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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.

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Parts 734, 742, 743, 744, 772, 774

[Docket No. 100413184–0299–01]

RIN 0694–AE91

Wassenaar Arrangement 2009 Plenary Agreements Implementation: Categories 1, 2, 3, 4, 5 Part I, 6, 7, and 9 of the Commerce Control List, Definitions, Reports

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Final rule.

SUMMARY: The Bureau of Industry and Security (BIS) maintains the Commerce Control List (CCL), which identifies items subject to Department of Commerce export controls. This final rule revises the Export Administration Regulations (EAR) 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 2009 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 with the changes made to the Wassenaar List at the Plenary, this rule revises the EAR by amending certain entries that are controlled for national security reasons in Categories 1, 2, 3, 4, 5 Part I (telecommunications), 6, 7, and 9, revising reporting requirements, and adding, removing and amending EAR Definitions.

The changes agreed to at the Plenary that pertain to Export Control Classification Numbers (ECCNs) 5A002, 5D002, 6A002, 6A003, 8A002 and all related ECCNs will be implemented in a separate rule because of the sensitivity of the items and complexity of procedures and controls for these items. The changes agreed to at the Plenary that pertain to raising the Adjusted Peak Performance (APP) for digital computers in ECCN 4A003 will be implemented in a separate rule when the President's report for High Performance Computers has been sent to Congress that sets forth the new APP in accordance with the National Defense Authorization Act for FY1998.

DATES: *Effective Date:* This rule is effective: *September 7, 2010.*

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 e-mail: *scook@bis.doc.gov.*

For technical questions contact:

Category 1: Bob Teer at 202–482–4749.
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 6: Chris Costanzo at 202–482–0718 (optics), John Varesi 202–482–1114 (sensors & cameras) and Mark Jaso at 202–482–0987 (lasers).
Category 7: Daniel Squire at 202–482–3710.
Category 9: Gene Christensen at 202–482–2984.

SUPPLEMENTARY INFORMATION:

Background

In July 1996, the United States and thirty-three other countries gave final approval to the establishment of a new multilateral export control arrangement called the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual Use Goods and Technologies (Wassenaar Arrangement or WA). The Wassenaar Arrangement contributes to regional and international security and stability by promoting transparency and greater responsibility in transfers of conventional arms and dual use goods and technologies, thus preventing destabilizing accumulations of such items. Participating states committed to exchange information on exports of dual use goods and technologies to non-participating states for the purposes of enhancing transparency and assisting in developing a common understanding of the risks associated with the transfers of these items. For more information on the Wassenaar Arrangement go to *http://www.wassenaar.org/.*

Revisions to the Commerce Control List

This rule revises a number of entries on the Commerce Control List (CCL) to implement the changes to the Wassenaar List of Dual Use Goods and Technologies agreed to at the December 2009 WA Plenary meeting. This rule also revises language to provide a complete or more accurate description of controls in certain ECCNs, as submitted by the Task Force for Editorial Issues (TFEI) and agreed to at the WA Plenary. The following ECCNs are amended by this rule: 1A001, 1A002, 1B001, 1C002, 1C006, 1C007, 1C008, 1C010, 1C011, 1E002, 2B006, 3A001, 3A002, 3B001, 4A001, 4A003, 4D001, 4D993, 4E001, 5A001, 5B001, 5D001, 5E001, 6A001, 6A005, 6A006, 6A008, 6C004, 6D003, 6E993, 7A005, 7B001, 7D003, 7E004, 9A001, 9A003, 9B002, 9D003, and 9E003. ECCN 4D003 is removed by this rule. These changes are described in more detail below.

Category 1—Special Materials and Related Equipment, Chemicals, "Microorganisms," and Toxins

ECCN 1A001 is amended by adding a Chemical Abstracts Service (CAS) number and the phrase "having all of the following" to paragraph b to clarify the text.

ECCN 1A002 is amended by:

Revising Note 1 at the beginning of the Items paragraph to change the size of composite structures or laminates used for the repair of "civil aircraft," to address the increasing usage of carbon materials in commercial aircraft. The current size limit set forth in this ECCN limits the ability of airlines to repair aircraft successfully and in a timely manner because of the time needed to obtain an export license for sizes other than those allowed without license under Note 1 of this ECCN.

ECCN 1B001 is amended by:

—Revising the heading to more precisely describe what is in the

entry, by adding the phrases "or inspection", "structures or laminates", and "fibrous or filamentary materials" specified by"; and removing the phrase "fibers, prepregs, performs or".

—Revising the Missile Technology (MT) control paragraph in the License Requirements section by replacing the phrase "entire entry except 1B001.d.4 and .f" with the phrase "entire entry, except 1B001.d.4, e and f " and removing the Note that follows the MT control paragraph.

—In 1B001.a, adding a comma after "filament winding machines" and adding the term "primary servo positioning" before axes, which is defined in the technical note of the newly added paragraph 1B001.g.

—In 1B001.b, moving "tow placement machines" to 1B001.g to remove machines capable of more complex airframe and missile structures from this paragraph; moving a comma to correct the punctuation; replacing the phrase "two * * * axes" with "five * * * axes" to focus the control on those capable of manufacturing complex "composite" airframe or missile structures; and adding the term 'primary servo positioning' before axes to indicate which axes this control pertains to.

—Adding a new paragraph 1B001.g for tow placement machines previously specified by 1B001.b, to establish a separate paragraph for machines capable of more complex airframe and missile structures. This new paragraph is subject to MT controls, as well as National Security (NS) and Anti-Terrorism (AT) controls.

—Adding a new technical note to define 'primary servo positioning' throughout 1B001.

ECCN 1C002 is amended by adding the phrase "the powder or particulate" before "material controlled by 1C002.c" in 1C002.b in order to clarify which type of materials are controlled.

ECCN 1C006 is amended by adding a CAS number(s) to paragraph 1C006.c for clarity.

ECCN 1C007 is amended by adding a CAS number to paragraph 1C007.f for clarity.

ECCN 1C008 is amended by adding CAS numbers to paragraphs b.1.a, b.2.a, b.2.b, and b.2.c for clarity.

ECCN 1C010 is amended by:

—Deleting part of the Heading to remove the text beginning with the phrase "which can be used in organic * * *.". This text is ambiguous and did not contribute to the original intent of the control, and could be interpreted to limit the scope of the control.

—Making editorial changes to 1C010.a.1 and a.2, b.1 and b.2, c.1 and c.2 to remove words that do not add substance or clarity to the control text in these paragraphs.

—Revising the control parameters in 1C010.b.1 "specific modulus" and b.2 "specific tensile strength" for carbon "fibrous or filamentary materials" because of foreign availability outside of WA member countries and to recognize industry improvements to the processing of these materials.

—Revising size of the structures or laminate in the Note to 1C010.b for repair of civil aircraft because a high percentage of the damages to civil aircraft have long, thin, and shallow characteristics caused by ground equipment. Revising the size of these structures or laminate makes them more accessible for the repair of civil aircraft, from an export licensing perspective.

—Adding a new paragraph b to the note to 1C010.b to decontrol certain short carbon fibers that are the product of chopping, milling or cutting, because material properties of 1C010 carbon fibers shorter than 25.0 mm are significantly reduced.

—Revising 1C010.e to have a more consistent format, to treat phenolic resins separately from other resins, and to add a note to direct the public to the correct control text for pre-forms that are not impregnated (*i.e.,* dry).

—Revising the technical note describing "glass transition temperature" to read "Dynamic Mechanical Analysis glass transition temperature (DMA Tg)," to reflect the new term as used in 1C010.e. This rule also implements a new measurement standard ASTM D 7028 in this technical note, which measures the DMA Tg on a cured laminate with clear data interpretation instructions, to reduce errors and inconsistencies associated with measuring resin DMA Tg.

ECCN 1C011 is amended by adding a CAS number(s) to paragraph 1C011.c for clarity.

ECCN 1E002 is amended by adding a CAS number(s) to paragraph 1E002.c.1.c.1 for clarity.

Annex to Category 1 "List of Explosives (*See* ECCNs 1A004 and 1A008)" is amended by adding CAS number(s) to paragraphs 6 and 35 through 42.

Category 2—Materials Processing

ECCN 2B006 is amended by adding capitalization for correct format and adding a technical note to indicate the required configuration of Coordinate Measuring Machines (CMM) when calculating the maximum permissible error of indication parameter.

Category 3—Electronics

ECCN 3A001 is amended by:

—Adding a hyphen in the word "space-qualified" in paragraphs 3A001.b.1.a.4.c and e.4, to correct the format of the term.

—Removing the word "density" after output power in paragraph 3A001.b.8.b in order to remove a word that WA never intended to include in this paragraph.

—Adding 3A001.b.11 to control items moved to ECCN 3A001 from 3A002.b. This move makes it clear that the "electronic assemblies" controlled by this entry are components, and not instruments, which is how the assemblies were characterized incorrectly in 3A002.b.

ECCN 3A002 is amended by:

—Revising the License Exception section to remove references to 3A002.b to harmonize with the movement of 3A002.b to 3A001.b11.

—Adding a hyphen in the word "space-qualified" in paragraph 3A002.a.3.b, g.1 and g.3, to correct the format of the term.

—Removing and reserving 3A002.b and incorporating the "frequency synthesizer" "electronic assemblies" controlled by that entry into new paragraph 3A001.b.11. This move makes it clear that these "frequency synthesizer" "electronic assemblies" are components and not instruments, which is how the assemblies were characterized incorrectly in 3A002.b.

—Revising the parameters in paragraph 3A002.e to relax the controls on network analyzers to more accurately differentiate between commercial or civilian applications and applications of strategic concern.

ECCN 3B001 is amended by:

—Revising the control parameters for anisotropic plasma dry etching equipment in 3B001.c to clearly apply the control parameter to device nodes of 65 nm or below in order to make the control of this equipment consistent with current integrated circuit production sizes, to maintain control on more advanced equipment in this ECCN, and to remove controls on older equipment and spare parts that are no longer of proliferation concern.

—Revising the control parameter for automatic loading multi-chamber Central Wafer Handling (CWH) systems in 3B001.e to relax controls on two classes of CWH systems that have been found to be of less

proliferation concern and to place the focus on more advanced CWH.

—Adding technical notes for 3B001.e to provide definitions of two terms used in the control text in order to remove ambiguity in the control.

Category 4—Computers

ECCN 4A001 is amended by:

—Removing a reference to 4A001.b from the Limited Value Shipment (LVS) paragraph of the License Exception section, because paragraph 4A001.b is removed by this rule.

—Adding a reference to Category 5 Part 2 to the Related Controls paragraph in the List of Items Controlled section, to correspond with the removal of 4A001.b, described below.

—Removing and reserving 4A001.b, which stated "Having the characteristics or performing functions exceeding the limits in Category 5, Part 2 ("Information Security")", because such hardware and software is controlled under 5A002 and 5D002 in Category 5, Part 2. This change clarifies where this equipment and software is controlled in the CCL.

ECCN 4A003 is amended by:

—Revising the control parameters for equipment specially designed for aggregating the performance of "digital computers" in 4A003.g to move the control threshold up, to account for bi-directional connectivity at double the threshold, as well as to narrow the scope of control to ensure that only the equipment of concern is controlled.

Category 4—Product Group D—Software

—Revising the Note at the beginning to remove the sentence, "The control status of 'software' for equipment described in this Category is dealt with herein," because most software for computers contains encryption, which is controlled in Category 5.

ECCN 4D001 is amended by increasing the APP from 0.1 to 0.25 WT in 4D001.b.1 to account for technological advancements in processor technology and to set an APP that will remain relevant for several years.

ECCN 4D003, "Software having characteristics or performing functions exceeding the limits in Category 5, Part 2 (Information Security)," is removed in order to keep all such software controls in Category 5 part 2.

ECCN 4D993 is amended by revising the Heading in order to remove the reference to ECCN 4D003, which is removed by this rule.

ECCN 4E001 is amended by increasing the APP from 0.1 to 0.25 WT in 4E001.b.1 to account for technological advancements in processor technology and to set an APP that will remain relevant for several years.

Category 5 Part 1—Telecommunications

Note 1 in the beginning of Category 5 Part 1 is amended by removing the word "lasers", because a new *nota bene* is added to reference ECCN 6A005 for "lasers" specially designed for telecommunications equipment or systems.

ECCN 5A001 is amended by re-inserting back License Exceptions GBS and CIV in the License Exception section. These were inadvertently removed by the Wassenaar 2008 implementation rule on December 11, 2009 (74 FR 66000).

ECCN 5B001 is amended by removing and reserving paragraphs 5B001.b.1 and b.3 in the Items paragraph of the List of Items Controlled section, because these controls are no longer necessary as they have been overtaken by the continued advancement in infrastructure transmission and switching technology, and because of the wide usage of this equipment in commercial applications.

ECCN 5D001 is amended by removing and reserving paragraphs 5D001.d.1 and d.3 in the Items paragraph of the List of Items Controlled section, to harmonize with the removal of 5B001.b.1 and b.3 in this rule.

ECCN 5E001 is amended by:

—Revising the total digital transfer rate from 15 Gbit/s to 50 Gbit/s in paragraph 5E001.c.1, to reflect advancement in infrastructure transmission and switching technology.

—Revising the text in the technical note to 5E001.c.1 to make it clear that the control applies to telecommunication switching equipment and to provide additional detail to clarify the text.

—Adding an additional parameter to the existing parameter in 5E001.c.3 to narrow the scope of control.

Category 6—Sensors and Lasers

ECCN 6A001 is amended by:

—Adding 6A001.a.1.e to the list of commodities ineligible for License Exception LVS, because this newly added commodity is on the sensitive list of the Wassenaar Arrangement.

—Revising paragraphs a.1.a and a.1.d in the Items paragraph of the List of Items Controlled section, to clarify the text.

—Adding paragraph a.1.e to the Items paragraph of the List of Items Controlled section to control active individual sonars, specially designed or modified to detect, locate and automatically classify swimmers or divers. This new control is necessary to close the loophole that exists for these commercial sonar based detection systems that are nearly equivalent to existing military systems.

ECCN 6A005 is amended by:

—Revising the CW output power from "10W" to "15 W" for individual, multiple-transverse mode semiconductor "lasers" in paragraph d.1.b.1 of the Items paragraph because of worldwide technological advancement.

—Replacing the term "arrays" with "bars" because this is a more appropriate term for this control in paragraph d.1.c. The revisions in this rule include adding a definition for "bar" and "stacked array" in the Technical Notes at the end of 6A005.d.1.

—Revising the CW output power from "80 W" to "100 W" for individual semiconductor laser bars in paragraph d.1.c.1, because the power density export controls otherwise applied to these laser bars provide enough control to justify relaxing the export controls for CW output power in this entry.

—Revising paragraph 6A005.d.1.d from a control over "array stacks of semiconductor laser containing at least one array controlled by 6A005.d.1.c" to a control over "semiconductor laser stacked arrays (two-dimensional arrays), having any of the following * * *" and adding control paragraphs that contain a variation of parameters that include: Wavelength, average or Continuous Wave (CW) total output power, average or CW output "power density," peak pulsed power density, spatial coherent average or CW total output power, because the existing control was inadequate to control lasers of this type that are militarily critical items.

ECCN 6A008 is amended by:

—Removing the resolution parameter (12 reasonable elements per mm) from the Note at the beginning of the Items paragraph pertaining to displays or monitors used for Air Traffic Control (ATC), because today ATC terminals typically use raster scan displays and the removed parameter is not relevant to raster scan terminals.

—Moving the Note after 6A008.f pertaining to Precision Approach Radar (PAR) equipment to the Note at the beginning of the Items paragraph,

for better visibility. The stated intent of paragraph 6A008.f is to capture radar systems that can be used to detect "human movement" or to detect "small sub munitions," and PARs are not capable of this level of detection.

—Removing the double quotes from around the term "electronically steerable phased array antennae" and removing the word "phased" in 6A008.e, because more advanced radar systems are now using time delay techniques, rather than phase shifters, to electronically steer radar beams. Deletion of the word "phased" will expand the scope of control to capture all electronically steered arrays (ESA), which was the original intent of the control.

Revising the parameter in 6A008.l.4 for data processing subsystems to include controls on radar sensors that are integrated into such subsystems through separate processing equipment such as computers.

ECCN 6C004 is amended by revising 6C004.b and .e to add the Chemical Abstracts Service (CAS) registry numbers for better identification of the chemicals that are controlled.

ECCN 6D003 is amended by:

—Adding paragraph 6D003.a.5 to control software or source code, specially designed for real time processing of acoustic data for detection devices. The software is loaded onto standard commercial PCs and is critical for advanced detection and classification.

—Revising paragraph 6D003.h.1 pertaining to Air Traffic Control (ATC) software to account for technological advancements.

Category 7—Navigation and Avionics

ECCN 7A005 is amended by:

—Revising the Heading to capitalize the words associated with the acronym (GNSS), removing the acronyms "GPS and GLONASS," adding the words "having any of the following," and moving the parenthetical to the added License Requirements section to harmonize with WA text.

—Adding a License Requirements section that will contain a note stating, "These items are subject to the export licensing authority of the U.S. Department of State, Directorate of Defense Trade Controls. *See* 22 CFR part 121."

—Adding a List of Items Controlled section to harmonize the format with other ECCN entries in the CCL and to provide transparency to the public of the WA text for this ECCN.

ECCN 7B001 is amended by replacing the word "removal" with "disassembly or repair" and removing the phrase "from the SRA" at the end of paragraph 2 in the Related Definitions paragraph of the List of Items Controlled section. This change makes it clear that replacement or removal of gyros, accelerometers, and in some cases the inertial sensor assembly containing these sensors, is considered a "Maintenance Level II" repair. This change also clarifies that these assemblies are generally considered to be Shop Replaceable Assembly (SRA) within the avionics repair industry.

ECCN 7D003 is amended by revising paragraph b.2 to capitalize the words associated with the acronym (GNSS) and delete the parenthetical reference to GPS and GLONASS.

ECCN 7E004 is amended by:

—Adding the word "systems" in two places in the *nota bene* of paragraph b.6 in the Items paragraph, to reflect amendments made in this rule to 9E003;

—Adding double quotes around "Full Authority Digital Engine Control Systems" and "FADEC Systems" in the *nota bene* of paragraph b.6 in the Items paragraph, to reflect amendments made in this rule to 9E003;

—Revising the reference in the *nota bene* in paragraph b.6 of the Items paragraph from "9E003.a.9" to "9E003.h", to be consistent with the amendments made by this rule to 9E003.

Category 9—Aerospace and Propulsion

ECCN 9A001 is amended by:

—Removing text from the Heading to more accurately reflect the scope of what is controlled in this ECCN and replacing "as follows" with "having any of the following";

—Revising paragraph 9A001.a by adding "or 9E003.h" to be consistent with amendments made by this rule to 9E003. This revision will result in the control of aero gas turbine engines incorporating any of the technologies controlled by 9E003.h.

ECCN 9A003 is amended by revising the heading to add "or 9E003.h" to be consistent with amendments made by this rule to ECCN 9E003. This will result in the control of specially designed assemblies and components incorporating any of the technologies controlled by 9E003.h for gas turbine engine propulsion systems that meet the parameters of ECCN 9A003.

ECCN 9B002 is amended by revising the heading to add "or 9E003.h" as a consequential change of revision this rule makes to ECCN 9E003. This will result in the control of on-line (real time) control systems, instrumentation (including sensors) or automated data acquisition and processing equipment, specially designed for the "development" of gas turbine engines, assemblies or components incorporating "technologies" controlled by 9E003.h.

ECCN 9D003 is amended by:

—Adding the word "Systems" in two places in the Heading, and adding double quotes around the term "FADEC Systems" to correctly refer to the term as a system;

—Adding the word "system" and adding double quotes around the term "FADEC system" in the NS and MT license requirement paragraphs in the License Requirements section, for consistency;

—Removing the reference to 9A110 in the MT control paragraph of the License Requirements section, because MT does not apply to 9A110.

—Moving the ending double quote from after "FADEC" to after "FADEC systems" in 9D003.b, for consistency.

ECCN 9E003 is amended by:

—Revising the Significant Item (SI) control paragraph in the License Requirements section, to reflect amendments made by this rule in paragraphs 9E003.a.9, h, and i and to correct the SI scope of license requirements. SI controls now apply to 9E003.a.1. through a.8, a.10, h and i;

—Removing and reserving paragraph a.9 in the Items paragraph of the List of Items Controlled section in order to add a more detailed control for FADEC systems in 9E003.h;

—Redesignating paragraph h as i and adding a new paragraph h in the Items paragraph of the List of Items Controlled section, to add more specific and detailed control paragraphs for "FADEC systems" technology; and

—Revising new paragraph 9E003.i to harmonize references to paragraphs in 9E003 that were revised by this rule.

Section 734.4 De minimis U.S. Content

Section 734.4 is amended by removing the phrase "9E003.a.1. through a.11, and .h." and adding in its place "9E003.a.1 through a.8, a.10, h and i." in paragraph (a)(4) "Items for which there is no *de minimis* level." This change is made to harmonize with revisions to paragraphs ECCN 9E003.a.9, h, and i in this rule.

Section 742.14 Significant Items: Hot Section Technology for the Development, Production or Overhaul of Commercial Aircraft Engines, Components, and Systems

This rule harmonizes the list of paragraphs under ECCN 9E003 that are controlled for SI reasons with the list in section 742.14. The paragraphs of ECCN 9E003 that are controlled for SI reasons are 9E003.a.1 through a.8, a.10, h and i.

Section 743.1 Wassenaar Arrangement

WA has three levels of control of goods: Basic List, Sensitive List, and Very Sensitive List. As a matter of policy, BIS makes certain items on the WA Basic and Sensitive List eligible for license exceptions. However, because of the U.S. obligations under its agreements to the WA, the U.S. must report on SL items exported outside of the WA membership countries. BIS does this by gathering data from its licensing database. However, to collect data on exports made under license exceptions, BIS requires WA reporting on SL items exported under certain license exceptions. As a result of WA making changes to its Sensitive List, this rule makes corresponding changes to the reporting requirements of section 743.1 of the EAR (*e.g.,* replacing 9E003.a.9 with 9E003.h). This rule revises reporting requirements for ECCNs 4D001, 4E001 and 6A003.b.3. For 6A003.b.3, this rule adds the phrase "except imaging cameras specially designed or modified for underwater use." For 4D001 and 4E001, this rule revises the APP from "0.1 Weighted TeraFLOPS (WT)" to "0.5 WT." This rule makes editorial revisions to reporting requirements in ECCN 6A003.b.4. This rule adds WA reporting requirements for ECCNs 6D003.a and 9E003.a.1 and a.3. WA reporting requirements may be found in Section 743.1 of the EAR. Editorial revisions are made to the last sentence in section 743.1(c)(2), to provide the correct description of where to find the guidelines for calculating APP in the EAR.

Supplement No. 2 to Part 744—List of Items Subject to the Military End-Use License Requirement of § 744.21

As a result of WA removing ECCN 4D003, the entry for ECCN 4D993 is revised to remove the reference to ECCN 4D003 in paragraph (4)(ii) of Supp. No. 2 to part 744 of the EAR. This change should not result in any change in license requirements or applications submitted to BIS.

Section 772.1 Definitions of Terms as Used in the Export Administration Regulations (EAR)

As a result of the decisions reached at the 2009 WA Plenary, this rule removes the following terms from section 772.1 of the EAR: CE, Computing Element, Interconnected radar sensors, Personalized smart card, Q-switched laser, and Three Dimensional Vector Rate. This rule also revises references to categories in many definitions as a result of WA decisions. This rule also adds the following terms as a result of WA agreements: "Energetic materials" (Cat 1), "Fuel cell" (Cat 8), and "Laser duration." There is no category designation for the term "laser duration," because it is a term used in the definition of two other terms listed in section 772.1 of EAR, specifically, "average output power" and "peak power." This rule also revises the following terms: "All compensations available" and removes and replaces references to categories in certain defined terms to be consistent with amendments made by this rule. This rule revises the definition of "all compensations available" by adding the phrase "or measuring errors for the particular coordinate measuring machine." The definition of "Full Authority Digital Engine Control," has been completely rewritten. Additionally, the note in the term "peak power" is removed because it included a definition for "laser duration," which will now be defined as separate term in section 772.1. The WA revisions to definitions do not always coincide with the format of the EAR. For example, when WA removes definitions that are used in unilateral ECCNs, BIS does not remove them, or for example, when WA removes a reference to a category of the CCL, BIS still uses the term in a unilateral entry of the category.

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 August 12, 2010, 75 FR 50681 (August 16, 2010) has continued the EAR in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701–1707).

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 September 7, 2010, 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 November 8, 2010. Any such items not actually exported before midnight, on November 8, 2010, require a license in accordance with this regulation.

Rulemaking Requirements

1. This final rule has been determined to be significant for purposes of Executive Order 12866.

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 e-mail 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 40 member countries that act on a consensus basis and the changes set forth in this rule implement agreements reached at the December 2009 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 was delayed to allow for notice and comment, 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 2705, 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 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 Part 772

Exports.

15 CFR Part 774

Exports, Reporting and recordkeeping requirements.

■ Accordingly, parts 734, 742, 743, 744, 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 is revised 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, 2010, 75 FR 50681 (August 16, 2010); Notice of November 6, 2009, 74 FR 58187 (November 10, 2009).

■ 2. Section 734.4 is amended by removing the phrase "9E003.a.1 through a.10, and .h." and adding in its place "9E003.a.1 through a.8, a.10, h and i." in paragraph (a)(4).

PART 742—[AMENDED]

■ 3. The authority citation for part 742 is revised 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, 2010, 75 FR 50681 (August 16, 2010); Notice of November 6, 2009, 74 FR 58187 (November 10, 2009).

■ 4. Section 742.14 is amended by revising paragraphs (a) and (b) introductory text to read as follows:

§ 742.14 Significant items: hot section technology for the development, production or overhaul of commercial aircraft engines, components, and systems.

(a) *License requirement.* Licenses are required for all destinations, except Canada, for ECCNs having an "SI" under the "Reason for Control" paragraph. These items include hot section technology for the development, production or overhaul of commercial aircraft engines controlled under ECCN 9E003.a.1 through a.8, a.10, .h and .i, and related controls.

(b) *Licensing policy.* Pursuant to section 6 of the Export Administration Act of 1979, as amended, foreign policy controls apply to technology required for the development, production or overhaul of commercial aircraft engines controlled by ECCN 9E003a.1 through a.8, a.10, .h and .i, and related controls. These controls supplement the national security controls that apply to these items. Applications for export and reexport to all destinations will be reviewed on a case-by-case basis to determine whether the export or reexport is consistent with U.S. national security and foreign policy interests. The following factors are among those that will be considered to determine what action will be taken on license applications:

* * * * *

PART 743—[AMENDED]

■ 5. The authority citation for part 743 is revised 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, 2010, 75 FR 50681 (August 16, 2010).

■ 6. In § 743.1, revise paragraphs (c)(1)(vi), (c)(1)(ix), and (c)(2) to read as follows:

§ 743.1 Wassenaar Arrangement.

* * * * *

(c) * * *

(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 5kHz 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.2.a (changing 350 uA/Im to 700 uA/Im in 6A002.a.2.a.3.a), 6A002.a.3, 6A002.b, 6A002.c (incorporating 6A002.a.2.a or 6A002.a.3 having characteristics described in this

paragraph), 6A002.e; 6A003.b.3 (incorporating 6A002.a.2.a having characteristics described in this paragraph, except imaging cameras specially designed or modified for underwater use), 6A003.b.4 (incorporating 6A002.a.3 having characteristics specified by this paragraph); 6A004.c and d; 6A006.a.1, 6A006.a.2 (having a "noise level" (sensitivity) lower (better) than 2pT rms per square root Hz), 6A006.c.1, 6A006.d (certain items only; see Note to this paragraph); 6A008.d, .h, and .k; 6D001 (for 6A004.c and .d and 6A008.d, .h, and .k); 6D003.a; 6E001 (for equipment and software listed in this paragraph); and 6E002 (for equipment listed in this paragraph);

* * * * *

(ix) Category 9: 9B001.b, 9D001 (for 9B001.b and as described in this paragraph), 9D002 (for 9B001.b), 9D004.a, 9D004.c, 9E001 for technology controlled for NS reasons, 9E002, 9E003a.1 to a.5, a.8, and h.

* * * * *

(2) Reports for "software" controlled by 4D001(that is specially designed) and "technology" controlled by 4E001 (according to the General Technology Note in Supplement No. 2 to part 774 of the EAR), are required for the "development" or "production" of computers controlled under 4A001.a.2, or for the "development" or "production" of "digital computers" having an "Adjusted Peak Performance" ("APP") exceeding 0.5 Weighted TeraFLOPS (WT). For the calculation of "APP", see the Technical Note at the end of Category 4 in the Commerce Control List (Supplement No. 1 to part 774 of the EAR).

* * * * *

PART 744—[AMENDED]

■ 7. The authority citation for part 744 is revised 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, 2010, 75 FR 50681 (August 16, 2010); Notice of November 6, 2009, 74 FR 58187 (November 10, 2009).

■ 8. Supplement No. 2 is amended by revising paragraph (*4*)(ii) to read as follows:

Supplement No. 2 to Part 744—List of Items Subject to the Military End-Use License Requirement of § 744.21

* * * * *

(*4*) * * *

(ii) 4D993 "Program" proof and validation "software", "software" allowing the automatic generation of "source codes", and operating system "software" that are specially designed for real time processing equipment.

* * * * *

PART 772—[AMENDED]

■ 9. The authority citation for part 772 is revised 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, 2010, 75 FR 50681 (August 16, 2010).

■ 10. Section 772.1 is amended by:

■ a. Removing the terms and definitions for "CE", "Computing Element", "Interconnected radar sensors", "Q-switched laser", and "Three dimensional Vector Rate";

■ b. Removing the phrase "(Cat 1, 7 and 9)" and adding in its place "(Cat 1, 3 and 7)" in the term "Civil aircraft";

■ c. Removing the phrase "(Cat 1, 3, and 6)" and adding in its place "(Cat 1, 3, 5P1, and 6) in the term "Critical temperature";

■ d. Removing the phrase "(Cat 2, 3, 4, and 5)" and adding in its place "(Cat 4)" in the term "Electronic assembly";

■ e. Removing the phrase "(Cat 4 and 7)" and adding in its place "(Cat 7)" for "Expert systems";

■ f. Removing the phrase "(Cat 6)" and adding in its place "(Cat 6 and 8)" for "Focal plane array";

■ g. Removing the phrase "(Cat 3)" and adding in its place "(Cat 3, 5P1, 5P2)" for "Fractional bandwidth";

■ h. Adding the terms and definitions for "Energetic materials", "Fuel cell", and "Laser duration";

■ i. Removing the phrase "(Cat 2, 3, 5, 6, and 9)" and adding in its place "(Cat 2, 3, 5P1, 6, 7, 8 and 9)" and removing the phrase ""Q-switched laser";" in the definition for "laser";

■ j. Removing the phrase "*Space qualified.* (Cat 3 and 6)" and adding in its place "*Space-qualified.* (Cat 3, 6, and 8)" in "Space-qualified";

■ k. Removing the phrase "(Cat 1, 3, 6, and 8)" and adding in its place "(Cat 1, 3, 5P1, 6, and 8)" in "superconductive";

■ l. Revising the terms and definitions for "All compensations available" and "Full Authority Digital Engine Control"; and

■ m. Removing the Note in the definition for "peak power", to read as follows:

§ 772.1 Definitions of Terms as Used in the Export Administration Regulations (EAR).

* * * * *

All compensations available. (Cat 2) means after all feasible measures available to the manufacturer to minimize all systematic positioning errors for the particular machine-tool model or measuring errors for the particular coordinate measuring machine are considered.

* * * * *

Energetic materials. (Cat 1) Substances or mixtures that react chemically to release energy required for their intended application. "Explosives", "pyrotechnics" and "propellants" are * * *

Fuel cell. (Cat 8) An electrochemical device that converts chemical energy directly into Direct Current (DC) electricity by consuming fuel from an external source.

* * * * *

Full Authority Digital Engine Control Systems. ("FADEC Systems") (Cat 7 and 9) A digital electronic control system for a gas turbine engine that is able to autonomously control the engine throughout its whole operating range from demanded engine start until demanded engine shut-down, in both normal and fault conditions.

* * * * *

Laser duration. (§ 772.1 of EAR) The time over which a "laser" emits "laser" radiation, which for "pulsed lasers" corresponds to the time over which a single pulse or series of consecutive pulses is emitted.

* * * * *

PART 774—[AMENDED]

■ 11. The authority citation for part 774 is revised 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, 2010, 75 FR 50681 (August 16, 2010).

■ 12. Supplement No. 1 to Part 774 (the Commerce Control List), Category 1 "Special Materials and Related Equipment, Chemicals, "Microorganisms," and Toxins", Export Control Classification Number (ECCN) 1A001 is amended by revising introductory text of paragraph b. of the Items paragraph in the List of Items Controlled section, to read as follows:

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

* * * * *

1A001 Components made from fluorinated compounds, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Items:

* * * * *

b. Piezoelectric polymers and copolymers, made from vinylidene fluoride (CAS 75–38–7) materials, controlled by 1C009.a, having all of the following:

* * * * *

■ 13. Supplement No. 1 to Part 774 (the Commerce Control List), Category 1 "Special Materials and Related Equipment, Chemicals, "Microorganisms," and Toxins", ECCN 1A002 is amended by revising Note 1 in the Items paragraph of the List of Items Controlled section, to read as follows:

1A002 "Composite" structures or laminates, having any of the following (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Items:

* * * * *

Note 1: 1A002 does not control composite structures or laminates made from epoxy resin impregnated carbon "fibrous or filamentary materials," for the repair of "civil aircraft" structures or laminates, having all of the following:

a. An area not exceeding 1 m^2;

b. A length not exceeding 2.5 m; *and*

c. A width exceeding 15 mm.

* * * * *

■ 14. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 1 "Special Materials and Related Equipment, Chemicals, "Microorganisms," and Toxins", ECCN 1B001 is amended by revising the Heading, the MT paragraph in the License Requirements section and paragraphs a. and b., and add paragraph g. in the Items paragraph of the List of Items Controlled section, to read as follows:

1B001 Equipment for the production or inspection of "composite" structures or laminates controlled by 1A002 or "fibrous or filamentary materials" controlled by 1C010, as follows (see List of Items Controlled), and specially designed components and accessories therefor.

License Requirements

* * * * *

MT applies to entire entry, except 1B001.d.4, e and f.	MT Column 1.

* * * * *

List of Items Controlled

* * * * *

Items:

a. Filament winding machines, of which the motions for positioning, wrapping and winding fibers are coordinated and programmed in three or more 'primary servo positioning' axes, specially designed for the manufacture of "composite" structures or laminates, from "fibrous or filamentary materials";

b. Tape-laying machines, of which the motions for positioning and laying tape or sheets are coordinated and programmed in five or more 'primary servo positioning' axes, specially designed for the manufacture of "composite" airframe or "missile" structures;

* * * * *

g. Tow-placement machines, of which the motions for positioning and laying tows or sheets are coordinated and programmed in two or more 'primary servo positioning' axes, specially designed for the manufacture of "composite" airframe or missile structures.

Technical Note: For the purpose of 1B001, 'primary servo positioning' axes control, under computer program direction, the position of the end effector (i.e., head) in space relative to the work piece at the correct orientation and direction to achieve the desired process.

