

This notice solicits information, for the benefit of the Coast Guard but also for the mutual benefit of industry, as to the mechanisms that publicly traded companies have employed, *including but not limited to those mentioned in the quoted language above*, to assure compliance with United States citizenship requirements. We are also requesting information on the manner in which those mechanisms function to provide that assurance and, when called upon to do so, to offer proof of compliance. 76 FR 68205.

The reference to “the quoted language above” was to language in the most recent Coast Guard statement published in the **Federal Register** which addressed this subject. See 58 FR 60256, November 15, 1993 (“1993 final rule”). At that time, the Coast Guard offered the following statement which referenced only two mechanisms as examples (emphasis added):

The documentation laws are meant to be restrictive and are intended to limit the persons who are eligible to document vessels under U.S. law and acquire trading privileges. Corporations can make proof of citizenship less difficult, *for instance by restricting sale of their stock to U.S. citizens, or using a transfer agent to administer a dual stock certificate system*. Of course, any U.S. corporation that is unwilling to subject itself to the possibility of having to prove that it qualifies for coastwise or fisheries privileges can choose not to seek them. The Coast Guard will not be bound by any presumptions or inferences in making eligibility determinations for documentation purposes. 58 FR 60258–59.

Comments in Response to 2011 Notice

The comments the Coast Guard received from industry in response to the 2011 notice detailed how companies monitor and determine compliance with the statutory standard in the current paperless securities trading market, which is regulated by the Securities and Exchange Commission (“SEC”) and more complex than the system that existed when the Coast Guard issued its 1993 final rule. Those comments indicated that publicly-traded companies employ several measures to monitor and determine compliance, sometimes in combination with one another. These include, among others:

- Use of the Depository Trust Company segregated account (or “SEG–100”) system;
- Monitoring SEC filings re: 5% holders (Schedules 13D, 13G, Form 13F) and follow-up requests for information from filers;
- Use of protective provisions in organizational documents in order to guard against and rectify the possibility of what are referred to as excess shares;
- Communications with Non-Objecting Beneficial Owners (or “NOBOs”);

- Analysis of registered stockholders; and
- Use of dual stock certificates.

We also considered comments made at a general discussion of these issues at a forum organized by the Chamber of Shipping of America held on September 13, 2012, in Washington, DC, the minutes of which have been placed in the online docket (USCG–2011–0619 via www.regulations.gov).

The Coast Guard has taken all of the comments offered into account and is grateful to the commenters who were thorough, candid and forthcoming in their responses to the 2011 notice, both in the written responses and the discussion engaged in at the forum referred to above. The responses received and information provided are exactly what had been hoped for by publication of the notice and affirmed our sense, following issuance of the Trico Report, that it was appropriate, in light of the significant technological changes that have occurred in the trading of shares of stock since the Coast Guard’s 1993 final rule, to take another look at the issue.

The Coast Guard recognizes that in the modern, complex, multi-faceted, and dynamic securities market no single measure or combination of measures may always provide direct proof of the citizenship of every shareholder. The Coast Guard also recognizes that the choice of compliance measures is best left up to the individual company as each one is best positioned to evaluate initially and on an on-going basis the totality of its circumstances.

Companies that employ, and diligently administer and adhere to, measures such as those identified above in an active system of monitoring stock ownership may use these as a sufficient basis to file an Application for Initial Issue, Exchange, or Replacement of Certificate of Documentation (form CG–1258) to document a vessel with a coastwise endorsement. In that regard, while the Coast Guard expects diligence and good faith efforts, it will be realistic about acceptable measures in the current trading environment. Finally, the Coast Guard acknowledges that it does not seek to unnecessarily restrict access to the legitimate capital markets, which it recognizes to be essential to the maintenance of a strong and vibrant coastwise shipping industry, nor to mandate a one-size-fits-all structure or mechanism to ensure compliance with U.S. citizenship requirements. The Coast Guard, however, must fulfill its obligation to ensure compliance with those requirements, and will look for due diligence and timely good faith action by every company that seeks to

participate in restricted trading privileges, using means that are available to the company and at its disposal, in order to satisfy U.S. citizenship requirements.

The Coast Guard has a long-standing policy that the filing of a properly completed CG–1258 establishes a rebuttable presumption that the applicant is a United States citizen. See 46 CFR 67.43. The presumption can be rebutted with evidence that the statutory requirements have not been met. Such evidence can provide the basis for the Coast Guard to initiate an investigation and the burden will be upon the vessel owner to establish compliance. In investigations of publicly-traded companies for compliance with the statutory citizenship requirements, the Coast Guard will give positive consideration to a company’s diligent and good faith efforts to timely and effectively monitor the ownership of its stock and take prompt action where necessary so as to maintain compliance with the statutory requirements.

Further Development of Enforcement Policy

The Coast Guard will continue to listen to industry and the public and monitor events concerning this issue. We anticipate refining our enforcement policy as we see how well our stated policy works in allowing the Coast Guard to meet its obligation to ensure that at least 75 percent of the ownership of companies that operate vessels engaged in the coastwise trade are vested in U.S. citizens. If we see the need for any new enforcement policy, we would invite comments on any such policy through a separate notice. We appreciate all the comments made in response to the 2011 notice.

This notice is issued under authority of 5 U.S.C. 552(a).

Dated: November 14, 2012.

