003.b does not control television or video cameras specially designed for television broadcasting.*

b.1. Video cameras incorporating solid state sensors, having a peak response in the wavelength range exceeding 10 nm, but not exceeding 30,000 nm and having all of the following:

b.1.a. Having any of the following:

b.1.a.1. More than 4 x 10^6 ''active pixels'' per solid state array for monochrome (black and white) cameras;

b.1.a.2. More than 4 x 10^6 ''active pixels'' per solid state array for color cameras incorporating three solid state arrays; *or*

b.1.a.3. More than 12 x 10^6 ''active pixels'' for solid state array color cameras incorporating one solid state array; *and*

b.1.b. Having any of the following:

b.1.b.1. Optical mirrors controlled by 6A004.a.;

b.1.b.2. Optical control equipment controlled by 6A004.d.; *or*

b.1.b.3. The capability for annotating internally generated 'camera tracking data';

Technical Notes: *1. For the purposes of this entry, digital video cameras should be evaluated by the maximum number of ''active pixels'' used for capturing moving images.*

2. For the purpose of this entry, 'camera tracking data' is the information necessary to define camera line of sight orientation with respect to the earth. This includes: 1) the horizontal angle the camera line of sight makes with respect to the earth's magnetic field direction and; 2) the vertical angle between the camera line of sight and the earth's horizon.

b.2. Scanning cameras and scanning camera systems, having all of the following:

b.2.a. A peak response in the wavelength range exceeding 10 nm, but not exceeding 30,000 nm;

b.2.b. Linear detector arrays with more than 8,192 elements per array; *and*

b.2.c. Mechanical scanning in one direction;

Note: *6A003.b.2 does not apply to scanning cameras and scanning camera systems, specially designed for any of the following:*

a. Industrial or civilian photocopiers;

b. Image scanners specially designed for civil, stationary, close proximity scanning applications (e.g., reproduction of images or print contained in documents, artwork or photographs); or

c. Medical equipment.

b.3. Imaging cameras incorporating image intensifier tubes having the characteristics listed in 6A002.a.2.a or 6A002.a.2.b;

b.4. Imaging cameras incorporating ''focal plane arrays'' having any of the following:

b.4.a. Incorporating ''focal plane arrays'' controlled by 6A002.a.3.a to 6A002.a.3.e;

b.4.b. Incorporating ''focal plane arrays'' controlled by 6A002.a.3.f; *or*

b.4.c. Incorporating ''focal plane arrays'' controlled by 6A002.a.3.g;

Note 1: *Imaging cameras described in 6A003.b.4 include ''focal plane arrays'' combined with sufficient ''signal processing'' electronics, beyond the read out integrated circuit, to enable as a minimum the output of an analog or digital signal once power is supplied.*

Note 2: *6A003.b.4.a does not control imaging cameras incorporating linear ''focal plane arrays'' with 12 elements or fewer, not employing time-delay-and-integration within the element and designed for any of the following:*

a. Industrial or civilian intrusion alarm, traffic or industrial movement control or counting systems;

b. Industrial equipment used for inspection or monitoring of heat flows in buildings, equipment or industrial processes;

c. *Industrial equipment used for inspection, sorting or analysis of the properties of materials;*

d. Equipment specially designed for laboratory use; or

e. Medical equipment.

Note 3: *6A003.b.4.b does not control imaging cameras having any of the following:*

a. A maximum frame rate equal to or less than 9 Hz;

b. Having all of the following:

1. Having a minimum horizontal or vertical 'Instantaneous-Field-of-View (IFOV)' of at least 10 mrad/pixel (milliradians/pixel);

2. Incorporating a fixed focal-length lens that is not designed to be removed;

3. Not incorporating a 'direct view' display; and

Technical Note: *'Direct view' refers to an imaging camera operating in the infrared spectrum that presents a visual image to a human observer using a near-to-eye micro display incorporating any light-security mechanism.*

4. Having any of the following:

a. No facility to obtain a viewable image of the detected field-of-view; or

b. The camera is designed for a single kind of application and designed not to be user modified; or

Technical Note: *'Instantaneous Field of View (IFOV)' specified in Note 3.b is the lesser figure of the 'Horizontal FOV' or the 'Vertical FOV'.*

'Horizontal IFOV' = horizontal Field of View (FOV)/number of horizontal detector elements

'Vertical IFOV'= vertical Field of View (FOV)/number of vertical detector elements.

c. The camera is specially designed for installation into a civilian passenger land vehicle of less than 3 tonnes (gross vehicle weight) and having all of the following:

1. Is operable only when installed in any of the following:

a. The civilian passenger land vehicle for which it was intended; or

b. A specially designed, authorized maintenance test facility; and

2. Incorporates an active mechanism that forces the camera not to function when it is removed from the vehicle for which it was intended.