■ 15. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 1 "Special Materials and Related Equipment, Chemicals, "Microorganisms," and Toxins", ECCN 1C002 is amended by revising the introductory text to paragraph b. in the Items of the List of Items Controlled section, to read as follows:

1C002 Metal alloys, metal alloy powder and alloyed materials, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Items:

* * * * *

b. Metal alloys, as follows, made from the powder or particulate material controlled by 1C002.c:

* * * * *

■ 16. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 1 "Special Materials and Related Equipment, Chemicals, "Microorganisms," and Toxins", ECCN 1C006 is amended by revising paragraph c.1. in the Items paragraph of the List of Items Controlled section, to read as follows:

1C006 Fluids and lubricating materials, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Items:

* * * * *

c. * * *

c.1. Dibromotetrafluoroethane (CAS 25497–30–7, 124–73–2, 27336–23–8);

* * * * *

■ 17. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 1 "Special Materials and Related Equipment, Chemicals, "Microorganisms," and Toxins", ECCN 1C007 is amended by revising paragraph f.1. in the Items paragraph of the List of Items Controlled section, to read as follows:

1C007 Ceramic base materials, non-"composite" ceramic materials, ceramic-"matrix" "composite" materials and precursor materials, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Items:

* * * * *

f. * * *

f.1. Al_2O_3 (CAS 1344–28–1); *or*

* * * * *

■ 18. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 1 "Special Materials and Related Equipment, Chemicals, "Microorganisms," and Toxins", ECCN 1C008 is amended by revising paragraphs b.1.a, b.2.a, b.2.b, and b.2.c in the Items paragraph of the List of Items Controlled section, to read as follows:

1C008 Non-fluorinated polymeric substances as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Items:

* * * * *

b. * * *

b.1. * * *

b.1.a. Phenylene (CAS 83–12–5), biphenylene (CAS 259–79–0) or naphthalene (CAS 91–20–3); *or*

* * * * *

b.2. * * *

b.2.a. Terephthalic acid (CAS 100–21–0);

b.2.b. 6-hydroxy-2 naphthoic acid (CAS 16712–64–4); or

b.2.c. 4-hydroxybenzoic acid (CAS 99–96–7);

* * * * *

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

"Special Materials and Related Equipment, Chemicals, "Microorganisms," and Toxins", ECCN 1C010 is amended by revising the Heading and the Items paragraph of the List of Items Controlled section, to read as follows:

1C010 "Fibrous or filamentary materials" as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Items:

a. Organic "fibrous or filamentary materials", having all of the following:

a.1. "Specific modulus" exceeding 12.7 x 10^6 m; and

a.2. "Specific tensile strength" exceeding 23.5 x 10^4 m;

Note: 1C010.a does not control polyethylene.

b. Carbon "fibrous or filamentary materials", having all of the following:

b.1. "Specific modulus" exceeding 14.65 x 10^6 m; *and*

b.2. "Specific tensile strength" exceeding 26.82 x 10^4 m;

Note: 1C010.b does not control:

a. "Fibrous or filamentary materials", for the repair of "civil aircraft" structures or laminates, having all of the following:

1. An area not exceeding 1 m^2;

2. A length not exceeding 2.5 m; and

3. A width exceeding 15 mm.

b. Mechanically chopped, milled or cut carbon "fibrous or filamentary materials" 25.0 mm or less in length.

Technical Note: Properties for materials described in 1C010.b should be determined using SACMA recommended methods SRM 12 to 17, ISO 10618 (2004) 10.2.1 Method A or national equivalent tow tests, and based on lot average.

c. Inorganic "fibrous or filamentary materials", having all of the following:

c.1. "Specific modulus" exceeding 2.54 x 10^6 m; *and*

c.2. Melting, softening, decomposition or sublimation point exceeding 1,922 K (1,649 °C) in an inert environment;

Note: 1C010.c does not control:

a. Discontinuous, multiphase, polycrystalline alumina fibers in chopped fiber or random mat form, containing 3% by weight or more silica, with a "specific modulus" of less than 10 x 10^6 m;

b. Molybdenum and molybdenum alloy fibers;

c. Boron fibers;

d. Discontinuous ceramic fibers with a melting, softening, decomposition or sublimation point lower than 2,043 K (1,770 °C) in an inert environment.

d. "Fibrous or filamentary materials", having any of the following:

d.1. Composed of any of the following:

d.1.a. Polyetherimides controlled by 1C008.a; or

d.1.b. Materials controlled by 1C008.b to 1C008.f; or

d.2. Composed of materials controlled by 1C010.d.1.a or 1C010.d.1.b and "commingled" with other fibers controlled by 1C010.a, 1C010.b or 1C010.c;

e. Fully or partially resin-impregnated or pitch-impregnated "fibrous or filamentary materials" (prepregs), metal or carbon-coated "fibrous or filamentary materials" (preforms) or "carbon fiber preforms", having all of the following:

e.1. Having any of the following:

e.1.a. Inorganic "fibrous or filamentary materials" controlled by 1C010.c; or

e.1.b. Organic or carbon "fibrous or filamentary materials", having all of the following:

e.1.b.1. "Specific modulus" exceeding 10.15 x 10^6 m; *and*

e.1.b.2 "Specific tensile strength" exceeding 17.7 x 10^4 m; *and*

e.2. Having any of the following:

e.2.a. Resin or pitch controlled by 1C008 or 1C009.b;

e.2.b. 'Dynamic Mechanical Analysis glass transition temperature (DMA T_g)' equal to or exceeding 453 K (180 °C) and having a phenolic resin; *or*

e.2.c. 'Dynamic Mechanical Analysis glass transition temperature (DMA T_g)' equal to or exceeding 505 K (232 °C) and having a resin or pitch, not specified by 1C008 or 1C009.b, and not being a phenolic resin;

Note 1: Metal or carbon-coated "fibrous or filamentary materials" (preforms) or "carbon fiber preforms", not impregnated with resin or pitch, are specified by "fibrous or filamentary materials" in 1C010.a, 1C010.b or 1C010.c.

Note 2: 1C010.e does not control epoxy resin "matrix" impregnated carbon "fibrous or filamentary materials" (prepregs) for the repair of "civil aircraft" structures or laminates, having all of the following:

1. An area not exceeding 1 m^2;

2. A length not exceeding 2.5 m; and

3. A width exceeding 15 mm.

Technical Note: The 'Dynamic Mechanical Analysis glass transition temperature (DMA T_g)' for materials controlled by 1C010.e is determined using the method described in ASTM D 7028–07, or equivalent national standard, on a dry test specimen with a minimum 90% degree of cure as defined by ASTM E 2160–04 or equivalent national standard.

■ 20. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 1 "Special Materials and Related Equipment, Chemicals, "Microorganisms," and Toxins", ECCN 1C011 is amended by revising paragraph (c) in the Items paragraph of the List of Items Controlled section, to read as follows:

1C011 Metals and compounds, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Items:

* * * * *

c. Guanidine nitrate (CAS 506–93–4);

* * * * *

■ 21. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 1 "Special Materials and Related Equipment, Chemicals, "Microorganisms," and Toxins", ECCN 1E002 is amended by revising paragraph c.1.c.1 in the Items paragraph of the List of Items Controlled section, to read as follows:

1E002 Other "technology" as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Items:

* * * * *

c. * * *

c.1. * * *

c.1.c. * * *

c.1.c.1. Zirconia (CAS 1314–23–4) with an average particle size equal to or less than 1 μm and no more than 10% of the particles larger than 5 μm;

* * * * *

■ 22. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 1 is amended by revising paragraphs 6. and 35. through 42. in the annex that lists explosives located at the end of this category, as follows:

Annex to Category 1

List of Explosives (See ECCNs 1A004 and 1A008)

* * * * *

6. DADE (1,1-diamino-2,2-dinitroethylene, FOX7) (CAS 145250–81–3);

* * * * *

35. Nitrocellulose (containing more than 12.5% nitrogen) (CAS 9004–70–0);

36. Nitroglycol (CAS 628–96–6);

37. Pentaerythritol tetranitrate (PETN) (CAS 78–11–5);

38. Picryl chloride (CAS 88–88–0);

39. 2,4,6–Trinitrotoluene (TNT) (CAS 118–96–7);

40. Nitroglycerine (NG) (CAS 55–63–0);

41. Triacetone Triperoxide (TATP) (CAS 17088–37–8);

42. Guanidine nitrate (CAS 506–93–4);

43. Nitroguanidine (NQ) (CAS 556–88–7).

* * * * *

■ 23. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 2 Materials Processing, ECCN 2B006 is amended by revising paragraph a. in the Items paragraph of the List of Items Controlled section to read as follows:

2B006 Dimensional inspection or measuring systems, equipment, and "electronic assemblies", as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Items:

a. Computer controlled or "numerically controlled" Coordinate Measuring Machines

(CMM), having a three dimensional length (volumetric) maximum permissible error of indication (MPEE) at any point within the operating range of the machine (*i.e.,* within the length of axes) equal to or less (better) than (1.7 + L/1,000) µm (L is the measured length in mm) according to ISO 10360–2 (2001);

Technical Note: The MPEE of the most accurate configuration of the CMM specified by the manufacturer (e.g., best of the following: Probe, stylus length, motion parameters, environment) and with "all compensations available" shall be compared to the 1.7 + L/1,000 µm threshold.

* * * * *

■ 24. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 3 Electronics, ECCN 3A001 is amended by:

■ a. Revising paragraphs b.1.a.4.c, b.8.b, and e.4 the Items paragraph of the List of Items Controlled section; and

■ c. Adding paragraph b.11 in the Items paragraph of the List of Items Control section, to read as follows:

3A001 Electronic components and specially designed components therefor, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Items:

* * * * *

b. * * *

b.1. * * *

b.1.a. * * *

b.1.a.4. * * *

b.1.a.4.c. Being "space-qualified";

* * * * *

b.8. * * *

b.8.b. An average output power to mass ratio exceeding 80 W/kg; and

* * * * *

b.11. "Frequency synthesizer" "electronic assemblies" having a "frequency switching time" from one selected frequency to another as specified by any of the following:

b.11.a. Less than 312 ps;

b.11.b. Less than 100 µs for any frequency change exceeding 1.6 GHz within the synthesized frequency range exceeding 3.2 GHz but not exceeding 10.6 GHz;

b.11.c. Less than 250 µs for any frequency change exceeding 550 MHz within the synthesized frequency range exceeding 10.6 GHz but not exceeding 31.8 GHz;

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 within the synthesized frequency range exceeding 43.5 GHz.

N.B.: For general purpose "signal analysers," signal generators, network analysers and microwave test receivers, see 3A002.c, 3A002.d, 3A002.e and 3A002.f, respectively.

* * * * *

e. * * *

e.4. Solar cells, cell-interconnect-coverglass (CIC) assemblies, solar panels, and solar arrays, which are "space-qualified," having a minimum average efficiency exceeding 20% at an operating temperature of 301 K (28 °C) under simulated 'AM0' illumination with an irradiance of 1,367 Watts per square meter (W/m^2);

Technical Note: 'AM0,' or 'Air Mass Zero,' refers to the spectral irradiance of sunlight in the earth's outer atmosphere when the distance between the earth and sun is one astronomical unit (AU).

* * * * *

■ 25. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 3 Electronics, ECCN 3A002 is amended by:

■ a. Revising the License Exception section;

■ b. Removing the phrase "space qualified" and adding in its place "space-qualified" in the Related Controls paragraph, and paragraphs a.3.b, g.1 and g.3 in the Items paragraph of the List of Items Controlled section;

■ c. Removing and reserving paragraph b. in the Items paragraph of the List of Items Controlled section;

■ d. Revising paragraph e. in the Items paragraph of the List of Items Controlled section to read as follows:

3A002 General purpose electronic equipment and accessories therefor, as follows (see List of Items Controlled).

* * * * *

License Exceptions

LVS: $3000: 3A002.a, .e, .f, .g; $5000: 3A002.c to .d.

GBS: Yes for 3A002.a.1.

CIV: Yes for 3A002.a.1 (provided all of the following conditions are met: (1) Bandwidths do not exceed: 4 MHz per track and have up to 28 tracks *or* 2 MHz per track and have up to 42 tracks; (2) Tape speed does not exceed 6.1 m/s; (3) They are not designed for underwater use; (4) They are not ruggedized for military use; *and* (5) Recording density does not exceed 653.2 magnetic flux sine waves per mm).

List of Items Controlled

* * * * *

Items:

* * * * *

e. Network analyzers having any of the following:

e.1. Maximum operating frequency exceeding 43.5 GHz and output power exceeding 31.62 mW (15 dBm); *or*

e.2. Maximum operating frequency exceeding 70 GHz;

* * * * *

■ 26. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 3 Electronics, ECCN 3B001 is amended by revising paragraphs c. and e. 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.

* * * * *

List of Items Controlled

* * * * *

Items:

* * * * *

c. Anisotropic plasma dry etching equipment having all of the following:

c.1. Designed or optimized to produce critical dimensions of 65 nm or less; and

c.2. Within-wafer non-uniformity equal to or less than 10% 3σ measured with an edge exclusion of 2 mm or less;

* * * * *

e. Automatic loading multi-chamber central wafer handling systems having all of the following:

e.1. Interfaces for wafer input and output, to which more than twofunctionally different 'semiconductor process tools' controlled by 3B001.a, 3B001.b, 3B001.c or 3B001.d are designed to be connected; *and*

e.2. Designed to form an integrated system in a vacuum environment for 'sequential multiple wafer processing';

Note: 3B001.e does not control automatic robotic wafer handling systems specially designed for parallel wafer processing.

Technical Notes: 1. For the purpose of 3B001.e, 'semiconductor process tools' refers to modular tools that provide physical processes for semiconductor production that are functionally different, such as deposition, etch, implant or thermal processing.

2. For the purpose of 3B001.e, 'sequential multiple wafer processing' means the capability to process each wafer in different 'semiconductor process tools', such as by transferring each wafer from one tool to a second tool and on to a third tool with the automatic loading multi-chamber central wafer handling systems.

* * * * *

■ 27. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 4—Computers, ECCN 4A001 is amended by:

■ a. Revising the LVS paragraph in the License Exceptions section, as set forth below;

■ b. Revising the Related Controls paragraph in the List of Items Controlled section, as set forth below;

■ c. Removing and reserving paragraph b. in the Items paragraph of the List of Items Controlled section.

4A001 Electronic computers and related equipment, having any of the following (see List of Items Controlled), and "electronic assemblies" and specially designed components therefor.

* * * * *

License Exceptions

LVS: $5000 for 4A001.a; N/A for MT.

* * * * *

List of Items Controlled

Unit: * * *

Related Controls: See also 4A101 and 4A994. See Category 5—Part 2 for electronic computers and related equipment performing or incorporating "information security" functions as the primary function. Equipment designed or rated for transient ionizing radiation is subject to the export licensing authority of the U.S. Department of State, Directorate of Defense Trade Controls. (See 22 CFR part 121.)

* * * * *

■ 28. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 4—Computers, ECCN 4A003 is amended by revising paragraph g. in the Items paragraphs of the List of Items Controlled section to read as follows:

4A003 "Digital computers", "electronic assemblies", and related equipment therefor, as follows and specially designed components therefor.

List of Items Controlled

* * * * *

Items:

* * * * *

g. Equipment specially designed for aggregating the performance of "digital computers" by providing external interconnections which allow communications at unidirectonal data rates exceeding 2.0 Gbyte/s per link.

Note: 4A003.g does not control internal interconnection equipment (e.g., backplanes, buses) passive interconnection equipment, "network access controllers" or "communication channel controllers".

■ 29. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 4—Computers, Product Group D is amended by revising the Note to read as follows:

* * * * *

D. SOFTWARE

Note: The control status of "software" for the "development", "production", or "use" of equipment described in other Categories is dealt with in the appropriate Category.

* * * * *

■ 30. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 4—Computers, ECCN 4D001 is amended by revising paragraph b.1 in the Items paragraphs of the List of Items Controlled section to read as follows:

4D001 "Software"as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Items:

* * * * *

b.* * *

b.1. "Digital computers" having an "Adjusted Peak Performance" ("APP") exceeding 0.25 Weighted TeraFLOPS (WT);

* * * * *

■ 31. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 4—Computers, ECCN 4D003 is removed.

■ 32. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 4—Computers, ECCN 4D993 is amended by revising the Heading to read as follows:

4D993 "Program" proof and validation "software", "software" allowing the automatic generation of "source codes", and operating system "software" that are specially designed for real time processing equipment (see List of Items Controlled).

* * * * *

■ 33. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 4—Computers, ECCN 4E001 is amended by revising paragraph b.1. in the Items paragraphs of the List of Items Controlled section to read as follows:

4E001 "Technology" as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Items:

* * * * *

b.* * *

b.1. "Digital computers" having an "Adjusted Peak Performance" ("APP") exceeding 0.25 Weighted TeraFLOPS (WT);

* * * * *

■ 34. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 5 Telecommunications and "Information Security", Part I Telecommunications, is amended by:

■ a. Revising Note 1 at the beginning of Category 5 Part I; and

■ b. Adding a Nota bene (N.B.) after Note 1 at the beginning of Category 5 Part I, to read as follows:

Category 5—Telecommunications and "Information Security"

I. Telecommunications

Notes: 1. The control status of components, test and "production" equipment, and "software" therefor which are specially designed for telecommunications equipment or systems is determined in Category 5, Part 1.

N.B.: For "lasers" specially designed for telecommunications equipment or systems, see ECCN 6A005.

* * * * *

■ 35. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 5 Telecommunications and "Information Security", Part I Telecommunications, ECCN 5A001 is amended by revising the License Exception section to read as follows:

5A001 Telecommunications systems, equipment, components and accessories, as follows (see List of Items Controlled).

* * * * *

License Exceptions

LVS: N/A for 5A001.a, b.5, and e;
$5000 for 5A001b.1, b.2, b.3, b.6, d, f, g, and h;
$3000 for 5A001.c.

GBS: Yes, except 5A001.a, b.5, and e.

CIV: Yes, except 5A001.a, b.3, b.5, and e.

* * * * *

■ 36. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 5 Telecommunications and "Information Security", Part I Telecommunications, ECCN 5B001 is amended by removing and reserving paragraphs b.1 and b.3 in the Items paragraph of the List of Items Controlled section.

■ 37. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 5 Telecommunications and "Information Security", Part I Telecommunications, ECCN 5D001 is amended by revising paragraph d. in the Items paragraph of the List of Items Controlled section to read as follows:

5D001 "Software" as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Items:

* * * * *

d. "Software" specially designed or modified for the "development" of any of the following telecommunication transmission or switching equipment:

d.1. [Reserved]

d.2. Equipment employing a "laser" and having any of the following:

d.2.a. A transmission wavelength exceeding 1,750 nm; *or*

d.2.b. Employing analog techniques and having a bandwidth exceeding 2.5 GHz; or

Note: 5D001.d.2.b does not control "software" specially designed or modified for the "development" of commercial TV systems.

d.3. [Reserved]

d.4. Radio equipment employing Quadrature-Amplitude-Modulation (QAM) techniques above level 256.

■ 38. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 5 Telecommunications and "Information Security", Part I Telecommunications, ECCN 5E001 is amended by revising paragraphs c.1 and c.3 in the Items paragraph of the List of Items Controlled section to read as follows:

5E001 "Technology" as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Items:

* * * * *

c. * * *

c.1. Equipment employing digital techniques designed to operate at a "total digital transfer rate" exceeding 50 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.3. Equipment employing "optical switching" and having a switching time less than 1 ms; or

* * * * *

■ 39. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 6 Sensors, ECCN 6A001 is amended by:
■ a. Revising the LVS paragraph of the License Exceptions section;
■ b. Revising paragraphs a.1.a and a.1.d in the Items paragraph of the List of Items Controlled section; and
■ c. Adding paragraph a.1.e to the Items paragraph of the List of Items Controlled section, to read as follows:

6A001 Acoustic systems, equipment and components, as follows (see List of Items Controlled).

* * * * *

License Exceptions

LVS: $3000; N/A for 6A001.a.1.b.1 object detection and location systems having a transmitting frequency below 5 kHz or a sound pressure level exceeding 210 dB (reference 1 μPa at 1 m) for equipment with an operating frequency in the band from 30 kHz to 2 kHz inclusive; 6A001.a.1.e, 6A001.a.2.a.1, a.2.a.2, 6A001.a.2.a.3, a.2.a.5, a.2.a.6, 6A001.a.2.b; processing equipment controlled by 6A001.a.2.c, and specially designed for real time application with towed acoustic hydrophone arrays; a.2.e.1, a.2.e.2; and bottom or bay cable systems controlled by 6A001.a.2.f and having processing equipment specially designed for real time application with bottom or bay cable systems; $5,000: 6A001.c.

* * * * *

List of Items Controlled

* * * * *

Items:

a. * * *

a.1. * * *

a.1.a. Bathymetric survey systems designed for sea bed topographic mapping and having all of the following:

a.1.a.1. Designed to take measurements at an angle exceeding 20° from the vertical;

a.1.a.2. Designed to measure seabed topography at seabed depths exceeding 600 m; *and*

a.1.a.3. Designed to provide any of the following:

a.1.a.3.a. Incorporation of multiple beams any of which is less than 1.9°; or

a.1.a.3.b. Data accuracies of better than 0.3% of water depth across the swath averaged over the individual measurements within the swath;

* * * * *

a.1.d. Acoustic systems and equipment, designed to determine the position of surface vessels or underwater vehicles and having all of the following, and specially designed components therefor:

a.1.d.1. Detection range exceeding 1,000 m; and

a.1.d.2. Positioning accuracy of less than 10 m rms (root mean square) when measured at a range of 1,000 m;

Note: 6A001.a.1.d includes:

a. Equipment using coherent "signal processing" between two or more beacons and the hydrophone unit carried by the surface vessel or underwater vehicle;

b. Equipment capable of automatically correcting speed-of-sound propagation errors for calculation of a point.

a.1.e. Active individual sonars, specially designed or modified to detect, locate and automatically classify swimmers or divers, having all of the following:

a.1.e.1. Detection range exceeding 530 m;

a.1.e.2. Positioning accuracy of less than 15 m rms (root mean square) when measured at a range of 530 m; *and*

a.1.e.3. Transmitted pulse signal bandwidth exceeding 3 kHz;

N.B.: For diver detection systems specially designed or modified for military use, see the U.S. Munitions List in the International Traffic in Arms Regulations (ITAR) (22 CFR part 121).

Note: For 6A001.a.1.e, where multiple detection ranges are specified for various environments, the greatest detection range is used.

* * * * *

■ 40. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 6 Sensors, ECCN 6A005 is amended by revising paragraph d.1 in the Items paragraph of the List of Items Controlled section, to read as follows:

6A005 "Lasers" (other than those described in 0B001.g.5 or .h.6), components and optical equipment, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Items:

* * * * *

d. * * *

d.1. Semiconductor "lasers" as follows:

Notes:

1. 6A005.d.1 includes semiconductor "lasers" having optical output connectors (e.g., fiber optic pigtails).

2. The control status of semiconductor "lasers" specially designed for other equipment is determined by the control status of the other equipment.

d.1.a. Individual single-transverse mode semiconductor "lasers" having any of the following:

d.1.a.1. Wavelength equal to or less than 1,510 nm and average or CW output power, exceeding 1.5 W; *or*

d.1.a.2. Wavelength greater than 1,510 nm and average or CW output power, exceeding 500 mW;

d.1.b. Individual, multiple-transverse mode semiconductor "lasers" having any of the following:

d.1.b.1. Wavelength of less than 1,400 nm and average or CW output power, exceeding 15 W;

d.1.b.2. Wavelength equal to or greater than 1,400 nm and less than 1,900 nm and average or CW output power, exceeding 2.5 W; *or*

d.1.b.3. Wavelength equal to or greater than 1,900 nm and average or CW output power, exceeding 1 W;

d.1.c. Individual semiconductor "laser" 'bars' having any of the following:

d.1.c.1. Wavelength of less than 1,400 nm and average or CW output power, exceeding 100 W;

d.1.c.2. Wavelength equal to or greater than 1,400 nm and less than 1,900 nm and average or CW output power, exceeding 25 W; *or*

d.1.c.3. Wavelength equal to or greater than 1,900 nm and average or CW output power, exceeding 10 W;

d.1.d. Semiconductor "laser" 'stacked arrays' (two-dimensional arrays) having any of the following:

d.1.d.1. Wavelength less than 1,400 nm and having any of the following:

d.1.d.1.a. Average or CW total output power less than 3 kW and having average or CW output 'power density' greater than 500 W/cm^2;

d.1.d.1.b. Average or CW total output power equal to or exceeding 3 kW but less than or equal to 5 kW, and having average or CW output 'power density' greater than 350W/cm^2;

d.1.d.1.c. Average or CW total output power exceeding 5 kW;

d.1.d.1.d. Peak pulsed 'power density' exceeding 2,500 W/cm^2; *or*

d.1.d.1.e. Spatially coherent average or CW total output power, greater than 150 W;

d.1.d.2. Wavelength greater than or equal to 1,400 nm but less than 1,900 nm, and having any of the following:

d.1.d.2.a. Average or CW total output power less than 250 W and average or CW output 'power density' greater than 150 W/cm^2;

d.1.d.2.b. Average or CW total output power equal to or exceeding 250 W but less than or equal to 500 W, and having average or CW output 'power density' greater than 50W/cm^2;

d.1.d.2.c. Average or CW total output power exceeding 500 W;

d.1.d.2.d. Peak pulsed 'power density' exceeding 500 W/cm^2; *or*

d.1.d.2.e. Spatially coherent average or CW total output power, exceeding 15 W;

d.1.d.3. Wavelength greater than or equal to 1,900 nm and having any of the following:

d.1.d.3.a. Average or CW output 'power density' greater than 50 W/cm^2;

d.1.d.3.b. Average or CW output power greater than 10 W; *or*

d.1.d.3.c. Spatially coherent average or CW total output power, exceeding 1.5 W; or

d.1.d.4. At least one "laser" 'bar' specified by 6A005.d.1.c;

Technical Note: For the purposes of 6A005.d.1.d, 'power density' means the total "laser" output power divided by the emitter surface area of the 'stacked array'.

d.1.e. Semiconductor "laser" 'stacked arrays', other than those specified by 6.A.5.d.1.d., having all of the following:

d.1.e.1. Specially designed or modified to be combined with other 'stacked arrays' to form a larger 'stacked array'; and

d.1.e.2. Integrated connections, common for both electronics and cooling;

Note 1: 'Stacked arrays', formed by combining semiconductor "laser" 'stacked arrays' specified by 6A005.d.1.e, that are not designed to be further combined or modified are specified by 6A005.d.1.d.

Note 2: 'Stacked arrays', formed by combining semiconductor "laser" 'stacked arrays' specified by 6A005.d.1.e, that are designed to be further combined or modified are specified by 6A005.d.1.e.

Note 3: 6A005.d.1.e does not apply to modular assemblies of single 'bars' designed to be fabricated into end-to-end stacked linear arrays.

Technical Notes: 1. Semiconductor "lasers" are commonly called "laser" diodes.

2. A 'bar' (also called a semiconductor "laser" 'bar', a "laser" diode 'bar' or diode 'bar') consists of multiple semiconductor "lasers" in a one-dimensional array.

3. A 'stacked array' consists of multiple 'bars' forming a two-dimensional array of semiconductor "lasers".

* * * * *

■ 41. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 6 Sensors, ECCN 6A008 is amended by revising the Note at the beginning of the Items paragraph, and adding paragraphs c. through l. in the Items paragraph of the List of Items Controlled section, to read as follows:

6A008 Radar systems, equipment and assemblies, having any of the following (*see* List of Items Controlled), and specially designed components therefor.

* * * * *

List of Items Controlled

* * * * *

Items:

Note: 6A008 does not control:

—Secondary surveillance radar (SSR);
—Civil Automotive Radar;
—Displays or monitors used for air traffic control (ATC);
—Meteorological (weather) radar;
—Precision Approach Radar (PAR) equipment conforming to ICAO standards and employing electronically steerable linear (1-dimensional) arrays or mechanically positioned passive antennae.

* * * * *

c. Capable of operating simultaneously on more than two carrier frequencies;

d. Capable of operating in synthetic aperture (SAR), inverse synthetic aperture (ISAR) radar mode, or sidelooking airborne (SLAR) radar mode;

e. Incorporating electronically steerable array antennae;

f. Capable of heightfinding non-cooperative targets;

Note: 6A008.f does not control precision approach radar (PAR) equipment conforming to ICAO standards.

g. Specially designed for airborne (balloon or airframe mounted) operation and having Doppler "signal processing" for the detection of moving targets;

h. Employing processing of radar signals and using any of the following:

h.1. "Radar spread spectrum" techniques; *or*

h.2. "Radar frequency agility" techniques;

i. Providing ground-based operation with a maximum "instrumented range" exceeding 185 km;

Note: 6A008.i does not control:

a. Fishing ground surveillance radar;

b. Ground radar equipment specially designed for en route air traffic control, and having all of the following:

1. A maximum "instrumented range" of 500 km or less;

2. Configured so that radar target data can be transmitted only one way from the radar site to one or more civil ATC centers;

3. Contains no provisions for remote control of the radar scan rate from the en route ATC center; and

4. Permanently installed;

c. Weather balloon tracking radars.

j. Being "laser" radar or Light Detection and Ranging (LIDAR) equipment and having any of the following:

j.1. "Space-qualified";

j.2. Employing coherent heterodyne or homodyne detection techniques and having an angular resolution of less (better) than 20 μrad (microradians); or

j.3. Designed for carrying out airborne bathymetric littoral surveys to International Hydrographic Organization (IHO) Order 1a Standard (5th Edition February 2008) for Hydrographic Surveys or better, and using one or more lasers with a wavelength exceeding 400 nm but not exceeding 600 nm;

Note 1: LIDAR equipment specially designed for surveying is only specified by 6A008.j.3.

Note 2: 6A008.j does not apply to LIDAR equipment specially designed for meteorological observation.

Note 3: Parameters in the IHO Order 1a Standard 5th Edition February 2008 are summarized as follows:

Horizontal Accuracy (95% Confidence Level) = 5 m + 5% of depth.

Depth Accuracy for Reduced Depths (95% Confidence Level) = $\pm\sqrt{(a^2+(b*d)^2)}$ where:

a = 0.5 m = constant depth error, i.e. the sum of all constant depth errors

b = 0.013 = factor of depth dependant error

b*d = depth dependant error, i.e. the sum of all depth dependant errors

d = depth

Feature Detection = Cubic features > 2 m in depths up to 40 m; 10% of depth beyond 40 m.

k. Having "signal processing" sub-systems using "pulse compression" and having any of the following:

k.1. A "pulse compression" ratio exceeding 150; *or*

k.2. A pulse width of less than 200 ns; *or*

l. Having data processing sub-systems and having any of the following:

l.1. "Automatic target tracking" providing, at any antenna rotation, the predicted target position beyond the time of the next antenna beam passage;

Note: 6A008.l.1 does not control conflict alert capability in ATC systems, or marine or harbor radar.

l.2. Calculation of target velocity from primary radar having non-periodic (variable) scanning rates;

l.3. Processing for automatic pattern recognition (feature extraction) and comparison with target characteristic data bases (waveforms or imagery) to identify or classify targets; or

l.4. Superposition and correlation, or fusion, of target data in real time from two or more "geographically dispersed" radar sensors to improve the aggregate performance beyond that of any single sensor.

Note: 6A008.l.4 does not control systems, equipment and assemblies designed for marine traffic control.

■ 42. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 6 Sensors, ECCN 6C004 is amended by revising paragraph b. and the introductory text to paragraph e. in the Items paragraph of the List of Items Controlled section, to read as follows:

6C004 Optical materials as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

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Items:

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b. Boules of any of the following electro-optic materials:

b.1. Potassium titanyl arsenate (KTA) (CAS 59400–80–5);

b.2. Silver gallium selenide ($AgGaSe_2$) (CAS 12002–67–4); or

b.3. Thallium arsenic selenide (Tl_3AsSe_3, also known as TAS) (CAS 16142–89–5);

* * * * *

e. Glass, including fused silica, phosphate glass, fluorophosphate glass, zirconium fluoride (ZrF_4) (CAS 7783–64–4) and hafnium fluoride (HfF_4) (CAS 13709–52–9) and having all of the following:

* * * * *

■ 43. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 6 Sensors, ECCN 6D003 is amended by adding paragraph a.5 and revising paragraph h.1 in the Items paragraph of the List of Items Controlled section, to read as follows:

6D003 Other "software" as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Items:

ACOUSTICS

a. * * *

a.5. "Software" or "source code", specially designed for all of the following:

a.5.a. "Real time processing" of acoustic data from sonar systems controlled by 6A001.a.1.e; and

a.5.b. Automatically detecting, classifying and determining the location of divers or swimmers;

N.B.: For diver detection "software" or "source code", specially designed or modified for military use, see the U.S. Munitions List of the International Traffic in Arms Regulations (ITAR) (22 CFR part 121).

* * * * *

RADAR

h. * * *

h.1. Air Traffic Control (ATC) "software" application "programs" hosted on general purpose computers located at Air Traffic Control centers and capable of accepting radar target data from more than four primary radars;

* * * * *

■ 44. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 7 Navigation and Avionics, ECCN 7A005 is amended by revising the Heading and adding License Requirements and List of Items Controlled sections, to read as follows:

7A005 Global Navigation Satellite Systems (GNSS) receiving equipment having any of the following and specially designed components therefor.

License Requirements

These items are subject to the export licensing authority of the U.S. Department of State, Directorate of Defense Trade Controls. *See* 22 CFR part 121.

List of Items Controlled

Unit: N/A

Related Controls: See also 7A105 and 7A994. For equipment specially designed for military use, see Categories XI and XV of the U.S. Munitions List (22 CFR 121).

Related Definitions: N/A

Items:

a. Employing a decryption algorithm specially designed or modified for government use to access the ranging code for position and time; *or*

b. Employing 'adaptive antenna systems'.

Note: 7A005.b does not apply to GNSS receiving equipment that only uses components designed to filter, switch, or combine signals from multiple omni-directional antennae that do not implement adaptive antenna techniques.

Technical Note: For the purposes of 7A005.b 'adaptive antenna systems' dynamically generate one or more spatial nulls in an antenna array pattern by signal processing in the time domain or frequency domain.

■ 45. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 7 Navigation and Avionics, ECCN 7B001 is amended by revising paragraph (2) in the Related Definitions paragraph of the List of Items Controlled section to read as follows:

7B001 Test, calibration or alignment equipment, specially designed for equipment controlled by 7A (except 7A994).

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List of Items Controlled

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Related Definition: * * *

(2) 'Maintenance Level II': The defective LRU is sent to the maintenance workshop (the manufacturer's or that of the operator responsible for level II maintenance). At the maintenance workshop, the malfunctioning LRU is tested by various appropriate means to verify and localize the defective Shop Replaceable Assembly (SRA) module responsible for the failure. This SRA is removed and replaced by an operative spare. The defective SRA (or possibly the complete LRU) is then shipped to the manufacturer. 'Maintenance Level II' does not include the disassembly or repair of controlled accelerometers or gyro sensors.

* * * * *

■ 46. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 7 Navigation and Avionics, ECCN 7D003 is amended by revising paragraph b.2 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:

* * * * *

b. * * *

b.2. Global Navigation Satellite Systems (GNSS) reference data; or

* * * * *

■ 47. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 7 Navigation and Avionics, ECCN 7E004 is amended by revising paragraph b.6 in the Items paragraph of the List of Items Controlled to read as follows:

7E004 Other "technology" as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Items:

* * * * *

b. * * *

b.6. Full authority digital flight control or multisensor mission management systems, employing "expert systems";

N.B.: For "technology" for "Full Authority Digital Engine Control Systems" ("FADEC Systems"), *see* ECCN 9E003.h.

* * * * *

■ 48. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 9, Aerospace and Propulsion, ECCN 9A001 is amended by revising the Heading and introductory text of paragraph a. in the Items paragraph of the List of Items Controlled section to read as follows:

9A001 Aero gas turbine engines having any of the following (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Items:

a. Incorporating any of the technologies controlled by .a or .h; or

* * * * *

■ 49. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 9, Aerospace and Propulsion, ECCN 9A003 is amended by revising the Heading to read as follows:

9A003 Specially designed assemblies and components, incorporating any of the "technologies" controlled by 9E003.a or 9E003.h, for gas turbine engine propulsion systems having any of the following (see List of Items Controlled).

* * * * *

■ 50. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 9, Aerospace and Propulsion, ECCN 9B002 is amended by revising the Heading to read as follows:

9B002 On-line (real time) control systems, instrumentation (including sensors) or automated data acquisition and processing equipment, specially designed for the "development" of gas turbine engines, assemblies or components incorporating "technologies" controlled by 9E003.a or 9E003.h.

* * * * *

■ 51. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 9, Aerospace and Propulsion, ECCN 9D003 is amended by revising the Heading, the License Requirements section and paragraph b. in the Items paragraph of the License Requirements section to read as follows:

9D003 "Software" specially designed or modified for the "use" of "Full Authority Digital Electronic Engine Control Systems" ("FADEC Systems") for propulsion systems controlled by 9A (except 9A018, 9A990 or 9A991) or equipment controlled by 9B (except 9B990 or 9B991), as follows (*see* List of Items Controlled).

License Requirements

Reason for Control: NS, MT, AT

Control(s)	Country chart
NS applies to "software" NS Column 1 for "use" of "FADEC systems" for equipment controlled by 9A001 to 9A003.	AT applies to entire entry AT Column 1.
MT applies to "software" MT Column 1 required for the "use" of "FADEC systems" for gas turbine engines controlled by 9A101, or 9A106.	

