

determination, the FAA will allocate available slots in that period on a temporary basis subject to recall, and the FAA may conduct a lottery in the future to allocate available slots in that period.

**DATES:** Effective March 30, 2012.

**FOR FURTHER INFORMATION CONTACT:** Robert Hawks, Office of the Chief Counsel, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone number: 202-267-7143; fax number: 202-267-7971; email: [rob.hawks@faa.gov](mailto:rob.hawks@faa.gov).

**SUPPLEMENTARY INFORMATION:**

**Background**

The FAA issued the High Density Traffic Airports Rule (HDR), 14 CFR part 93 subpart K, in 1968 to reduce delays at five congested airports: John F. Kennedy International Airport, LaGuardia Airport, O'Hare International Airport, Ronald Reagan Washington National Airport (DCA), and Newark Liberty International Airport.<sup>1</sup> Currently, the HDR applies only to DCA. The regulation limits the number of operations during certain hours of the day and requires a slot, which the FAA allocates for a specific 60-minute period, for each scheduled operation.

In 1985, the FAA issued part 93 subpart S (the "Buy/Sell Rule").<sup>2</sup> As part of the Buy/Sell Rule, § 93.226 permits the administrative allocation of slots during low demand periods, which are 6 a.m. to 6:59 a.m. (the 0600 hour) and 10 p.m. to 11:59 p.m. (the 2200 and 2300 hours), on a first come, first served basis. Section 93.226(d) permits the FAA to determine those periods are no longer low demand periods and allocate any available slots by lottery under § 93.225. The FAA may make this determination when it becomes apparent that demand for slots is increasing to the point where a first come, first served allocation procedure is inappropriate. The FAA previously determined the 0600 hour is not a low demand period.<sup>3</sup>

**FAA Determination**

Currently, the FAA has allocated all but three commuter and all but three air carrier slots in the 2200 hour.

Because of the relatively small number of available slots in the 2200 hour, the FAA now determines that hour no longer is a low demand period. Additional permanent allocation of slots in that time period would undermine

the new entrant and limited incumbent allocation priority under § 93.225. The FAA no longer will allocate slots during that time period on a permanent first come, first served basis.

The FAA further determines the present demand for available slots does not justify conducting a lottery at this time. Accordingly, the FAA will allocate slots in the 2200 hour on a temporary basis subject to recall by the FAA under § 93.226(e). However, if the FAA cannot accommodate future requests for slots, especially requests by new entrants or limited incumbents, through temporary allocations, the FAA may recall any temporarily allocated slots and conduct a lottery at that time.

Slots currently allocated are unaffected by this determination, and the HDR continues to apply to all allocated slots.

Issued in Washington, DC, on March 27, 2012.

**Rebecca B. MacPherson,**

*Assistant Chief Counsel for Regulations.*

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**BILLING CODE 4910-13-P**

**SECURITIES AND EXCHANGE COMMISSION**

**17 CFR Part 232**

**[Release Nos. 33-9303; 34-66654; 39-2483; IC-30008]**

**Adoption of Updated EDGAR Filer Manual**

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Final rule.

**SUMMARY:** The Securities and Exchange Commission (the Commission) is adopting revisions to the Electronic Data Gathering, Analysis, and Retrieval System (EDGAR) Filer Manual to reflect updates to the EDGAR system. The revisions are being made primarily to support the upgrade to the 2012 US GAAP and 2012 Mutual Fund Risk/Return Summary Taxonomies; to support period field validation updates for the submission of Form N-PX; to remove the OMB expiration date from Form D, 3, 4, and 5; and to include additional filer support fax numbers on various EDGAR Filer Management Web site screens. The EDGAR system is scheduled to be upgraded to support this functionality on March 26, 2012.

The filer manual is also being revised to support the retirement of the DOS based Form N-SAR application and the introduction of the new online Form N-SAR application. The EDGAR system is

scheduled to be upgraded to support this functionality on July 9, 2012.

**DATES:** *Effective Date:* March 30, 2012. The incorporation by reference of the EDGAR Filer Manual is approved by the Director of the Federal Register as of March 30, 2012.

**FOR FURTHER INFORMATION CONTACT:** In the Division of Corporation Finance, for questions Forms D, 3, 4, and 5 contact Heather Mackintosh, Office of Information Technology, at (202) 551-3600; in the Division of Investment Management for questions regarding Form N-PX contact Ruth Armfield Sanders, Senior Special Counsel, Office of Legal and Disclosure, at (202) 551-6989, and for questions concerning the modernized on-line Form N-SAR application, contact Heather Fernandez or Gregg Jaffray, Office of Financial Analysis, at (202) 551-6703; in the Division of Risk, Strategy, and Financial Innovation for questions concerning XBRL Taxonomies update contact Walter Hamscher, at (202) 551-5397; in the Division of Trading and Markets for questions regarding new filer support fax numbers contact Catherine Moore, Special Counsel, Office of Clearance and Settlement, at (202) 551-5718; and in the Office of Information Technology, contact Rick Heroux, at (202) 551-8800.