Note: *When necessary, details of the items will be provided, upon request, to the Bureau of Industry and Security in order to ascertain compliance with the conditions described in Note 3.b.4 and Note 3.c in this Note to 6A003.b.4.b.*

Note 4: *6A003.b.4.c does not apply to 'imaging cameras' having any of the following characteristics:*

a. Having all of the following:

1. Where the camera is specially designed for installation as an integrated component into indoor and wall-plug-operated systems or equipment, limited by design for a single kind of application, as follows:

a. Industrial process monitoring, quality control, or analysis of the properties of materials;

b. Laboratory equipment specially designed for scientific research;

c. Medical equipment;

d. Financial fraud detection equipment; and

2. Is only operable when installed in any of the following:

a. The system(s) or equipment for which it was intended; or

b. A specially designed, authorized maintenance facility; and

3. Incorporates an active mechanism that forces the camera not to function when it is removed from the system(s) or equipment for which it was intended;

b. Where the camera is specially designed for installation into a civilian passenger land vehicle of less than 3 tonnes (gross vehicle weight), or passenger and vehicle ferries having a length overall (LOA) 65 m or greater, and having all of the following:

1. Is only operable when installed in any of the following:

a. The civilian passenger land vehicle or passenger and vehicle ferry for which it was intended; or

b. A specially designed, authorized maintenance test facility; and

2. Incorporates an active mechanism that forces the camera not to function when it is removed from the vehicle for which it was intended;

c. Limited by design to have a maximum ''radiant sensitivity'' of 10 mA/W or less for wavelengths exceeding 760 nm, having all of the following:

1. Incorporating a response limiting mechanism designed not to be removed or modified; and

2. Incorporates an active mechanism that forces the camera not to function when the response limiting mechanism is removed; and

3. Not specially designed or modified for underwater use; or

d. Having all of the following:

1. Not incorporating a 'direct view' or electronic image display;

2. Has no facility to output a viewable image of the detected field of view;

3. The ''focal plane array'' is only operable when installed in the camera for which it was intended; and

4. The ''focal plane array'' incorporates an active mechanism that forces it to be permanently inoperable when removed from the camera for which it was intended.

Note: *When necessary, details of the item will be provided, upon request, to the Bureau of Industry and Security in order to ascertain compliance with the conditions described in Note 4 above.*

b.5. Imaging cameras incorporating solid-state detectors specified by 6A002.a.1.

■ 66. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 6, ECCN 6B008 is amended by adding the Note ''License Requirement Notes: See § 743.1 of the EAR for reporting requirements for exports under License Exceptions.'' to the end of the License Requirements section.

■ 67. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 6, ECCN 6D991 is amended by revising the Heading and the License Requirements section, to read as follows:

6D991 ''Software'' specially designed for the ''development'', ''production'', or ''use'' of equipment controlled by 6A002.a.1.d, 6A991, 6A996, 6A997, or 6A998.

License Requirements

Reason for Control: RS, AT

Control(s)	*Country chart*
RS applies to ''software'' for equipment controlled by 6A002.a.1.d or 6A998.b.	RS Column 1.
AT applies to entire entry, except ''software'' for equipment controlled by 6A991.	AT Column 1.
AT applies to ''software'' for equipment controlled by 6A991.	AT Column 2.

* * * * *

■ 68. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 6 Sensors, Export Control Classification Number (ECCN) 6D994 is removed.

■ 69. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 6, ECCN 6E001 is amended by adding a ''License Requirements'' heading above the ''Reason for Control'' heading, revising the RS paragraph of the License Requirements section and the TSR paragraph of the License Exceptions section, to read as follows:

6E001 ''Technology'' according to the General Technology Note for the ''development'' of equipment, materials or ''software'' controlled by 6A (except 6A991, 6A992, 6A994, 6A995, 6A996, 6A997, or 6A998), 6B (except 6B995), 6C (except 6C992 or 6C994), or 6D (except 6D991, 6D992, or 6D993).