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List of Items Controlled

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Items:

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b. Fault-tolerant "software" used in "FADEC systems" for propulsion systems and associated test facilities.

■ 52. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 9, Aerospace and Propulsion, ECCN 9E003 is amended by:

■ a. Revising the SI paragraph in the License Requirements section;

■ b. Removing and reserving paragraph a.9, and adding a note after the reserved a.9 in the Items paragraph of the List of Items Controlled section; and

■ c. Redesignating paragraph h. as i. and adding a new paragraph h. in the Items paragraph of the List of Items Controlled; and

■ d. Revising newly redesignated paragraph i. 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).

* * * * *

SI applies to 9E003.a.1 through a.8, a.10, .h and .i. See § 742.14 of the EAR for additional information.

* * * * *

List of Items Controlled

* * * * *

Items:

a. * * *

a.9. [Reserved]

N.B.: For "FADEC systems", see 9E003.h.

* * * * *

h. "Technology" for gas turbine engine "FADEC systems" as follows:

h.1. "Development" "technology" for deriving the functional requirements for the components necessary for the "FADEC system" to regulate engine thrust or shaft power (e.g., feedback sensor time constants and accuracies, fuel valve slew rate);

h.2. "Development" or "production" "technology" for control and diagnostic components unique to the "FADEC system" and used to regulate engine thrust or shaft power;

h.3. "Development" "technology" for the control law algorithms, including "source code", unique to the "FADEC system" and used to regulate engine thrust or shaft power.

Note: 9E003.h does not apply to technical data related to engine-aircraft integration required by the civil aviation certification authorities to be published for general airline use (e.g., installation manuals, operating instructions, instructions for continued airworthiness) or interface functions (e.g., input/output processing, airframe thrust or shaft power demand).

i. "Technology" not otherwise controlled in 9E003.a.1 through a.8, a.10, and .h and used in the "development", "production", or overhaul of hot section parts and components of civil derivatives of military engines controlled on the U.S. Munitions List.

Dated: August 26, 2010.

Kevin J. Wolf,

Assistant Secretary for Export Administration.

[FR Doc. 2010–21688 Filed 9–3–10; 8:45 am]

BILLING CODE 3510–33–P

SOCIAL SECURITY ADMINISTRATION

20 CFR Part 416

[Docket No. SSA–2009–0017]

RIN 0960–AD78

Improvements to the Supplemental Security Income Program—Heroes Earnings Assistance and Relief Tax Act of 2008 (HEART Act)

AGENCY: Social Security Administration.

ACTION: Final rule.

SUMMARY: We are revising our regulations to incorporate improvements to the Supplemental Security Income (SSI) program made by the HEART Act. The HEART Act changes the way we treat certain cash payments to members of the uniformed services and veterans and the way we treat cash and in-kind payments to AmeriCorps volunteers. In addition, we are making a technical change to our rules to reflect the correct section of the Internal Revenue Code.

DATES: These final rules are effective September 7, 2010.

FOR FURTHER INFORMATION CONTACT: Eric Skidmore, Office of Income Security Programs, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235–6401, (410) 597–1833. 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:

Electronic Version

The electronic file of this document is available on the date of publication in the **Federal Register** at *http://www.gpoaccess.gov/fr/index.html.*

Background

We are revising our regulations to incorporate changes to the SSI program made by sections 201–203 of the HEART Act, Public Law 110–245. The HEART Act amended the SSI program with respect to SSI benefits payable on or after September 1, 2008 by:

- Treating certain cash payments to members of the uniformed services as earned income, generally providing a higher SSI benefit (section 201(a) of the HEART Act);
- Excluding from countable income and resources certain annuity payments paid by a State (section 202 of the HEART Act); and,
- Excluding any cash or in-kind benefit provided by AmeriCorps State and National and AmeriCorps National Civilian Community Corps (NCCC) from countable income for SSI eligibility and benefit determinations (section 203 of the HEART Act).

The primary goal of the SSI program is to ensure a minimum level of income to persons who are aged 65 or older, blind, or disabled and who have limited income and resources. The law provides that SSI payments can be made only to persons who have income and resources below specified amounts. Therefore, income and resources are major factors in deciding SSI eligibility and the amount of any SSI payments.

The HEART Act changes the way we apply our earned income, unearned income, and resource exclusion rules to uniformed services personnel, veterans and their spouses, and AmeriCorps participants. Under the HEART Act, some payments that we previously counted as unearned income now count as earned income, and some payments are excluded altogether for purposes of SSI eligibility and benefit determinations. Since the changes made by the HEART Act were effective with respect to SSI benefits payable beginning on or after September 1, 2008, we have already updated our operational instructions. We also need to update our rules in order to reflect these statutory changes.

Explanation of Changes

We are amending sections 416.1110, 416.1112, 416.1124, 416.1130(b), and 416.1210 of our rules to reflect the changes mandated by sections 201, 202, and 203 of the HEART Act. In addition, we are making a technical change to

section 416.1110(c) to reflect the correct section of the Internal Revenue Code.

Uniformed Services Special Pay and Allowances

Before the HEART Act, we treated some non-wage cash payments to uniformed service members, *i.e.,* the military housing allowance paid to uniformed service members who live in completely private housing, as unearned income for SSI purposes. We are revising section 416.1110 (*What is earned income.*) to reflect section 201 of the HEART Act and treat most cash payments to uniformed service members, including the military housing allowance for completely private housing, as earned income.

The HEART Act does not change, for SSI eligibility and benefit determinations, the way we treat:

- On-base housing and privatized military housing allowances. We count these as in-kind support and maintenance (ISM). Military service members receive a basic allowance to cover housing costs in on-base housing, privatized military housing, or completely private housing. Privatized military housing is developed and managed by private companies under agreement with the military to provide housing for service members, whereas completely private housing is not.
- Combat-related military pay. We exclude this pay for an SSI recipient from countable income, and we exclude from deeming additional types of combat-related pay beyond special pay. 37 U.S.C. 310; 20 CFR 416.1124(c)(19) and 416.1161(a)(28). We exclude from a spouse's or child's deemed income any additional pay that members of the uniformed services received because they were deployed to or served in a combat zone.

State Annuities for Blind, Aged, or Disabled Veterans

Before the HEART Act, we counted State annuity payments as income in the month received, and as a resource if retained into the following month. We are revising sections 416.1124 (*Unearned income we do not count*) and 416.1210 (*Exclusions from resources; general*) to reflect section 202 of the HEART Act and exclude, for SSI eligibility and benefit determinations, annuity payments that a State pays to a person (or his or her spouse) because the State has determined that the person is:

- A veteran; and
- Blind, disabled, or aged.

Under section 202 of the HEART Act, we exclude these payments from income for the month received and from resources beginning with the month after the month received.

AmeriCorps State and National and AmeriCorps NCCC Payments

Prior to the HEART Act, we treated cash or in-kind payments from the AmeriCorps State and National and AmeriCorps NCCC programs as countable income. We are revising sections 416.1112 (*Earned income we do not count*) and 416.1124 (*Unearned income we do not count*) to reflect section 203 of the HEART Act. For SSI eligibility and benefit determinations, we will exclude from countable income any cash or in-kind payments to program participants or on the AmeriCorps participants behalf. Such payments may include, but are not limited to: Food and shelter, stipends, living allowance payments, clothing allowances, educational awards, and payments in lieu of educational awards.

Technical Section Change

We are also updating a citation in 20 CFR 416.1110(c), which currently cites "section 43 of the Internal Revenue Code of 1954, as amended" as authority for the earned income credit. We are updating that citation to refer to section 32 of the Internal Revenue Code of 1986, as amended (26 U.S.C. 32). This change is technical in nature and does not have any substantive impact on our policies or procedures.

Regulatory Procedures

We follow the Administrative Procedure Act (APA) rulemaking procedures in 5 U.S.C. 553 when developing our regulations. The APA provides exceptions to its prior notice and public comment procedures when an agency finds that there is good cause for dispensing with such procedures because they are impracticable, unnecessary, or contrary to the public interest.

In the case of these rules, we have determined that, under 5 U.S.C. 553(b)(B), good cause exists for dispensing with the prior notice and public comment procedures for the changes we are making because all of these changes are required by the HEART Act. The statutory changes made by the HEART Act are self-implementing provisions that do not give us any discretion in implementing them. The statutory changes were effective with respect to SSI benefits payable on or after September 1, 2008, and we have been following these provisions in accordance with our operational instructions since they became effective. Therefore, we have determined that notice and opportunity for comment prior to making these changes is unnecessary.

In addition, we find good cause for dispensing with the 30-day delay in the effective date of a substantive rule, provided for by 5 U.S.C. 553(d). As explained above, we are revising our title XVI rules to reflect legislative provisions that are already in effect and that we have been applying since they became effective. Without these changes, our rules will not reflect current law or our operating policy and procedures, and thus may mislead the public. Therefore, we find that it is in the public interest to make these rules effective upon publication.

Executive Order 12866

We have consulted with the Office of Management and Budget (OMB) and determined that these final rules do not meet the criteria for a significant regulatory action under Executive Order 12866 and were not subject to OMB review.

Regulatory Flexibility Act

We certify that these final rules will not have a significant economic impact on a substantial number of small entities because they only affect individuals. Therefore, a regulatory flexibility analysis is not required under the Regulatory Flexibility Act, as amended.

Paperwork Reduction Act

These rules do not create any new or affect any existing collections and, therefore, do not require Office of Management and Budget approval under the Paperwork Reduction Act.

(Catalog of Federal Domestic Assistance Program No. 96.006, Supplemental Security Income.)

List of Subjects in 20 CFR Part 416

Administrative practice and procedure; Reporting and recordkeeping requirements; Supplemental Security Income (SSI).

Dated: August 27, 2010.

Michael J. Astrue,

Commissioner of Social Security.

■ For the reasons stated in the preamble, we are amending subparts K and L of chapter III of title 20 of the Code of Federal Regulations as set forth below:

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED.

Subpart K—[Amended]

■ 1. The authority citation for subpart K of part 416 continues to read as follows:

Authority: Secs. 702(a)(5), 1602, 1611, 1612, 1613, 1614(f), 1621, 1631, and 1633 of

the Social Security Act (42 U.S.C. 902(a)(5), 1381a, 1382, 1382a, 1382b, 1382c(f), 1382j, 1383, and 1383b); sec 211, Pub. L. 93–66, 87 Stat. 154 (42 U.S.C. 1382 note).

■ 2. In § 416.1110, revise the section heading, paragraph (a) and the first sentence of paragraph (c) to read as follows:

§ 416.1110 What is earned income.

* * * * *

(a) *Wages*—(1) *Wages paid in cash—general.* Wages are what you receive (before any deductions) for working as someone else's employee. Wages are the same for SSI purposes as for the social security retirement program's earnings test. (*See* § 404.429(c) of this chapter.) Wages include salaries, commissions, bonuses, severance pay, and any other special payments received because of your employment.

(2) Wages paid in cash to uniformed service members. Wages paid in cash to uniformed service members include basic pay, some types of special pay, and some types of allowances. Allowances for on-base housing or privatized military housing are unearned income in the form of in-kind support and maintenance. Cash allowances paid to uniformed service members for private housing are wages.

(3) Wages paid in kind. Wages may also include the value of food, clothing, shelter, or other items provided instead of cash. We refer to this type of income as in-kind earned income. However, if you are a domestic or agricultural worker, the law requires us to treat your in-kind pay as unearned income.

* * * * *

(c) * * * Refunds on account of earned income credits are payments made to you under the provisions of section 32 of the Internal Revenue Code of 1986, as amended. * * *

* * * * *

■ 3. Amend § 416.1112(c) as follows:

■ a. Remove the word "and" at the end of paragraph (c)(8);

■ b. Remove the period at the end of paragraph (c)(9) and add "; and" in its place;

■ c. Add paragraph (c)(10) to read as follows:

§ 416.1112 Earned income we do not count.

* * * * *

(c) * * *

(10) Payments made to participants in AmeriCorps State and National and AmeriCorps National Civilian Community Corps (NCCC). Payments to participants in AmeriCorps State and National and AmeriCorps NCCC may be made in cash or in-kind and may be made directly to the AmeriCorps participant or on the AmeriCorps participant's behalf. These payments include, but are not limited to: Living allowance payments, stipends, educational awards, and payments in lieu of educational awards.

■ 4. Amend § 416.1124 as follows:

■ a. Remove the word "and" at the end of paragraph (c)(21);

■ b. Remove the period from the end of paragraph (c)(22) and add "; and" in its place; and

■ c. Add new paragraphs (c)(23) and (c)(24) to read as follows:

§ 416.1124 Unearned income we do not count.

* * * * *

(c) * * *

(23) AmeriCorps State and National and AmeriCorps National Civilian Community Corps cash or in-kind payments to AmeriCorps participants or on AmeriCorps participants' behalf. These include, but are not limited to: Food and shelter, and clothing allowances;

(24) Any annuity paid by a State to a person (or his or her spouse) based on the State's determination that the person is:

(i) A veteran (as defined in 38 U.S.C. 101); and

(ii) Blind, disabled, or aged.

■ 5. Amend § 416.1130 by adding the following sentence to the end of paragraph (b) to read as follows:

§ 416.1130 Introduction.

* * * * *

(b) *How we define in-kind support and maintenance.* * * * In addition, cash payments to uniformed service members as allowances for on-base housing or privatized military housing are in-kind support and maintenance.

* * * * *

Subpart L—[Amended]

■ 6. The authority citation for subpart L of part 416 continues to read as follows:

Authority: Secs. 702(a)(5), 1602, 1611, 1612, 1613, 1614(f), 1621, 1631, and 1633 of the Social Security Act (42 U.S.C. 902(a)(5), 1381a, 1382, 1382a, 1382b, 1382c(f), 1382j, 1383, and 1383b); sec 211, Pub. L. 93–66, 87 Stat. 154 (42 U.S.C. 1382 note).

■ 7. Amend § 416.1210 as follows:

■ a. Remove the word "and" at the end of paragraph (u);

■ b. Remove the period from the end of paragraph (v) and add "; and" in its place; and

■ c. Add paragraph (w) to read as follows:

§ 416.1210 Exclusions from resources; general.

* * * * *

(w) Any annuity paid by a State to a person (or his or her spouse) based on the State's determination that the person is:

(1) A veteran (as defined in 38 U.S.C. 101); and

(2) Blind, disabled, or aged.

[FR Doc. 2010–22179 Filed 9–3–10; 8:45 am]

BILLING CODE 4191–02–P

POSTAL SERVICE

39 CFR Part 111

Submission of Electronic Documentation With Comailed and Copalletized Mailings

AGENCY: Postal Service™.

ACTION: Final rule.

SUMMARY: The Postal Service is revising *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM®) 705 and 707 to require mailers preparing comailed or copalletized mailings, or mail owners who contribute mailpieces to a consolidated comailed or copalletized mailing, to submit electronic documentation to the USPS® by an approved method.

DATES: *Effective Date:* January 2, 2011.

FOR FURTHER INFORMATION CONTACT: David Guinther at 202–268–7769 or Kevin Gunther at 202–268–7208.

SUPPLEMENTARY INFORMATION: The support of electronic documentation for a comailed and copalletized mailing enhances the electronic visibility of the mailpiece, allows for a reduction in postal handling, and improves efficiency of USPS processing.

The Postal Service published a proposed rule **Federal Register** notice, *Submission of Electronic Documentation with Comailed and Copalletized Mailings* (75 FR 32143–32145) on June 7, 2010.

This final rule will require comailed and copalletized mailings to include Intelligent Mail® tray labels on trays or sacks. Intelligent Mail container placards must also be used on pallets or similar containers when making comailed or copalletized mailings.

The Postal Service will accept piece-level electronic documentation through either of two methods—Mail.dat® or Mail.XML®. The original container data, included in the Mail.dat or Mail.XML file, permit the tracking of containers from their origin, through the consolidation site, and ultimately into USPS processing. These original

container data are essential for the generation of standardized documentation (*i.e.* qualification reports) and postage statements for comailed or copalletized mailings. Therefore, the Postal Service will require mail owners and mailers associated with the preparation and presentation of comailed and copalletized mailings to transmit electronic documentation to the USPS using properly formatted Mail.dat or Mail.XML files. Electronic postage statements prepared through Postal Wizard will not fulfill this documentation requirement.

This final rule will require mailers preparing mailings of letter-size pieces in trays, which include mailpieces to be incorporated in a copalletized mailing, to prepare separate postage statements for the portion of the mailing being accepted at the origin site, and separate electronic postage statements for the portion being directed to a consolidator. Consolidators preparing copalletized mailings of trays must prepare electronic documentation showing the assignment of the trays with Intelligent Mail tray labels to pallets bearing Intelligent Mail container placards. Consolidators of letter-size pieces in trays will also be required to dropship copalletized mailpieces at the appropriate postal facility in accordance with the entry discount claimed at the origin acceptance location.

Origin mailers preparing mailings of bundles of flats must prepare separate postage statements for the portion of the mailing being accepted at the origin site, and electronic documentation for that portion being directed to a consolidator. For mailings of bundles of flats, the electronic data will be used to generate electronic postage statements and payment at the consolidator site.

DMM 705.22.0 currently requires electronic documentation with mailings (including comailed or copalletized mailings) that include full-service Intelligent Mail letters or flats. These standards have not changed. Mailers who prepare full-service Intelligent Mail pieces that will later be included in a copalletized mailing must prepare these pieces to meet the requirements for full-service Intelligent Mail, including the use of an approved electronic method to transmit postage statements and mailing documentation to the USPS. Consolidators must then ensure that mailings including any full-service mailpieces meet all of the requirements for the full-service automation option specified in DMM 705.22.0.

This final rule will require Periodicals mailers to submit electronic documentation for each comailed and/or copalletized mailing, identifying each title and version (or edition) in the mailing. For mailings that are entered at origin, and later copalletized at a consolidation site, the mail owner or preparer must submit electronic documentation (Mail.dat or Mail.XML) for the copalletized portion of the mailing. For copalletized Periodicals mail, electronic postage statements and payment must be entered at the consolidator's site.

Electronic documentation submitted at the origin site must indicate which bundles, trays, or sacks will be sent to a consolidator for copalletization. The standardized documentation and postage statements must then be available in *PostalOne!* ® for review by USPS acceptance personnel when the electronic documentation for the copalletized portion of the mailing job is updated by the consolidator. The origin site is required to transmit electronic documentation to the *PostalOne!* system before the consolidator's electronic documentation and electronic postage statements are transmitted to the USPS. When copalletizing letters in trays, postage statements at the origin site must be finalized before the consolidator's electronic documentation is transmitted to the USPS.

With this final rule, the consolidator will be responsible for updating the electronic documentation from the mail owner or preparer for that portion of the mailing going to the consolidation site. Mailers consolidating multiple mailings on pallets must use the electronic data received from the originator of the mailing to create new electronic data. These electronic data will then be used to generate the original container data, indicating the origin of the bundles, trays or sacks comprising the copalletized mailing.

The Postal Service revises portions of DMM 705.8.0 to refer to the copalletization of letter-size pieces within those sections.

Comments Received: The Postal Service received five comments in response to the proposed rule, some addressing multiple issues. These comments are summarized as follows:

Two commenters referenced a requirement in the preamble of the proposed rule **Federal Register** notice regarding the payment of postage at the consolidator's site when making copalletized mailings of letters in trays. This language has been revised in the final rule to clarify that postage payment for copalletized mailings of letters in trays will be at the origin site and not at the consolidator's mailing site.

One commenter questioned why it would be necessary to use Intelligent Mail tray labels and container placards with full-service mailpieces that are intended to be included in a copalletized mailing. In response, we clarify that mailers preparing full-service pieces that are expected to be included in a copalletized mailing may omit Intelligent Mail pallet placards from the containers used to transport these pieces to the consolidator, as long as these pieces are in full compliance with DMM 705.22 at the time the mail is presented to the USPS for mailing. To ensure effective and consistent USPS verification, Intelligent Mail tray labels will be required to be placed on trays, or similar containers, prior to full-service mailpieces leaving the origin facility.

One commenter requested information on how these new standards would relate to mixed-class comail mailings within the *PostalOne!* system. At this time, the Postal Service is not planning any change to current processes for the submission or processing of postage statements from mailers participating in the mixed class comail pilot. General use standards for mixed-class comail are still under consideration within the USPS; and no decision has been made regarding their implementation.

Another commenter requested that the USPS relax the requirement for mailers at the origin site to prepare separate postage statements for the portion of the mailing being entered at origin from that being directed to a consolidator. This commenter states that most mailers participating in copalletized mailings are able to provide a summary listing that specifies which trays are being entered at origin and which will be sent to the consolidator. The USPS will investigate the feasibility of using mailer-provided documentation in lieu of separate postage statements and may consider this option in a future rulemaking.

One commenter requested a minimum 60-day transitional window between the *PostalOne!* implementation date and the effective date for these new standards. In response, we will delay the effective date until January 2, 2011. This should give mailers sufficient time to make any necessary software changes and to test their systems prior to the effective date.

Two comments referenced language in the proposal that would require consolidators to prepare mailings to the finest presort level possible, and to dropship mailpieces in accordance with the entry discount claimed at the origin acceptance site. One commenter stated that their current copalletization

agreement affords them the option to selectively palletize to the sectional center facility (SCF), area distribution center (ADC) (for Periodicals), or network distribution center (NDC) as conditions dictate and not necessarily by the available volume for a particular pallet level. Another commenter related the necessity for a consolidator to have flexibility in deciding the final dropship destination for the mailpieces comprising the copalletized mailing, without regard to the entry discount taken by the mail owner at the origin site. Although such policies may have been a commonly accepted practice in the past, they will be discontinued with the effective date of these standards. For clarity, we also revised the language in this final rule to state that the presort level of mailpieces in copalletized mailings of Standard Mail letters in trays must accurately reflect the postage and entry discount claimed at the origin site. It was suggested that consolidators may have the ability to process electronic transactions directly into *PostalOne!* to offset the postage deficiency resulting from mailpieces dropped less deeply into the USPS network than that claimed by the mail owner at the origin site. The Postal Service will investigate the practicality of adding this functionality in *PostalOne!* and may consider providing this option at a future date.

One commenter requested enhancements to *PostalOne!* to allow for the generation of a "master statement" that could include the mailpieces being presented at origin as well as those being directed to the consolidator. This request is outside the scope of this particular rulemaking and will be forwarded to the *PostalOne!* program management office for review.

The Postal Service hereby adopts the following changes to the *Mailing Standards for the United States Postal Service,* Domestic Mail Manual (DMM), which is incorporated by reference in the *Code of Federal Regulations. See* 39 CFR Part 111.1

List of Subjects in 39 CFR Part 111

Administrative practice and procedure, Postal Service.

■ Accordingly, 39 CFR Part 111 is amended as follows:

PART 111—[AMENDED]

■ 1. The authority citation for 39 CFR Part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 13 U.S.C. 301–307; 18 U.S.C. 1692–1737; 39 U.S.C. 101, 401, 403, 404, 414, 416, 3001–3011, 3201–3219, 3403–3406, 3621, 3622, 3626, 3632, 3633, and 5001.

■ 2. Revise the following sections of *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM) as follows:

Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM)

* * * * *

700 Special Standards

* * * * *

705 Advanced Preparation and Special Postage Payment Systems

* * * * *

8.0 Preparing Pallets

* * * * *

[Revise title of 8.7 as follows:]

8.7 Copalletized, Combined, or Mixed-Price Level Palletized Mailings

8.7.1 General

[Revise 8.7.1 as follows:]

Copalletized, combined, or mixed-price level palletized mailings of letter-size or flat-size pieces must be prepared under the standards for the class of mail, subject to specific authorization by Business Mailer Support when required. The following conditions apply when making copalletized mailings:

a. Postage statements and mailing documentation must be transmitted to the USPS using an approved electronic method.

b. Intelligent Mail tray labels must be used on trays or sacks, and Intelligent Mail container placards must be used on pallets or similar containers, under 708.6.5 and 708.6.6.

c. If consolidating multiple mailings on pallets, update the electronic data for each of the original mailings. This updated data must be reflected in the electronic data transmitted to the USPS.

d. Meet postage payment requirements as specified by Business Mailer Support.

* * * * *

8.7.3 Periodicals Publications

[Revise 8.7.3 by adding a new third sentence as follows:]

* * * Postage for copalletized mailings of flat-size Periodicals must be paid at the consolidator's site. * * *

* * * * *

8.7.4 Standard Mail

[Revise 8.7.4 by adding new third and fourth sentences as follows:]

* * * For Standard Mail letter-size pieces, the presort level of the mailpieces in the copalletized mailing must accurately reflect the postage and entry discount paid at the origin site; and will not always result in the finest pallet presort level possible. Origin mailers participating in a copalletized mailing of Standard Mail letters in trays must prepare a separate postage statement for the portion entered at the origin site and another postage statement for the portion directed to the consolidator.

* * * * *

8.8 Basic Uses

These types of mail may be palletized:

* * * * *

[Revise 8.8 by re-sequencing items f through i as the new g through j and adding a new item f as follows:]

f. Copalletized multiple letter-size mailings, prepared in trays, subject to 8.0.

* * * * *

[Revise title of 8.16 as follows:]

8.16 Copalletized Letter-size and Flat-size Pieces—Periodicals or Standard Mail

8.16.1 Basic Standards

[Revise 8.16.1 as follows:]

Copalletized letter-size and flat-size mailings must meet the applicable standards in 8.0. In addition, if copalletized under 10.0, 12.0, or 13.0, the applicable provisions of that preparation option must also be met. Any combination of automation mailings and nonautomation mailings is subject to the restrictions in 8.14. Trays and bundles in a copalletized mailing qualify for the appropriate presort level price, regardless of the presort level for the pallet on which they are placed. Mailers participating in copalletized mailings must:

a. Transmit postage statements and mailing documentation to the USPS using an approved electronic method.

b. Use Intelligent Mail tray labels on trays and sacks and Intelligent Mail container placards on pallets or similar containers, under 708.6.5 and 708.6.6.

c. If consolidating multiple mailings on pallets, update the electronic data for each of the original mailings. These updated data must be reflected in the electronic data transmitted to the USPS by the consolidator.

d. Meet postage payment requirements as specified by Business Mailer Support.

8.16.2 Periodicals

Additional standards are as follows:

* * * * *

[Revise 8.16.2 by adding a new item d as follows:]

d. Postage for copalletized mailings of flat-size Periodicals must be paid at the consolidator's site.

8.16.3 Standard Mail

Additional standards are as follows:

* * * * *

[Revise 8.16.3 by adding a new item f as follows:]

f. Origin mailers participating in a copalletized mailing of Standard Mail letters in trays must prepare a separate postage statement for the portion entered at the origin site and another postage statement for the portion directed to the consolidator.

* * * * *

707 Periodicals

* * * * *

27.0 Combining Multiple Editions or Publications

* * * * *

27.5 Documentation

* * * The following additional standards apply:

* * * * *

[Revise 27.5 by adding a new item c as follows:]

c. Unless excepted by Business Mailer Support (BMS), mailers combining Periodicals publications under 27.1a or 27.1c must transmit postage statements and mailing documentation to the USPS using a BMS-approved electronic method.

[Renumber current 27.6 through 27.8 as new 27.7 through 27.9 and add a new item 27.6 as follows:]

27.6 Additional Standards

Mailers combining Periodicals publications under 27.1a or 27.1c must:

a. Use Intelligent Mail tray labels on trays and sacks, and Intelligent Mail container placards on pallets or similar containers, under 708.6.5 and 6.6.

b. When using a consolidator, prepare a separate postage statement for the portion of the mailing accepted at the origin site and another statement for that portion directed to a consolidator.

c. When using a consolidator under 27.1c, pay postage at the consolidator's site.

d. If consolidating multiple mailings on pallets, update the electronic data for each of the original mailings. These updated data must be reflected in the electronic data transmitted to the USPS.

e. Meet postage payment requirements as specified by Business Mailer Support.

* * * * *

We will publish an appropriate amendment to 39 CFR Part 111 to reflect these changes.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 2010–22134 Filed 9–3–10; 8:45 am]

BILLING CODE 7710–12–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 0908191244–91427–02]

RIN 0648–XY61

Fisheries of the Northeastern United States; Scup Fishery; Adjustment to the 2010 Winter II Quota

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; inseason adjustment.

SUMMARY: NMFS adjusts the 2010 Winter II commercial scup quota. This action complies with Framework Adjustment 3 (Framework 3) to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan, which established a process to allow the rollover of unused commercial scup quota from the Winter I period to the Winter II period.

DATES: Effective September 7, 2010, through December 31, 2010.

FOR FURTHER INFORMATION CONTACT: Sarah Heil, Fishery Management Specialist, (978) 281–9257.

SUPPLEMENTARY INFORMATION: NMFS published a final rule in the **Federal Register** on November 3, 2003 (68 FR 62250), implementing a process, for years in which the full Winter I commercial scup quota is not harvested, to allow unused quota from the Winter I period (January 1 through April 30) to be added to the quota for the Winter II period (November 1 through December 31), and to allow adjustment of the commercial possession limits for the Winter II period commensurate with the amount of quota rolled over from the Winter I period.

For 2010, the initial Winter II quota is 1,701,695 lb (772 mt), and the best available landings information indicates that 76,256 lb (35 mt) remain of the Winter I quota of 4,815,775 lb (2,184 mt). Consistent with the intent of Framework 3, the full amount of unused 2010 Winter I quota is transferred to Winter II, resulting in a revised 2010 Winter II quota of 1,777,951 lb (806 mt). Because the amount transferred is less than 499,999 lb (227 mt), the possession limit per trip will remain 2,000 lb (907 kg) during the Winter II quota period, consistent with the final rule Winter I to Winter II possession limit increase table (table 4) published in the 2010 final scup specifications (74 FR 67978, December 22, 2009).

Classification

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

The Assistant Administrator for Fisheries, NOAA (AA) finds good cause pursuant to 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment on this in-season adjustment because it is impracticable and contrary to the public interest. The landings data upon which this action is based is not available on a real-time basis and were compiled only a short time before the determination was made that this action is warranted. If implementation of this in-season action is delayed to solicit prior public comment, the objective of the fishery management plan to achieve the optimum yield from the fishery could be compromised; deteriorating weather conditions during the later part of the fishery year will reduce fishing effort and could result in the annual quota from being fully harvested. This would conflict with the agency's legal obligation under the Magnuson-Stevens Fishery Conservation and Management Act to achieve the optimum yield from a fishery on a continuing basis. This will have a negative economic impact on vessels permitted to fish in this fishery.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: September 1, 2010.

Carrie Selberg,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2010–22202 Filed 9–1–10; 4:15 pm]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 0910131362–0087–02]

RIN 0648–XY78

Fisheries of the Economic Exclusive Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in 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 species that comprise the shallow-water species fishery by vessels using trawl gear in the Gulf of Alaska (GOA). This action is necessary because the fourth seasonal apportionment of the Pacific halibut bycatch allowance specified for the shallow-water species fishery in the GOA has been reached.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), September 3, 2010, through 1200 hrs, A.l.t., October 1, 2010.

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.

The fourth seasonal apportionment of the Pacific halibut bycatch allowance specified for the shallow-water species fishery in the GOA is 150 metric tons as established by the final 2010 and 2011 harvest specifications for groundfish of the GOA (75 FR 11749, March 12, 2010), for the period 1200 hrs, A.l.t., September 1, 2010, through 1200 hrs, A.l.t., October 1, 2010.

In accordance with § 679.21(d)(7)(i), the Administrator, Alaska Region, NMFS, has determined that the fourth seasonal apportionment of the Pacific halibut bycatch allowance specified for the trawl shallow-water species fishery in the GOA has been reached. Consequently, NMFS is prohibiting directed fishing for the shallow-water species fishery by vessels using trawl gear in the GOA. The species and species groups that comprise the shallow-water species fishery are pollock, Pacific cod, shallow-water flatfish, flathead sole, Atka mackerel, skates, and "other species." This prohibition does not apply to fishing for pollock by vessels using pelagic trawl gear in those portions of the GOA open to directed fishing for pollock. This inseason action does not apply to vessels fishing under a cooperative quota permit in the cooperative fishery in the Rockfish Program for the Central 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 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 the shallow-water species fishery by vessels using trawl gear in 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 August 31, 2010.

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 § 679.21 and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: September 1, 2010.

Carrie Selberg,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2010–22205 Filed 9–1–10; 8:45 am]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 75, No. 172
Tuesday, September 7, 2010

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.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–HQ–OAR–2010–0107; FRL–9197–2]

RIN 2060–AQ45

Action To Ensure Authority To Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Federal Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public hearing; correction.

SUMMARY: In this document, EPA is making a correction to the Action to Ensure Authority To Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Federal Implementation Plan; Public Hearing to be held on September 14, 2010 (published in the **Federal Register** on August 30, 2010, 75 FR 52916). We inadvertently within the summary section of the document stated that the hearing will be held in Arlington, VA. This document corrects the location to Washington, DC.

ADDRESSES: *Public Hearing:* The September 14, 2010 hearing will be held at the EPA Ariel Rios East building, Room 1153, 1301 Constitution Avenue, Washington, DC 20460. The public hearing will convene at 9 a.m. (eastern standard time) and continue until the later of 6 p.m. or 1 hour after the last registered speaker has spoken. The EPA will make every effort to accommodate all speakers that arrive and register. A lunch break is scheduled from 12:30 p.m. until 2 p.m. Because this hearing is being held at U.S. Government facilities, individuals planning to attend the hearing should be prepared to show valid picture identification to the security staff in order to gain access to the meeting room. In addition, you will need to obtain a property pass for any personal belongings you bring with you. Upon leaving the building, you will be required to return this property pass to the security desk. No large signs will be allowed in the building, cameras may only be used outside of the building, and demonstrations will not be allowed on Federal property for security reasons. The EPA Web Site for the rulemaking, which includes the proposal and information about the public hearing, can be found at: *http://www.epa.gov/nsr.*

Docket: The EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2010–0107. All documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* confidential business information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at the EPA Docket Center EPA/DC, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the EPA Docket Center is (202) 566–1742. The EPA Web Site for the rulemaking, which includes the proposal and information about the public hearing, can be found at *http://www.epa.gov/nsr.*

FOR FURTHER INFORMATION CONTACT: Pamela Long, U.S. EPA, Office of Air Quality Planning and Standards, Air Quality Policy Division, C504–03, Research Triangle Park, NC 27711; telephone number (919) 541–0641, e-mail address: *long.pam@epa.gov.*

Dated: August 31, 2010.

Mary Henigin,

Acting Director, Office of Air Quality Planning and Standards.

[FR Doc. C1–2010–22208 Filed 9–3–10; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No.: 100813358–0392–01]

RIN 0648–BA16

Fisheries of the Northeastern United States; Discard Provision for Herring Midwater Trawl Vessels Fishing in Groundfish Closed Area I

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS seeks public comment on a provision of the regulations implemented by a November 2, 2009, final rule, as well as comments on proposed alternatives to replace this provision. The provision allows a midwater trawl vessel with an All Areas and/or Areas 2 and 3 Atlantic herring limited access permit fishing in Northeast (NE) multispecies Closed Area I (CA I) to release fish that cannot be pumped from the net and, thus, remain in the net at the end of pumping operations, without those fish being sampled by a NMFS at-sea observer. Based on comments that it receives, NMFS may keep the current provision unchanged, modify the provision, or remove the provision entirely. This action is part of a Court-approved joint motion to stay.

DATES: Written comments must be received no later than 5 p.m. local time on October 7, 2010.

ADDRESSES: You may submit comments, identified by 0648–BA16, by any one of the following methods:

- *Electronic Submissions:* Submit all electronic public comments via the Federal e-rulemaking portal: *http://www.regulations.gov.*
- *Mail:* Paper, disk, or CD–ROM comments should be sent to Patricia A. Kurkul, Regional Administrator, National Marine Fisheries Service, 55 Great Republic Drive, Gloucester, MA 01930–2276. Mark the outside of the envelope: "Herring Midwater Trawl Discard Provision; RIN 0648–BA16."
- *Fax:* (978) 281–9135.

Instructions: All comments received are part of the public record and will generally be posted to *http://www.regulations.gov* without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

NMFS will accept anonymous comments (enter "N/A" in the required fields, if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, WordPerfect, or Adobe PDF formats only.