**SUPPLEMENTARY INFORMATION:** We are adopting an updated EDGAR Filer Manual, Volume I and Volume II. The Filer Manual describes the technical formatting requirements for the preparation and submission of electronic filings through the EDGAR system.<sup>1</sup> It also describes the requirements for filing using EDGARLink Online and the Online Forms/XML Web site.

The revisions to the Filer Manual reflect changes within Volume I entitled EDGAR Filer Manual, Volume I: "General Information," Version 12 (March 2012) and Volume II entitled EDGAR Filer Manual, Volume II: "EDGAR Filing," Version 19 (March 2012). The updated manual will be incorporated by reference into the Code of Federal Regulations.

The Filer Manual contains all the technical specifications for filers to submit filings using the EDGAR system. Filers must comply with the applicable provisions of the Filer Manual in order to assure the timely acceptance and processing of filings made in electronic

<sup>1</sup> We originally adopted the Filer Manual on April 1, 1993, with an effective date of April 26, 1993. Release No. 33-6986 (April 1, 1993) [58 FR 18638]. We implemented the most recent update to the Filer Manual on Nov. 29, 2011. See Release No. 33-9281 (Nov. 22, 2011) [76 FR 73506].

<sup>1</sup> 33 FR 17896 (Dec. 3, 1968).

<sup>2</sup> 50 FR 52195 (Dec. 20, 1985).

<sup>3</sup> 76 FR 58393 (Sept. 21, 2011).

format.<sup>2</sup> Filers may consult the Filer Manual in conjunction with our rules governing mandated electronic filing when preparing documents for electronic submission.<sup>3</sup>

The EDGAR system will be upgraded to Release 12.0 on March 26, 2012 and will introduce the following changes: EDGAR will be updated to support the US GAAP 2012 Taxonomy and Mutual Fund Risk/Return Summary 2012 Taxonomy. Please see <http://sec.gov/info/edgar/edgartaxonomies.shtml> for a complete listing of supported standard taxonomies.

The Period field validations will be updated for the submission types N-PX-NT, N-PX-VR, N-PX-CR, and their amendments. Currently, these submission types only allow June 30 or September 30 of the current or prior years as valid period date. The Period field on these submission form types can be any valid date other than a future date.

The OMB expiration date will no longer be displayed on the Forms 3, 4, 5, and D. These forms will continue to display other OMB Approval information.

The Confirmation and Acknowledgement screens on the EDGAR Filer Management Web site, which currently display the filer support fax numbers, will be updated to include Division of Investment Management and Division of Trading and Markets filer support fax numbers along with existing Division of Corporation Finance fax numbers.

On July 9, 2012, EDGAR Release 12.1.1 will be deployed to convert the DOS based Form N-SAR application to an online application. The DOS based application to create Form N-SAR documents will be retired as of 5:30, July 6, 2012, and EDGAR will no longer accept filings created by that application. Beginning Monday, July 9, 2012, Form N-SAR may only be filed using the online version of the form available on the EDGAR Filing Web site or constructed by filers according to the new EDGAR N-SAR XML Technical Specification, available on the Commission's public Web site's "Information for EDGAR Filers" Web page (<http://www.sec.gov/info/edgar.shtml>). Submission form types NSAR-A, NSAR-A/A, NSAR-AT, NSAR-AT/A, NSAR-B, NSAR-BT, NSAR-BT/A, NSAR-U, and NSAR-U/A can be accessed by selecting the 'File

Form N-SAR' link on the EDGAR Filing Web site. Filers submitting submission type NSAR-U should continue to prepare the text document with the applicable answers and attach it to the NSAR-U submission type accessible from the 'File Form N-SAR' link on the EDGAR Filing Web site.

Instructions to file Form N-SAR will be included in two new sections of Chapter 9 (Preparing and Transmitting Online Submissions) of the EDGAR Filer Manual, Volume II: EDGAR Filing, Section 9.2.5 (File Form N-SAR) and Section 9.2.6 (Completing a Form N-SAR Submission). As of July 9, 2012, the EDGAR Filer Manual, Volume III: N-SAR Supplement will be retired.