License Requirements

* * * * *

Control(s)	*Country chart*
RS applies to ''technology'' for equipment controlled by 6A002.a.1, .a.2, .a.3, or .c, 6A003.b.3 or .b.4, or 6A008.j.1.	RS Column 1.

* * * * *

* * * * *

License Requirement Notes: *See § 743.1 of the EAR for reporting requirements for exports under License Exceptions.*

* * * * *

License Exceptions

* * * * *

TSR: Yes, except for the following:

(1) Items controlled for MT reasons;

(2) ''Technology'' for commodities controlled by 6A002.a.1.d, 6A004.e or 6A008.j.1;

(3) ''Technology'' for ''software'' specially designed for ''space qualified'' ''laser'' radar or Light Detection and Ranging (LIDAR) equipment defined in 6A008.j.1 and controlled by 6D001 or 6D002;

(4) Exports or reexports to destinations outside of Austria, Belgium, Canada, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Japan, Luxembourg, the Netherlands, Portugal, Spain, Sweden, or the United Kingdom of ''technology'' for the ''development'' of the following: 6A001.a.1.b, 6A001.a.1.e, 6A001.a.2.a.1, 6A001.a.2.a.2, 6A001.a.2.a.3, 6A001.a.2.a.5, 6A001.a.2.a.6, 6A001.a.2.b, 6A001.a.2.d, 6A001.a.2.e., 6A002.a.1.a, 6A002.a.1.b, 6A002.a.1.c, 6A002.a.3.c through a.3.f, 6A002.b, 6A003.b.3, 6A003.b.4, 6A004.c, 6A004.d, 6A006.a.2, 6A006.c.1, 6A006.d, 6A006.e, 6A008.d, 6A008.h, 6A008.k, 6B008, 6D003.a; (b) Equipment controlled by 6A001.a.2.c or 6A001.a.2.f when specially designed for real time applications; or (c) ''Software'' controlled by 6D001 and specially designed for the ''development'' or ''production'' of equipment controlled by 6B008, or 6D003.a; or

(5) Exports or reexports to Rwanda.

* * * * *

■ 70. In Supplement No. 1 to Part 774 (the Commerce Control List), Category, ECCN 6E002 is amended by adding a ''License Requirements'' heading above the ''Reason for Control'' heading, revising the RS paragraph of the License Requirements section and the TSR paragraph of the License Exceptions section, to read as follows:

6E002 ''Technology'' according to the General Technology Note for the ''production'' of equipment or materials controlled by 6A (except 6A991, 6A992, 6A994, 6A995, 6A996, 6A997 or 6A998), 6B (except 6B995) or 6C (except 6C992 or 6C994).

License Requirements

* * * * *

Control(s)	*Country chart*
RS applies to ''technology'' for equipment controlled by 6A002.a.1, .a.2, .a.3, or .c, 6A003.b.3 or .b.4, or 6A008.j.1.	RS Column 1

* * * * *

License Exceptions

* * * * *

TSR: Yes, except for the following:

(1) Items controlled for MT reasons;

(2) ''Technology'' for commodities controlled by 6A002.a.1.d, 6A004.e or 6A008.j.1;

(3) Exports or reexports to destinations outside of Austria, Belgium, Canada, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Japan, Luxembourg, the Netherlands, Portugal, Spain, Sweden, or the United Kingdom of ''technology'' for the ''development'' of the following: (a) Items controlled by 6A001.a.1.b, 6A001.a.1.e, 6A001.a.2.a.1, 6A001.a.2.a.2, 6A001.a.2.a.3, 6A001.a.2.a.5, 6A001.a.2.a.6, 6A001.a.2.b, 6A002.a.3.c through a.3.f, 6A002.b, 6A003.b.3, 6A003.b.4, 6A004.c, 6A004.d, 6A006.a.2, 6A006.c.1, 6A006.d, 6A006.e, 6A008.d, 6A008.h, 6A008.k, 6B008; and (b) Equipment controlled by 6A001.a.2.c and 6A001.a.2.f when specially designed for real time applications; or

(4) Exports or reexports to Rwanda.