FOR FURTHER INFORMATION CONTACT: Douglas Potts, Fishery Policy Analyst, (978) 281–9341, fax (978) 281–9135.

SUPPLEMENTARY INFORMATION:

Background

On September 4, 2009, NMFS published a proposed rule (74 FR 45798) to implement changes to access requirements for midwater trawl vessels fishing in CA I, at the request of the New England Fishery Management Council (Council), with the intended goal of collecting better information on bycatch in the midwater trawl fishery. A final rule was published on November 2, 2009 (74 FR 56562) that implemented regulations requiring 100-percent observer coverage of trips by limited access Atlantic herring All Areas and/or Areas 2 and 3 category permitted vessels fishing for herring in CA I with midwater trawl gear. The rule also prohibited these vessels from releasing fish from the codend of the net, transferring fish to another vessel that is not carrying an observer, or otherwise discarding fish at sea, unless the fish has first been brought aboard the vessel and made available for sampling and inspection by the observer. The regulations provide the following exemptions to this prohibition:

- The vessel operator has determined there is a compelling safety reason; or
- A mechanical failure precludes bringing the fish aboard the vessel for inspection; or
- After pumping of fish onto the vessel has begun, the vessel operator determines that pumping becomes impossible as a result of spiny dogfish clogging the pump intake. The vessel operator must take reasonable measures (such as strapping and splitting the net) to remove all fish that can be pumped from the net prior to release; or
- When there are small amounts of fish that cannot be pumped and remain in the net at the completion of pumping operations.

If a codend is released in accordance with one of the first three exemptions, the vessel operator must complete and sign an affidavit to NOAA's Office of Law Enforcement (OLE) detailing the vessel name and permit number; the vessel trip report (VTR) serial number; where, when, and for what reason the catch was released; the total weight of fish caught on that tow; and the weight of fish released (if less than the full tow). Completed affidavits are to be submitted to OLE at the conclusion of the trip. Following a released codend under one of the first three exemptions, the vessel may not fish in CA I for the remainder of the trip.

Although not specifically mentioned in the proposed rule, the final rule added a narrow, additional exemption, based on public comment, which allowed for small amounts of fish that cannot be pumped from the net (sometimes called operational discards) to be released unobserved from the net in the water. NMFS considered this additional exemption to be a logical outgrowth of the proposed rule that needed no further public comment because it addressed a foreseeable practical problem that a small amount of fish may be left in a net after pumping operations were completed.

Following publication of the final rule, a suit was filed by three fishermen challenging the exemption that allows release of small amounts of fish that remain after pumping (*Taylor et al.* v. *Locke,* 09–CV–02289–HHK), on grounds that this additional exemption violated the Administrative Procedure Act because it was not a "logical outgrowth" of the proposed rule and should have been subjected to public comment, and that it violated conservation requirements of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by allowing fish to be released from herring nets unobserved. Plaintiffs also claimed that the terms "small amounts of fish" and "at the completion of pumping operations" were not adequately defined.

Without admitting any fault in publishing the final rule, NMFS and the plaintiffs have agreed to stay the litigation while NMFS repromulgates the challenged provision, solicits public comment, and based on those comments, decides whether to retain, delete or amend the provision. As part of the agreement to stay the litigation, NMFS is publishing this proposed rule, and seeks public comment on the measure at § 648.80(d)(7)(ii)(D) that authorizes the release of fish before being sampled by the observer "when there are small amounts of fish that cannot be pumped and remain in the net at the completion of pumping operations." In addition, NMFS intends to publish a new final rule if there is a change to this provision, or, in the alternative, to issue a **Federal Register** notice if the agency decides to retain the existing regulations.

Therefore, NMFS is seeking comments on the current provision and on the following proposed alternatives:

1. Removing the provision at § 648.80(d)(7)(ii)(D). This would mean that a vessel would be required to bring the net on board the vessel for observation after the completion of pumping operations. The only exception from this requirement would be if one of the other exemptions (safety, mechanical failure, or clogging by spiny dogfish) is applicable. This alternative would result in additional time and effort by the vessel when compared to the current regulation, but would ensure that the observer is able to document the amount and type of fish that are released after pumping operations are completed.

2. Specifying a maximum amount of fish, for example up to 200 lb (90.7 kg), that may be in the net without bringing the net on board, provided the vessel lifts the net out of the water for observation. Under this alternative, if the observer estimates that there is more than 200 lb (90.7 kg) of fish in the net, the vessel must bring the net on board for further observation. This alternative provides more flexibility to the vessel than alternative 1, but also may put the observer in the difficult position of requesting the captain of the vessel to bring the net on board the vessel based on a visual estimation of the amount of fish in the net.

3. Requiring that the net either be raised out of the water or brought on board, at the discretion of the vessel captain, before release of fish left in the net. This alternative may be a preferable compromise between alternatives 1 and 2, to allow some flexibility to the vessel in deciding how to allow an observer to determine what other fish may be in a net after pumping. However, this flexibility comes at the cost of less than ideal observation conditions if the vessel only lifts the net from the water.

The public is invited to submit comments specifically on the measure at § 648.80(d)(7)(ii)(D), and the proposed alternatives discussed above, as well as any other alternatives to ensure adequate observation of all fish caught by mid-water trawl vessels fishing in CA I. To be most useful, comments should be as detailed as possible and include specific documentation in support of the comments. Current regulations as

published in the November 2, 2009, final rule remain in place during this rulemaking process.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined preliminarily that this proposed rule is consistent with the Atlantic Herring and NE Multispecies FMPs, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

The Regional Administrator has preliminarily determined that this proposed rule would constitute a minor addition, correction, or change to a management plan and would therefore be categorically excluded from the requirement to prepare an Environmental Impact Statement or equivalent document under the National Environmental Policy Act (NEPA). However, NMFS expects that measures in a final rule may differ from those proposed, based on public comment received on this proposed rule and other relevant factors. A final determination of the appropriate level of environmental review under NEPA will be made during the development of a final rule.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. None of the three proposed alternatives significantly affect the practices of any fishing operation. A total of 45 vessels currently have either an All Areas or an Areas 2 and 3 Atlantic herring limited access permit. Not all of these vessels fish in Closed Area I, and part of the intent of the increased observer coverage in CA I was to determine how many midwater trawl trips there are into this closed area. The requirement for 100-percent observer coverage became effective on November 2, 2009, so there is not yet a full year's worth of data available. Estimates based on VTR data suggest an average of 15 trips using midwater trawl gear into CA I, annually. Vessels that do fish in CA I may make multiple trips into CA I in a single year, so this action would impact fewer than 15 small entities. The average midwater trawl trip makes less than three tows. Alternative 1 would have the greatest potential impact on vessel operations. The time to bring a near-empty codend aboard the vessel under this alternative is estimated to range between 30 minutes and 60 minutes. The total impact to an average fishing trip would be at most 3 hours of additional time under alternative 1, or less time under alternative 2 or 3; plus associated cost of fuel. Therefore, any potential delay from the three alternatives in fishing operations to allow an at-sea observer to document catch remaining in the net at the end of pumping operations is expected to have a minimal impact. As a result, an initial regulatory flexibility analysis is not required and none has been prepared.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: September 2, 2010.

Eric C. Schwaab,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 2010–22347 Filed 9–2–10; 4:15 pm]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 75, No. 172
Tuesday, September 7, 2010

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

Food and Nutrition Service

Agency Information Collection Activities: Proposed Collection; Comment Request—Evaluation of SNAP Nutrition Education Practices Study

AGENCY: Food and Nutrition Service (FNS), USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice invites the general public and other public agencies to comment on the proposed collection of data for the Evaluation of Supplemental Nutrition Assistance Program (SNAP) Nutrition Education (-Ed) Practices Study. The goal of SNAP–Ed is to improve the likelihood that SNAP participants and those eligible to participate will make healthy choices within a limited budget and choose active lifestyles consistent with the current Dietary Guidelines for Americans and the USDA Food Guidance System. With limited resources, SNAP–Ed nutrition educators attempt to tailor their messages to fit the varying needs of differing populations and evaluate the extent to which their efforts result in positive, voluntary changes in nutrition behaviors.

The Evaluation of SNAP Nutrition Education Practices is an extension of the current Models of SNAP–Ed and Evaluation Study, conducting rigorous, independent evaluations of an additional three SNAP–Ed demonstration projects. Each of the demonstration projects is also conducting an impact evaluation assessment which will be compared to FNS's more rigorous, independent evaluation. In conjunction with the Models of SNAP–Ed and Evaluation Study, the Evaluation of SNAP Nutrition Education Practices will provide FNS with a total of seven sound, independent estimates of the effectiveness of SNAP–Ed approaches, and will provide SNAP–Ed educators with examples of evaluation designs that are both feasible and scientifically robust.

DATES: Written comments must be submitted on or before November 8, 2010.

ADDRESSES: Comments are invited on (a) whether the proposed data collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions that were used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments may be sent to: Steven Carlson, Director, Office of Research and Analysis, U.S. Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 1014, Alexandria, VA 22302. Comments may also be submitted via fax to the attention of Steven Carlson at 703–305–2576 or via e-mail to *Steve.Carslon@fns.usda.gov*. Comments will also be accepted through the Federal eRulemaking Portal. Go to *http://www.regulations.gov* and follow the online instructions for submitting comments electronically.

All written comments will be open for public inspection at the office of the Food and Nutrition Service during regular business hours (8:30 a.m. to 5 p.m., Monday through Friday) at Room 1014, 3101 Park Center Drive, Alexandria, Virginia 22302.

All responses to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will also be a matter of public record.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Steven Carlson on 703–305–2017.

SUPPLEMENTARY INFORMATION:

Title: Evaluation of SNAP Nutrition Education Practices.

OMB Number: 0584–0554.

Expiration Date: 1/31/2013.

Type of Request: Revision of currently approved data collection.

Abstract: The purposes of the Evaluation of SNAP Nutrition Education Practices Study are to (1) demonstrate that nutrition education through SNAP can bring about meaningful behavioral change, and (2) show that nutrition education implementers can mount meaningful intervention outcome evaluations.

In fiscal year 2010, three nutrition education interventions were selected to participate as demonstration projects for this study. The three demonstration projects that will be approved under their States' Annual SNAP–Ed Plan are:

The Iowa Nutrition Network (INN) will use its BASICS program and Pick a Better Snack campaign to test the hypothesis that nutrition education delivered through a multi-channel approach will produce better results than one limited to school-based channels.

The University of Kentucky Extension Service is modifying its Literacy, Eating and Activity for Preschoolers (LEAP I) to be suitable for first and third graders in two rural, Appalachian school districts. The University of Kentucky self-evaluation will be a randomized control trial using pre-intervention, post-intervention and follow-up measurement of fruit and vegetable consumption. Measurement will be conducted, in part, by photographic plate waste assessment.

The Michigan State University Extension Service will administer the Eat Smart, Live Strong nutrition education program for older Americans in 9 Michigan counties of which approximately two-thirds are rural. The self-evaluation component involves the pairing of 24 senior centers and subsequent random assignment to experimental condition. At both treatment and control sites, pre-intervention and post-intervention measurements of fruit and vegetable consumption will be made.

Respondent Type: Individuals or Households, State and Local Government, Business (for and not for profit).

Affected Public: Parents and educators in Council Bluffs, Davenport,

Des Moines, and Waterloo Counties, Iowa; older Americans, ages 60 and up, in 9 counties dispersed throughout Michigan, but especially the Upper Peninsula, as well as seniors' center staff; and parents and educators in Laurel and Perry Counties, Kentucky.

Estimated Number of Respondents: 909 parents of third graders, 6 nutrition educators, 6 school principals, 3 food service directors, 6 retail store produce managers, and 50 third grade teachers in Iowa; 864 elder Americans (60+), 16 nutrition educators, 6 seniors' center program managers, and 5 subprogram level seniors' center staff in Michigan; and 800 parents of elementary school students, 50 elementary school teachers, 4 school principals, 4 nutrition educators and 4 subprogram level staff in Kentucky.

Estimated Number of Responses per Respondent: 2 for parents; 2 for nutrition educators/dietitians/staff; 2 for elder Americans; 1 for classroom teachers, principals, food service directors, retail produce managers and seniors' center directors. An additional 2 responses for 13 of the parents consenting to participate in in-depth, open-ended, process discussions. An additional response for 28 of the classroom teachers consenting to participate in in-depth, open-ended process discussions. An additional response for 56 parents in Iowa and Kentucky who consent to participate in structured group interviews. An additional response for 48 Michigan seniors who consent to participate in structured group interviews.

Estimated Total Annual Responses: 3,499 for parents; 1,776 for seniors; 52 for nutrition educators; 138 for principals and classroom teachers; 3 for school food service directors; 6 for retail produce managers; 6 for seniors' center program managers; 18 for subprogram level staff. *See* the tables, below.

Hours per Response: 0.25 for parents; an additional 2 for the 56 parents who consent to participate in structured group interviews; and an additional 0.67 for the 20 parents consenting to participate in in-depth, open-ended discussions. 0.25 for seniors; an additional 2 for the 48 seniors consenting to participate in structured group interviews; and an additional 0.67 for 3 seniors consenting to participate in in-depth, open-ended discussions. 0.25 for Iowa classroom teachers with an additional 0.5 for the 16 consenting to participate in in-depth, open-ended discussions. 0.17 for classroom teachers in Kentucky with an additional 0.25 for the 12 consenting to participate in in-depth, open-ended discussions. 0.25 for school principals in Iowa and 0.5 for principals in Kentucky. 0.5 for nutrition educators. 0.25 for school food service directors and retail produce managers. 0.67 for seniors' center managers. 0.67 for staff.

Maximum Estimated Total Annual Burden on Respondents: 2,050 hours for parents; 1,041 hours for seniors; 32 hours for teachers; 3.5 hours for school principals; 26 hours for nutrition educators, 1.5 hours for retail store produce managers; 0.8 hours for school food service directors; 4 hours for seniors' center managers; and 12.1 hours for staff.

Respondent	Estimated number of respondents	Average responses annually per respondent	Total annual responses	Average response burden in hours	Estimated total hours
Demonstration Project Respondents	2,573	2.05	5,275	0.586	3,091
Direct Educators	26	2	52	1.000	26
School Principals	10	1	10	0.350	3.5
Classroom Teachers	100	1.28	128	0.320	32
School Food Service Directors	3	1	3	0.267	0.8
Retail store produce managers	6	1	6	0.250	1.5
Program managers at senior centers	6	1	6	0.667	4
Subprogram-level staff	9	2	18	1.344	24
Burden Totals	2,733	.....	5,498	.....	3,183

Dated: August 31, 2010.

Jeffrey Tribiano,

Acting Administrator, Food and Nutrition Service.

[FR Doc. 2010–22181 Filed 9–3–10; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Forest Service

Information Collection; Trends in Use and Users in the Boundary Waters Canoe Area Wilderness, MN

AGENCY: Forest Service, USDA.

ACTION: Request for Comment; Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Forest Service is seeking comments from all interested individuals and organizations on the extension of a currently approved information collection: Trends in Use and Users in the Boundary Waters Canoe Area Wilderness, Minnesota.

DATES: Comments must be received in writing on or before November 8, 2010 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 Alan E. Watson, Aldo Leopold Wilderness Research Institute, USDA Forest Service Rocky Mountain Research Station, 790 E. Beckwith Ave., Missoula, MT 59801. Comments also may be submitted by e-mail to: *awatson@fs.fed.us.*

The public may inspect comments received at the Aldo Leopold Wilderness Research Institute, USDA Forest Service Rocky Mountain Station, 790 E. Beckwith Ave., Missoula, MT 59801during normal business hours. Visitors are encouraged to call ahead to (406) 542–4197 to facilitate entry to the building.

FOR FURTHER INFORMATION CONTACT: Alan E. Watson, Aldo Leopold Wilderness Research Institute at (406) 542–4197. Individuals who use TDD may call the Federal Relay Service (FRS) at 1–800–877–8339, between 8 a.m. and 8 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Title: Trends in Use and Users in the Boundary Waters Canoe Area Wilderness, Minnesota.

OMB Number: 0596–208.

Type of Request: Extension with revision.

Abstract: The Wilderness Act of 1964 directs the National Wilderness Preservation System (System) be managed to protect natural wilderness conditions and to provide outstanding opportunities for the public to find

solitude or primitive and unconfined types of recreational experiences.

To meet the requirements of the Act and help the Forest Service enhance visitors' recreational experiences at the Boundary Waters Canoe Area Wilderness in Minnesota, Agency scientists periodically monitor and report, to managers and the public, changes in visitor use and user characteristics over time. Forest Service personnel use the collected information to mitigate the impact of visitors' recreational activities on the natural resources of the National Wilderness Preservation System. The Agency intends to record visitor responses for comparison to similar surveys in 1969 and 1991 and to expand the scope of the survey to include things that have potentially influenced visits since 1991. Potential influences include new recreation fees, widespread natural disturbances (e.g., fire and wind thrown trees) and changes in Agency policies. The data from this information collection will be stored at the Aldo Leopold Wilderness Research Institute in Missoula, Montana. Scientists working at the Research Institute will conduct the data analysis.

The Forest Service will use information from this collection to:

(1) Understand changes in:

a. Individual visitor demographics, frequency of wilderness visits, and residence, and

b. Changes in recreational visits such as group size, difficulty in finding campsites, evaluations of conditions encountered, etc. since previous studies;

(2) Gain an understanding of how the Agency's management of the National Wilderness Preservation System influences a visitor's wilderness experience;

(3) Help understand how to educate visitors, so they may enjoy their wilderness experience without leaving permanent reminders of their visits, such as damaged vegetation, litter, and polluted lakes and streams; and

(4) Provide information that will assist in planning management direction for many other wilderness areas managed by the Forest Service.

Respondents will be visitors to the Boundary Waters Canoe Area Wilderness. Forest Service or university cooperator personnel will conduct face-to-face, on-site interviews with visitors as they enter the System and will send mail-back survey forms to visitors at their homes, using addresses that visitors voluntarily provide when interviewed.

Interview questions will cover number of visits, length of visits, and plans (if any) for future visits. Visitors will be asked:

- Number of times they have visited, length of visits, and plans (if any) for future visits;
- If they are part of a group, and if so, the size of the group;
- Whether they use equipment, such as stoves, or use wood for fires while visiting;
- Preferences for social conditions (*i.e.* acceptance of crowded conditions designed to limit negative effects to the natural resources); and
- Ideas for reducing the burden of information collected (*i.e.* suggestions for distribution of permits and collection of fees); and protecting resources.

Data collected in this information collection are not available from other sources.

The Boundary Waters Canoe Area Wilderness is one of four areas, in different regions of the country, where more than one study has occurred in the past. The studies have sought to understand how use and user characteristics are changing. Periodic evaluations of responses by visitors about conditions and experiences, contributes to a systematic effort to understand the effects of management policies and societal influences on wilderness protection.

Estimate of Annual Burden: 20 minutes for each respondent.

Type of Respondents: Visitors to the Boundary Waters Canoe Wilderness Area, Minnesota.

Estimated Annual Number of Respondents: 500.

Estimated Annual Number of Responses per Respondent: Once.

Estimated Total Annual Burden on Respondents: 167 hours.

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 request for Office of Management and Budget approval.

Dated: August 31, 2010.

Carlos Rodriguez-Franco,

Acting Deputy Chief, Research and Development.

[FR Doc. 2010–22173 Filed 9–3–10; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Forest Service

Humboldt Resource Advisory Committee (RAC)

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Humboldt Resource Advisory Committee (RAC) will meet in Eureka, California. The committee meeting is authorized under the Secure Rural Schools and Community Self-Determination Act (Pub. L. 110–343) and in compliance with the Federal Advisory Committee Act.

DATES: The meeting will be held September 21, 2010, from 5 p.m. to 7 p.m.

ADDRESSES: The meeting will be held at the Six Rivers National Forest Office, 1330 Bayshore Way, Eureka, CA 95501.

FOR FURTHER INFORMATION CONTACT: Julie Ranieri, Committee Coordinator, at (707) 441–3673; e-mail *jranieri@afs.fed.us.*

SUPPLEMENTARY INFORMATION: The meeting is open to the public. The agenda includes: finalizing the process and timeline for soliciting project proposals for funding under Title II of the Act, review of the Project Submission Form and RAC Website, discussion on the voting process, and public comment period.

Dated: August 23, 2010.

Tyrone Kelley,

Forest Supervisor.

[FR Doc. 2010–21635 Filed 9–3–10; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Tri-County Advisory Committee Meeting

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the authorities in the Federal Advisory Committee Act

(Pub. L. 92–463) and under the Secure Rural Schools and Community Self-Determination Act of 2000 (Pub. L. 106–393) the Beaverhead-Deerlodge National Forest's Tri-County Resource Advisory Committee will meet on Thursday September 23, 2010, from 5 p.m. until 8:30 p.m., in Deer Lodge, Montana. The purpose of the meeting is to review proposals for Title II funding and accomplishments for projects previously funded under Title II.

DATES: Thursday, September 23, 2010, from 5 p.m. until 8:30 p.m.

ADDRESSES: The meeting will be held at the USDA building located 1002 Hollenback Road, Deer Lodge, Montana (MT 59722).

FOR FURTHER INFORMATION CONTACT: Patty Bates, Tri County Resource Advisory Committee Coordinator, Beaverhead-Deerlodge National Forest, 420 Barrett Road, Dillon, MT 59725, (406) 683–3979; E-MAIL *pbates@fs.fed.us.*

SUPPLEMENTARY INFORMATION: Agenda for this meeting include discussion about (1) accomplishments during 2010; (2) introduction and orientation for new Resource Advisory Committee members; and (3) budget, priorities and funding for new project proposals. The meeting is open to the public. Public input opportunity will be provided and individuals will have the opportunity to address the Committee at that time.

Dated: August 24, 2010.

David R. Myers,

Designated Federal Official.

[FR Doc. 2010–22113 Filed 9–3–10; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

West Virginia Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The West Virginia Resource Advisory Committee will meet in Elkins, West Virginia. The committee is meeting as authorized under the Secure Rural Schools and Community Self-Determination Act (Pub. L. 110–343) and in compliance with the Federal Advisory Committee Act. This will be the second meeting of the committee. The purpose of the meeting will be to discuss potential projects for recommendation to the Forest Supervisor as the Designated Federal Official (DFO).

DATES: The meeting will be held on September 22, 2010, and will begin at 10 a.m.

ADDRESSES: The meeting will be held at the Monongahela National Forest Supervisor's Office, 200 Sycamore Street, Elkins, WV 26241. Written comments should be sent to Kate Goodrich-Arling at the same address. Comments may also be sent via e-mail to *kgoodricharling@fs.fed.us,* or via facsimile to 304–637–0582.

All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at Monongahela National Forest, 200 Sycamore Street, Elkins, WV 26241.

FOR FURTHER INFORMATION CONTACT: Kate Goodrich-Arling, RAC coordinator, USDA, Monongahela National Forest, 200 Sycamore Street, Elkins, WV 26241; (304) 636–1800; E-mail *kgoodricharling@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The meeting is open to the public. The following business will be conducted: (1) Introductions of all committee members, replacement members and Forest Service personnel; (2) Introduction of potential Title II projects for consideration for recommendation to the Forest Supervisor; (3) Discussion of such projects; and (4) Public Comment. Persons who wish to bring related matters to the attention of the Committee may file written statements with the Committee staff before or after the meeting.

Dated: August 30, 2010.

Jerri Marr,

Designated Federal Officer.

[FR Doc. 2010–22154 Filed 9–3–10; 8:45 am]

BILLING CODE 3410–11–P

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notice of Public Information Collections Being Reviewed by the U.S. Agency for International Development; Comments Requested

SUMMARY: U.S. Agency for International Development (USAID) is making efforts to reduce the paperwork burden. USAID invites the general public and other Federal agencies to take this opportunity to comment on the following proposed and/or continuing information collections, as required by the Paperwork Reduction Act for 1995. Comments are requested concerning: (a) Whether the proposed or continuing collections of information are necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Submit comments on or before November 8, 2010.

FOR FURTHER INFORMATION CONTACT: Beverly Johnson, Bureau for Management, Office of Administrative Services, Information and Records Division, U.S. Agency for International Development, Room 2.07–106, RRB, Washington, DC 20523, (202) 712–1365 or via e-mail *bjohnson@usaid.gov.*

ADDRESSES: Send comments via e-mail at *hmaclean@usaid.gov* or mail comments to: Heather MacLean, Center for Faith-Based and Community Initiatives (CFBCI), United States Agency for International Development, Ronald Reagan Building, Rm. 3.09–22, 1300 Pennsylvania Avenue, NW., Washington, DC 20523, (202) 712–1559.

SUPPLEMENTARY INFORMATION:

OMB NO: OMB 0412–New.

Form No.: N/A.

Title: USAID Faith-Based and Community Initiatives Contact Survey.

Type of Review: New Information Collection.

Purpose: The Center for Faith-Based and Community Initiatives (CFBCI) supports the commitment from the White House and USAID to expand our partnership community by building broad and deep relationships with the nongovernmental organization (NGO) community at large. In order to better coordinate the Agency's work with NGOs and to improve the effectiveness and extent of the Agency's outreach to the NGO community, the CFBCI is requesting to send out a voluntary, electronic survey to contacts for whom we have no organizational affiliation who have previously interacted with or expressed interest in working with USAID and the CFBCI. The survey will request updated contact and organizational information on NGOs working in international development and humanitarian relief around the world. By collecting such information, the Agency will be able to engage these organizations in a more efficient and

less duplicative way. In addition, it will allow the Agency to better monitor its success in engaging a broad range of NGOs. Responding to the survey is optional. An organization's response or non-response will not have any impact—positive or negative—on its future relationship with the Agency.

Annual Reporting Burden

Respondents: 3,000.
Total annual responses: 3,000.
Total annual hours requested: 750 hours.

Dated: August 23, 2010.

Marilyn Collins,

Acting Director, Office of Administrative Services, Bureau for Management.

[FR Doc. 2010–21611 Filed 9–3–10; 8:45 am]

BILLING CODE 6116–02–M

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notice of Public Information Collections Being Reviewed by the U.S. Agency for International Development; Comments Requested

SUMMARY: U.S. Agency for International Development (USAID) is making efforts to reduce the paperwork burden. USAID invites the general public and other Federal agencies to take this opportunity to comment on the following proposed and/or continuing information collections, as required by the Paperwork Reduction Act for 1995. Comments are requested concerning: (a) Whether the proposed or continuing collections of information are necessary for the proper pertormance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Submit comments on or before November 8, 2010.

FOR FURTHER INFORMATION CONTACT: Beverly Johnson, Bureau for Management, Office of Administrative Services, Information and Records Division, U.S. Agency for International Development, Room 2.07–106, RRB, Washington, DC 20523, (202) 712–1365 or via e-mail *bjohnson@usaid.gov.*

ADDRESSES: Send comments via e-mail at *hmaclean@usaid.gov* or mail comments to: Heather MacLean, Center for Faith-Based and Community Initiatives (CFBCI), United States Agency for International Development, Ronald Reagan Building, Rm. 3.09–22, 1300 Pennsylvania Avenue, NW., Washington, DC 20523, (202) 712–1559.

SUPPLEMENTARY INFORMATION:

OMB No.: OMB 0412–New.
Form No.: N/A.
Title: USAID Faith-Based and Community Organization Survey.
Type of Review: New Information Collection.

Purpose

The Center for Faith-Based and Community Initiatives (CFBCI) supports the commitment from the White House and USAID to expand our partnership community by building broad and deep relationships with the nongovernmental organization (NGO) community at large. In order to better coordinate the Agency's work with NGOs and to improve the effectiveness and extent of the Agency's outreach to the NGO community, the CFBCI is requesting to send out a voluntary, electronic survey to contacts with NGOs who have previously interacted with or expressed interest in working with USAID and the CFBCI. The survey will request updated contact and organizational information on NGOs working in international development and humanitarian relief around the world. By collecting such information, the Agency will be able to engage these organizations in a more efficient and less duplicative way. In addition, it will allow the Agency to better monitor its success in engaging a broad range of NGOs.

Responding to the survey is optional. An organization's response or nonresponse will not have any impact—positive or negative on its future relationship with the Agency.

Annual Reporting Burden

Respondents: 4,000.
Total annual responses: 4,000.
Total annual hours requested: 1,000 hours.

Dated: August 23,2010.

Marilyn Collins,

Acting Director, Office of Administrative Services, Bureau for Management.

[FR Doc. 2010–21612 Filed 9–3–10; 8:45 am]

BILLING CODE 6116–01–M

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Massachusetts State Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights and the Federal Advisory Committee Act, that briefing and planning meetings of the Massachusetts State Advisory Committee will convene on September 23, 2010, at 10 a.m. in the Council Room at City Hall, 536 Dwight Street, Holyoke, MA 01040. The purpose of the briefing meeting is for the Advisory Committee to continue its work on English Language Learners. The purpose of the planning meeting is to discuss future activities of the Committee.

Members of the public are entitled to submit written comments; the comments must be received in the regional office by October 23, 2010. Written comments may be mailed to the Eastern Regional Office, U.S. Commission on Civil Rights, 624 Ninth Street, NW., Suite 740, Washington, DC 20425. They may be faxed to 202–376–7748, or e-mailed to *ero@usccr.gov.* Persons who desire additional information may contact the Eastern Regional Office at 202–376–7533.

Hearing-impaired persons who will attend the meetings and require the services of a sign language interpreter should contact the Eastern Regional Office at least ten (10) working days before the scheduled date of the meeting.

Records generated from this meeting may be inspected and reproduced at the Eastern Regional Office, as they become available, both before and after the meeting. Persons interested in the work of this advisory committee are directed to the Commission's Web site, *http://www.usccr.gov,* or may contact the Eastern Regional Office at the above e-mail or street address.

The meeting will be conducted pursuant to the rules and regulations of the Commission and FACA.

Dated in Washington, DC, on September 1, 2010.

Peter Minarik,

Acting Chief, Regional Programs Coordination Unit.

[FR Doc. 2010–22149 Filed 9–3–10; 8:45 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the New Hampshire State Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights and the Federal Advisory Committee Act, that briefing and planning meetings of the New Hampshire State Advisory Committee

will convene at 1 p.m. on September 21, 2010, in the auditorium at the Manchester City Library, 405 Pine Street, Manchester, NH 03104. The purpose of the briefing meeting is to examine government and community responses to changing demographics. The purpose of the planning meeting is to discuss future activities of the Committee.

Members of the public are entitled to submit written comments; the comments must be received in the regional office by October 21, 2010. Written comments may be mailed to the Eastern Regional Office, U.S. Commission on Civil Rights, 624 Ninth Street, NW., Suite 740, Washington, DC 20425. They may be faxed to 202–376–7748, or e-mailed to *ero@usccr.gov.* Persons who desire additional information may contact the Eastern Regional Office at 202–376–7533.

Hearing-impaired persons who will attend the meetings and require the services of a sign language interpreter should contact the Eastern Regional Office at least ten (10) working days before the scheduled date of the meeting.

Records generated from these meetings may be inspected and reproduced at the Eastern Regional Office, as they become available, both before and after the meeting. Persons interested in the work of this advisory committee are directed to the Commission's Web site, *http://www.usccr.gov,* or may contact the Eastern Regional Office at the above email or street address.

The meeting will be conducted pursuant to the rules and regulations of the Commission and FACA.

Dated in Washington, DC, September 1, 2010.

Peter Minarik,

Acting Chief, Regional Programs Coordination Unit.

[FR Doc. 2010–22150 Filed 9–3–10; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

International Trade Administration

Energy and Infrastructure Mission to Saudi Arabia

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice.

Mission Description

The United States Department of Commerce, International Trade Administration, U.S. and Foreign Commercial Service (CS) is organizing an Information and Communication Technologies (ICT) trade mission to the Kingdom of Saudi Arabia, April 2–5, 2011. Led by a senior Department of Commerce official, the mission to Saudi Arabia is intended to include representatives from a variety of U.S. ICT industry suppliers and service providers. This trade mission will introduce suppliers of information technology (IT) and communication products and services to potential buyers and allow them to explore new business opportunities. Participating in an official U.S. industry delegation, rather than traveling to Saudi Arabia independently, will enhance the companies' ability to secure meetings with potential buyers, distributors, partners and industry officials in Saudi Arabia. The mission will include appointments, briefings and a networking reception in Riyadh and Jeddah, Saudi Arabia's primary ICT hubs. Trade mission participants will have the opportunity to interact with Commercial Service (CS) specialists covering the ICT industries to discuss industry developments, opportunities, and sales strategies.

Commercial Setting

Saudi Arabia is the largest IT market in the Arabian Gulf, estimated at $3.7 billion in 2010. The Communication and Information Technology Commission (CITC), the Saudi government regulatory agency, revealed that spending on ICT reached $5.96 billion in 2009, is expected to reach at $7 billion in 2010, and projected to grow to $9.8 billion by 2013. The impact of the global economic downturn on the country has been offset by business organizations' growing interest in technology solutions, which boost efficiency and productivity. The Saudi market will continue to be a lucrative market for high-tech products and services over the next few years, supported by increased government spending to upgrade the country's IT and communications infrastructure. Additionally, the government's urban development initiative to establish new economic cities, airports, universities and other infrastructure projects will also stimulate growth in the ICT sector. Other major factors that will influence ICT sector growth include:

- A young population, which is highly technology-oriented. According to the CIA World Factbook, the percentage of population under the age of 14 is 38%.
- One of the world's lowest Internet penetration levels, providing for a good growth potential.

The latest industry figures revealed that there were approximately ten million internet users as of the third quarter in 2009, about 34% of the total population, with a broadband penetration level of 8%.

Industry sources expect sales of hardware to grow annually at an average of 7% over the next three years, while the market for IT services will grow an average of 9% during the same period. According to some estimates, per capita IT spending will reach $173 by 2014, as personal computer (PC) penetration rises to more than 30%. The number of PCs sold in 2009 was 2.1 million units, and is expected to grow to 7.2 million units in 2014.

Industry Developments

The Saudi government continues to prioritize the development and accessibility of the latest ICT products and services. One of the Saudi Shoura Council's (Saudi Parliament) strategic objectives is to raise the IT sector's contribution to GDP from the current 4% to 20% by 2020. The Council aims to raise broadband penetration from 8% to 23% by 2013. Despite the economic downturn in 2009, the Saudi government pressed ahead with its ambitious e-government plan and IT projects. The government launched a $3.1 billion plan to improve the education system, by equipping schools to keep pace with scientific and technological activities, which will include the establishment of a technologically integrated school system with the latest high-tech products and services available to both students and teachers. In line with the government vision to enhance the country's IT standing and install a digital infrastructure, the Saudi market will present excellent opportunities for U.S. manufacturers/suppliers of:

—DSL access switches, enabling multi-service transmission equipment.
—Fiber-optic satellite links.
—Wideband transceivers.
—Network protocol software and systems.

Additionally, there will be growth potential for PCs, notebook computers and IT accessories and services. Collectively, these product categories generated sales that reached $2.9 billion in 2009, including about $1 billion for IT services. Industry sources estimate that total spending on ICT products and services will reach $9.8 billion by 2013.

Total U.S. goods exports to Saudi Arabia in 2009 were $10.8 billion.

Mission Goals

The short term goals of the ICT trade mission to Saudi Arabia will be to:

(1) Introduce U.S. companies to potential joint-venture partners, distributors, and other industry representatives, and,

(2) Introduce U.S. companies to industry and government officials in Saudi Arabia for an update on various opportunities and government projects as well as any relevant government regulations

Mission Scenario

In Riyadh, the U.S. mission members will be presented with a briefing by the U.S. Embassy's Counselor for Commercial Affairs, the Senior Commercial Specialist for the ICT sector and other key U.S. Government and corporate officials. Participants will also take part in business matchmaking appointments with Saudi key organizations.

In Jeddah, participants will receive a market briefing by the Senior Commercial Specialist for ICT sector at the U.S. Consulate, and they will participate in one-on-one business matchmaking appointments. In addition, they will attend a networking reception.

U.S. participants will be counseled before and after the mission by the domestic mission coordinator on logistics and travel. Participation in the mission will include the following:

- Pre-travel briefings on subjects ranging from business practices in Saudi Arabia to security;
- Pre-scheduled meetings with potential partners, distributors, end users and local industry contacts in Riyadh and Jeddah;
- Meetings with CS Saudi Arabia's ICT industry specialists in Riyadh and Jeddah; and
- Networking reception in Jeddah.

Proposed Mission Timetable

Mission participants will be encouraged to arrive April 2, 2011 and the mission program will proceed from April 3 through April 5, 2010.