Along with the adoption of the Filer Manual, we are amending Rule 301 of Regulation S-T to provide for the incorporation by reference into the Code of Federal Regulations of today's revisions. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

You may obtain paper copies of the updated Filer Manual at the following address: Public Reference Room, U.S. Securities and Exchange Commission, 100 F Street NE., Room 1543, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. We will post electronic format copies on the Commission's Web site; the address for the Filer Manual is <http://www.sec.gov/info/edgar.shtml>.

Since the Filer Manual relates solely to agency procedures or practice, publication for notice and comment is not required under the Administrative Procedure Act (APA).<sup>4</sup> It follows that the requirements of the Regulatory Flexibility Act<sup>5</sup> do not apply.

The effective date for the updated Filer Manual and the rule amendments is March 30, 2012. In accordance with the APA,<sup>6</sup> we find that there is good cause to establish an effective date less than 30 days after publication of these rules. The EDGAR system upgrade to Release 12.0 is scheduled to become available on March 26, 2012. The EDGAR system upgrade to Release 12.1.1 is scheduled to become available on July 9, 2012. The Commission believes that establishing an effective date less than 30 days after publication of these rules is necessary to coordinate the effectiveness of the updated Filer Manual with the system upgrade.

## Statutory Basis

We are adopting the amendments to Regulation S-T under Sections 6, 7, 8, 10, and 19(a) of the Securities Act of 1933,<sup>7</sup> Sections 3, 12, 13, 14, 15, 23, and 35A of the Securities Exchange Act of 1934,<sup>8</sup> Section 319 of the Trust Indenture Act of 1939,<sup>9</sup> and Sections 8, 30, 31, and 38 of the Investment Company Act of 1940.<sup>10</sup>

## List of Subjects in 17 CFR Part 232

Incorporation by reference, Reporting and recordkeeping requirements, Securities.

## Text of the Amendment

In accordance with the foregoing, Title 17, Chapter II of the Code of Federal Regulations is amended as follows:

### PART 232—REGULATION S-T—GENERAL RULES AND REGULATIONS FOR ELECTRONIC FILINGS

■ 1. The authority citation for Part 232 continues to read in part as follows:

**Authority:** 15 U.S.C. 77f, 77g, 77h, 77j, 77s(a), 77z-3, 77sss(a), 78c(b), 78l, 78m, 78n, 78o(d), 78w(a), 78ll, 80a-6(c), 80a-8, 80a-29, 80a-30, 80a-37, and 7201 *et seq.*; and 18 U.S.C. 1350.

\* \* \* \* \*

■ 2. Section 232.301 is revised to read as follows:

#### § 232.301 EDGAR Filer Manual.

Filers must prepare electronic filings in the manner prescribed by the EDGAR Filer Manual, promulgated by the Commission, which sets out the technical formatting requirements for electronic submissions. The requirements for becoming an EDGAR Filer and updating company data are set forth in the updated EDGAR Filer Manual, Volume I: "General Information," Version 12 (March 2012). The requirements for filing on EDGAR are set forth in the updated EDGAR Filer Manual, Volume II: "EDGAR Filing," Version 19 (March 2012). All of these provisions have been incorporated by reference into the Code of Federal Regulations, which action was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You must comply with these requirements in order for documents to be timely received and accepted. You can obtain paper copies of the EDGAR Filer Manual from the following address: Public Reference

<sup>7</sup> 15 U.S.C. 77f, 77g, 77h, 77j, and 77s(a).

<sup>8</sup> 15 U.S.C. 78c, 78l, 78m, 78n, 78o, 78w, and 78ll.

<sup>9</sup> 15 U.S.C. 77sss.

<sup>10</sup> 15 U.S.C. 80a-8, 80a-29, 80a-30, and 80a-37.

<sup>2</sup> See Rule 301 of Regulation S-T (17 CFR 232.301).

<sup>3</sup> See Release No. 33-9281 (Nov. 22, 2011) [76 FR 73506] in which we implemented EDGAR Release 11.3. For additional history of Filer Manual rules, please see the cites therein.

<sup>4</sup> 5 U.S.C. 553(b).

<sup>5</sup> 5 U.S.C. 601-612.

<sup>6</sup> 5 U.S.C. 553(d)(3).

Room, U.S. Securities and Exchange Commission, 100 F Street NE., Room 1543, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Electronic copies are available on the Commission's Web site. The address for the Filer Manual is <http://www.sec.gov/info/edgar.shtml>. You can also inspect the document at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

By the Commission.

Dated: March 26, 2012.