* * * * *

■ 71. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 6, ECCN 6E101 is amended by revising the Related Definitions paragraph of the List of Items Controlled section, to read as follows:

6E101 ''Technology'' according to the General Technology Note for the ''use'' of equipment or ''software'' controlled by 6A002, 6A007.b and .c, 6A008, 6A102, 6A107, 6A108, 6B108, 6D102 or 6D103.

* * * * *

List of Items Controlled

* * * * *

Related Definitions: (1) This entry only controls ''technology'' for equipment controlled by 6A008 when it is designed for airborne applications and is usable in ''missiles''. (2) This entry only controls ''technology'' for items in 6A002.a.1 and a.3 that are specially designed or modified to protect ''missiles'' against nuclear effects (e.g., Electromagnetic Pulse (EMP), X-rays, combined blast and thermal effects), and usable for ''missiles.'' (3) This entry only controls ''technology'' for items in 6A007.b

and .c when the accuracies in 6A007.b.1 and b.2 are met or exceeded.

* * * * *

■ 72. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 7, ECCN 7A003 is amended by revising the Heading to read as follows:

7A003 Inertial systems and specially designed components, as follows (see List of Items Controlled).

* * * * *

■ 73. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 7, ECCN 7A004 is amended by revising the Heading and the Items paragraph of the List of Items Controlled, to read as follows:

7A004 'Star trackers' and components therefor, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Items:

a. 'Star trackers' with a specified azimuth accuracy of equal to or less (better) than 20 seconds of arc throughout the specified lifetime of the equipment;

b. Components specially designed for equipment specified in 7A004.a as follows:

b.1. Optical heads or baffles;

b.2. Data processing units.

Technical Note: *'Star trackers' are also referred to as stellar attitude sensors or gyro-astro compasses.*

■ 74. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 7, ECCN 7A005 is amended by revising the Heading to read as follows:

7A005 Global Navigation Satellite Systems (GNSS) receiving equipment having any of the following (see List of Items Controlled) and specially designed components therefor.

* * * * *

■ 75. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 7, ECCN 7D002 is amended by revising the Heading and the Related Controls paragraph of the List of Items Controlled, to read as follows:

7D002 ''Source code'' for the operation or maintenance of any inertial navigation equipment, including inertial equipment not controlled by 7A003 or 7A004, or Attitude and Heading Reference Systems ('AHRS').

* * * * *

List of Items Controlled

* * * * *

Related Controls: (1) See also 7D102 and 7D994. (2) This entry does not control ''source code'' for the operation or maintenance of gimballed 'AHRS'.

* * * * *

■ 76. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 7, ECCN 7D003 is amended by revising paragraph d.7. in the Items paragraph of the List of Items Controlled to read as follows:

7D003 Other ''software'' as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Items:

* * * * *

d. * * *

d.7. Three dimensional displays;

* * * * *

■ 77. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 7, ECCN 7E004 is amended by removing and reserving paragraph a.1 in the Items paragraph of the List of Items Controlled.

■ 78. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 8, ECCN 8A002 is amended by:

■ a. Revising the Related Controls paragraph in the List of Items Controlled section;

■ b. Revising paragraph c. in the Items paragraph of the List of Items Controlled section, to read as follows; and

■ c. Removing and reserving paragraph f. (including the Note) in the Items paragraph of the List of Items Controlled section.

8A002 Marine systems, equipment and components, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

Unit: * * *

Related Controls: (1) See also 8A992 and for underwater communications systems, see Category 5, Part I—Telecommunications). 8A002 does not control closed and semi-closed circuit (rebreathing) apparatus that is controlled under 8A018.a. (2) See also 8A992 for self-contained underwater breathing apparatus that is not controlled by 8A002 or released for control by the 8A002.q Note. (3) For electronic imaging systems specially designed or modified for underwater use incorporating image intensifier tubes specified by 6A002.a.2.a or 6A002.a.2.b, see 6A003.b.3. (4) For electronic imaging systems specially designed or modified for underwater use incorporating ''focal plane arrays'' specified by 6A002.a.3.g, see 6A003.b.4.c.