April 2	Arrival in Riyadh, Saudi Arabia.
April 3	Riyadh, Saudi Arabia.
	Market briefings by U.S. Embassy Riyadh and Saudi Government officials One-on-one business matchmaking appointments.
April 4	Jeddah.
	Travel to Jeddah.
	Networking reception.
April 5	Jeddah.
	Market briefings by U.S. Consulate Officials.
	One-on-one business matchmaking appointments.
	Debriefing with DOC officials.
April 6	Depart Jeddah.

Participation Requirements

All parties interested in participating in the ICT Trade Mission to Saudi Arabia must complete and submit an application for consideration by the Department of Commerce. All applicants will be evaluated on their ability to meet certain conditions and best satisfy the selection criteria as outlined below. A minimum of 12 and a maximum of 15 companies will be selected to participate in the mission from the applicant pool. U.S. companies already doing business in Saudi Arabia as well as U.S. companies seeking to enter the market for the first time are encouraged to apply.

Fees and Expenses

After a company has been selected to participate on the mission, a payment to the Department of Commerce in the form of a participation fee is required. The participation fee will be $3,453 for large firms and $2,758 for a small or medium-sized enterprise (SME) or small organization, which will cover one representative.

An SME is defined as a firm with 500 or fewer employees or that otherwise qualifies as a small business under SBA regulations (*see http://www.sba.gov/services/contractingopportunities/sizestandardstopics/index.html*). Parent companies, affiliates, and subsidiaries will be considered when determining business size. The dual pricing reflects the Commercial Service's user fee schedule that became effective May 1, 2008 (*see http://www.export.gov/newsletter/march2008/initiatives.html* for additional information).

The fee for each additional firm representative (large firm or SME) is $500.

Expenses for travel, lodging, most meals, and incidentals will be the responsibility of each mission participant.

Conditions for Participation

- An applicant must submit a completed and signed mission application and supplemental application materials, including adequate information on the company's products and/or services, primary market objectives, and goals for participation. If the U.S. Department of Commerce receives an incomplete application, the Department may reject the application, request additional information, or take the lack of information into account when evaluating the applications.
- Each applicant must also certify that the products and services it seeks to export through the mission are either produced in the United States, or, if not, marketed under the name of a U.S. firm and have at least fifty-one percent U.S. content.

Selection Criteria for Participation

Selection will be based on the following criteria:

- Suitability of a company's products or services to the mission's goals.
- Applicant's potential for business in Saudi Arabia, including likelihood of exports resulting from the trade mission.
- Consistency of the applicant's goals and objectives with the stated scope of the trade mission.
- Diversity of sector participation.

Additional factors, such as diversity of company size, type, location, and demographics, may also be considered during the review process.

Referrals from political organizations and any documents containing references to partisan political activities (including political contributions) will be removed from an applicant's submission and not considered during the selection process.

Timeframe for Recruitment and Applications

Mission recruitment will be conducted in an open and public manner, including publication in the **Federal Register**, posting on the Commerce Department trade mission calendar (*http://www.ita.doc.gov/doctm/tmcal.html*) and other Internet web sites, press releases to general and trade media, direct mail, notices by industry trade associations and other

multiplier groups, and publicity at industry meetings, symposia, conferences, and trade shows.

Recruitment for the mission will begin immediately and conclude no later than January 31, 2011. The U.S. Department of Commerce will review all applications immediately after the deadline. We will inform applicants of selection decisions as soon as possible after January 31, 2011. Applications received after that date will be considered only if space and scheduling constraints permit.

Contacts

U.S. Commercial Service Domestic Contact:

Natalia Susak, Phone: 202–482–4423, Fax: 202–482–9000, E-mail: *Natalia.Susak@trade.gov*.

U.S. Commercial Service Saudi Arabia Contacts:

Ahmed Khayyat, Phone: 966/1/488–3800 x 4441, Fax: 966/1/488–3237, E-mail: *ahmed.khayyat@trade.gov.*

Natalia Susak,

Trade Promotion Programs, Commercial Service Trade Missions Program.

[FR Doc. 2010–22135 Filed 9–3–10; 8:45 am]

BILLING CODE 3510–FP–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–968]

Aluminum Extrusions From the People's Republic of China: Preliminary Affirmative Countervailing Duty Determination

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) preliminarily determines that countervailable subsidies are being provided to producers and exporters of aluminum extrusions from the People's Republic of China (the PRC). For information on the estimated subsidy rates, see the "Suspension of Liquidation" section of this notice.

DATES: *Effective Date:* September 7, 2010.

FOR FURTHER INFORMATION CONTACT: Eric B. Greynolds, AD/CVD Operations, Office 3, Import Administration, U.S. Department of Commerce, Room 4014, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: 202–482–6071.

SUPPLEMENTARY INFORMATION:

Case History

On March 31, 2010, the Department received the petition filed in proper form by the petitioners.[1] The Department initiated the investigation on April 20, 2010. *See Aluminum Extrusions from the People's Republic of China: Initiation of Countervailing Duty Investigation,* 75 FR 22114 (April 27, 2010) (*Initiation*), and accompanying Initiation Checklist.[2]

On May 18, 2010, the Department of Commerce (the Department) selected the following firms as mandatory respondents in this countervailing duty (CVD) investigation: Dragonluxe Limited (Dragonluxe), Miland Luck Limited (Miland), and Liaoyang Zhongwang Aluminum Profile Co. Ltd./Liaoning Zhongwang Group (collectively, the Zhongwang Group) and concurrently issued to them, as well as the Government of China (GOC), the initial questionnaire.[3] We confirmed that the three mandatory respondents received the CVD questionnaire.[4] Responses were due on June 24, 2010. However, the June 24, 2010, deadline passed with none of the mandatory respondents submitting a questionnaire response or requesting an extension.

The Department received requests for individual examination on a voluntary basis. On May 6, 2010, we received a request for treatment as a voluntary respondent from Zhaoqing New Zhongya Aluminum Co., Ltd. (New Zhongya), Zhongya Shaped Aluminum HK Holding Ltd. (Zhongya HK), and Karlton Aluminum Company Ltd. (Karlton) (collectively the Zhongya Companies), Chinese producers of subject merchandise. On May 26, 2010, Guang Ya Aluminum Industries Co., Ltd. (Guang Ya), Foshan Guangcheng Aluminum Co., Ltd. (Guangcheng), Guang Ya Aluminum Industries Hong Kong (Guang Ya HK), Kong Ah International Company Limited (Kong Ah), and Yongji Guanghai Aluminum Industry Co., Ltd. (Guanghai) (collectively the Guang Ya Companies), producers of subject merchandise, requested treatment as a voluntary respondent. In response to requests from the Zhongya and Guang Ya Companies, on June 21 and 22, 2010, we extended, by two weeks, the deadline for the submission of questionnaire responses by these companies to July 8, 2010. Both the Zhongya and Guang Ya Companies submitted questionnaire responses on July 8, 2010.

On June 21, 2010, the Department postponed the deadline for the preliminary determination until August 30, 2010. *See Aluminum Extrusions from the People's Republic of China: Notice of Postponement of Preliminary Determination in the Countervailing Duty Investigation,* 75 FR 34982 (June 21, 2010).

On July 8, 2010, petitioners' submitted new subsidy allegations regarding the Zhongya and Guang Ya Companies.

On July 21, 2010, the Department selected the Zhongya and Guang Ya Companies as voluntary respondents. *See* the Memorandum to Ronald K. Lorentzen, Deputy Assistant Secretary for Import Administration, "Acceptance of Requests for Treatment As Voluntary Respondents" (July 21, 2010) (Voluntary Respondent Selection Memorandum), a public document on file in room 1117 of the CRU. In addition, because Dragonluxe, Miland, and the Zhongwang Group did not submit responses to the Department's initial questionnaire, we found the firms to be non-cooperative, mandatory respondents. *Id.*

On July 21, 2010, we postponed the GOC's deadline for submitting a response to the Department's May 18, 2010, initial questionnaire until August 4, 2010. We subsequently extended the deadline until August 9, 2010. The GOC submitted its initial questionnaire response on August 9, 2010.

On July 21, 2010, we also issued supplemental questionnaires to the Zhongya Companies, the Guang Ya Companies, and the GOC. We issued addenda to these supplemental questionnaires on July 28, 2010. The Zhongya and Guang Ya companies submitted responses to the supplemental questionnaires on August 6 and August 9, 2010, respectively. The GOC submitted its supplemental questionnaire response on August 4 and August 9, 2010. The GOC and the Zhonga and Guang Ya companies submitted their responses to the

[1] Petitioners are Aluminum Extrusion Fair Trade Committee: Aerolite Extrusion Company; Alexandria Extrusions Company; Beneda Aluminum of Florida, Inc.; William L. Bonnell Company, Inc.; Frontier Aluminum Corporation; Futura Industries Corporation; Hydro Aluminum North American Inc.; Kaiser Aluminum Corporation; Profile Extrusion Company; Sapa Extrusions, Inc.; Western Extrusions Corporation; and the United Steel, Paper, and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union.

[2] Public and public versions of Departmental memoranda referenced in this Notice are on file in the Central Records Unit (CRU), Room 1117 in the main building of the Commerce Department.

[3] *See* Memorandum to John M. Andersen, Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, "Respondent Selection," (May 18, 2010).

[4] *See* Memorandum to the File, "Confirmation of Delivery of Initial Questionnaire to Firms Selected As Mandatory Respondents," (June 4, 2010) (Delivery of Questionnaire Memorandum).

addendum to the supplemental questionnaire on August 9, 2010.

On July 28, 2010, petitioners submitted additional new subsidy allegations regarding the Zhongya and Guang Ya Companies. On August 11, 2010, the Department issued a new subsidy memorandum concerning petitioners' July 13 and July 28, 2010, new subsidy allegations. *See* the Department's August 11, 2010, Memorandum, "New Subsidy Allegations for the Guang Ya and Zhongya Companies," (August 11, 2010) (New Subsidy Memorandum), a public document on file in room 1117 of the CRU. The Department issued new subsidy questionnaires to the GOC and the Zhongya and Guang Ya companies on August 11, 2010. The new subsidy questionnaires are due on September 3, 2010, and, as a result, the Department is not able to incorporate the responses to the questionnaire into the preliminary determination.

On August 16, 19, and 23, 2010, the Zhongya Companies, Guang Ya Companies, and the GOC submitted their second supplemental questionnaire responses, respectively.

In the *Initiation,* the Department deferred initiating on petitioners' allegation that the GOC, in an effort to benefit domestic producers, intervenes in the currency market in order to ensure that the RMB/U.S. dollar exchange rate understates the value of the RMB. *See Initiation,* 75 FR at 22117. On August 30, 2010, the Department issued a decision memorandum concerning petitioners' currency manipulation allegation. Specifically, the Department has determined not to initiate an investigation of the allegation. *See* Memorandum to Ronald K. Lorentzen, Deputy Assistant Secretary for Import Administration, "Subsidy Allegation—Currency," (August 30, 2010).

Period of Investigation

The period of investigation (POI) for which we are measuring subsidies is January 1, 2009, through December 31, 2009, which corresponds to the most recently completed fiscal year. *See* 19 CFR 351.204(b)(2).

Scope of the Investigation

The merchandise covered by this investigation is aluminum extrusions which are shapes and forms, produced by an extrusion process, made from aluminum alloys having metallic elements corresponding to the alloy series designations published by The Aluminum Association commencing with the numbers 1, 3, and 6 (or proprietary equivalents or other certifying body equivalents). Specifically, the subject merchandise made from aluminum alloy with an Aluminum Association series designation commencing with the number 1 contains not less than 99 percent aluminum by weight. The subject merchandise made from aluminum alloy with an Aluminum Association series designation commencing with the number 3 contains manganese as the major alloying element, with manganese accounting for not more than 3.0 percent of total materials by weight. The subject merchandise made from an aluminum alloy with an Aluminum Association series designation commencing with the number 6 contains magnesium and silicon as the major alloying elements, with magnesium accounting for at least 0.1 percent but not more than 2.0 percent of total materials by weight, and silicon accounting for at least 0.1 percent but not more than 3.0 percent of total materials by weight. The subject aluminum extrusions are properly identified by a four-digit alloy series without either a decimal point or leading letter. Illustrative examples from among the approximately 160 registered alloys that may characterize the subject merchandise are as follows: 1350, 3003, and 6060.

Aluminum extrusions are produced and imported in a wide variety of shapes and forms, including, but not limited to, hollow profiles, other solid profiles, pipes, tubes, bars, and rods. Aluminum extrusions that are drawn subsequent to extrusion ("drawn aluminum") are also included in the scope.

Aluminum extrusions are produced and imported with a variety of finishes (both coatings and surface treatments), and types of fabrication. The types of coatings and treatments applied to subject aluminum extrusions include, but are not limited to, extrusions that are mill finished (*i.e.,* without any coating or further finishing), brushed, buffed, polished, anodized (including bright-dip anodized), liquid painted, or powder coated. Aluminum extrusions may also be fabricated, *i.e.,* prepared for assembly. Such operations would include, but are not limited to, extrusions that are cut-to-length, machined, drilled, punched, notched, bent, stretched, knurled, swedged, mitered, chamfered, threaded, and spun. The subject merchandise includes aluminum extrusions that are finished (coated, painted, etc.), fabricated, or any combination thereof.

Subject aluminum extrusions may be described at the time of importation as parts for final finished products that are assembled after importation, including, but not limited to, window frames, door frames, solar panels, curtain walls, or furniture. Such parts that otherwise meet the definition of aluminum extrusions are included in the scope. The scope includes aluminum extrusions that are attached (*e.g.,* by welding or fasteners) to form subassemblies, *i.e.,* partially assembled merchandise.

Subject extrusions may be identified with reference to their end use, such as heat sinks, door thresholds, or carpet trim. Such goods are subject merchandise if they otherwise meet the scope definition, regardless of whether they are finished products and ready for use at the time of importation.

The following aluminum extrusion products are excluded: Aluminum extrusions made from aluminum alloy with an Aluminum Association series designations commencing with the number 2 and containing in excess of 1.5 percent copper by weight; aluminum extrusions made from aluminum alloy with an Aluminum Association series designation commencing with the number 5 and containing in excess of 1.0 percent magnesium by weight; and aluminum extrusions made from aluminum alloy with an Aluminum Association series designation commencing with the number 7 and containing in excess of 2.0 percent zinc by weight.

The scope also excludes finished merchandise containing aluminum extrusions as parts that are fully and permanently assembled and completed at the time of entry, such as finished windows with glass, doors, picture frames, and solar panels. The scope also excludes finished goods containing aluminum extrusions that are entered unassembled in a "kit." A kit is understood to mean a packaged combination of parts that contains, at the time of importation, all of the necessary parts to fully assemble a final finished good.

The scope also excludes aluminum alloy sheet or plates produced by other than the extrusion process, such as aluminum products produced by a method of casting. Cast aluminum products are properly identified by four digits with a decimal point between the third and fourth digit. A letter may also precede the four digits. The following Aluminum Association designations are representative of aluminum alloys for casting: 208.0, 295.0, 308.0, 355.0, C355.0, 356.0, A356.0, A357.0, 360.0, 366.0, 380.0, A380.0, 413.0, 443.0, 514.0, 518.1, and 712.0. The scope also

excludes pure, unwrought aluminum in any form.

Imports of the subject merchandise are provided for under the following categories of the Harmonized Tariff Schedule of the United States ("HTS"): 7604.21.0000, 7604.29.1000, 7604.29.3010, 7604.29.3050, 7604.29.5030, 7604.29.5060, 7608.20.0030, and 7608.20.0090. The subject merchandise entered as parts of other aluminum products may be classifiable under the following additional Chapter 76 subheadings: 7610.10, 7610.90, 7615.19, 7615.20, and 7616.99 as well as under other HTS chapters. While HTS subheadings are provided for convenience and customs purposes, the written description of the scope in this proceeding is dispositive.

Scope Comments

In accordance with the *Preamble* to the Department's regulations (*see Antidumping Duties; Countervailing Duties,* 62 FR 27296, 27323 (May 19, 1997) (*Preamble*)), in the *Initiation,* we set aside a period of time for parties to raise issues regarding product coverage, and encouraged all parties to submit comments within 20 calendar days of publication of the *Initiation.*

The Department received several scope comments from interested parties. The Department is evaluating the comments submitted by the parties and will issue its decision regarding the scope of the antidumping (AD) and CVD investigations in the preliminary determination of the companion AD investigation, which is due for signature on October 27, 2010.

Injury Test

Because the PRC is a "Subsidies Agreement Country" within the meaning of section 701(b) of the Tariff Act of 1930 (the Act), the International Trade Commission (the ITC) is required to determine whether imports of the subject merchandise from the PRC materially injure, or threaten material injury to, a U.S. industry. On May 17, 2010, the ITC published its preliminary determination finding that there is a reasonable indication that an industry in the United States is materially injured by reason of imports of certain aluminum extrusions from the PRC. *See* Certain Aluminum Extrusion from China, Investigation Nos. 701–TA–475 and 731–TA–1177 (Preliminary), 75 FR 34482 (May 17, 2010).

Application of the Countervailing Duty Law to Imports From the PRC

On October 25, 2007, the Department published *Coated Free Sheet Paper From the People's Republic of China: Final Affirmative Countervailing Duty Determination,* 72 FR 60645 (October 25, 2007) (*CFS from the PRC*), and accompanying Issues and Decision Memorandum (CFS Decision Memorandum). In *CFS from the PRC,* the Department found that

> * * * given the substantial differences between the Soviet-style economies and China's economy in recent years, the Department's previous decision not to apply the CVD law to these Soviet-style economies does not act as a bar to proceeding with a CVD investigation involving products from China.

See CFS Decision Memorandum at Comment 6. The Department has affirmed its decision to apply the CVD law to the PRC in subsequent final determinations. *See, e.g., Circular Welded Carbon Quality Steel Pipe From the People's Republic of China: Final Affirmative Countervailing Duty Determination and Final Affirmative Determination of Critical Circumstances,* 73 FR 31966 (June 5, 2008) (*CWP from the PRC*), and accompanying Issues and Decision Memorandum (CWP from the PRC Decision Memorandum) at Comment 1.

Additionally, for the reasons stated in the CWP Decision Memorandum, we are using the date of December 11, 2001, the date on which the PRC became a member of the World Trade Organization (WTO), as the date from which the Department will identify and measure subsidies in the PRC for purposes of this investigation. *See* CWP Decision Memorandum at Comment 2.

Use of Facts Otherwise Available and Adverse Inferences

Sections 776(a)(1) and (2) of the Tariff Act of 1930, as amended (the Act), provide that the Department shall apply "facts otherwise available" if, inter alia, necessary information is not on the record or an interested party or any other person: (A) Withholds information that has been requested; (B) fails to provide information within the deadlines established, or in the form and manner requested by the Department, subject to subsections (c)(1) and (e) of section 782 of the Act; (C) significantly impedes a proceeding; or (D) provides information that cannot be verified as provided by section 782(i) of the Act.

Section 776(b) of the Act further provides that the Department may use an adverse inference in applying the facts otherwise available when a party has failed to cooperate by not acting to the best of *its ability to comply with a request for information.*

Application of Adverse Inferences: Non-Cooperative Companies

As explained above in the "Background" section, the Department selected Dragonluxe, Miland, and the Zhongwang Group as mandatory respondents. Accordingly, the Department sent the initial questionnaire to the three companies on May 18, 2010. The Department confirmed that the three firms received copies of the initial questionnaire. *See* Delivery of Questionnaire Memorandum. Dragonluxe, Miland, and the Zhongwang Group failed to respond the Department's initial questionnaire. As a result of the failure of Dragonluxe, Miland, and the Zhongwang Group to submit responses to the Department's initial questionnaire, we found the firms to be non-cooperative, mandatory respondents. *See* the Voluntary Respondent Memorandum.

We find that, by not responding to the Department's initial questionnaire, Dragonluxe, Miland, and the Zhongwang Group withheld requested information and significantly impeded this proceeding. Thus, in reaching our preliminary determination, pursuant to sections 776(a)(2)(A) and (C) of the Act, we are basing the CVD rate for Dragonluxe, Miland, and the Zhongwang Group on facts otherwise available.

We further preliminarily determine that an adverse inference is warranted, pursuant to section 776(b) of the Act. By failing to submit responses to the Department's initial questionnaire, Dragonluxe, Miland, and the Zhongwang Group did not cooperate to the best of their ability in this investigation. Accordingly, we preliminarily find that an adverse inference is warranted to ensure that the three companies will not obtain a more favorable result than had they fully complied with our request for information. For purposes of this preliminary determination, we have limited our application of adverse inferences under section 776(b) of the Act to those programs included in the *Initiation.*

In deciding which facts to use as adverse facts available (AFA), section 776(b) of the Act and 19 CFR 351.308(c)(1) and (2) authorize the Department to rely on information derived from: (1) The petition; (2) a final determination in the investigation; (3) any previous review or determination; or (4) any other information placed on the record. The Department's practice when selecting an adverse rate from among the possible sources of information is to ensure that the rate is

sufficiently adverse "as to effectuate the statutory purposes of the adverse facts available rule to induce respondents to provide the Department with complete and accurate information in a timely manner." *See, e.g., Notice of Final Determination of Sales at Less Than Fair Value: Static Random Access Memory Semiconductors From Taiwan,* 63 FR 8909, 8932 (February 23, 1998). The Department's practice also ensures "that the party does not obtain a more favorable result by failing to cooperate than if it had cooperated fully." *See* Statement of Administrative Action (SAA) accompanying the Uruguay Round Agreements Act, H.R. Rep. No. 103–316, Vol. I, at 870 (1994), reprinted at 1994 U.S.C.C.A.N. 4040, 4199.

It is the Department's practice in CVD proceedings to select, as AFA, the highest calculated rate in any segment of the proceeding. *See, e.g., Laminated Woven Sacks From the People's Republic of China: Final Affirmative Countervailing Duty Determination and Final Affirmative Determination, in Part, of Critical Circumstances,* 73 FR 35639 (June 24, 2008) (*LWS from the PRC*), and accompanying Issues and Decision Memorandum (LWS from the PRC Decision Memorandum) at "Selection of the Adverse Facts Available." In previous CVD investigations of products from the PRC, we adapted the practice to use the highest rate calculated for the same or similar program in other PRC CVD proceeding. *See id.* and *Certain Tow-Behind Lawn Groomers and Certain Parts Thereof From the People's Republic of China: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Countervailing Duty Determination With Final Antidumping Duty Determination,* 73 FR 70971, 70975 (November 24, 2008) (unchanged in the *Certain Tow-Behind Lawn Groomers and Certain Parts Thereof From the People's Republic of China: Final Affirmative Countervailing Duty Determination,* 74 FR 29180 (June 19, 2009), and accompanying Issues and Decision Memorandum (Lawn Groomers Decision Memorandum) at "Application of Facts Available, Including the Application of Adverse Inferences").

Thus, under this practice, for investigations involving the PRC, the Department computes the total AFA rate for non-cooperating companies generally using program-specific rates calculated for the cooperating respondents in the instant investigation or calculated in prior PRC CVD cases. Specifically, for programs other than those involving income tax exemptions and reductions, the Department applies the highest calculated rate for the identical program in the investigation if a responding company used the identical program, and the rate is not zero. If there is no identical program match within the investigation, the Department uses the highest non-*de minimis* rate calculated for the same or similar program (based on treatment of the benefit) in another PRC CVD proceeding. Absent an above-*de minimis* subsidy rate calculated for the same or similar program, the Department applies the highest calculated subsidy rate for any program otherwise listed that could conceivably be used by the non-cooperating companies. *See, e.g., Lightweight Thermal Paper From the People's Republic of China: Final Affirmative Countervailing Duty Determination,* 73 FR 57323 (October 2, 2008) (*LWTP from the PRC*), and accompanying Issues and Decision Memorandum (LWTP from the PRC Decision Memorandum) at "Selection of the Adverse Facts Available Rate."

However, in the instant investigation the cooperating firms are voluntary respondents. Under 19 CFR 351.204(d)(3), in calculating an all-others rate under section 705(c)(5) of the Act, the Department will exclude net subsidy rates calculated for voluntary respondents. Thus, as discussed in further detail below in the "Suspension of Liquidation" section, in accordance with section 705(c)(5)(A)(ii) of the Act and 19 CFR 351.204(d)(3), we have equated the all-others rate with the AFA rates calculated for the non-cooperative companies. We have adopted this approach because the inclusion of self-selected respondents in the derivation of the all-others rate could result in the distortion or manipulation of the all-others rate. *See Preamble to Antidumping Duties; Countervailing Duties; Final Rule,* 62 FR 27296, 27310 (May 19, 1997) (*Preamble to Procedural Regulations*). Furthermore, in light of this concern, we determine that it is not appropriate to compute total AFA rates for non-cooperative companies using company-specific rates calculated for participating respondents, because to do so would require the use of program rates calculated for voluntary respondents. In addition, our reasoning not to base the AFA rate on program rates calculated for voluntary respondents extends to our use of program rates from other CVD proceedings involving the PRC. Thus, in deriving the AFA rate for the three non-cooperating mandatory respondents in the instant investigation, we have not utilized company-specific program rates that were calculated for voluntary respondents.

Therefore, for purposes of deriving the AFA rate for the three non-cooperating mandatory respondents, we are using the highest non-*de minimis* rate calculated for the same or similar program (based on treatment of the benefit) in another PRC CVD investigation. Absent an above-*de minimis* subsidy rate calculated for the same or similar program, we are applying the highest calculated subsidy rate for any program otherwise listed that could conceivably be used by the non-cooperating companies. *See, e.g.,* LWTP from the PRC Decision Memorandum at "Selection of the Adverse Facts Available Rate."

Further, where the GOC can demonstrate through complete, verifiable, positive evidence that Dragonluxe, Miland, and the Zhongwang Group (including all their facilities and cross-owned affiliates) are not located in particular provinces whose subsidies are being investigated, the Department will not include those provincial programs in determining the countervailable subsidy rate for those companies. *See, e.g., Certain Kitchen Shelving and Racks from the People's Republic of China: Final Affirmative Countervailing Duty Determination,* 74 FR 37012 (July 27, 2009) (*Racks From the PRC*), and accompanying Issues and Decision Memorandum (Racks Decision from the PRC Decision Memorandum) at "Use of Facts Otherwise Available and Adverse Facts Available." In this investigation, the GOC has not provided any such information. Therefore, we are making the adverse inference that the three non-cooperative companies, Dragonluxe, Miland, and the Zhongwang Group, had facilities and/or cross-owned affiliates that received subsidies under all of the sub-national programs on which the Department initiated.

For the seven income tax rate reduction or exemption programs at issue in the instant investigation, we are applying an adverse inference that Dragonluxe, Miland, and the Zhongwang Group paid no income taxes during the POI. The seven programs are: (1) Tax Reductions for High or New Technology Enterprises (HNTEs) Involved in Designated Projects, (2) Two Free, Three Half Tax Exemptions for Productive FIEs, (3) Local Income Tax Exemption and Reduction Programs for "Productive" FIEs, (4) Income Tax Benefits for FIEs in Designated Geographic Location, (5) Income Tax Benefits for Technology- or Knowledge-Intensive FIEs, (6) Income Tax Benefits for FIES That Are Also High or New

Technology Enterprises (HNTEs), and (7) Income Tax Reductions For Export-Oriented FIEs.

The standard income tax rate for corporations in the PRC during the POI was 25 percent. *See, e.g.,* "Notification of the State Council on Carrying out the Transition Preferential Policies Concerning Enterprise Income Tax, Guo Fa 2007, No. 39 as included in the March 31, 2010, petition at Exhibit III–65. Further, the GOC response indicates that the three percent provincial income tax was no longer in effect during the POI. *See* the GOC's August 4, 2010, supplemental questionnaire at 4. Therefore, the highest possible benefit for all income tax reduction or exemption programs combined is 25 percent. Therefore, we are applying a CVD rate of 25 percent on an overall basis for these seven income tax programs (*i.e.,* these seven income tax programs combined provide a countervailable benefit of 25 percent). This 25 percent AFA rate does not apply to tax credit or tax refund programs. This approach is consistent with the Department's past practice. *See, e.g.,* CWP from the PRC Decision Memorandum at 2, and LWTP from the PRC Decision Memorandum at "Selection of the Adverse Facts Available Rate."

The 25 percent AFA rate does not apply to the following nine income tax credit and rebate or accelerated depreciation programs found countervailable because such programs may not affect the tax rate and, hence, the subsidy conferred, in the current year: (1) Value Added Tax (VAT) and Tariff Exemptions on Imported Equipment to FIEs and Certain Domestic Enterprises, (2) VAT Rebates on FIEs Purchases of Chinese-Made Equipment, (3) City Tax and Surcharge Exemptions for FIEs, and (4) Tax Offsets for Research and Development, (5) Income Tax Credits for Domesticall-Owned Companies Purchasing Chinese-Made Equipment, (6) Tax Reductions for FIEs Purchasing Chinese-Made Equipment, (7) Tax Refunds for Reinvesting of FIE Profits in Export-Oriented Enterprises, (8) Accelerated Depreciation for Enterprises Located in Northeast Region, and (9) Forgiveness of Tax Arrears for Enterprises in the "Old Industrial Bases" of Northeast China.

Based on the methodology discussed above, we preliminarily determine to use the highest non-*de minimis* rate for any indirect tax program from a China CVD investigation. The rate we select is 1.51 percent, calculated for the "Value-Added Tax and Tariff Exemptions on Imported Equipment" program in *CFS from the PRC. See* CFS Decision Memorandum at "VAT and Tariff Exemptions on Imported Equipment".

Regarding the Preferential Loans as Part of the Northeast Revitalization Program and the Policy Loans for Aluminum Extrusion Producers, we preliminarily determine to apply the highest non-*de minimis* subsidy rate for any loan program in a prior China CVD investigation. The highest non-*de minimis* subsidy rate is 8.31 percent calculated for the "Government Policy Lending Program," from *LWTP from the PRC. See Lightweight Thermal Paper From the People's Republic of China: Notice of Amended Final Affirmative Countervailing Duty Determination and Notice of Countervailing Duty Order,* 73 FR 70958 (November 24, 2008) (*Amended LWTP from the PRC*).

We are investigating a number of grant programs including: (1) State Key Technology Renovation Fund, (2) GOC and Sub-Central Government Grants, Loans, and Other Incentives for Development of Famous Brands and China World Top Brands, (3) Grants to Cover Legal Fees in Trade Remedy Cases in Shenzhen, (4) Special Fund for Energy Saving Technology Reform: Guangdong Province, (5) The Clean Production Technology Fund, (6) Grants for Listing Shares: Liaoyang City (Guangdong Province), Wenzhou Municipality (Zhejiang Province), and Quanzhou Municipality (Fujian Province), (7) Northeast Region Foreign Trade Development Fund, and (8) Northeast Region Technology Reform Fund. The Department has not calculated above *de minimis* rate for any of these programs in prior investigations, and, moreover, all previously calculated rates for grant programs from prior China CVD investigations have been *de minimis.* Therefore, for each of these grant programs, we preliminarily determine to use the highest calculated subsidy rate for any program otherwise listed, which could have been used by the non-cooperative companies. We preliminarily determine that this rate is 8.31 percent from the "Government Policy Lending Program," in the

Amended LWTP From the PRC

The Department is also investigating several provision of a good or service for less than adequate remuneration (LTAR) programs: Provision of Land-Use Rights for LTAR in Liaoyang High-Tech Industry Development Zone, Provision of Land-Use Rights for LTAR to SOEs, and Provision of Primary Aluminum for LTAR. For two of these LTAR programs, we are applying the highest non-*de minimis* subsidy rate for any provision of land-use rights for LTAR program in a prior China CVD investigation. The highest non-*de minimis* subsidy rate is 2.55 percent calculated for the "Subsidies Provided in the TBNA and the Tianjin Economic and Technological Development Area" from *OCTG from the PRC. See* OCTG from the PRC Decision Memorandum at "Subsidies Provided in the TBNA and the Tianjin Economic and Technological Development Area." Concerning the provision of Primary Aluminum for LTAR, the Department has not previously investigated allegations concerning this input product. Therefore, for this program, we are applying the highest calculated subsidy rate for any program otherwise listed that could conceivably be used by the non-cooperating companies. We preliminarily determine that this similar program rate is 2.55 percent from *OCTG from the PRC. Id.*

In addition, the Department is investigating government purchases of aluminum extrusions for more than adequate remuneration (MTAR). The Department has not previously investigated allegations concerning this input. Therefore, for this program, we are applying the highest calculated subsidy rate for any program otherwise listed that could conceivably be used by the non-cooperating companies. We preliminarily determine that this rate is 8.31 percent from the *Amended LWTP from the PRC.*

On this basis, we preliminarily determine the AFA countervailable subsidy rate for the non-cooperative respondents (Dragonluxe, Miland, and the Zhongwang Group) to be 137.65 percent *ad valorem. See* AFA Memorandum.

As noted above, on July 8 and July 28, 2010, petitioners submitted new subsidy allegations. On August 11, 2010, the Department initiated investigations of all the allegations included in petitioners' July 8 and July 28, 2010, submissions. *See* New Subsidy Memorandum. On August 11, 2010, the Department also sent a new subsidy questionnaire to the GOC as well as to the Zhongya and Guang Ya Companies regarding these new subsidy allegations. The new subsidy questionnaire responses are currently due on September 5, 2010. Therefore, for purposes of the preliminary determination, we have not included these additional subsidy programs under investigation in this proceeding in the total AFA rates calculated for Dragonluxe, Miland, and the Zhongwang Group. We invite interested parties to comment on whether the Department should include the additional alleged programs and the various programs self-reported by the

Guang Ya and Zhongya companies into the AFA rate calculated for the non-cooperating, mandatory respondents.

Various Grant Programs Self-Reported by the Guang Ya Companies

The Guang Ya Companies self-reported receiving various lump sum cash grants from the GOC. As a result, the Department sent questionnaires to the GOC regarding these programs. *See* the July 21, 2010, first supplemental questionnaire sent to the GOC. In its supplemental questionnaire responses the GOC provided information concerning the nature of the programs and indicated that the programs were not contingent upon exports, and thus are not specific under section 771(5A)(B) of the Act. However, the GOC failed to respond to the Department's questions concerning the distribution of benefits, which is information that the Department uses to determine whether alleged subsidy programs are *de facto* specific under section 771(5A)(D)(iii) of the Act. *See* the GOC's August 9, 2010, supplemental questionnaire response. Further, the GOC failed to supply the requested benefit distribution data in its second supplemental questionnaire response, despite the Department's request that it do so. *See* the GOC's August 19, 2010, second supplemental questionnaire response.

Because the GOC failed to provide the requested benefit distribution data, we find that necessary information is not on the record, pursuant to section 776(a) of the Act and that the GOC has not cooperated to the best of its ability. Therefore, for those programs for which we lack the necessary information and for which the GOC failed to cooperate, in accordance with section 776(b) of the Act, we are assuming as an adverse inference that the programs are *de facto* specific as domestic subsidies within the meaning of section 771(5A)(D)(iii) of the Act.

The Zhongya Companies' Failure To Report All of Its Sales of Aluminum Extrusions Under the Purchase of Aluminum Extrusions for MTAR Program

In its July 8, 2010, questionnaire response, the Zhongya Companies failed to provide any information concerning the purchase of aluminum extrusions for MTAR program. In response to the Department's July 21, 2010, supplemental questionnaire, the Zhongya Companies provided MTAR data. *See* the Zhongya Companies' August 6, 2010, first supplemental questionnaire response. However, the dataset was not complete. Specifically, the Zhongya Companies provided data for its "top 10 domestic customers." *Id.* The Zhongya Companies state that the top 10 customers accounted for "more than 70 percent of New Zhongya's total domestic sales of subject merchandise during the POI." *Id.* The Zhongya Companies did not identify its other customers; therefore we have determined that necessary information is not on the record and that the Zhongya Companies have therefore "significantly impeded the proceeding," pursuant to sections 776(a)(1) and (a)(2) of the Act.

In light of its failure to provide the requested benefit distribution data, we find that the Zhongya Companies have failed to cooperate to the best of its ability. *See* section 776(b) of the Act. Therefore, we are applying facts available with an adverse inference with respect to the 30 percent of the sales that the Zhongya Companies did not report to the Department.