**Elizabeth M. Murphy,**

*Secretary.*

[FR Doc. 2012-7608 Filed 3-29-12; 8:45 am]

**BILLING CODE 8011-01-P**

## SOCIAL SECURITY ADMINISTRATION

### 20 CFR Part 410

[Docket No. SSA-2012-0012]

RIN 0960-AH48

#### Removal of Regulations on Black Lung Benefits

**AGENCY:** Social Security Administration.

**ACTION:** Final rule.

**SUMMARY:** This final rule removes regulations on the Black Lung program from the Social Security Administration's (SSA) chapter of the Code of Federal Regulations (CFR). The Black Lung Consolidation of Administrative Responsibility Act transferred the responsibility for administering Part B of the Black Lung benefits program from SSA to the Department of Labor (DOL), and we are removing the regulations in recognition of the fact that we are no longer responsible for administering any aspect of the Part B Black Lung program. DOL concurs with this final rule removing the regulations.

**DATES:** This final rule is effective March 30, 2012.

**FOR FURTHER INFORMATION CONTACT:** Martin Sussman, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235-6401, (410) 965-1767. For information on eligibility or filing for benefits, call our national toll-free number, 1-800-772-1213 or TTY 1-800-325-0778, or visit our Internet site, Social Security Online, at <http://www.socialsecurity.gov>.

#### SUPPLEMENTARY INFORMATION:

##### Brief History of SSA's Portion of the Black Lung Part B Program

The Federal Coal Mine Health and Safety Act (FMHSA) of 1969 established the Black Lung program to pay monthly benefits to coal miners, their survivors, and dependents if the miner was disabled by or died due to pneumoconiosis. The FMHSA, as amended, established two program parts. Part B, administered by SSA, governs miners' and survivors' claims filed through June 30, 1973. For those claims awarded, Part B also governs claims filed by certain survivors of these beneficiaries. Part C, administered by DOL, governs all other claims. In 2002, Congress enacted the Black Lung Consolidation of Administrative Responsibility Act (Pub. L. 107-275), which formally transferred all responsibility for administering the Black Lung program to DOL beginning January 31, 2003.

Thus, because we no longer have responsibility for administering the Black Lung Part B program, we are removing the pertinent regulations from our chapter of the CFR. DOL concurs with this final rule removing these regulations from our chapter of the CFR, and concurs that this action does not affect the substantive rights of individuals claiming benefits under the Black Lung Part B program.

##### Regulatory Procedures

We follow the Administrative Procedure Act (APA) rulemaking procedures specified in 5 U.S.C. 553 when we develop regulations. Generally, the APA requires that an agency provide prior notice and opportunity for public comment before issuing a final rule. The APA provides exceptions to its notice and public comment procedures when an agency finds good cause for dispensing with such procedures because they are impracticable, unnecessary, or contrary to the public interest.<sup>1</sup>

We find that good cause exists for proceeding without prior public notice and comment in this instance. As discussed above, the change we are making in this final rule does not affect the substantive rights of individuals claiming benefits under the Black Lung Part B program. Rather, the change simply reflects Congress' decision in the Black Lung Consolidation of Administrative Responsibility Act to transfer responsibility for administration of the Black Lung Part B program from SSA to DOL. Accordingly,

we find that prior public comment would be unnecessary in this instance.

In addition, for the reasons cited above, we also find good cause for dispensing with the 30-day delay in the effective date of this rule.<sup>2</sup> Since the change we are making to this rule merely recognizes that we are no longer responsible for administering any aspect of the Part B Black Lung program, we find that it is contrary to the public interest to delay the effective date of our rule. Accordingly, we are making this rule effective upon publication.

*Executive Order 12866, as Supplemented by Executive Order 13563*

We have consulted with the Office of Management and Budget (OMB) and determined that this final rule does not meet the criteria for a significant regulatory action under Executive Order 12866, as supplemented by Executive Order 13563. Thus, it was not subject to OMB review.

##### Regulatory Flexibility Act

We certify that this final rule will not have a significant economic impact on a substantial number of small entities, as it affects individuals only. Therefore, a regulatory flexibility analysis is not required under the Regulatory Flexibility Act, as amended.

##### Paperwork Reduction Act

This final rule imposes no reporting or recordkeeping requirements subject to OMB clearance.

**Michael J. Astrue,**

*Commissioner of Social Security.*

For the reasons set out in the preamble, under the authority of section 702(a)(5) of the Social Security Act, 42 U.S.C. 902(a)(5), and Public Law 107-275, we amend 20 CFR chapter III, part 410, as set forth below:

#### **PART 410 [Removed]**

##### ■ 1. Remove part 410.

[FR Doc. 2012-7672 Filed 3-29-12; 8:45 am]

**BILLING CODE 4191-02-P**

<sup>1</sup> 5 U.S.C. 553(b)(B).

<sup>2</sup> See 5 U.S.C. 553(d)(3).