

well as a statement that the items are being, will be, or were shipped or transferred pursuant to Authorization VEU. Notification of the export, reexport or transfer (in-country) to the VEU must be made within a timeframe agreed to in writing by the VEU and the person exporting, reexporting or transferring (in-country). The VEU and the person exporting, reexporting or transferring (in-country) must agree to the notification timeframe prior to the initial shipment or transfer under Authorization VEU. Depending on the agreement between the VEU and the person exporting, reexporting or transferring (in-country), a notification may be for individual shipments or for multiple shipments. Exporters, reexporters and VEUs are required to maintain the notifications they send or receive in accordance with their recordkeeping requirements.

(h) *Termination of Conditions on VEU Authorizations.* VEUs that are subject to item-specific conditions and have received items subject to such conditions under Authorization VEU are no longer bound by the conditions associated with the items if the items no longer require a license for export or reexport to the PRC or India, as applicable, or become eligible for shipment under a license exception to the destination. Items that become eligible for a License Exception are subject to the terms and conditions of the applicable License Exception and the restrictions in § 740.2 of the EAR. Items that become eligible for export without a license and that remain subject to the EAR may only be exported, reexported, transferred (in-country) or disposed of in accordance with the requirements of the EAR. Termination of VEU conditions does not relieve a validated end-user of its responsibility for violations that occurred prior to the availability of a license exception or prior to the removal of license requirements.

(i) *Records.* Records of items that were shipped under Authorization VEU prior to the removal of a license requirement or the availability of a license exception remain subject to the review requirements of paragraph (f)(2) of this section on and after the date that the license requirement was removed or the license exception became applicable.

Dated: December 12, 2012.

**Kevin J. Wolf,**

*Assistant Secretary for Export Administration.*

[FR Doc. 2012-30482 Filed 12-18-12; 8:45 am]

**BILLING CODE 3510-33-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 15 CFR Part 950

[Docket No 121205685-2685-01]

RIN 0648-BC83

#### Schedule of Fees for Access to NOAA Environmental Data, Information, and Related Products and Services

**AGENCY:** National Environmental Satellite, Data and Information Service (NESDIS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

**ACTION:** Final rule.

**SUMMARY:** In this final rule, NESDIS establishes a new schedule of fees for the sale of its data, information, and related products and services to users. NESDIS is revising the fee schedule that has been in effect since 2011 to ensure that the fees accurately reflect the costs of providing access to the environmental data, information, and related products and services. NESDIS is authorized under 15 U.S.C. 1534 to assess fees, up to fair market value, for access to environmental data, information, and products derived from, collected, and/or archived by NOAA. Other than depreciation, costs to upgrade computer hardware and software systems will not be included in the fees charged to users. NESDIS is updating its schedule of fees for access to NOAA Environmental Data, Information, and Related Products and Services as costs of providing access have changed since 2011.

**DATES:** *Effective Date:* January 31, 2013.

**FOR FURTHER INFORMATION CONTACT:** Sherida Wright, (301) 713-922 .

**SUPPLEMENTARY INFORMATION:**

#### Background

NESDIS operates NOAA's National Data Centers for Climate, Geophysics, Oceans, and Coasts. Through these Data Centers, NESDIS provides and ensures timely access to global environmental data from satellites and other sources, provides information services, and develops science products.

NESDIS maintains some 1,300 data bases containing over 2,400 environmental variables at three National Data Centers and seven World Data Centers. These centers respond to over 2,000,000 requests for these data and products annually from over 70 countries. This collection of environmental data and products is growing rapidly, both in size and

sophistication, and as a result the associated costs have increased.

Users have the ability to access the data offline, online and through the NESDIS *e-Commerce System (NeS) online store*. Our ability to provide these data, information, products and services depends on user fees.

#### New Fee Schedule

The new fee schedule lists both the current fee charged for each item and the new fee to be charged to users that will take effect beginning January 31, 2013. The schedule applies to the listed services provided by NESDIS on or after this date, except for products and services covered by a subscription agreement in effect as of this date that extends beyond this date. In those cases, the increased fees will apply upon renewal of the subscription agreement or at the earliest amendment date provided by the agreement.

NESDIS will continue to review the user fees periodically, and will revise such fees as necessary. Any future changes in the user fees and their effective date will be announced through notice in the **Federal Register**.

#### Classification

This rule has been determined to be not significant for purposes of E.O. 12866. The provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking and the opportunity for public participation are inapplicable because this rule falls within the public property exception of subparagraph (a)(2) of section 553, as it is limited only to the assessment of fees, per 15 U.S.C. 1534, that accurately reflect the costs of providing access to publicly available environmental data, information, and related products. Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under 5 U.S.C. 553 or by any other law, the requirements of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) are not applicable. Accordingly, no Regulatory Flexibility Analysis is required and none has been prepared.

#### List of Subjects in 15 CFR Part 950

Organization and functions (Government agencies).