Materials used in certain government projects are subject to the GOC's "Government Procurement Law of the PRC" (Procurement Law). *See* the March 31, 2010, petition at Exhibit III–153. Under the Procurement Law, government authorities are permitted to procure imported goods or services only when domestic goods or services are either unavailable or cannot be obtained under "reasonable commercial conditions." The "Implementing Measures on the Government Procurement Law of the PRC" (Implementing Measures of the Procurement Law) state that:

> The situation where reasonable commercial terms are not available for procurement under Article 10 of the Government Procurement Law refers to instances where the lowest offered price for domestic goods, construction, or services, that meet the requirements of procurement documents, exceeds the lowest offered price for foreign goods, construction, or services by more than 20 percent.

See the March 31, 2010, petition at Exhibit III–155.

Based on the information in the Implementing Measures of the Procurement Law, we are assuming as AFA under section 776(b) of the Act that the Zhongya Companies' unreported sales were made to GOC authorities and, thus, constitute a financial contribution under section 771(5)(D)(iv) of the Act. We are further assuming as AFA that the Zhongya Companies received a 20 percent price premium on the unreported sales volumes of aluminum extrusions. For further information concerning the derivation of the benefit, see the "Purchase of Aluminum Extrusions for MTAR" section below.

Regarding our decision to apply AFA, we acknowledge that the GOC has stated in its questionnaire response that the Zhongya Companies did not sell its aluminum extrusions under any procurement program. *See, e.g.,* the GOC's August 9, 2010, questionnaire response at 38. However, we preliminarily determine that the Zhongya Companies' failure to provide any information concerning the missing "30 percent" of its customers has impeded the Department's ability to adequately investigate whether these customers acquired subject merchandise from the Zhongya Companies for MTAR. Thus, we preliminarily determine that the application of AFA with regard to the Zhongya Companies' use of this program is warranted.

Attribution of Subsidies

The Department's regulations at 19 CFR 351.525(b)(6)(i) state that the Department will normally attribute a subsidy to the products produced by the corporation that received the subsidy. However, 19 CFR 351.525(b)(6)(ii)—(v) provides that the Department will attribute subsidies received by certain other companies to the combined sales of those companies when: (1) Two or more corporations with cross-ownership produce the subject merchandise; (2) a firm that received a subsidy is a holding or parent company of the subject company; (3) a firm that produces an input that is primarily dedicated to the production of the downstream product; or (4) a corporation producing non-subject merchandise received a subsidy and transferred the subsidy to a corporation with cross-ownership with the subject company.

According to 19 CFR 351.525(b)(6)(vi), cross-ownership exists between two or more corporations where one corporation can use or direct the individual assets of the other corporation(s) in essentially the same ways it can use its own assets. This regulation states that this standard will normally be met where there is a majority voting interest between two corporations or through common ownership of two (or more) corporations. The Court of International Trade (CIT) has upheld the Department's authority to attribute subsidies based on whether a company could use or direct the subsidy benefits of another company in essentially the same way it could use its own subsidy benefits. *See Fabrique de Fer de Charleroi* v. *United States,* 166 F. Supp. 2d 593, 600–604 (CIT 2001).

The Guang Ya Companies

As discussed above, the Guang Ya Companies are Guang Ya, Guangcheng, Guanghai, Guang Ya HK, and Kong Ah. Guang Ya and Guangcheng are the producers of subject merchandise. Guanghai produces aluminum billet that it supplies to Guangcheng. Guang Ya HK and Kong Ah are Hong Kong-based trading companies that export merchandise produced by Guang Ya and Guangcheng. According to the Guang Ya Companies, only Guang Ya HK exported subject merchandise to the United States that was produced by the Guang Ya Companies. We find that the Guang Ya Companies are cross-owned with each other via common ownership within the meaning of 19 CFR 351.525(b)(6)(vi). *See* the Guang Ya Companies July 8, 2010, questionnaire response at Exhibit 1.

Guang Ya and Guangcheng are the members of the Guang Ya Companies that produce subject merchandise. Therefore, in accordance with 19 CFR 351.525(b)(6)(ii), we have attributed subsidies received by Guang Ya and Guangcheng to the products produced by the two firms. According to the questionnaire response of the Guang Ya Companies, Guanghai is an input supplier to Guangcheng. Therefore, in accordance with 19 CFR 351.525(b)(6)(iv), we would attribute subsidies received by Guanghai to the combined sales of the input made by Guanghai and downstream products produced by Guang Ya and Guangcheng, excluding the sales between corporations.[5]

As explained above, during the POI Guang Ya HK exported to the United States aluminum extrusions produced by Guang Ya and Guangcheng. In supplemental questionnaires issued to the Guang Ya Companies, the Department inquired about the sales value of extrusions destined for the United States that Guang Ya and Guangcheng made to Guang Ya HK during the POI. The Department also inquired about the sales value of aluminum extrusions Guang Ya HK made to the United States that during the POI. The purpose of these questions was to ascertain the extent to which the "export values" recorded in the books of Guang Ya and Guangcheng did not reflect the actual U.S. prices because there was a mark-up on those sales by Guang Ya HK, the Hong Kong-based affiliate. The Department has six criteria it uses to determine whether such a difference in sales values exists and whether an adjustment to the net subsidy rate calculations is warranted. *See, e.g., Circular Welded Austenitic Stainless Pressure Pipe from the People's Republic of China: Final Affirmative Countervailing Duty Determination,* 74 FR 4936 (January 28, 2009) (*CWASPP from the PRC*), and accompanying Issues and Decision Memorandum (CWASPP from the PRC Decision Memorandum) at "Adjustment to Net Subsidy Rate Calculation," in which the Department describes the six criteria utilized by the Department.

We have analyzed the sales information supplied by the Guang Ya Companies. Based on our review, we preliminarily determine that an adjustment to the net subsidy rate, as described in CWASPP from the PRC, is not warranted. We preliminarily determine that the sales data reported by the Guang Ya Companies indicate that the sales value of aluminum extrusions destined for the United States that Guang Ya and Guangcheng made to Guang Ya HK during the POI exceed the sales value of aluminum extrusions that Guang Ya HK made to the United States during the POI. *See* the Guang Ya Companies' August 23, 2010, supplemental questionnaire at Exhibit 93 and the Guang Ya Companies' August 9, 2010, supplemental questionnaire at Exhibit 56.

The Zhongya Companies

As discussed above, the Zhongya Companies are New Zhongya, Zhongya HK, and Karlton. New Zhongya is the producer of subject merchandise. Zhongya HK and Karlton are Hong-Kong based firms that are cross-owned with New Zhongya, within the meaning of 19 CFR 351.525(b)(6)(vi). During the POI, Zhongya HK exported products, including subject merchandise, produced by New Zhongya. During the POI, New Zhongya did not export aluminum extrusions to the United States through Karlton. In this preliminary determination, in accordance with 19 CFR 351.525(b)(6)(ii), we are attributing subsidies received by New Zhongya to products produced by New Zhongya and exported through Zhongya HK.

In supplemental questionnaires issued to the Zhongya Companies, the Department inquired about the sales value of extrusions destined for the United States which New Zhongya produced and sold to Zhongya HK during the POI. As explained above, the Department also inquired about the sales value of aluminum extrusions which New Zhongya produced and which Zhongya HK sold to the United States that during the POI. The purpose of these questions was to ascertain the extent to which the "export values" recorded in the books of New Zhongya did not reflect the actual U.S. prices due to a mark-up on those sales by Zhongya HK, the Hong Kong-based affiliate. Based on our review of the information submitted by the Zhongya Companies, we preliminarily determine that no such mark-up exists and, as a result, an adjustment to the net subsidy rate, as discussed in *CWASPP from the PRC,* is not necessary. *See* Zhongya Companies July 8, 2010, questionnaire response at 6 for information concerning the sales of aluminum extrusions Zhongya HK made to the United States and the Zhongya Companies August 16, 2010, second supplemental questionnaire response at 2 for information concerning the sales of aluminum extrusions destined for the United States that New Zhongya made to Zhongya HK. In addition, we find that the Zhongya Companies have not adequately responded to the Department's questions concerning the extent to which the price charged by New Zhonga to Zhongya HK differs from the price Zhongya HK charges to its U.S. Customers, which is one of the six criteria the Departments examines when determining whether to adjust the net subsidy rate. *See* the Zhongya Companies August 6, 2010, first supplemental questionnaire response at 12.

Benchmarks and Discount Rates

The Department is investigating loans received by the Guang Ya Companies from Chinese policy banks and state-owned commercial banks (SOCBs), which are alleged to have been granted on a preferential, non-commercial basis. Therefore, the derivation of the Department's benchmark and discount rates is discussed below.

Benchmark for Short-Term RMB Denominated Loans: Section 771(5)(E)(ii) of the Act explains that the benefit for loans is the "difference between the amount the recipient of the loan pays on the loan and the amount the recipient would pay on a comparable commercial loan that the recipient could actually obtain on the market." Normally, the Department uses comparable commercial loans reported by the company for benchmarking purposes. *See* 19 CFR 351.505(a)(3)(i). If the firm did not have any comparable commercial loans during the period, the Department's regulations provide that we "may use a national interest rate for comparable commercial loans." *See* 19 CFR 351.505(a)(3)(ii).

As noted above, section 771(5)(E)(ii) of the Act indicates that the benchmark

[5] For purposes of the preliminary determination, we have not calculated net subsidy rates for Guanghai.

should be a market-based rate. However, for the reasons explained in *CFS from the PRC,* loans provided by Chinese banks reflect significant government intervention in the banking sector and do not reflect rates that would be found in a functioning market. *See* CFS Decision Memorandum at Comment 10. Because of this, any loans received by respondents from private Chinese or foreign-owned banks would be unsuitable for use as benchmarks under 19 CFR 351.505(a)(2)(i). Similarly, because Chinese banks reflect significant government intervention in the banking sector, we cannot use a national interest rate for commercial loans as envisaged by 19 CFR 351.505(a)(3)(ii). Therefore, because of the special difficulties inherent in using a Chinese benchmark for loans, the Department is selecting an external market-based benchmark interest rate. The use of an external benchmark is consistent with the Department's practice. For example, in *Softwood Lumber from Canada,* the Department used U.S. timber prices to measure the benefit for government-provided timber in Canada. *See Notice of Final Affirmative Countervailing Duty Determination and Final Negative Critical Circumstances Determination: Certain Softwood Lumber Products From Canada,* 67 FR 15545 (April 2, 2002) (*Softwood Lumber from Canada*), and accompanying Issues and Decision Memorandum (Softwood Lumber from Canada Decision Memorandum) at "Analysis of Programs, Provincial Stumpage Programs Determined to Confer Subsidies, Benefit."

We are calculating the external benchmark using the regression-based methodology first developed in *CFS from the PRC* and more recently updated in *LWTP from the PRC. See* CFS Decision Memorandum at Comment 10; *see also* LWTP from the PRC Decision Memorandum at "Benchmarks and Discount Rates." This benchmark interest rate is based on the inflation-adjusted interest rates of countries with per capita gross national incomes (GNIs) similar to the PRC. The benchmark interest rate takes into account a key factor involved in interest rate formation (*i.e.,* the quality of a country's institutions), which is not directly tied to the state-imposed distortions in the banking sector discussed above.

This methodology relies on data published by the World Bank and International Monetary Fund (*see* further discussion below). For the year 2009, the World Bank, however, has not yet published all the necessary data relied on by the Department to compute a short-term benchmark interest rate for the PRC. Specifically, the following data are not yet available: World Governance Indicators and World Bank classifications of lower-middle income countries based on GNI per capita in U.S. dollars. Therefore, for purposes of this preliminary determination, where the use of a short-term benchmark rate for 2009 is required, we have applied the 2008 short-term benchmark rate for the PRC, as calculated by the Department (*see* discussion below). The Department notes that the current 2008 loan benchmark may be updated, by the final determination, pending the release of all the necessary 2009 data.

The 2008 short-term benchmark was computed following the methodology developed in *CFS from the PRC.* We first determined which countries are similar to the PRC in terms of GNI, based on the World Bank's classification of countries as: low income; lower-middle income; upper-middle income; and high income. The PRC falls in the lower-middle income category, a group that includes 55 countries as of July 2007. As explained in *CFS from the PRC,* this pool of countries captures the broad inverse relationship between income and interest rates.

Many of these countries reported lending and inflation rates to the International Monetary Fund and are included in that agency's international financial statistics (IFS). With the exceptions noted below, we have used the interest and inflation rates reported in the IFS for the countries identified as "low middle income" by the World Bank. First, we did not include those economies that the Department considered to be non-market economies for AD purposes for any part of the years in question, for example: Armenia, Azerbaijan, Belarus, Georgia, Moldova, and Turkmenistan. Second, the pool necessarily excludes any country that did not report both lending and inflation rates to IFS for those years. Third, we removed any country that reported a rate that was not a lending rate or that based its lending rate on foreign-currency denominated instruments. For example, Jordan reported a deposit rate, not a lending rate, and the rates reported by Ecuador and Timor L'Este are dollar-denominated rates; therefore, the rates for these three countries have been excluded. Finally, for the calculation of the inflation-adjusted short-term benchmark rate, we also excluded any countries with aberrational or negative real interest rates for the year in question.

For the resulting inflation-adjusted benchmark lending rate, *see* Memorandum to the File from Eric B. Greynolds, Program Manager, AD/CVD Operations, Office 3, regarding "2008 Short-Term Interest Rate Benchmark" (August 30, 2010). Because these are inflation-adjusted benchmarks, it is necessary to adjust the respondent's interest payments for inflation. This was done using the PRC inflation rate as reported in the IFS.

Benchmark for Long-Term RMB Denominated Loans: The lending rates reported in the IFS represent short- and medium-term lending, and there are no sufficient publicly available long-term interest rate data upon which to base a robust long-term benchmark. To address this problem, the Department has developed an adjustment to the short- and medium-term rates to convert them to long-term rates using Bloomberg U.S. corporate BB-rated bond rates. *See Light-Walled Rectangular Pipe and Tube From the People's Republic of China: Final Affirmative Countervailing Duty Investigation Determination,* 73 FR 35642 (June 24, 2008) (*LWRP from the PRC*), and accompanying Issues and Decision Memorandum (LWRP Decision Memorandum) at "Discount Rates." In *Citric Acid from the PRC,* this methodology was revised by switching from a long-term mark-up based on the ratio of the rates of BB-rated bonds to applying a spread which is calculated as the difference between the two-year BB bond rate and the n-year BB bond rate, where n equals or approximates the number of years of the term of the loan in question. *See Citric Acid and Certain Citrate Salts From the People's Republic of China: Final Affirmative Countervailing Duty Determination,* 74 FR 16836 (April 13, 2009) (*Citric Acid from the PRC*), and accompanying Issues and Decision Memorandum (Citric Acid from the PRC Decision Memorandum) at Comment 14.

Discount Rates: Consistent with 19 CFR 351.524(d)(3)(i)(A), we have used, as our discount rate, the long-term interest rate calculated according to the methodology described above for the year in which the government provided the subsidy.

Analysis of Programs

Programs Preliminarily Determined To Be Countervailable

A. Exemption From City Construction Tax and Education Tax for FIEs

Pursuant to the Circular Concerning Temporary Exemption from Urban Maintenance and Construction Tax and Additional Education Fees for Foreign-Funded and Foreign Enterprises (GUOSHUIFA {1994} No. 38), the local tax authorities exempt all FIEs and

foreign enterprises from the city maintenance and construction tax and education fee surcharge. The construction tax is based on the amount of product tax; value added tax, and/or business tax actually paid by the taxpayer. For taxpayers located in urban areas, the rate is seven percent; for taxpayers located in counties or townships, the rate is five percent; and for taxpayers located in areas other than urban areas, counties, and townships, the rate is one percent. Regarding the education fee surcharge, FIEs pay only one percent of the actual amount of the product tax, value-added tax, and business tax paid, whereas other entities pay four percent of that amount. Guangcheng and New Zhongya are FIEs and, therefore, received exemptions under this program.

Consistent with our finding in *Racks from the PRC,* we preliminarily determine that the exemptions from the city construction tax and education surcharge under this program confer a countervailable subsidy. *See* Racks from the PRC Decision Memorandum at "Exemption from City Construction Tax and Education Tax for FIEs in Guangdong Province." The exemptions are financial contributions in the form of revenue forgone by the government and provide a benefit to the recipient in the amount of the savings. *See* section 771(5)(D)(ii) of the Act and 19 CFR 351.509(a)(1). We also preliminarily determine that the exemptions afforded by this program are limited as a matter of law to certain enterprises, *i.e.,* FIEs, and, hence, specific under section 771(5A)(D)(i) of the Act. To calculate the benefit, we treated the tax savings and exemptions received by Guangcheng and New Zhongya as recurring benefits, consistent with 19 CFR 351.524(c)(1). Guangcheng and New Zhongya both reported that they are exempted from the city construction tax and education fee surcharge.

To compute the amount of city construction tax savings, we first determined the rate the companies would have paid in the absence of the program. Both Guangcheng and New Zhongya reported that a seven percent construction tax would have been applied to them absent the program. They further reported that they paid a one percent education tax instead of a four percent education tax that would have been applicable absent the program. Thus, we compared the rates the companies would have paid during the POI in the absence of the program (seven percent for the construction tax and 4 percent on the education tax) with the rate the companies paid (zero percent construction tax and 1 percent education tax), because they are FIEs. To calculate the total benefit under the program, we summed the savings from the construction tax exemption and education fee exemption.

To calculate the program rate, we divided the companies' tax savings received during the POI by their total consolidated sales, net of intra-company sales. Specifically, for New Zhongya, we divided the benefit by Zhongya's total sales for the POI. For Guangcheng, we divided the benefit the combined total sales of Guangcheng and Guang Ya.

On this basis, we preliminarily determine the countervailable subsidy to be 0.01 percent *ad valorem* for the Guang Ya Companies and 0.07 percent *ad valorem* for the Zhongya Companies.

B. GOC and Sub-Central Government Grants, Loans, and Other Incentives for Development of Famous Brands and China World Top Brands

The Famous Brand program is administered at the central, provincial, and municipal government level. During the POI, New Zhongya and Guang Ya reported receiving grants under the Famous Brand program from their respective local governments.

Though operated at the local level, the GOC issued "Measures for the Administration of Chinese Top-Brand Products," which state that the requirements for application require that firms provide information concerning their export ratio as well as the extent to which their product quality meets international standards. *See* Chapter 3 of the "Measures for the Administration of Chinese Top-Brand Products" at Exhibit 24 of the Guang Ya Companies July 8, 2010, questionnaire response.

Based on the information available on the record of the investigation, we determine that the grants that the Zhongya and Guang Ya Companies received under the famous brand program constitute a financial contribution and a benefit under sections 771(5)(D)(i) and 771(5)(E) of the Act, respectively. Regarding specificity, section 771(5A)(B) of the Act states that an export subsidy is a subsidy that is, in law or in fact, contingent upon export performance, alone or as one of two or more conditions. Based on the information on the record of the investigation, we determine that grants provided to the Zhongya and Guang Ya Companies under the famous brands program are contingent on export activity. Therefore, we find that the program is specific under section 771(5A)(B) of the Act. Our approach in this regard is consistent with the Department's findings in prior CVD proceedings involving the PRC. *See, e.g., Pre-Stressed Concrete Steel Wire Strand from the People's Republic of China: Final Affirmative Countervailing Duty Determination,* 75 FR 28557 (May 21, 2010) (*PC Strand from the PRC*), and accompanying Issues and Decision Memorandum (PC Strand from the PRC Decision Memorandum) at "Subsidies for Development of Famous Export Brands and China World Top Brands at Central and Sub-Central Level."

The grants that the Zhongya and Guang Ya Companies received during the POI were less than 0.5 percent of their respective total export sales in the year of approval/receipt. Therefore, pursuant to 19 CFR 351.524(b)(2), we expensed the grant amount year of receipt. Guang Ya also received a grant prior to the POI that was greater than 0.5 percent of its total export sales in the year of approval/receipt. Therefore, we allocated the benefit over time using the methodology provided under 19 CFR 351.524(d)(2).

On this basis, we calculated a total net subsidy rate of 0.32 percent *ad valorem* for the Guang Ya Companies. Concerning the Zhongya Companies, the benefit it received under the program was fully expensed prior to the POI.

C. Two Free, Three Half Income Tax Exemptions for FIEs

The Foreign Invested Enterprise and Foreign Enterprise Income Tax Law (FIE Tax Law), enacted in 1991, established the tax guidelines and regulations for FIEs in the PRC. The intent of this law is to attract foreign businesses to the PRC. According to Article 8 of the FIE Tax Law, FIEs that are "productive" and scheduled to operate not less than 10 years are exempt from income tax in their first two profitable years and pay half of their applicable tax rate for the following three years. FIEs are deemed "productive" if they qualify under Article 72 of the Detailed Implementation Rules of the Income Tax Law of the People's Republic of China of Foreign Investment Enterprises and Foreign Enterprises. New Zhongya reported receiving benefits under this program that are attributable to the POI.

We determine that the exemption or reduction in the income tax paid by "productive" FIEs under this program confers a countervailable subsidy. The exemption/reduction is a financial contribution in the form of revenue forgone by the GOC and it provides a benefit to the recipients in the amount of the tax savings. *See* sections 771(5)(D)(ii) and 771(5)(E) of the Act and 19 CFR 351.509(a)(1). We further determine that the exemption/reduction afforded by this program is limited as a

matter of law to certain enterprises, "productive" FIEs, and, hence, is specific under section 771(5A)(D)(i) of the Act. Our approach in this regard is consistent with the Department's practice. *See* CFS from the PRC Decision Memorandum at "Two Free/Free Half Program."

To calculate the benefit from this program, we treated the income tax exemption claimed as a recurring benefit, consistent with 19 CFR 351.524(c)(1). We then compared the tax rate paid to the rate that otherwise would have been paid by New Zhongya and multiplied the difference by the company's taxable income. We divided the benefit by the total sales of the Zhongya Companies during the POI.

On this basis, we determine a countervailable subsidy of 0.53 percent *ad valorem* for the Zhongya Companies.

D. Import Tariff and VAT Exemptions for FIEs and Certain Domestic Enterprises Using Imported Equipment in Encouraged Industries

Enacted in 1997, the Circular of the State Council on Adjusting Tax Policies on Imported Equipment (Guofa No. 37) (Circular 37) exempts both FIEs and certain domestic enterprises from the VAT and tariffs on imported equipment used in their production so long as the equipment does not fall into prescribed lists of non-eligible items. The National Development and Reform Commission (NDRC) and the General Administration of Customs are the government agencies responsible for administering this program. Qualified enterprises receive a certificate either from the NDRC or one of its provincial branches. To receive the exemptions, a qualified enterprise only has to present the certificate to the customs officials upon importation of the equipment. The objective of the program is to encourage foreign investment and to introduce foreign advanced technology equipment and industry technology upgrades. The Department has previously found this program to be countervailable. *See, e.g.,* Citric Acid Decision from the PRC Memorandum at "VAT Rebate on Purchases by FIEs of Domestically Produced Equipment."

New Zhongya, an FIE, reported receiving VAT and tariff exemptions under this program for imported equipment prior to and during the POI. Guangcheng, also an FIE, reported receiving VAT and tariff exemptions under this program for imported equipment prior to the POI.

We determine that the VAT and tariff exemptions on imported equipment confer a countervailable subsidy. The exemptions are a financial contribution in the form of revenue forgone by the GOC and the exemptions provide a benefit to the recipients in the amount of the VAT and tariff savings. *See* section 771(5)(D)(ii) of the Act and 19 CFR 351.509(a)(1). We further determine that the VAT and tariff exemptions under this program are specific under section 771(5A)(D)(iii)(I) of the Act because the program is limited to certain enterprises. As described above, only FIEs and certain domestic enterprises are eligible to receive VAT and tariff exemptions under this program. No information has been provided to demonstrate that the beneficiary companies are a non-specific group. As noted above, the Department finds FIEs to be a specific group under section 771(5A)(D)(i) of the Act. In addition, the additional certain enterprises requiring approval by the NDRC does not render the program to be non-specific. *See, e.g.,* CFS from the PRC Decision Memorandum at Comment 16, and *Certain New Pneumatic Off-the-Road Tires From the People's Republic of China: Final Affirmative Countervailing Duty Determination and Final Negative Determination of Critical Circumstances,* 73 FR 40480 (July 15, 2008) (*Tires from the PRC*), and accompanying Issues and Decision Memorandum (Tires from the PRC Decision Memorandum) at "VAT and Tariff Exemptions for FIEs and Certain Domestic Enterprises Using Imported Equipment on Encouraged Industries."

Normally, we treat exemptions from indirect taxes and import charges, such as the VAT and tariff exemptions, as recurring benefits, consistent with 19 CFR 351.524(c)(1) and allocate these benefits only in the year that they were received. However, when an indirect tax or import charge exemption is provided for, or tied to, the capital structure or capital assets of a firm, the Department may treat it as a non-recurring benefit and allocate the benefit to the firm over the AUL. *See* 19 CFR 351.524(c)(2)(iii) and 19 CFR 351.524(d)(1). Therefore, we have examined the VAT and tariff exemptions that New Zhongya received under the program during the POI and prior years.

To calculate the amount of import duties exempted under the program, we multiplied the value of the imported equipment by the import duty rate that would have been levied absent the program. To calculate the amount of VAT exempted under the program, we multiplied the value of the imported equipment (inclusive of import duties) by the VAT rate that would have been levied absent the program. Our derivation of VAT in this calculation is consistent with the Department's approach in prior cases. *See, e.g., Circular Welded Carbon Quality Steel Line Pipe from the People's Republic of China: Final Affirmative Countervailing Duty Determination,* 73 FR 70961 (November 24, 2008) (*Line Pipe from the PRC*), and accompanying Issues and Decision Memorandum (Line Pipe from the PRC Decision Memorandum) at Comment 8 ("* * * we agree with Petitioners that VAT is levied on the value of the product inclusive of delivery charges and import duties"). Next, we summed the amount of duty and VAT exemptions received in each year. For each year, we then divided the total grant amount by the corresponding total sales of the respondents for the year in question.

For each company, we divided the total amount of VAT and tariff exemptions by the corresponding total sales for year in which the exemptions were received. Those exemptions that were less than 0.5 percent of total sales were expensed to the year of receipt. Those exemptions that were greater than 0.5 percent of total sales were allocated over the AUL using the methodology described under 19 CFR 351.524(d)(2).

On this basis, we determine the countervailable subsidy to be 0.52 percent *ad valorem* for the Zhongya Companies and less than 0.005 percent *ad valorem* for the Guang Ya Companies.[6]

E. International Market Exploration Fund (SME Fund)

The SME Fund, established under CQ (2000) No. 467, encourages the development of small and medium-sized enterprises (SMEs) by reducing the risk of operation for these enterprises in the international market. To qualify for the program, a company needs to satisfy the criteria in CQ (2000), which provides that the SME should have export and import rights, exports of less than $15,000,000, an accounting system, personnel with foreign trade skills, and a plan for exploring the international market. Guang Ya reported receiving funds under this program in 2008 and 2009 from the Shishan Town Economic Development Office.

We further preliminarily determine that the grants provided under the SME Fund constitute a financial contribution and benefit under sections 771(5)(D)(i)

[6] Consistent with our past practice, we did not include this program in the Guang Ya Companies' total net subsidy rate because it is not numerically insignificant. *See, e.g.,* CFS from the PRC Decision Memorandum at "Analysis of Programs, Programs Determined Not To Have Been Used or Not To Have Provided Benefits During the POI for GE."

and 771(5)(E) of the Act, respectively. We also determine that this program is an export subsidy, under section 771(5A)(B) of the Act, because the program supports the international market activities of SMEs and is limited to enterprises that have exports of less than $15,000,000. Our findings in this regard are consistent with the Department's practice. *See Wire Decking from the People's Republic of China: Final Affirmative Countervailing Duty Determination,* 75 FR 32902 (June 10, 2010) (*Wire Decking from the PRC*), and accompanying Issues and Decision Memorandum (Wire Decking from the PRC Decision Memorandum) at "International Market Exploration Fund (SME Fund)." Information on the record indicates that the SME Fund provides one-time assistance. Therefore, consistent with 19 CFR 351.524(c)(1), we are treating the grants received under this program as "non-recurring." To measure the benefits of each grant that are allocable to the POI, we first conducted the "0.5 percent test" for the grant. *See* 19 CFR 351.524(b)(2). We divided the total amount approved in 2008 and 2009 by the total export sales of Guang Ya and Guangcheng in 2008 and 2009. As a result, we found that the grants received by Guang Ya are less than 0.5 percent and fully expensed to the year of receipt.

Therefore, for the POI, we calculated a total net subsidy rate of 0.01 percent *ad valorem* for the Guang Ya Companies.

F. Preferential Tax Program for FIEs Recognized as High or New Technology Enterprises (HNTEs)

According to the "Circular of the State Council Concerning the Approval of the National Development Zones for New and High Technology Industries and the Relevant Policies and Provisions" at Article 2 and 4 of Appendix III "Regulations on the Tax Policy for the National New and High Technology Industries Parks), FIEs designated as HNTEs in high and new technology parks pay a reduced income tax rate of 15 percent.

We preliminarily determine that the reduction in the income tax paid by FIEs designated as HNTEs under this program confers a countervailable subsidy. The reduction is a financial contribution in the form of revenue forgone by the government and it provides a benefit to the recipient in the amount of the tax savings. *See* sections 771(5)(D)(ii) and 771(5)(E) of the Act, respectively, and 19 CFR 351.509(a)(1). We also determine that the reduction afforded by this program is limited as a matter of law to certain enterprises, *i.e.,* FIEs designated as HNTEs, and, hence, is specific under section 771(5A)(D)(i) of the Act. The program is also specific pursuant to section 771(5A)(D)(iv) of the Act, as only ratified new and high technology enterprises located in new and high technology parks approved by the State Council can pay the reduced tax rate. Guang Ya and Guangcheng reported receiving tax benefits attributable to the POI under this program.

We treated the income tax savings enjoyed by the companies as a recurring benefit, consistent with 19 CFR 351.524(c)(1). To compute the amount of the tax savings, we compared the rate Guang Ya and Guangcheng would have paid in the absence of the program (25 percent) with the rate the company paid (15 percent), and divided the tax savings received during the POI by the combined total sales of Guang Ya and Guangcheng.

On this basis, we determine the countervailable subsidy attributable to Guang Ya Companies to be 0.11 percent *ad valorem* under this program.

G. Policy Loans to Chinese Aluminum Extrusion Producers

The Department is examining whether aluminum extrusion producers receive preferential lending through SOCBs or policy banks. According to the allegation, preferential lending to the aluminum extrusion industry is supported by the GOC through the issuance of national and provincial five-year plans, industrial plans for the steel sector, catalogues of encouraged industries, and other government laws and regulations. Based on our review of the responses and documents provided by the GOC, we preliminarily determine that loans received by the aluminum extrusion industry from SOCBs and policy banks were made pursuant to government directives.

Record evidence demonstrates that the GOC, through its directives, has highlighted and advocated the development of the aluminum extrusion industry. At the national level, the GOC has placed an emphasis on the development of high-end, value-added steel products through foreign investment as well as through technological research, development, and innovation. In laying out this strategy, the GOC has identified specific products selected for development. For example, the "Catalogue of Major Industries, Products, and Technologies Encouraged for Development in China" (Encouraged Industries Catalogue), issued by the GOC in 2000, identifies 526 products, technologies, and infrastructure facilities for business promotion. *See* the GOC's August 4, 2010, questionnaire response at Exhibit 3. The Encouraged Industries Catalogue specifically mentions aluminum extrusion products under the non-ferrous metals heading. *Id.*

Similarly, there is the Decision of the State Council on Promulgating the "Interim Provisions on Promoting Industrial Structure Adjustment" for Implementation (No. 40 (2005)) (Decision 40). The GOC implemented Decision 40 in order to achieve the objectives of the Eleventh Five-Year Plan. *See* the GOC's August 4, 2010, questionnaire response at Exhibit 6. Decision 40 references the Directory Catalogue on Readjustment of Industrial Structure (Industrial Catalogue), which outlines the projects which the GOC deems "encouraged," "restricted," and "eliminated," and describes how these projects will be considered under government policies. *Id.* Aluminum is mentioned as an industry in the Industrial Catalogue as an "encouraged project." *Id.* For the "encouraged" projects, Decision 40 outlines several support options available from the government, including financing. *Id.*

In addition, the "Guidelines on Acceleration of the Adjustment of the Aluminum Industry Structure" (Aluminum Industry Guidelines), issued by the GOC in 2006, discusses support that is to be provided to producers of aluminum extrusions. *See* the GOC's August 4, 2010, questionnaire response at Exhibit 9. For instance, under the heading "Increase Industry Concentration, Encourage Comprehensive Usage and Conservation of Resources," the Aluminum Industry Guidelines state:

> Create favorable conditions for enterprises M&A and restructuring, and accelerate enterprises' merger and restructuring via economic means. Support aluminum, electrolytic aluminum, and aluminum processing enterprises to undertake merger and restructuring, establish internationally competitive enterprise group, realize advantage complementation, and increase industry concentration. Encourage private capital and foreign capital to participate in the reform, restructuring and transformation of state-owned enterprises. Encourage backbone enterprises to keep raising technology and management levels, accelerate medium and small-sized aluminum processing enterprises' technology transformation, and improve resource utilization.

Id. The Aluminum Industry Guidelines also make reference to lending activities. Under the heading, "Strengthen the Coordination and Cooperation of Credit Policy and Industrial Policy and Establish Withdrawal Mechanism Under the

Policies," the Aluminum Industry Guidelines state:

> It is required to strictly abide by the rule that the minimum self-owned capital requirement for electrolytic aluminum projects shall be no less than 35 percent of the total investment. *Financial institutions shall rationally allocate the lending credits taking into account the national macroeconomic adjustments, industrial policies, and ordinary lending principles. Financial institutions may continue to provide credits to oxide aluminum or electrolytic aluminum enterprises that are in compliance with national industrial policies and the market entrance threshold, provided such lending is in accordance with the ordinary lending principles. No credit shall be provided to those enterprises that do not conform to national industrial policies, do not satisfy the market entrance threshold, have obsolete manufacturing processes, have been classified as prohibited, or have been ordered to cease operation.* In the event that credits are mistakenly provided to such enterprises, the financial institutions shall take appropriate measures to reclaim the credits and avoid financial risk.

Id. (emphasis added). Additionally, under the heading "Enhance the Implementation of Environmental Protection Regulations, Eliminate Capacities," the Aluminum Industry Guidelines state that different "financing means" shall be used "to support enterprises' environmental protection and energy savings." *Id.*

Support, in the form of financing, is also discussed in the "Nonferrous Metal Industry Adjustment and Revitalization Plan" (Nonferrous Metal Plan) that was issued by the GOC in 2009. *See* the GOC's August 4, 2010, questionnaire response at Exhibit 10. Under the heading "Increase Dedication to Technology Improvement and Technology Reform," the Nonferrous Metal Plan states:

> Set aside some funds from new central investment. Use loan interest subsidies to support R&D and technology reform in the nonferrous metals industry. Increase the level of financial support directed toward reform of energy conservation technologies.

The Nonferrous Metal Plan further references financing to the aluminum extrusions industry under the heading, "Continue To Implement the Financing Policy of 'Encouragement and Discouragement:"

> Increase financing support to backbone enterprises in the nonferrous metals industry. Provide support to certain enterprises in issuing stock, enterprise bonds, and corporate bonds. *Enterprises eligible to receive such support are those which are engaged in projects which, in addition to adhering to investment management prescriptions, are in compliance with industry policy as well as relevant environmental and land regulations; and implement acquisitions, restructuring,* "*Going Abroad*" {*sic*} *and technological reformation.*

Id. (emphasis added).

As noted in *Citric Acid from the PRC,* in general, the Department looks to whether government plans or other policy directives lay out objectives or goals for developing the industry and call for lending to support those objectives or goals. *See* Citric Acid from the PRC Decision Memorandum at Comment 5. Where such plans or policy directives exist, then it is the Department's practice to determine that a policy lending program exists that is specific to the named industry (or producers that fall under that industry). *See* CFS Decision Memorandum at Comment 8, and LWTP from the PRC Decision Memorandum at "Government Policy Lending Program." Once that finding is made, the Department relies upon the analysis undertaken in *CFS from the PRC* to further conclude that national and local government control over the SOCBs results in the loans being a financial contribution by the GOC. *See* CFS Decision Memorandum at Comment 8. Therefore, on the basis of the record information described above, we preliminarily determine that the GOC has a policy in place to encourage the development of the production of aluminum extrusions through policy lending.