Related Definitions: * * *

Items:

* * * * *

c. Fiber optic pressure hull penetrators;

* * * * *

■ 79. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 9, ECCN 9A012 is amended by revising the Heading and the Items paragraph of the List of Items Controlled section to read as follows:

9A012 Non-military ''unmanned aerial vehicles,'' (''UAVs''), unmanned ''airships'', associated systems, equipment and components, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Items:

a. ''UAVs'' or unmanned ''airships'', having any of the following:

a.1. An autonomous flight control and navigation capability (*e.g.,* an autopilot with an Inertial Navigation System); *or*

a.2. Capability of controlled flight out of the direct visual range involving a human operator (*e.g.,* televisual remote control);

b. Associated systems, equipment and components, as follows:

b.1. Equipment specially designed for remotely controlling the ''UAVs'' or unmanned ''airships'', controlled by 9A012.a.;

b.2. Systems for navigation, attitude, guidance or control, other than those controlled in Category 7, specially designed to provide autonomous flight control or navigation capability to ''UAVs'' or unmanned ''airships'', controlled by 9A012.a.;

b.3. Equipment or components specially designed to convert a manned ''aircraft'' or a manned ''airship'' to a ''UAV'' or unmanned ''airship'', controlled by 9A012.a;

b.4. Air breathing reciprocating or rotary internal combustion type engines, specially designed or modified to propel ''UAVs'' or unmanned ''airships'', at altitudes above 50,000 feet (15,240 meters).

Note: *9A012 does not control model aircraft or model ''airships''.*

■ 80. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 9, ECCN 9D004 is amended by:

■ a. Removing and reserving paragraph d. (including the Note) in the Items paragraph of the List of Items Controlled section; and

■ b. Revising paragraph e. in the Items paragraph of the List of Items Controlled section to read as follows:

9D004 Other ''software'' as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Items:

* * * * *

e. ''Software'' specially designed or modified for the operation of ''UAVs'' and associated systems, equipment and components, controlled by 9A012;

* * * * *

■ 81. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 9, Product Group E is amended by revising the Note to read as follows:

E. Technology

Note: *''Development'' or ''production'' ''technology'' controlled by 9E001 to 9E003 for gas turbine engines remains controlled when used for repair or overhaul. Excluded from 9E001 to 9E003 control are: technical data, drawings or documentation for maintenance activities directly associated with calibration, removal or replacement of damaged or unserviceable line replaceable units, including replacement of whole engines or engine modules.*

■ 82. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 9, ECCN 9E003 is amended by revising paragraphs a.2. and c. in the Items paragraph of the List of Items Controlled section, to read as follows:

9E003 Other ''technology'' as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Items:

a. * * *

a.2. Combustors having any of the following:

a.2.a. Thermally decoupled liners designed to operate at 'combustor exit temperature' exceeding 1,883K (1,610 °C);

a.2.b. Non-metallic liners;

a.2.c. Non-metallic shells; or

a.2.d. Liners designed to operate at 'combustor exit temperature' exceeding 1,883K (1,610 °C) and having holes that meet the parameters specified by 9E003.c;

Note: *The ''required'' ''technology'' for holes in 9E003.a.2 is limited to the derivation of the geometry and location of the holes.*

Technical Note: *'Combustor exit temperature' is the bulk average gas path total (stagnation) temperature between the combustor exit plane and the leading edge of the turbine inlet guide vane (i.e., measured at engine station T40 as defined in SAE ARP 755A) when the engine is running in a 'steady state mode' of operation at the certificated maximum continuous operating temperature.*

N.B.: *See 9E003.c for ''technology'' ''required'' for manufacturing cooling holes.*

* * * * *

c. ''Technology'' ''required'' for manufacturing cooling holes, in gas turbine engine components incorporating any of the ''technologies'' specified by 9E003.a.1, 9E003.a.2 or 9E003.a.5, and having any of the following:

c.1. Having all of the following:

c.1.a. Minimum 'cross-sectional area' less than 0.45 mm^2;

c.1.b. 'Hole shape ratio' greater than 4.52; *and*

c.1.c. 'Incidence angle' equal to or less than 25°; *or*

c.2. Having all of the following:

c.2.a. Minimum 'cross-sectional area' less than 0.12 mm^2;

c.2.b. 'Hole shape ratio' greater than 5.65; *and*

c.2.c. 'Incidence angle' more than 25°;

Note: *9E003.c does not apply to ''technology'' for manufacturing constant radius cylindrical holes that are straight through and enter and exit on the external surfaces of the component.*

Technical Notes:

1. For the purposes of 9E003.c, the 'cross-sectional area' is the area of the hole in the plane perpendicular to the hole axis.