**Michael H. Abreu,**  
*Chief, Financial Officer (CFO/CAO).*

For the reasons set forth above, 15 CFR part 950 is amended as follows:

**PART 950—ENVIRONMENTAL DATA AND INFORMATION**

Authority: (5 U.S.C. 552, 553).  
Reorganization Plan No. 4 of 1970.

**Appendix A to Part 950—Schedule of User Fees for Access to NOAA Environmental Data**

■ 1. The authority citation for part 950 continues to read as follows:

■ 2. Appendix A to part 950 is revised to read as follows:

Name of product/data/publication/information/service	Current fee	New fee
<b>NOAA National Data Centers Standard User Fees:</b>		
Department of Commerce Certification .....	\$91.00	\$86.00
General Certification .....	74.00	72.00
Paper Copy .....	2.00	2.00
Online In-Situ Digital Data .....	6.00	(*)
Data Poster .....	18.00	18.00
Shipping Service		
for orders totaling less than \$50.00 .....	3.00	4.00
for orders totaling \$50.00 or more .....	3.00	4.00
Rush Order Fee .....	60.00	60.00
Super Rush Order Fee .....	100.00	100.00
Foreign Handling Fee		
for orders totaling less than \$100.00 .....	39.00	67.00
for orders totaling \$100.00 or more .....	39.00	67.00
<b>Additional National Climatic Data Center (NCDC) User Fees:</b>		
NEXRAD Doppler Radar Color Prints .....	17.00	14.00
Paper Copy from Electronic Media .....	6.00	6.00
Offline In-Situ Digital Data .....	156.00	124.00
Microfilm Copy (roll to paper) per frame from existing film .....	14.00	14.00
Satellite Image Product .....	83.00	73.00
Offline Satellite Digital Data (average unit size is 1.2 gigabytes)		
Offline Radar Digital Data (Level II) (average unit size is 4 gigabytes)		
Offline Satellite, Radar, and Model Digital Data (average unit size is 1 terabyte)	984.00	615.00
Conventional CD-ROM/DVD .....	69.00	60.00
Specialized CD-ROM/DVD .....	158.00	131.00
CD-ROM/DVD Copy, Offline .....	35.00	30.00
CD-ROM/DVD Copy, Online Store .....	17.00	15.00
Facsimile Service .....	80.00	78.00
Order Handling .....	9.00	8.00
Non-Digital Order Consultation .....	7.00	6.00
Digital Order Consultation .....	22.00	18.00
<b>Additional National Oceanographic Data Center (NODC) User Fees:</b>		
NODC Non-Serial Publications .....	22.00	27.00
NODC Non-Standard Data; Select/Copy to CD, DVD or Electronic Transfer, Specialized, Offline .....	49.00	59.00
NODC Non-Standard Data; 1-1 Direct Copy to CD, DVD, or Electronic Transfer, Specialized, Offline .....	19.00	(*)
NODC Digital and Non-Digital Off-the-Shelf Products, Online .....	7.00	9.00
NODC Digital and Non-Digital Off-the-Shelf Products, Offline .....	9.00	11.00
NODC Order Consultation Fee .....	2.00	2.00
NODC Handling and Packing Fee .....	7.00	8.00
World Ocean Database-World Ocean Atlas 2009 DVDs .....	11.00	11.00
<b>Additional National Geophysical Data Center (NGDC) User Fees:</b>		
Mini Poster .....	1.00	1.00
Icosahedron Globe .....	.50	1.00
Convert Data to Standard Image .....	5.00	6.00
Single Orbit OLS .....	16.00	18.00
Single Orbit OLS, Additional Orbits .....	5.00	5.00
Single Orbit OLS—Subset .....	16.00	18.00
Single Orbit OLS, Subset- Additional Orbits .....	5.00	5.00
Geolocated Data .....	45.00	47.00
Subset of Pre-existing Geolocated Data .....	27.00	28.00
Global DMSP-OLS Nighttime Lights Annual Composite from One Satellite .....	73,614.00	74,032.00
Most Recent DMSP-OLS Thermal Band/Cloud Cover Mosaics from Multiple Satellites .....	250.00	259.00
Nightly DMSP-OLS Mosaics, Visible and Thermal Band Data from One Satellite .....	235.00	241.00
Global DMSP-OLS Nighttime Lights Lunar Cycle Composite from One Satellite .....	6,307.00	6,531.00
Radiance Calibrated Global DMSP-OLS Nighttime Lights Annual Composite from One Satellite .....	81,047.00	82,975.00
Research Data Series CD-ROM/DVD .....	25.00	25.00
Custom Analog Plotter Prints .....	60.00	60.00
NOS Bathymetric Maps and Miscellaneous Archived Publication Inventory .....	7.00	7.00
Global DMSP-OLS Annual Composite of Persistent Nighttime Lights on Monthly Increments from One Satellite .....	8,032.00	8,305.00
Data Poster .....	18.00	(*)
High Definition Geomagnetic Model .....	19,997.00	20,060.00

\* Reflects a product no longer offered.