The GOC and the Guang Ya Companies provided source documents concerning the largest loans the Guang Ya Companies had outstanding during the POI.[7] Information in these business proprietary documents further supports our preliminary determination that the GOC has a policy in place to encourage the development of the production of aluminum extrusions through policy lending. For further information, see the Memorandum to the File from Eric B. Greynolds, Program Manager, Office 3, Operations, "Excerpts of Internal Loan Documents of the Guang Ya Companies," (August 30, 2010) (Internal Loan Document Memorandum).

The GOC has argued in its August 4, 2010, questionnaire response that the People's Bank of China (PBOC) revoked the PRC's policy lending programs in 1999 pursuant to the "Circular on Improving Administration of Special Loans" (YINFA (1999)) No. 228 (Special Loans Circular). *See* the GOC's August 4, 2010, questionnaire response at Exhibit 18. We preliminarily determine that there is no basis to conclude that the GOC's policy lending activities ceased with the issuance of the Special Loans Circular. The Special Loans Circular states that, while banks shall make lending decisions on their own, "authorities" may continue to "give advice on the choice of project." Further, the Special Loans Circular states that firms may continue to receive formerly designated "special loans:"

> For those (former special) loans which do not meet the commercial lending conditions, if the authorities can provide loan interest grant or other subsidies so that the commercial lending conditions are fulfilled, the banks may continue to provide the loans.

Id. The Special Loans Circular goes on to state that:

> Wholly State-owned banks shall make efforts to implement the requirements above, and shall actively communicate with the authorities in charge of relevant industries, with a view to gaining their understanding and support.

Id. Thus, despite the GOC's claims, the Special Loans Circular provides a means by which what it refers to as "special loans" may continue to be provided to firms in the PRC. In addition, the Special Loans Circular states government authorities will continue to "advise" and monitor the actions of the PRC state-owned lending institutions. Furthermore, the Aluminum Industries Guidelines and the Nonferrous Metal Plan, both of which mention directing credit to members of the aluminum extrusions industry, as well as the loans discussed in the Internal Loan Document Memorandum, were issued after the GOC released the Special Loans Circular.

The Guang Ya Companies reported that they had outstanding loans from PRC-based banks during the POI. Consistent with our determination in prior proceedings, we preliminarily find these PRC-based banks to be state-owned commercial banks (SOCBs). *See, e.g., Certain Oil Country Tubular Goods From the People's Republic of China: Final Affirmative Countervailing Duty Determination, Final Negative Critical Circumstances Determination,* 74 FR 64045 (December 7, 2009) (*OCTG from the PRC*), and accompanying Issues and Decision Memorandum (OCTG Decision Memorandum) at Comment 20.

We preliminarily determine that the loans to aluminum extrusion producers from SOCBs in the PRC constitute a direct financial contribution from the government, pursuant to section 771(5)(D)(i) of the Act, and they provide a benefit equal to the difference between what the recipients paid on their loans and the amount they would have paid on comparable commercial loans (*see* section 771(5)(E)(ii) of the Act). We further preliminarily determine that the loans are *de jure* specific within the

[7] The Zhongya Companies reported that they did not have any loans outstanding during the POI.

meaning of section 771(5A)(D)(i) of the Act because of the GOC's policy, as illustrated in the government plans and directives, to encourage and support the growth and development of the aluminum extrusions industry.

To determine whether a benefit is conferred under section 771(5)(E)(ii) of the Act, we compared the amount of interest the Guang Ya Companies paid on their outstanding loans to the amount they would have paid on comparable commercial loans. *See* 19 CFR 351.505(a). In conducting this comparison, we used the interest rates described in the "Benchmarks and Discount Rates" section above. We have attributed benefits under this program to the combined total sales of Guang Ya and Guangcheng.

On this basis, we preliminarily determine a countervailable subsidy of 2.11 percent *ad valorem* for the Guang Ya Companies.

H. Fund for SME Bank-Enterprise Cooperation Projects

According to the GOC, 1,000 eligible SMEs along with several financial institutions were selected to participate in the program. Under the program, financial institutions in the PRC decide whether to extend credit to certain eligible SMEs. If they decide to do so, the Provincial Government of Guangdong (PGOG) provides loan interest assistance to the SME that received the financing from the financial institution. The program is administered by the PGOG's Department of Finance and the Bureau of SMEs pursuant to the Circular on Printing and Distributing of the Measures on Implementing the 2009 Government-Bank-Enterprise Cooperation Special Fund Program (YUECAIGONG (2009) No. 54) (Bank Enterprise Cooperation Measures). *See* the GOC's August 9, 2010 supplemental questionnaire response at Supp-1. The Guang Ya Companies reported that Guang Ya received a grant under this program during the POI.

We preliminarily determine that the grants issued by the GOC under this program constitute a financial contribution under section 771(5)(D)(i) of the Act, in the form of a direct transfer of funds, and a benefit under section 771(5)(E) of the Act.

According to the Bank Enterprise Cooperation Measures, the 500 SMEs deemed as having the "greatest potential" as well as enterprises that manufacture key equipment, or pursue creative technologies, or engage in advanced manufacturing activities backed by both the PGOG and the corresponding city will receive preferential treatment under the program. In light of the selection process described in the Bank Enterprise Cooperation Measures, we preliminarily determine that this program is *de jure* specific under section 771(5)(D)(i) of the Act because the measures expressly limit access to certain enterprises.

To calculate the benefit, we divided the amount of the grant by the total sales of Guang Ya and Guangcheng. The grant was less than 0.5 percent of the export sales of Guang Ya and Guangcheng in the year of approval/receipt. Therefore, pursuant to 19 CFR 351.524(b)(2), we expensed the grant amount to the POI (year of receipt).

On this basis, we calculated a total net subsidy rate of 0.05 percent *ad valorem* for the Guang Ya Companies.

I. Special Fund for Significant Science and Technology in Guangdong Province

Under this program, the PGOG seeks to support major, generic, and key technology research and development of Guangdong industries and promote technology achievements and diffusion of technological knowledge. The program is administered by the Guangdong Science and Technology Department pursuant to the Provisional Measures on Administration of Guangdong Important Science-Technology Project Special Fund (YEUCAIGONG (2009) No. 166). The Guang Ya Companies reported that Guang Ya received a grant under this program during the POI.

We preliminarily determine that the grants issued by the GOC under this program constitute a financial contribution under section 771(5)(D)(i) of the Act, in the form of a direct transfer of funds, and a benefit under section 771(5)(E) of the Act. As explained in the "Various Grant Programs Self-Reported by the Guang Ya Companies" section, the GOC failed to provide benefit distribution data for this program. As a result, the Department is applying AFA and assuming that the program is specific under section 771(5A)(D)(iii) of the Act.

To calculate the benefit, we divided the amount of the grant by the total sales of Guang Ya and Guangcheng in the year of approval/receipt. The grant was less than 0.5 percent of the total sales of Guang Ya and Guangcheng. Therefore, pursuant to 19 CFR 351.524(b)(2), we expensed the grant amount to the POI (year of receipt).

On this basis, we calculated a total net subsidy rate of 0.12 percent *ad valorem* for the Guang Ya Companies.

J. Fund for Economic, Scientific, and Technology Development

Under this program, the Government of Foshan City distributes grants to firms with the aim of fostering technological and economic development. The program is administered by the Science and Technology Bureau of Foshan Municipality and the Finance Bureau of Foshan Municipality pursuant to the Circular on Printing and Distributing of the Measures on Administration of Foshan Sci-Tech Development Special Fund (FOFUBAN (2008) No. 402). *See* the GOC's August 9, 2010, supplemental questionnaire at Supp-4. The Guang Ya Companies, which are located in Foshan City, reported that Guang Ya received a grant under this program during the POI.

We preliminarily determine that the grants issued by the GOC under this program constitute a financial contribution under section 771(5)(D)(i) of the Act and a benefit under section 771(5)(E) of the Act. As explained in the "Various Grant Programs Self-Reported by the Guang Ya Companies" section, the GOC failed to provide benefit distribution data for this program. As a result, the Department is applying AFA and assuming that the program is specific under section 771(5A)(D)(iii) of the Act.

To calculate the benefit, we divided the amount of the grant by the total sales of Guang Ya and Guangcheng in the year of approval/receipt. The grant was less than 0.5 percent of the total sales of Guang Ya and Guangcheng. Therefore, pursuant to 19 CFR 351.524(b)(2), we expensed the grant amount to the POI (year of receipt).

On this basis, we calculated a total net subsidy rate of 0.01 percent *ad valorem* for the Guang Ya Companies.

K. Provincial Fund for Fiscal and Technological Innovation

Under this program, the PGOG provides grants to firms for the purpose of promoting technological and fiscal innovation. The program is administered by the Provincial Department of Finance and Economic and Trade Commission of Guangdong Province pursuant to the Provisional Measures on Administration of Exploration and Renovation Provincial Level Fund (YUECAIQI (2003) No. 140). *See* the GOC's August 9, 2010, supplemental questionnaire at Supp-1. The Guang Ya Companies reported that Guangcheng received a grant under this program during the POI.

We preliminarily determine that the grants issued by the GOC under this

program constitute a financial contribution under section 771(5)(D)(i) of the Act and a benefit under section 771(5)(E) of the Act. As explained in the "Various Grant Programs Self-Reported by the Guang Ya Companies" section, the GOC failed to provide benefit distribution data for this program. As a result, the Department is applying AFA and assuming that the program is specific under section 771(5A)(D)(iii) of the Act.

To calculate the benefit, we divided the amount of the grant by the total sales of Guang Ya and Guangcheng in the year of approval/receipt. The grant was less than 0.5 percent of the total sales of Guang Ya and Guangcheng. Therefore, pursuant to 19 CFR 351.524(b)(2), we expensed the grant amount to the POI (year of receipt).

On this basis, we calculated a total net subsidy rate of 0.04 percent *ad valorem* for the Guang Ya Companies.

L. Provincial Loan Discount Special Fund for SMEs

Under this program, the PGOG provides interest subsidy grants in order to promote and support SMEs. The program is administered by the Provincial Department of Finance and the Guangdong Provincial SME Bureau pursuant to the Measures on Administration of SME Loan Interest Assistance Special Fund (YUECAIGONG (2009) No. 124). *See* the GOC's August 9, 2010 supplemental questionnaire at Supp-9. The Guang Ya Companies reported that Guangcheng received a grant under this program during the POI.

We preliminarily determine that the grants issued by the GOC under this program constitute a financial contribution under section 771(5)(D)(i) of the Act and a benefit under section 771(5)(E) of the Act. As explained in the "Various Grant Programs Self-Reported by the Guang Ya Companies" section, the GOC failed to provide benefit distribution data for this program. As a result, the Department is applying AFA and assuming that the program is specific under section 771(5A)(D)(iii) of the Act.

To calculate the benefit, we divided the amount of the grant by the total sales of Guang Ya and Guangcheng. The grant was less than 0.5 percent of the total sales of Guang Ya and Guangcheng in the year of approval/receipt. Therefore, pursuant to 19 CFR 351.524(b)(2), we expensed the grant amount to the POI (year of receipt).

On this basis, we calculated a total net subsidy rate of 0.04 percent *ad valorem* for the Guang Ya Companies.

M. Export Rebate for Mechanic, Electronic, and High-Tech Products

The Guang Ya Companies reported that Guangcheng received a grant under this program during the POI. *See* the Guang Ya Companies' July 8, 2010 initial questionnaire response at 60. The Department sent two questionnaires to the GOC concerning this program. In its responses, the GOC indicated that it could not find any "meaningful information" concerning the program. *See, e.g.,* the GOC's August 18, 2010 second supplemental questionnaire at 1.

We preliminarily determine that the grants issued by the GOC under this program constitute a financial contribution under section 771(5)(D)(i) of the Act and a benefit under section 771(5)(E) of the Act. Concerning specificity, we are resorting to the use of FA within the meaning of section 776(a)(1) of the Act because the necessary information concerning the manner in which this program is administered is not on the record. Based on the information contained in the July 8, 2010 questionnaire response of the Guang Ya Companies indicating that it received the grant in the form of an "export rebate," we are relying upon FA and preliminarily determine that the program is contingent upon exports and therefore specific under section 771(5A)(B) of the Act.

To calculate the benefit, we divided the amount of the grant by the total export sales of Guang Ya and Guangcheng in the year of approval/receipt. The grant was less than 0.5 percent of the total export sales of Guang Ya and Guangcheng. Therefore, pursuant to 19 CFR 351.524(b)(2), we expensed the grant amount to the POI (year of receipt).

On this basis, we calculated a total net subsidy rate of 0.02 percent *ad valorem* for the Guang Ya Companies.

N. PGOG Special Fund for Energy Saving Technology Reform

Under this program, the PGOG provides grants in the amount of RMB 200 for every one MT of standard coal saved through increased energy efficiency during a given year. Firms must demonstrate annual energy savings equivalent to 2,000 MT of standard coal in order to be eligible to apply for grants under the program. The program is administered by the PGOG's Department of Finance and the Economic Trade Commission of Guangdong pursuant to the "Provisional Measures on Administration of Guangdong Energy-Saving Special Fund (YUECAIGONG) (2008) No. 126. *See* the GOC's August 4, 2010, initial questionnaire at Exhibit 46. The Guang Ya Companies reported that Guangcheng received a grant under this program during the POI.

We preliminarily determine that the grant issued by the GOC under this program constitute a financial contribution under section 771(5)(D)(i) of the Act and a benefit under section 771(5)(E) of the Act. As explained in the "Various Grant Programs Self-Reported by the Guang Ya Companies" section, the GOC failed to provide adequate benefit distribution data for this program. In its initial questionnaire, the GOC provided the amount of grants received by all firms (including Guangcheng) during the POI. It also provided for the POI the amount of grants received by aluminum extrusions producers as well as the total amount of grants issued under the program. However, the GOC did not provide, as requested by the Department, the amounts disbursed to other industries during the POI. In addition, the GOC did not provide, as requested by the Department, information concerning the distribution of benefits provided to firms and industry groups in the three years preceding the POI. *See* the GOC's August 4, 2010, initial questionnaire at 104–111 and Exhibit 46. Further, the GOC did not provide the requested information concerning the distribution of benefits in its second supplemental questionnaire response. *See* the GOC's August 19, 2010, second supplemental questionnaire at 1. As a result, the Department is applying AFA and assuming that the program is specific under section 771(5A)(D)(iii) of the Act.

To calculate the benefit, we divided the amount of the grant by the total sales of Guang Ya and Guangcheng in the year of approval/receipt. The grant was less than 0.5 percent of the total sales of Guang Ya and Guangcheng. Therefore, pursuant to 19 CFR 351.524(b)(2), we expensed the grant amount to the POI (year of receipt).

On this basis, we calculated a total net subsidy rate of 0.06 percent *ad valorem* for the Guang Ya Companies.

O. PGOG Science and Technology Bureau Project Fund (Also Referred to as Guangdong Industry, Research, University Cooperating Fund)

Under this program, the PGOG distributes grants to universities and firms to support, among other things, industrial development and innovation in the province. The program is administered by the PGOG's Department of Finance and Department of Science and Technology. *See* the GOC's August 9, 2010, first supplemental questionnaire response at 41–50 and Exhibit Supp–5. The Guang Ya

Companies reported that Guang Ya received a grant under this program during the POI.

We preliminarily determine that the grant issued by the GOC under this program constitutes a financial contribution under section 771(5)(D)(i) of the Act and a benefit under section 771(5)(E) of the Act. As explained in the "Various Grant Programs Self-Reported by the Guang Ya Companies" section, the GOC failed to provide benefit distribution data for this program. As a result, the Department is applying AFA and assuming that the program is specific under section 771(5A)(D)(iii) of the Act.

To calculate the benefit, we divided the amount of the grant by the total sales of Guang Ya and Guangcheng in the year of approval/receipt. The grant was less than 0.5 percent of the total sales of Guang Ya and Guangcheng. Therefore, pursuant to 19 CFR 351.524(b)(2), we expensed the grant amount to the POI (year of receipt).

On this basis, we calculated a total net subsidy rate of 0.03 percent *ad valorem* for the Guang Ya Companies.

P. PGOG Tax Offsets Grants for Research and Development (R&D)

Under this program, for R&D expenses incurred for developing new products and technologies that cannot be treated as intangible assets, 50 percent of the R&D expense shall be deducted as a tax offset. For R&D expenses considered intangible assets, the tax offset shall be amortized based on 150 percent of the R&D expenses. The program is administered by the PGOG's Science and Technology Department and the Economic Trade Commission pursuant to the "Trial Administrative Measures for the Pre-Tax Deduction of Enterprises R&D Expenses" (R&D Measures). *See* the Guang Ya Companies' July 8, 2010, questionnaire response at Exhibit 23. Article 5 of the R&D Measures states that eligible R&D projects:

> shall be in line with national and Guangdong provincial technological policies and industrial policies. Any projects belonging to producer projects, technological projects, or process projects eliminated or restricted by the central or Guangdong provincial government shall not enjoy the policy of additional calculation of R&D expenses.

Id. The Guang Ya Companies reported that Guangcheng received a grant under this program during the POI.

We preliminarily determine that the grant issued by the GOC under this program constitutes a financial contribution under section 771(5)(D)(i) of the Act and a benefit under section 771(5)(E) of the Act. Concerning specificity, as noted above in the "Policy Loans to Chinese Aluminum Extrusion Producers" section, we have preliminarily determined that the GOC and the PGOG have targeted the aluminum extrusions industry for development and assistance in a manner that is specific under section 771(5A)(D)(i) of the Act, as illustrated in the government plans and directives, to encourage and support the growth and development of the aluminum extrusions industry. Given this preliminary finding and in light of the language in Article 5 of the R&D Measures, we preliminarily determine that the grants provided under this program are *de jure* specific within the meaning of section 771(5A)(D)(i) of the Act.

To calculate the benefit, we divided the amount of the grant by the total sales of Guang Ya and Guangcheng in the year of approval/receipt. The grant was less than 0.5 percent of the total sales of Guang Ya and Guangcheng. Therefore, pursuant to 19 CFR 351.524(b)(2), we expensed the grant amount to the POI (year of receipt).

On this basis, we calculated a total net subsidy rate of 0.04 percent *ad valorem* for the Guang Ya Companies.

Q. Refund of Land-Use Tax for Firms Located in the Zhaoqing New and High-Tech Industrial Development Zone (ZHTDZ)

The Zhongya Companies reported that New Zhongya received a refund during the POI of land-use taxes paid to the ZHTDZ local authority in 2007. According to the Zhongya Companies, the ZHTDZ local authority reduced its land-use tax rate from 5 RMB per square meter to 2 RMB per square meter. The Zhongya Companies state that receipt of the land-use tax refund was contingent upon New Zhongya's location in the ZHTDZ. *See* the Zhongya Companies August 6, 2010, supplemental questionnaire response at 27. The Zhongya Companies reported that New Zhongya recorded the tax refund in its "subsidy income" ledger. *Id.*

We preliminarily determine that the land-use tax refund received by the Zhongya Companies constitutes a financial contribution, in the form of revenue foregone, and a benefit, equal to the amount of the refund, as described under sections 771(5)(D)(ii) and 771(5)(E) of the Act. Because the tax refund is limited to firms located in the ZHTDZ, we preliminarily determine that the program is regionally-specific under section 771(5A)(D)(iv) of the Act.

To calculate the benefit, we divided the amount of the land-use tax received during the POI by the Zhongya Companies' total sales. On this basis, we calculated a total net subsidy rate of 0.13 percent *ad valorem* for the Zhongya Companies.

R. Development Assistance Grants From the ZHTDZ Local Authority

The Zhongya Companies reported that New Zhongya received a one-time development assistance grant from the ZHTDZ local authority during the POI. According to the Zhongya Companies, in determining eligibility, the ZHTDZ local authority examines firms' output, tax payments, the level of foreign investment, and whether the firms' have received famous brand designation. *See* the Zhongya Companies' August 6, 2010, supplemental questionnaire response at 17.

We preliminarily determine that the grant issued by the GOC under this program constitutes a financial contribution under section 771(5)(D)(i) of the Act and a benefit under section 771(5)(E) of the Act. Concerning specificity, as explained above in the "GOC and Sub-Central Government Grants, Loans, and Other Incentives for Development of Famous Brands and China World Top Brands" section, we have preliminarily determined that the Famous Brand program is contingent upon export activity and, thus, is specific under section 771(5A)(B) of the Act. The Zhongya Companies indicate that famous brand designation is among the factors considered when determining eligibility under this program. Section 771(5A)(B) of the Act states that a program shall be deemed an export subsidy if receipt of the subsidy is contingent upon export performance, alone or as one of two or more conditions. Accordingly, because famous brand designation is among the factors the ZHTDZ local authority considers when determining eligibility and because the famous brand designation is contingent upon export activity, we preliminarily determine that the program is specific under section 771(5A)(B) of the Act. Our interpretation of section 771(5A)(B) of the Act in this regard is consistent with the Department's practice. *See, e.g.,* PC Strand from the PRC Decision Memorandum at "Subsidies for Development of Famous Export Brands and China World Top Brands at Central and Sub-Central Level."

To calculate the benefit, we divided the amount of the grant by the total export sales of the Zhongya Companies in the year of approval/receipt. The grant was less than 0.5 percent of the export sales of the Zhongya Companies. Therefore, pursuant to 19 CFR

351.524(b)(2), we expensed the grant amount to the POI (year of receipt).

On this basis, we calculated a total net subsidy rate of 0.13 percent *ad valorem* for the Zhongya Companies.

S. Provision of Primary Aluminum for LTAR

The Department is investigating whether producers and suppliers, acting as Chinese government authorities, sold primary aluminum to the Guang Ya and Zhongya Companies for LTAR. The Guang Ya and Zhongya Companies reported obtaining primary aluminum during the POI from trading companies as well as directly from primary aluminum producers. In the case of the Zhongya Companies, they were able to identify all of the firms that produced the primary aluminum that the Zhongya Companies purchased during the POI. Concerning the Guang Ya Companies, in some instances they were not able to identify the producers of the primary aluminum that the Guang Ya Companies purchased during the POI.

In *Tires from the PRC,* the Department determined that majority government ownership of an input producer is sufficient to qualify it as an "authority." *See* Tires from the PRC Decision Memorandum at "Government Provision of Rubber for Less than Adequate Remuneration." Based on the record in the instant investigation, we determine that primary aluminum producers, which supplied respondents, and that are majority-government owned are "authorities." As a result, we determine that primary aluminum supplied by companies deemed to be government authorities constitute(s) a financial contribution in the form of a governmental provision of a good and that the respondents received a benefit to the extent that the price they paid for primary aluminum produced by these suppliers was for LTAR. *See* sections 771(5)(D)(iv) and 771(5)(E)(iv) of the Act. We will follow-up with the GOC to determine whether suppliers that have less than majority government ownership should also be determined to be "authorities" under our CVD regulations.

In prior CVD proceedings involving the PRC, the Department has determined that when a respondent purchases an input from a trading company or non-producing supplier, a subsidy is conferred if the producer of the input is an "authority" within the meaning of section 771(5)(B) of the Act and the price paid by the respondent for the input was sold for LTAR. *See* CWP from the PRC Decision Memorandum at "Hot-Rolled Steel for Less Than Adequate Remuneration;" Racks from the PRC Decision Memorandum at "Provision of Wire Rod for Less than Adequate Remuneration;" and CWASPP from the PRC Decision Memorandum at "Provision of SSC for LTAR." Therefore, in our initial questionnaire, we requested that the respondent companies and the GOC together identify the producers from whom the trading companies acquired the primary aluminum that was subsequently sold to respondents during the POI and to provide information that would allow the Department to determine whether those producers were government authorities.

The Zhongya Companies were able to identify the entities that produced the primary aluminum that they acquired during the POI. Regarding the Guang Ya Companies, for certain purchases, they were able to identify the producers. However, for several other purchases, although they identified their primary aluminum suppliers and indicated whether the suppliers were trading companies in the business of reselling primary aluminum, the Guang Ya Companies did not identify the producers that supplied the trading companies. For purposes of this preliminary determination, where available, we are relying on the information supplied by the GOC and by the Guang Ya and Zhongya Companies when determining whether the suppliers identified in the firms' questionnaires responses are government authorities. We will follow-up with the Guang Ya Companies with respect to the identity of the producers that supplied the trading companies.

Because the Guang Ya Companies have not been able to supply the requested information, we find that the necessary information is not on the record and, as a result, we are resorting to the use of facts available (FA) within the meaning of sections 776(a)(1) and (2) of the Act. In its response, the GOC provided information on the amount of primary aluminum produced by state-owned enterprises (SOEs) and private producers in the PRC. Using these data, we derived the ratio of primary aluminum produced by SOEs during the POI. Thus, pursuant to sections 776(a)(1) and (2) of the Act, we have resorted to the use of FA with regard to the primary aluminum sold to the Guang Ya Companies by certain domestic trading companies. Specifically, we assumed that the percentage of primary aluminum supplied by these domestic trading companies that is produced by government authorities is equal to the ratio of primary aluminum produced by SOEs during the POI.[8] Regarding this ratio, we note that the GOC classified the CHALCO Aluminum Corporation of China (CHALCO) as a privately-owned primary aluminum producer. However, based on publicly available information, we are treating CHALCO as a GOC authority. *See* the Memorandum to the File, "Factual Information Placed On Record Regarding the Ownership of a Primary Aluminum Producer," (August 16, 2010) (CHALCO Memorandum), a public document on file in room 1117 of the CRU. Our use of FA in this regard is consistent with the Department's practice. *See, e.g.,* CWP from the PRC Decision Memorandum at "Hot-Rolled Steel for Less Than Adequate Remuneration;" *see also* LWRP from the PRC Decision Memorandum at "Hot-Rolled Steel for Less Than Adequate Remuneration." The Department will continue to examining the identities of the firms that produced the primary aluminum that was purchased by the Guang Ya Companies during the POI and will continue to investigate whether the firms that produced the primary aluminum for both the Guang Ya and the Zhongya Companies operated as government authorities.

Having addressed the issue of financial contribution, we must next analyze whether the sale of primary aluminum to the mandatory respondents by suppliers designated as government authorities conferred a benefit within the meaning of section 771(5)(E)(iv) of the Act. The Department's regulations at 19 CFR 351.511(a)(2) set forth the basis for identifying appropriate market-determined benchmarks for measuring the adequacy of remuneration for government-provided goods or services. These potential benchmarks are listed in hierarchical order by preference: (1) Market prices from actual transactions within the country under investigation (*e.g.,* actual sales, actual imports or competitively run government auctions) (tier one); (2) world market prices that would be available to purchasers in the country under investigation (tier two); or (3) an assessment of whether the government price is consistent with market principles (tier three). As we explained in *Softwood Lumber from Canada,* the preferred benchmark in the hierarchy is an observed market price from actual transactions within the country under investigation because

[8] In other words, in instances where we are applying FA, we are assuming that the percentage of primary aluminum purchased by domestic trading companies during the POI was equal to the ratio of primary aluminum produced by SOEs during the POI, as indicated by the aggregate data supplied in the questionnaire responses of the GOC.

such prices generally would be expected to reflect most closely the prevailing market conditions of the purchaser under investigation. *See* Softwood Lumber from Canada Decision Memorandum at "Market-Based Benchmark" section.

Beginning with tier one, we must determine whether the prices from actual sales transactions involving Chinese buyers and sellers are significantly distorted. As explained in the *Preamble:*

> Where it is reasonable to conclude that actual transaction prices are significantly distorted as a result of the government's involvement in the market, we will resort to the next alternative {tier two} in the hierarchy.

See Preamble to Countervailing Duty Regulations, 63 FR 65377, (November 25, 1998) (*Preamble*). The *Preamble* further recognizes that distortion can occur when the government provider constitutes a majority or, in certain circumstances, a substantial portion of the market. *Id.*

In the instant investigation, the GOC reported the total primary aluminum production by SOEs during the POI. The share of production number of these SOEs, after adjustment by the Department, accounted for more than 50 percent of the PRC's production. *See* Memorandum to the File from Eric B. Greynolds, Program Manager, "Share of Primary Aluminum Production During Period of Investigation," (August 30, 2010). We find this majority share by SOEs makes it reasonable to conclude that actual transaction prices are significantly distorted as a result of the government's involvement in the market. *See Preamble,* 63 FR at 65337. Our finding in this regard is in accordance with the Department's practice. *See, e.g.,* Wire Decking from the PRC Decision Memorandum at "Provision of Zinc for LTAR." In addition, as further evidence of the government's predominant role in the market, we note that GOC has imposed export tariffs on two of the three HTS categories that cover primary aluminum. Such export restraints can discourage exports and increase the supply of primary aluminum in the domestic market, with the result that domestic prices are lower than they would be otherwise. *See, e.g.,* Racks from the PRC Decision Memorandum at 15. For this reason, we preliminarily determine that domestic prices charged by privately-owned primary aluminum producers based in the PRC may not serve as viable, tier one benchmark prices.

The Department has on the record primary aluminum prices, as published by the London Metals Exchange (LME). We find that these prices may serve as a tier-two benchmark, as described under 19 CFR 351.511(a)(2)(ii), when determining whether the Zhongya Companies received a benefit on its purchases of primary aluminum from government authorities. Concerning the LME prices, we note that the Department has relied on pricing data from industry publications in prior CVD proceedings involving the PRC. *See, e.g.,* CWP from the PRC Decision Memorandum at "Hot-Rolled Steel for Less Than Adequate Remuneration" section; *see also* LWRP from the PRC Decision Memorandum at "Hot-Rolled Steel for Less Than Adequate Remuneration" section. For purposes of the preliminary determination, we find prices from the LME to be sufficiently reliable and representative for use in the benchmark calculation.

The Zhongya and Guang Ya Companies reported that they imported primary aluminum. In past cases, the Department has incorporated prices on company-specific imports into the LTAR benchmark provided that the Department's analysis indicates that the company-specific import prices are not distorted by the dominance of government production in the PRC. *See, e.g., Circular Welded Austenitic Stainless Pressure Pipe from the People's Republic of China: Final Affirmative Countervailing Duty Determination,* (74 FR 4936) January 28, 2009, (*CWASPP from the PRC*), and accompanying Issues and Decision Memorandum (CWASPP from the PRC Decision Memorandum) at "Provision of SSC for LTAR;" *see also* CWP from the PRC Decision Memorandum at Comment 7.

However, upon further examination, we preliminarily determine that when the Department has determined that it is reasonable to conclude that actual transaction prices are significantly distorted as a result of the government's involvement in the market, it is not appropriate to utilize company-specific prices as a tier-one benchmark. This is consistent with the language of the *Preamble.* We preliminarily determine that it is reasonable to conclude that the prices of goods that are imported into the domestic market are also significantly distorted as a result of the government's involvement in the market.

To determine whether primary aluminum suppliers, acting as government authorities, sold primary aluminum to respondents for LTAR, we compared the prices the respondents paid to the suppliers to our primary aluminum benchmark price. We conducted our comparison on a monthly basis. When conducting the price comparison, we converted the benchmark to the same currency and unit of measure as reported by the mandatory respondents for their purchases of primary aluminum.

Under 19 CFR 351.511(a)(2)(iv), when measuring the adequacy of remuneration under tier one or tier two, the Department will adjust the benchmark price to reflect the price that a firm actually paid or would pay if it imported the product, including delivery charges and import duties. Accordingly, in deriving the benchmark prices, we ensured that ocean freight and inland freight were included. Specifically, we included ocean freight pricing data from the Maersk shipping company pertaining to shipments of aluminum, articles of aluminum, and metal products from the port of Busan, South Korea, to Hong Kong. *See* petitioners' August 20, 2010, submission at Exhibit 4. We used this information because it was the only information on the record for ocean freight. Concerning inland freight, we calculated company-specific inland freight rates using cost data supplied by the Guang Ya and Zhongya Companies. Further, we added to the benchmark import duties and the VAT applicable to imports of primary aluminum into the PRC as reported by the GOC. In deriving the benchmark we did not include marine insurance. In prior CVD investigations involving the PRC, the Department has found that while the PRC customs authorities impute an insurance cost on certain imports for purposes of levying duties and compiling statistical data, there is no evidence to suggest that PRC customs authorities require importers to pay insurance charges. *See, e.g.,* PC Strand from the PRC Decision Memorandum at Comment 13. Further, we have not added separate brokerage, handling, and documentation fees to the benchmark because we find that such costs are already reflected in the ocean freight cost from Maersk that is being used in this preliminary determination. *See* petitioners' August 20, 2010, submission at Exhibit 4.

Regarding the primary aluminum prices that respondents paid to government authorities, both the Zhongya and Guang Ya Companies reported their prices to the Department inclusive of inland freight and indicated the domestic VAT applied to their purchases. Accordingly, when performing our comparison, we included the domestic VAT paid on purchases from government authorities. In this manner, we find the Department

has conducted the comparison on an apples-to-apples basis.

Comparing the benchmark unit prices to the unit prices paid by respondents for primary aluminum, we determine that primary aluminum was provided for LTAR and that a benefit exists in the amount of the difference between the benchmark and what the respondent paid. *See* section 771(5)(E)(iv) of the Act and 19 CFR 351.511(a).

Finally, with respect to specificity, the third subsidy element specified under the Act, the GOC has provided information on end uses for primary aluminum. The GOC stated that the end uses of primary aluminum relate to the type of industry involved as a direct purchaser of the input. The GOC further stated that the consumption of primary aluminum occurs across a broad range of industries. While numerous companies may comprise the listed industries, section 771(5A)(D)(iii)(I) of the Act clearly directs the Department to conduct its analysis on an industry or enterprise basis. Based on our review of the data and consistent with our past practice, we determine that the industries named by the GOC are limited in number and, hence, the subsidy is specific. *See* section 771(5A)(D)(iii)(I) of the Act. *See* LWRP from the PRC Decision Memorandum at Comment 7; *see also* Racks from the PRC Decision Memorandum at "Provision of Wire Rod for Less Than Adequate Remuneration."

We find that the GOC's provision of primary aluminum for LTAR to be a domestic subsidy as described under 19 CFR 351.525(b)(3). Therefore, to calculate the net subsidy rate, we divided the benefit by a denominator comprised of total sales. Regarding the Zhongya Companies, we divided the benefit by the companies' total sales during the POI. Regarding the Guang Ya Companies, we divided the benefit by combined total sales of Guang Ya and Guangcheng.

On this basis, we calculated a total net subsidy rate of 2.36 percent *ad valorem* for the Zhongya Companies and 3.07 percent *ad valorem* for the Guang Ya Companies.

T. Purchase of Aluminum Extrusions for MTAR

We initiated on a program that alleged that the GOC, under the Government Procurement Law and the Indigenous Innovation program, purchases aluminum extrusions for MTAR. Therefore, the Department requested information on whether the GOC or GOC authorities purchased aluminum extrusions from respondents for MTAR. The GOC and the two company respondents stated that neither the two companies nor their products are listed in local government indigenous innovation catalogues; therefore, we preliminarily determine that the companies did not use the Indigenous Innovation programs. However, information provided in the companies' responses indicate that they may have benefited from the government's purchase of aluminum extrusions under the Government Procurement Law.

The Guang Ya and Zhongya Companies provided information concerning their sales of aluminum extrusions during the POI. The Guang Ya Companies provided complete sales information. The Guang Ya Companies report in their questionnaire response which customers were GOC authorities and which were private companies. *See* the Guang Ya Companies August 9, 2010, supplemental questionnaire response at Exhibits 68 and 69. The Zhongya Companies provided the requested sales information for 70 percent of its sales, which corresponded to its top ten customers.[9] The Zhongya Companies report that these top ten customers were private companies. *See* Attachment 4 of the Zhongya Companies' August 6, 2010, supplemental questionnaire. However, as discussed above in the "Adverse Facts Available" section, the Zhongya Companies' failed to report the requested information for the remaining 30 percent of its sales value.

The Department also requested information from the GOC regarding the ownership structure of the customers that purchased aluminum extrusions from the Guang Ya and Zhongya Companies. Specifically, the Department requested ownership information that would enable it to determine whether the two firms' customers were government authorities capable of providing a financial contribution under section 771(5)(D)(iv) of the Act. In the case of the Guang Ya Companies, the GOC provided ownership information for a portion of the companies' customers. For the Zhongya Companies, the GOC provided ownership information for six out of the ten customers.