2. For the purposes of 9E003.c, 'hole shape ratio' is the nominal length of the axis of the hole divided by the square root of its minimum 'cross-sectional area'.

3. For the purposes of 9E003.c, 'incidence angle' is the acute angle measured between the plane tangential to the airfoil surface and the hole axis at the point where the hole axis enters the airfoil surface.

4. Techniques for manufacturing holes in 9E003.c include ''laser'', water jet, Electro-Chemical Machining (ECM) or Electrical Discharge Machining (EDM) methods.

* * * * *

Dated: June 14, 2012.

Kevin J. Wolf,

Assistant Secretary for Export Administration.

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Vol. 77, No. 127

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FEDERAL REGISTER PAGES AND DATE, JULY

39143–39384 2

CFR PARTS AFFECTED DURING JULY

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S. 404/P.L. 112–137
To modify a land grant patent issued by the Secretary of the Interior. (June 27, 2012; 126 Stat. 386)

S. 684/P.L. 112–138
To provide for the conveyance of certain parcels of land to the town of Alta, Utah. (June 27, 2012; 126 Stat. 388)

S. 997/P.L. 112–139
East Bench Irrigation District Water Contract Extension Act (June 27, 2012; 126 Stat. 390)

Last List June 26, 2012

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This table is used by the Office of the Federal Register to compute certain dates, such as effective dates and comment deadlines, which appear in agency documents. In computing these dates, the day after publication is counted as the first day.

When a date falls on a weekend or holiday, the next Federal business day is used. (See 1 CFR 18.17)

A new table will be published in the first issue of each month.

DATE OF FR PUBLICATION	15 DAYS AFTER PUBLICATION	21 DAYS AFTER PUBLICATION	30 DAYS AFTER PUBLICATION	35 DAYS AFTER PUBLICATION	45 DAYS AFTER PUBLICATION	60 DAYS AFTER PUBLICATION	90 DAYS AFTER PUBLICATION
July 2	Jul 17	Jul 23	Aug 1	Aug 6	Aug 16	Aug 31	Oct 1
July 3	Jul 18	Jul 24	Aug 2	Aug 7	Aug 17	Sep 4	Oct 1
July 5	Jul 20	Jul 26	Aug 6	Aug 9	Aug 20	Sep 4	Oct 3
July 6	Jul 23	Jul 27	Aug 6	Aug 10	Aug 20	Sep 4	Oct 4
July 9	Jul 24	Jul 30	Aug 8	Aug 13	Aug 23	Sep 7	Oct 9
July 10	Jul 25	Jul 31	Aug 9	Aug 14	Aug 24	Sep 10	Oct 9
July 11	Jul 26	Aug 1	Aug 10	Aug 15	Aug 27	Sep 10	Oct 9
July 12	Jul 27	Aug 2	Aug 13	Aug 16	Aug 27	Sep 10	Oct 10
July 13	Jul 30	Aug 3	Aug 13	Aug 17	Aug 27	Sep 11	Oct 11
July 16	Jul 31	Aug 6	Aug 15	Aug 20	Aug 30	Sep 14	Oct 15
July 17	Aug 1	Aug 7	Aug 16	Aug 21	Aug 31	Sep 17	Oct 15
July 18	Aug 2	Aug 8	Aug 17	Aug 22	Sep 4	Sep 17	Oct 16
July 19	Aug 3	Aug 9	Aug 20	Aug 23	Sep 4	Sep 17	Oct 17
July 20	Aug 6	Aug 10	Aug 20	Aug 24	Sep 4	Sep 18	Oct 18
July 23	Aug 7	Aug 13	Aug 22	Aug 27	Sep 6	Sep 21	Oct 22
July 24	Aug 8	Aug 14	Aug 23	Aug 28	Sep 7	Sep 24	Oct 22
July 25	Aug 9	Aug 15	Aug 24	Aug 29	Sep 10	Sep 24	Oct 23
July 26	Aug 10	Aug 16	Aug 27	Aug 30	Sep 10	Sep 24	Oct 24
July 27	Aug 13	Aug 17	Aug 27	Aug 31	Sep 10	Sep 25	Oct 25
July 30	Aug 14	Aug 20	Aug 29	Sep 4	Sep 13	Sep 28	Oct 29
July 31	Aug 15	Aug 21	Aug 30	Sep 4	Sep 14	Oct 1	Oct 29