[FR Doc. 2012-30519 Filed 12-18-12; 8:45 am]  
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## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Part 1

[TD 9564]

RIN 1545-BJ93

#### Guidance Regarding Deduction and Capitalization of Expenditures Related to Tangible Property

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Correcting amendments.

**SUMMARY:** This document contains correcting amendments to the temporary regulations (TD 9564), which were published in the **Federal Register** on Tuesday, December 27, 2011, relating to guidance regarding deduction and capitalization of expenditures related to tangible property. These amendments revise the general asset account regulations to provide the time and manner of making a general asset account election. The amendatory instructions of TD 9564 inadvertently redesignated paragraphs (m)(2) and (m)(3) for the general asset account regulations as in effect before TD 9564 as paragraphs (l)(2) and (l)(3) for the general asset account regulations as amended by TD 9564. These correcting amendments will affect all taxpayers that make a general asset account election.

**DATES:** These amendments are effective December 19, 2012.

**FOR FURTHER INFORMATION CONTACT:** Kathleen Reed or Patrick Clinton, Office Associate Chief Counsel (Income Tax & Accounting), (202) 622-4930 (not a toll-free call).

#### SUPPLEMENTARY INFORMATION:

##### Background

The regulations that are the subject of these corrections are under section 168 of the Internal Revenue Code.

##### Need for Correction

As published on December 27, 2011 (76 FR 81060), TD 9564 contains errors which may prove to be misleading and are in need of clarification.

##### List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

#### Correction of Publication

Accordingly, 26 CFR part 1 is amended by making the following correcting amendments.

#### PART 1—INCOME TAXES

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

**Authority:** 26 U.S.C. 7805 \* \* \*  
Section 1.168(i)-1 also issued under 26 U.S.C. 168(i)(4). \* \* \*

■ **Par. 2.** Section 1.168(i)-0 is amended by revising the entry in the table of contents for paragraph (m) of § 1.168(i)-1 to read as follows:

**§ 1.168(i)-0 Table of contents for the general asset account rules.**  
\* \* \* \* \*

**§ 1.168(i)-1 General asset accounts.**  
\* \* \* \* \*

(m) [Reserved]. For further guidance, see the entry for § 1.168(i)-1T(m).

■ **Par. 3.** Section 1.168(i)-1 is amended by revising paragraphs (l)(2) and (l)(3) to read as follows:

**§ 1.168(i)-1 General asset accounts.**  
\* \* \* \* \*

(1) \* \* \*

(2) *Time for making election.* The election to apply this section shall be made on the taxpayer's timely filed (including extensions) income tax return for the taxable year in which the assets included in the general asset account are placed in service by the taxpayer.

(3) *Manner of making election.* In the year of election, a taxpayer makes the election under this section by typing or legibly printing at the top of the Form 4562, "GENERAL ASSET ACCOUNT ELECTION MADE UNDER SECTION 168(i)(4)," or in the manner provided for on Form 4562 and its instructions. The taxpayer shall maintain records (for example, "General Asset Account #1—all 1995 additions in asset class 00.11 for Salt Lake City, Utah facility") that identify the assets included in each general asset account, that establish the unadjusted depreciable basis and depreciation reserve of the general asset account, and that reflect the amount realized during the taxable year upon dispositions from each general asset account. (But see section 179(c) and § 1.179-5 for the recordkeeping requirements for section 179 property.) The taxpayer's recordkeeping practices should be consistently applied to the general asset accounts. If Form 4562 is revised or renumbered, any reference in this section to that form shall be treated

as a reference to the revised or renumbered form.

\* \* \* \* \*

**Guy R. Traynor,**

*Federal Register Liaison, Publication & Regulations Branch, Legal Processing Division, Associate Chief Counsel, Procedure & Administration.*

[FR Doc. 2012-30490 Filed 12-18-12; 8:45 am]

BILLING CODE 4830-01-P

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG-2012-0642]

RIN 1625-AA00

#### Safety Zone: Gilmerton Bridge Center Span Float-in, Elizabeth River; Norfolk, Portsmouth, and Chesapeake, VA—Correction

**AGENCY:** Coast Guard, DHS.

**ACTION:** Interim temporary final rule; correction.

**SUMMARY:** On December 11, 2012, the Coast Guard published in the **Federal Register** an interim temporary final rule establishing a safety zone around the Gilmerton Bridge center span barge. Inadvertently, this rule included an error in the inclement weather date of the safety zone. This document corrects that error.

**DATES:** This rule will be effective from January 7, 2013 through January 16, 2013. The rule is scheduled to be enforced from 6:00 a.m. on January 7, 2013 through January 11, 2013, with inclement weather dates of January 12, 2013 through January 16, 2013.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket USCG-2012-0642 and are available online by going to <http://www.regulations.gov>, inserting USCG-2012-0642 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