Timothy V. Skuby,

Director, National Vessel Documentation Center, U.S. Coast Guard.

[FR Doc. 2012–28560 Filed 11–23–12; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2012–1030]

Chemical Transportation Advisory Committee

AGENCY: Coast Guard, DHS.

ACTION: Committee Management; Notice of Federal Advisory Committee Meeting.

SUMMARY: The Chemical Transportation Advisory Committee (CTAC) and its Subcommittees and Working Groups will meet on December 11 through 13, 2012, in Washington, DC, to discuss marine transportation of hazardous materials in bulk. The meetings will be open to the public.

DATES: CTAC will meet Tuesday, December 11, 2012, from 8 a.m. to 3 p.m. and Wednesday, December 12, 2012, from 8 a.m. to 3 p.m. CTAC Subcommittee and Working Group meetings will begin upon completion of the CTAC meeting agenda on Wednesday, December 12, 2012, and continue until 3 p.m., and resume again on Thursday, December 13, 2012, from 8 a.m. to 3 p.m. Please note that the meetings may close early if the committee has completed its business.

All written materials, comments, and requests to make oral presentations at the meeting should reach Lieutenant Sean Peterson, Assistant Designated Federal Officer (ADFO) for CTAC by November 29, 2012. For contact information please see the **FOR FURTHER INFORMATION CONTACT** section below.

Any written material submitted by the public will be distributed to the Committee and become part of the public record.

ADDRESSES: The meetings will be held at U.S. Coast Guard Headquarters Room 6319, 2100 Second Street SW., Washington, DC. Attendees will be required to provide a picture identification card and pass through a magnetometer in order to gain admittance to the U.S. Coast Guard Headquarters Building. Visitors should also arrive at least 30 minutes in advance of the meeting in case of long lines at the entrance.

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact Commander Michael Roldan as soon as possible.

To facilitate public participation, we are inviting public comment on the issues to be considered by the committee as listed in the "Agenda" section below. Comments must be submitted in writing no later than November 29, 2012, and may be submitted by one of the following methods:

(1) *Federal eRulemaking Portal:* <http://www.regulations.gov>. (Preferred method to avoid delays in processing.)

- Fax: 202-493-2252.
- Mail: Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey

Avenue SE., Washington, DC 20590-0001.

- Hand delivery: Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329.

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 <http://www.regulations.gov>, including any personal information provided. You may review a Privacy Act notice regarding our public docket in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

Docket: This notice, and documents or comments related to it, may be viewed in our online docket, USCG 2012-1030 at <http://www.regulations.gov>.

A public comment period will be held during the meeting concerning matters being discussed. Public comments will be limited to three minutes per speaker. Please note that the public comment period may end before the time indicated following the last call for comments. Contact the individuals listed below to register as a speaker.

FOR FURTHER INFORMATION CONTACT: Commander Michael Roldan, Designated Federal Officer (DFO) of the CTAC, or Lieutenant Sean Peterson, Assistant Designated Federal Officer, telephone 202-372-1403, fax 202-372-1926. If you have any questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202-366-9826.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the Federal Advisory Committee Act (FACA), 5 U.S.C. App. (Pub. L. 92-463).

CTAC is an advisory committee authorized under section 871 of the Homeland Security Act of 2002, Title 6, United States Code, section 451, and chartered under the provisions of the FACA. The Committee acts solely in an advisory capacity to the Secretary of the Department of Homeland Security (DHS) through the Commandant of the Coast Guard and the Director of Commercial Regulations and Standards on matters relating to marine transportation of hazardous materials in bulk. The Committee advises, consults with, and makes recommendations reflecting its independent judgment to the Secretary.

Agendas of Meetings

The agenda for CTAC is as follows:

1. Introductions and opening remarks.

2. Swearing in newly appointed members.

3. USCG presentations on the following items of interest:

- a. Hazardous Substances Response Plans.
- b. Vapor control systems and mobile vapor control systems.
- c. Classification of Biofuels and Biofuel blends. Shipments and use as fuel of Liquefied Natural Gas and Compressed Natural Gas.
- d. Air emissions.
- e. Tank Barge best practices.
- f. Certification of 3rd party witnesses for the International Convention for the Prevention of Pollution from Ships prewash.
- g. Material Safety Data Sheets requirement for oils carried as cargo and fuel.
- h. Pending International Maritime Organization issues.
- i. Security, Transportations Worker Identification Credential, etc.
- j. USCG Centers of Excellence.
- k. Food grade product safety.
- l. Other items of interest raised by the committee and the public.

4. Public Comment Period.

5. Prioritization of key issues to focus on.

6. Set next meeting date and location.

7. Set Subcommittee and Working Group Meeting schedule.

Subcommittees and Working Group Meetings. Contingent on available expertise at the meeting, working groups will be formed to address the items of interest listed in paragraph (3) above.

The agenda for each working group formed will include the following:

- (1) Review task statements.
- (2) Develop work plan.
- (3) Begin working on tasks.

Dated: November 19, 2012.

J.G. Lantz,

Director of Commercial Regulations and Standards.

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DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket No. FEMA-2012-0003; Internal Agency Docket No. FEMA-B-1261]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency; DHS.

ACTION: Notice; correction.

SUMMARY: On July 30, 2012, FEMA published in the **Federal Register** a