For purposes of this preliminary determination, we are relying on the information supplied by the GOC and by the Guang Ya and Zhongya Companies when determining whether the customers identified in the firms' questionnaire responses are government authorities. Accordingly, we determine that the aluminum extrusions the Guang Ya Companies sold to GOC authorities constitute a financial contribution under section 771(5)(D)(iv) of the Act. Concerning the Zhongya Companies, as explained in the "Adverse Facts Available" section, we are assuming as AFA that the Zhongya Companies' unreported sales values were made to GOC authorities and, thus, constitute a financial contribution under section 771(5)(D)(iv) of the Act. We will continue to solicit information from the GOC, the Zhongya Companies, and Guang Ya Companies concerning the identities and ownership structure of their customers.

Having addressed the issue of financial contribution, we must next analyze whether the sales of aluminum extrusions to GOC authorities conferred a benefit within the meaning of section 771(5)(E)(iv) of the Act. The Department has investigated subsidy allegations involving the sale of a good for MTAR in relatively few proceedings. The most recent proceeding in which the Department investigated the provision of a good for MTAR was Low Enriched Uranium (LEU) from France. *See, e.g., Notice of Final Affirmative Countervailing Duty Determination: Low Enriched Uranium From France,* 66 FR 65901 (December 21, 2001) (*LEU from France*), and accompanying Decision Memorandum (LEU from France Decision Memorandum) at "Purchase at Prices that Constitute More Than Adequate Remuneration." In *LEU from France,* the Department measured whether a benefit was conferred by comparing the price the government authority paid to the respondent for LEU compared to the prices the government authority paid to other foreign suppliers of LEU. *Id.* In *LEU from France,* the Department indicated that it was conducting the benefit calculation in this manner because it was the only means by which the Department would be able to utilize benchmark prices paid in the country of provision. *Id.* Thus, in *LEU from France,* the Department's aim was to utilize a benchmark available in the country of provision. In *LEU from France,* such a benchmark was only available using pricing data supplied by the Government of France (*e.g.,* pricing data from the perspective of the buyer).

In the instant investigation, we preliminarily determine that there are benchmark data available from the perspective of the seller. The Guang Ya Companies provided information concerning the sales of aluminum extrusions made to private customers. For purposes of the preliminary determination, we find that these prices

[9] For purposes of this preliminary determination, we are assuming that the Zhongya Companies made this statement in reference to their sales value.

constitute prices available in the PRC and, thus, are suitable for use as a benchmark. Further, at this time, we preliminarily determine there is no information on the record of the investigation to suggest that the prices paid by private purchasers of aluminum extrusions in the PRC are distorted as a result of the GOC's involvement in the market for aluminum extrusions.

Thus, to determine whether a benefit was conferred on the Guang Ya Companies' sale of aluminum extrusions to GOC authorities, we compared the prices the Guang Ya Companies charged to state-owned firms to the prices the Guang Ya Companies charged to privately-owned customers. As stated above, for purposes of the preliminary determination, we have relied on information supplied by the Guang Ya Companies and the GOC in determining which customers were government authorities and which were private companies. We conducted our comparison on a monthly basis using average unit prices. In deriving the benchmark, we used weighted average, monthly prices. We will continue to examine the benchmark used in this MTAR benefit calculation in order to determine the most appropriate benchmark for the final determination and we invite interested parties to comment on this issue.

Comparing the benchmark unit sales prices to the unit sales prices the Guang Ya Companies sold to GOC authorities, we determine that a benefit exists in the amount of the difference between the benchmark sales price and the sale prices charged to GOC authorities. *See* section 771(5)(E)(iv). To calculate the benefit on each transaction, we multiplied the unit benefit by the corresponding quantity. We then summed the benefits on each transaction to calculate the total benefit attributable to the Guang Ya Companies.

Regarding the Zhongya Companies, as noted above they failed to provide any information regarding 30 percent of its sales value. Therefore, we are assuming as AFA that the unreported sales were made to GOC authorities and, thus, we must determine whether a benefit was conferred on the sales. Therefore, to calculate the benefit, we first used the total sales value reported by the Zhongya Companies (70 percent of its total sales) to derive the Zhongya Companies' total sales of aluminum extrusions. Next, we calculated the difference between these two sales values to derive the total sales value for the 30 percent of aluminum extrusion sales that the Zhongya Companies failed to report to the Department. As discussed in the "Adverse Facts Available" section, we are assuming as AFA that the Zhongya Companies made these sales to GOC authorities. Further, as discussed in the "Adverse Facts Available" section, as AFA we assumed that the Zhongya Companies received a 20 percent price premium on its sales to GOC authorities. Accordingly, we calculated the benefit by multiplying the derived total sales value for the sales that were not reported by the Zhongya Companies by 20 percent. In this manner, we determine that the Zhongya Companies received a benefit under the program within the meaning of section 771(5)(E)(iv) of the Act.

Finally, with respect to specificity, we preliminarily determine that this program is specific under section 771(5A)(C) of the Act because the government procurement program is contingent upon the use of domestic goods over imported goods, as evidenced by the price premium set forth in the Implementing Measures of the Procurement Law.

On this basis, we calculated a total net subsidy rate of 6.63 percent *ad valorem* for the Zhongya Companies and 0.14 percent *ad valorem* for the Guang Ya Companies.

Programs Preliminarily Determined Not To Confer a Benefit During the POI

Regarding programs listed below, benefits from these programs result in net subsidy rates that are less than 0.005 percent *ad valorem* or constitute benefits that were fully expensed prior to the POI. Consistent with our past practice, we therefore have not included these programs in our net countervailing duty rate calculations. *See, e.g.,* CFS from the PRC Decision Memorandum at "Analysis of Programs, Programs Determined Not To Have Been Used or Not To Have Provided Benefits During the POI for GE."

A. Labor and Social Security Allowance Grants in Sanshui District of Guangdong Province
B. "Large and Excellent" Enterprises Grant
C. Advanced Science/Technology Enterprise Grant
D. Advanced Science/Technology Enterprise Grant
E. Award for Self-Innovation Brand/ Grant for Self-Innovation Brand and Enterprise Listing
F. Tiaofeng Electric Power Subscription Subsidy Funds
G. Award for Excellent Enterprise
H. Export Incentive Payments Characterized as Value Added Tax (VAT) Rebates

Programs Preliminarily Determined Not To Be Used [10]

A. Loans and Interest Subsidies Provided Pursuant to the Northeast Revitalization Program
B. Provincial Tax Exemptions and Reductions for "Productive" FIEs
C. Tax Reductions for FIEs Purchasing Chinese-Made Equipment
D. Tax Reductions for FIEs in Designated Geographic Locations
E. Tax Reductions for Technology- or Knowledge-Intensive FIEs
F. Tax Credits for Domestically-Owned Companies Purchasing Chinese-Made Equipment
G. Tax Reductions for Export-Oriented FIEs
H. Tax Refunds for Reinvesting of FIE Profits in Export-Oriented Enterprises
I. Accelerated Depreciation for Enterprises Located in the Northeast Region
J. Forgiveness of Tax Arrears for Enterprises in the Old Industrial Bases of Northeast China
K. VAT Rebates on FIE Purchases of Chinese-Made Equipment
L. Exemptions from Administrative Charges for Companies in the ZHTIDZ
M. The State Key Technology Renovation Project Fund
N. Grants to Cover Legal Fees in Trade Remedy Cases in Zhenzhen
O. The Clean Production Technology Fund
P. Grants for Listing Shares: Liaoyang City (Guangzhou Province), Wenzhou Municipality (Zhejiang Province), and Quanzhou Municipality (Fujian Province)
Q. The Northeast Region Foreign Trade Development Fund
R. The Northeast Region Technology Reform Fund
S. Land Use Rights in the Liaoyang High-Tech Industry Development Zone
T. Allocated Land Use Rights for SOEs

Verification

In accordance with section 782(i)(1) of the Act, we intend to verify the information submitted by the Zhongya Companies, the Guang Ya Companies, and the GOC prior to making our final determination.

Suspension of Liquidation

In accordance with section 703(d)(1)(A)(i) of the Act, we have calculated an individual rate for subject merchandise produced and exported by the entities individually investigated. We have also calculated an all-others

[10] In this section we refer to programs preliminarily determined to be not used by the two participating respondent companies.

rate. We preliminarily determine the total estimated net countervailable subsidy rates to be:

Company	*Ad valorem* net subsidy rate
Guang Ya Aluminum Industries Co., Ltd. (Guang Ya), Foshan Guangcheng Aluminum Co., Ltd. (Guangcheng), Guang Ya Aluminum Industries Hong Kong (Guang Ya HK), Kong Ah International Company Limited (Kong Ah), and Yongji Guanghai Aluminum Industry Co., Ltd. (Guanghai) (collectively the Guang Ya Companies).	6.18 percent *ad valorem.*
Zhaoqing New Zhongya Aluminum Co., Ltd. (New Zhongya), Zhongya Shaped Aluminum HK Holding Ltd. (Zhongya HK), and Karlton Aluminum Company Ltd. (Karlton) (collectively the Zhongya Companies).	10.37 percent *ad valorem.*
Dragonluxe Limited (Dragonluxe)	137.65 percent *ad valorem.*
Miland Luck Limited (Miland)	137.65 percent *ad valorem.*
Liaoyang Zhongwang Aluminum Profile Co. Ltd./Liaoning Zhongwang Group (collectively, the Zhongwang Group)	137.65 percent *ad valorem.*
All Others Rate	137.65 percent *ad valorem.*

We note that section 705(c)(5)(A)(i) of the Act states that for companies not investigated, we will determine an all-others rate equal to the weighted average countervailable subsidy rates established for exporters and producers individually investigated, excluding any zero and *de minimis* countervailable subsidy rates, and any rates determined entirely under section 776 of the Act. However, as discussed above in the "Application of Adverse Inferences: Non-Cooperative Companies" section, the companies under individual investigation that participated in the investigation are voluntary respondents. The Department's regulations state that in calculating the all-others rate under section 705(c)(5) of the Act, the Department will exclude net subsidy rates calculated for voluntary respondents. *See* 19 CFR 351.204(d)(3). The *Preamble to Procedural Regulations* further explains that while this principle of excluding voluntary rates from the all-others rate is not directly addressed in the statute, Article 9.4 of the Antidumping Agreement implies that the all-others rate cannot be a function of subsidy rates calculated for voluntary respondents. *See Preamble to Procedural Regulations,* 62 FR at 27310. The *Preamble to Procedural Regulations* further explains that the purpose of excluding voluntary respondents from the all-others rate calculation is to prevent the "distortion or outright manipulation of the all others rate." *Id.*

We acknowledge that in a prior CVD investigation involving the PRC the Department, despite the language in the *Preamble to Procedural Regulations* and 19 CFR 351.204(d)(3), calculated the all-others rate by simple-averaging the AFA rates of the non-cooperating, mandatory respondents with the rate calculated for a voluntary respondent. *See* LWS from the PRC Decision Memorandum at Comment 21. However, upon further examination, we now determine that the potential for voluntary respondents' net subsidy rates to distort or manipulate the all-others rate is too great and, thus, we find that reliance on the approach from *LWS from the PRC* is no longer appropriate.

Accordingly, because we lack subsidy rates established for exporters and producers individually investigated, we must resort to "any reasonable method" to derive the all-others rate, as described under section 705(c)(5)(A)(ii) of the Act. We preliminarily determine that equating the all-others rate with the total AFA rate applied to the non-cooperating, mandatory respondents constitutes a "reasonable method" under 705(c)(5)(A)(ii) of the Act. *See, e.g., Certain Potassium Phosphate Salts From the People's Republic of China: Final Affirmative Countervailing Duty Determination and Termination of Critical Circumstances Inquiry,* 75 FR 30375 (June 1, 2010) (in an investigation where all of the mandatory respondents received a rate based on adverse facts available, using the AFA rate assigned to the mandatory respondents as the all-others rate).

In accordance with sections 703(d)(1)(B) and (2) of the Act, we are directing U.S. Customs and Border Protection (CBP) to suspend liquidation of all entries of the subject merchandise from the PRC that are entered or withdrawn from warehouse, for consumption on or after the date of the publication of this notice in the **Federal Register**, and to require a cash deposit or bond for such entries of the merchandise in the amounts indicated above.

ITC Notification

In accordance with section 703(f) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all non-privileged and non-proprietary information relating to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Assistant Secretary for Import Administration.

In accordance with section 705(b)(2) of the Act, if our final determination is affirmative, the ITC will make its final determination within 45 days after the Department makes its final determination.

Disclosure and Public Comment

In accordance with 19 CFR 351.224(b), the Department will disclose to the parties the calculations for this preliminary determination within five days of its announcement. Case briefs for this investigation must be submitted no later than one week after the issuance of the last verification report. *See* 19 CFR 351.309(c) (for a further discussion of case briefs). Rebuttal briefs, which must be limited to issues raised in the case briefs, must be filed within five days after the deadline for submission of case briefs. *See* 19 CFR 351.309(d). A list of authorities relied upon, a table of contents, and an executive summary of issues should accompany any briefs submitted to the Department. Executive summaries should be limited to five pages total, including footnotes.

In accordance with 19 CFR 351.310(c), we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on this preliminary determination. Individuals who wish to request a hearing must submit a written request within 30 days of the publication of this notice in the **Federal Register** to the Assistant Secretary for Import Administration, U.S. Department of Commerce, Room 1870, 14th Street and Constitution Avenue, NW, Washington, DC 20230. Parties will be notified of the schedule for the hearing and parties should confirm the time, date, and place of the hearing 48 hours before the

scheduled time. Requests for a public hearing should contain: (1) Party's name, address, and telephone number; (2) the number of participants; and (3) to the extent practicable, an identification of the arguments to be raised at the hearing.

This determination is issued and published pursuant to sections 703(f) and 777(i) of the Act and 19 CFR 351.221(b)(4).

Dated: August 30, 2010.

Ronald K. Lorentzen,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 2010–22204 Filed 9–3–10; 8:45 am]

BILLING CODE 3510–DS–P

CONSUMER PRODUCT SAFETY COMMISSION

Sunshine Act Meetings

TIME AND DATE: Wednesday, September 8, 2010; 10 a.m.–11 a.m.

PLACE: Hearing Room 420, Bethesda Towers, 4330 East West Highway, Bethesda, Maryland.

STATUS: Closed to the Public.

MATTERS TO BE CONSIDERED:

Compliance Status Report

The Commission staff will brief the Commission on the status of compliance matters.

For a recorded message containing the latest agenda information, call (301) 504–7948.

CONTACT PERSON FOR MORE INFORMATION: Todd A. Stevenson, Office of the Secretary, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, (301) 504–7923.

Dated: September 1, 2010.

Todd A. Stevenson,

Secretary.

[FR Doc. 2010–22302 Filed 9–2–10; 4:15 pm]

BILLING CODE 6355–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Revised Non-Foreign Overseas Per Diem Rates

AGENCY: Per Diem, Travel and Transportation Allowance Committee, DoD.

ACTION: Notice of revised non-foreign overseas per diem rates.

SUMMARY: The Per Diem, Travel and Transportation Allowance Committee is publishing Civilian Personnel Per Diem Bulletin Number 270. This bulletin lists revisions in the per diem rates prescribed for U.S. Government employees for official travel in Alaska, Hawaii, Puerto Rico, the Northern Mariana Islands and Possessions of the United States. AEA changes announced in Bulletin Number 194 remain in effect. Bulletin Number 270 is being published in the **Federal Register** to assure that travelers are paid per diem at the most current rates.

DATES: Effective September 1, 2010.

SUPPLEMENTARY INFORMATION: This document gives notice of revisions in per diem rates prescribed by the Per Diem Travel and Transportation Allowance Committee for non-foreign areas outside the continental United States. It supersedes Civilian Personnel Per Diem Bulletin Number 269. Distribution of Civilian Personnel Per Diem Bulletins by mail was discontinued. Per Diem Bulletins published periodically in the **Federal Register** now constitute the only notification of revisions in per diem rates to agencies and establishments outside the Department of Defense. For more information or questions about per diem rates, please contact your local travel office. The text of the Bulletin follows: The changes in Civilian Bulletin 270 are updated rates for Puerto Rico.

Dated: September 1, 2010.

Mitchell S. Bryman,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

Maximum Per Diem Rates for official travel in Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Islands and Possessions of the United States by Federal Government civilian employees.

LOCALITY		MAXIMUM LODGING AMOUNT (A)	+	MEALS AND INCIDENTALS RATE (B)	=	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
ALASKA							
[OTHER]							
01/01	- 12/31	100		71		171	1/1/2009
ADAK							
01/01	- 12/31	120		79		199	7/1/2003
ANCHORAGE [INCL NAV RES]							
05/01	- 09/15	181		97		278	4/1/2007
09/16	- 04/30	99		89		188	4/1/2007
BARROW							
01/01	- 12/31	159		95		254	10/1/2002
BETHEL							
01/01	- 12/31	139		87		226	1/1/2009
BETTLES							
01/01	- 12/31	135		62		197	10/1/2004
CLEAR AB							
01/01	- 12/31	90		82		172	10/1/2006
COLDFOOT							
01/01	- 12/31	165		70		235	10/1/2006
COPPER CENTER							
10/01	- 04/30	95		81		176	1/1/2009
05/01	- 09/30	125		84		209	1/1/2009
CORDOVA							
01/01	- 12/31	95		77		172	3/1/2010
CRAIG							
10/01	- 03/31	151		76		227	3/1/2010
04/01	- 09/30	236		84		320	3/1/2010
DELTA JUNCTION							
01/01	- 12/31	135		80		215	7/1/2008
DENALI NATIONAL PARK							
06/01	- 08/31	135		80		215	3/1/2010
09/01	- 05/31	90		74		164	3/1/2010

LOCALITY	MAXIMUM LODGING AMOUNT (A)	+	MEALS AND INCIDENTALS RATE (B)	=	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
DILLINGHAM						
04/15 - 10/15	185		83		268	1/1/2009
10/16 - 04/14	169		82		251	1/1/2009
DUTCH HARBOR-UNALASKA						
01/01 - 12/31	121		86		207	1/1/2009
EARECKSON AIR STATION						
01/01 - 12/31	90		77		167	6/1/2007
EIELSON AFB						
09/16 - 04/30	75		79		154	2/1/2009
05/01 - 09/15	175		88		263	2/1/2009
ELFIN COVE						
01/01 - 12/31	200		45		245	8/1/2010
ELMENDORF AFB						
05/01 - 09/15	181		97		278	4/1/2007
09/16 - 04/30	99		89		188	4/1/2007
FAIRBANKS						
05/01 - 09/15	175		88		263	2/1/2009
09/16 - 04/30	75		79		154	2/1/2009
FOOTLOOSE						
01/01 - 12/31	175		18		193	10/1/2002
FT. GREELY						
01/01 - 12/31	135		80		215	7/1/2008
FT. RICHARDSON						
05/01 - 09/15	181		97		278	4/1/2007
09/16 - 04/30	99		89		188	4/1/2007
FT. WAINWRIGHT						
05/01 - 09/15	175		88		263	2/1/2009
09/16 - 04/30	75		79		154	2/1/2009
GLENNALLEN						
05/01 - 09/30	125		84		209	1/1/2009
10/01 - 04/30	95		81		176	1/1/2009
HAINES						
01/01 - 12/31	109		75		184	1/1/2009
HEALY						

LOCALITY		MAXIMUM LODGING AMOUNT (A)	+	MEALS AND INCIDENTALS RATE (B)	=	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
06/01	- 08/31	135		80		215	3/1/2010
09/01	- 05/31	90		74		164	3/1/2010
HOMER							
09/16	- 05/14	79		78		157	1/1/2009
05/15	- 09/15	167		85		252	1/1/2009
JUNEAU							
05/01	- 09/30	149		85		234	1/1/2009
10/01	- 04/30	109		80		189	1/1/2009
KAKTOVIK							
01/01	- 12/31	165		86		251	10/1/2002
KAVIK CAMP							
01/01	- 12/31	150		69		219	10/1/2002
KENAI-SOLDOTNA							
05/01	- 08/31	159		90		249	3/1/2010
09/01	- 04/30	79		82		161	3/1/2010
KENNICOTT							
01/01	- 12/31	259		94		353	1/1/2009
KETCHIKAN							
05/01	- 09/30	140		67		207	3/1/2010
10/01	- 04/30	99		63		162	3/1/2010
KING SALMON							
05/01	- 10/01	225		91		316	10/1/2002
10/02	- 04/30	125		81		206	10/1/2002
KLAWOCK							
04/01	- 09/30	236		84		320	3/1/2010
10/01	- 03/31	151		76		227	3/1/2010
KODIAK							
05/01	- 09/30	141		80		221	3/1/2010
10/01	- 04/30	99		76		175	3/1/2010
KOTZEBUE							
01/01	- 12/31	189		93		282	3/1/2010
KULIS AGS							
05/01	- 09/15	181		97		278	4/1/2007
09/16	- 04/30	99		89		188	4/1/2007

LOCALITY	MAXIMUM LODGING AMOUNT (A)	+	MEALS AND INCIDENTALS RATE (B)	=	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
MCCARTHY						
01/01 - 12/31	259		94		353	1/1/2009
MCGRATH						
01/01 - 12/31	165		69		234	10/1/2006
MURPHY DOME						
05/01 - 09/15	175		88		263	2/1/2009
09/16 - 04/30	75		79		154	2/1/2009
NOME						
01/01 - 12/31	150		97		247	3/1/2010
NUIQSUT						
01/01 - 12/31	180		53		233	10/1/2002
PETERSBURG						
01/01 - 12/31	100		71		171	7/1/2008
PORT ALEXANDER						
01/01 - 12/31	150		43		193	8/1/2010
PORT ALSWORTH						
01/01 - 12/31	135		88		223	10/1/2002
SELDOVIA						
05/15 - 09/15	167		85		252	1/1/2009
09/16 - 05/14	79		78		157	1/1/2009
SEWARD						
05/01 - 09/30	174		89		263	3/1/2010
10/01 - 04/30	99		81		180	3/1/2010
SITKA-MT. EDGECUMBE						
10/01 - 04/30	99		73		172	3/1/2010
05/01 - 09/30	119		75		194	3/1/2010
SKAGWAY						
10/01 - 04/30	99		63		162	3/1/2010
05/01 - 09/30	140		67		207	3/1/2010
SLANA						
05/01 - 09/30	139		55		194	2/1/2005
10/01 - 04/30	99		55		154	2/1/2005
SPRUCE CAPE						
05/01 - 09/30	141		80		221	3/1/2010

LOCALITY		MAXIMUM LODGING AMOUNT (A)	+	MEALS AND INCIDENTALS RATE (B)	=	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
10/01 - 04/30		99		76		175	3/1/2010
ST. GEORGE							
01/01 - 12/31		129		55		184	6/1/2004
TALKEETNA							
01/01 - 12/31		100		89		189	10/1/2002
TANANA							
01/01 - 12/31		150		97		247	3/1/2010
TOK							
05/01 - 09/30		129		76		205	3/1/2010
10/01 - 04/30		99		73		172	3/1/2010
UMIAT							
01/01 - 12/31		350		35		385	10/1/2006
VALDEZ							
05/01 - 09/30		179		91		270	3/1/2010
10/01 - 04/30		119		85		204	3/1/2010
WASILLA							
05/01 - 09/30		151		89		240	1/1/2009
10/01 - 04/30		96		83		179	1/1/2009
WRANGELL							
10/01 - 04/30		99		63		162	3/1/2010
05/01 - 09/30		140		67		207	3/1/2010
YAKUTAT							
01/01 - 12/31		105		76		181	1/1/2009
AMERICAN SAMOA							
AMERICAN SAMOA							
01/01 - 12/31		139		75		214	8/1/2009
GUAM							
GUAM (INCL ALL MIL INSTAL)							
01/01 - 12/31		159		94		253	7/1/2010
HAWAII							
[OTHER]							
01/01 - 12/31		121		104		225	5/1/2010
CAMP H M SMITH							
01/01 - 12/31		177		106		283	5/1/2008

LOCALITY	MAXIMUM LODGING AMOUNT (A)	+	MEALS AND INCIDENTALS RATE (B)	=	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
EASTPAC NAVAL COMP TELE AREA						
01/01 - 12/31	177		106		283	5/1/2008
FT. DERUSSEY						
01/01 - 12/31	177		106		283	5/1/2008
FT. SHAFTER						
01/01 - 12/31	177		106		283	5/1/2008
HICKAM AFB						
01/01 - 12/31	177		106		283	5/1/2008
HONOLULU						
01/01 - 12/31	177		106		283	5/1/2008
ISLE OF HAWAII: HILO						
01/01 - 12/31	121		104		225	5/1/2010
ISLE OF HAWAII: OTHER						
01/01 - 12/31	180		108		288	5/1/2009
ISLE OF KAUAI						
01/01 - 12/31	198		115		313	5/1/2009
ISLE OF MAUI						
01/01 - 12/31	169		104		273	5/1/2009
ISLE OF OAHU						
01/01 - 12/31	177		106		283	5/1/2008
KEKAHA PACIFIC MISSILE RANGE FAC						
01/01 - 12/31	198		115		313	5/1/2009
KILAUEA MILITARY CAMP						
01/01 - 12/31	121		104		225	5/1/2010
LANAI						
01/01 - 12/31	229		124		353	5/1/2009
LUALUALEI NAVAL MAGAZINE						
01/01 - 12/31	177		106		283	5/1/2008
MCB HAWAII						
01/01 - 12/31	177		106		283	5/1/2008
MOLOKAI						
01/01 - 12/31	135		91		226	5/1/2010
NAS BARBERS POINT						

LOCALITY	MAXIMUM LODGING AMOUNT (A)	+	MEALS AND INCIDENTALS RATE (B)	=	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
01/01 - 12/31	177		106		283	5/1/2008
PEARL HARBOR						
01/01 - 12/31	177		106		283	5/1/2008
SCHOFIELD BARRACKS						
01/01 - 12/31	177		106		283	5/1/2008
WHEELER ARMY AIRFIELD						
01/01 - 12/31	177		106		283	5/1/2008
MIDWAY ISLANDS						
MIDWAY ISLANDS						
01/01 - 12/31	125		49		174	5/1/2010
NORTHERN MARIANA ISLANDS						
[OTHER]						
01/01 - 12/31	55		72		127	10/1/2002
ROTA						
01/01 - 12/31	129		102		231	7/1/2010
SAIPAN						
01/01 - 12/31	121		98		219	6/1/2007
TINIAN						
01/01 - 12/31	85		71		156	7/1/2010
PUERTO RICO						
[OTHER]						
01/01 - 12/31	62		57		119	10/1/2002
AGUADILLA						
01/01 - 12/31	124		113		237	9/1/2010
BAYAMON						
01/01 - 12/31	195		128		323	9/1/2010
CAROLINA						
01/01 - 12/31	195		128		323	9/1/2010
CEIBA						
05/01 - 11/30	155		57		212	8/1/2006
12/01 - 04/30	185		57		242	8/1/2006
FAJARDO [INCL ROOSEVELT RDS NAVSTAT]						
12/01 - 04/30	185		57		242	8/1/2006

LOCALITY		MAXIMUM LODGING AMOUNT (A)	+	MEALS AND INCIDENTALS RATE (B)	=	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
05/01 - 11/30		155		57		212	8/1/2006
FT. BUCHANAN [INCL GSA SVC CTR, GUAY							
01/01 - 12/31		195		128		323	9/1/2010
HUMACAO							
12/01 - 04/30		185		57		242	8/1/2006
05/01 - 11/30		155		57		212	8/1/2006
LUIS MUNOZ MARIN IAP AGS							
01/01 - 12/31		195		128		323	9/1/2010
LUQUILLO							
05/01 - 11/30		155		57		212	8/1/2006
12/01 - 04/30		185		57		242	8/1/2006
MAYAGUEZ							
01/01 - 12/31		109		112		221	9/1/2010
PONCE							
01/01 - 12/31		149		87		236	9/1/2010
SABANA SECA [INCL ALL MILITARY]							
01/01 - 12/31		195		128		323	9/1/2010
SAN JUAN & NAV RES STA							
01/01 - 12/31		195		128		323	9/1/2010
VIRGIN ISLANDS (U.S.)							
ST. CROIX							
04/15 - 12/14		135		92		227	5/1/2006
12/15 - 04/14		187		97		284	5/1/2006
ST. JOHN							
04/15 - 12/14		163		98		261	5/1/2006
12/15 - 04/14		220		104		324	5/1/2006
ST. THOMAS							
04/15 - 12/14		240		105		345	5/1/2006
12/15 - 04/14		299		111		410	5/1/2006
WAKE ISLAND							
WAKE ISLAND							
01/01 - 12/31		152		16		168	5/1/2009

[FR Doc. 2010–22211 Filed 9–3–10; 8:45 am]

BILLING CODE 5001–06–C

DEPARTMENT OF DEFENSE

Department of the Army

Intent To Grant an Exclusive Field of Use License of a U.S. Government-Owned Patent Application

AGENCY: Department of the Army, DoD.

ACTION: Notice.

SUMMARY: In accordance with 35 U.S.C. 209(e), and 37 CFR 404.7 (a)(1)(i), announcement is made of the intent to grant an exclusive, revocable license for the field of use in the research reagent market to the invention described in U.S. Patent Application No. 61/252,675 entitled "Enhanced Substrates for The Protease Activity of Serotype A Botulinum Neurotoxin," filed October 18, 2009, to List Biological Laboratories, with its principal place of business at 540 Division Street, Campbell, California 95008–6906.

ADDRESSES: Commander, U.S. Army Medical Research and Materiel Command, ATTN: Command Judge Advocate, MCMR–JA, 504 Scott Street, Fort Detrick, Frederick, MD 21702–5012.

FOR FURTHER INFORMATION CONTACT: For licensing issues, Dr. Paul Mele, Office of Research and Technology Applications (ORTA), (301) 619–6664. For patent issues, Ms. Elizabeth Arwine, Patent Attorney, (301) 619–7808, both at telefax (301) 619–5034.

SUPPLEMENTARY INFORMATION: Anyone wishing to object to the grant of this license can file written objections along with supporting evidence, if any, within 15 days from the date of this publication. Written objections are to be filed with the Command Judge Advocate (*see* **ADDRESSES**).

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2010–22175 Filed 9–3–10; 8:45 am]

BILLING CODE 3710–08–P

DEPARTMENT OF DEFENSE

Department of the Air Force

U.S. Air Force Scientific Advisory Board Notice of Meeting

AGENCY: Department of the Air Force, US Air Force Scientific Advisory Board

ACTION: Meeting notice.

SUMMARY: Under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150, the Department of Defense announces that the United States Air Force Scientific Advisory Board (SAB) meeting will take place on Wednesday and Thursday, October 6th—October 7th, 2010 at the SAF/AQ Conference and Innovation Center, 1550 Crystal Drive, Arlington, VA 22202. The meeting on Wednesday, October 6th, will be from 8 a.m.–4:30 p.m., and the meeting on Thursday, October 7th, will be from 8 a.m.–11:45 p.m. The purpose of this Air Force Scientific Advisory Board quarterly meeting is to welcome and introduce new members of the Board, provide information to members about Board policy and procedures, and provide classified briefings concerning the status of the Air Force as it relates to the SAB mission. The briefings and discussion will include presentations from senior Air Force and other DoD leadership. Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102–3.155, the Administrative Assistant of the Air Force, in consultation with the Office of the Air Force General Counsel, has determined in writing that the public interest requires that some of the sessions of the United States Air Force Scientific Advisory Board meeting be closed to the public because they will be concerned with classified information and matters involving trade secrets, per sections 5 U.S.C. 552b(c)(1) and (4). The two sessions on 6 Oct 10, from 0800–0915, will be open to the general public. The remaining sessions on 6 Oct 10 and 7 Oct 10 will be closed to the general public. Any member of the public wishing to provide input to the United States Air Force Scientific Advisory Board can also submit a written statement in accordance with 41 CFR 102–3.140(c) and section 10(a)(3) of the Federal Advisory Committee Act and the procedures described in this paragraph. Written statements can be submitted to the Designated Federal Officer at the address detailed below at any time. Statements being submitted in response to the agenda mentioned in this notice must be received by the Designated Federal Officer at the address listed below at least five calendar days prior to the meeting which is the subject of this notice. Written statements received after this date may not be provided to or considered by the United States Air Force Scientific Advisory Board until its next meeting. The Designated Federal Officer will review all timely submissions with the United States Air Force Scientific Advisory Board Chairperson and ensure they are provided to members of the United States Air Force Scientific Advisory Board before the meeting that is the subject of this notice.

FOR FURTHER INFORMATION CONTACT: The United States Air Force Scientific Advisory Board Executive Director and Designated Federal Officer, Lt Col Anthony M. Mitchell, 301–981–7135, United States Air Force Scientific Advisory Board, 1602 California Avenue, Suite #251, Andrews AFB, MD 20762, *AnthonyM.mitchell@pentagon.af.mil.*

Bao-Anh Trinh,

Air Force Federal Register Liaison Officer.

[FR Doc. 2010–22152 Filed 9–3–10; 8:45 am]

BILLING CODE 5001–10–P

DEPARTMENT OF EDUCATION

Privacy Act of 1974; System of Records

AGENCY: Federal Student Aid, U.S. Department of Education.

ACTION: Notice of an altered system of records.

SUMMARY: In accordance with the Privacy Act of 1974, as amended (Privacy Act), 5 United States Code (U.S.C.) 552a, the Chief Operating Officer for Federal Student Aid (FSA) of the U.S. Department of Education (Department) publishes this notice proposing to revise the system of records entitled "National Student Loan Data System (NSLDS)" (18–11–06), 64 FR 72395–72397 (December 27, 1999).

In this notice, the Department proposes to revise this system of records to make updates needed as a result of legislative changes to the Higher Education Act of 1965, as amended (HEA) made by the College Cost Reduction and Access Act of 2007 (Pub. L. 110–84), enacted on September 27, 2007, and by the Higher Education Opportunity Act (Pub. L. 110–315) (HEOA), enacted on August 14, 2008. As a result of these legislative changes, we have updated the categories of records maintained in this system, clarified the categories of individuals covered by the system and the system's purposes, and expanded the routine uses to reflect needed programmatic disclosures.

DATES: The Department seeks comments on the proposed routine uses in the altered system of records notice on or before October 7, 2010.

The Department filed a report describing the altered system of records covered by this notice with the Chair of the Senate Committee on Homeland Security and Governmental Affairs, the Chair of the House Committee on Oversight and Government Reform, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), on September 1, 2010. This altered system of records will become effective at the later date of: (1) The expiration of the 40-day period for OMB review on October 12, 2010; or (2) October 7, 2010, unless the system of records needs to be changed as a result of public comment or OMB review.

ADDRESSES: Address all comments about the proposed routine uses in this altered system of records to Director, NSLDS Systems, Application, Operations and Delivery Services, Federal Student Aid, U.S. Department of Education, 830 First Street, NE., room 44E3, Union Center Plaza (UCP), Washington, DC 20202–5454. If you prefer to send comments by e-mail, use the following address: *comments@ed.gov.*

You must include the term "NSLDS comments" in the subject line of your electronic message.

During or after the comment period, you may inspect all public comments about this notice in room 44D2, UCP, 6th floor, 830 First Street, NE., UCP, Washington, DC, between the hours of 8 a.m. and 4:30 p.m., local time, Monday through Friday of each week except Federal holidays.

Assistance to Individuals With Disabilities in Reviewing the Rulemaking Record

On request, we will supply an appropriate accommodation or auxiliary aid, such as a reader or print magnifier, to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for this notice. If you want to schedule an appointment for this type of accommodation or auxiliary aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

FOR FURTHER INFORMATION CONTACT: Director, NSLDS Systems, Application, Operations and Delivery Services, Federal Student Aid, U.S. Department of

Education, 830 First Street, NE., room 44E3, UCP, Washington, DC 20202–5454. If you use a telecommunications device for the deaf (TDD), you can call the Federal Relay Service (FRS) at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Introduction

The Privacy Act of 1974 (5 U.S.C. 552a(e)(4) and (11)) requires the Department to publish in the **Federal Register** this notice of an altered systems of records. The Department's regulations implementing the Privacy Act are contained in the Code of Federal Regulations (CFR) in 34 CFR part 5b.

The Privacy Act applies to information about an individual that is maintained in a system of records from which information is retrieved by a unique identifier associated with each individual, such as a name or Social Security number (SSN). The information about each individual is called a "record," and the system, whether manual or computer-based, is called a "system of records."

The Privacy Act requires each agency to publish notices of systems of records in the **Federal Register** and to prepare, whenever the agency publishes a new system of records or makes a significant change to an established system of records, reports to the Chair of the Committee on Oversight and Government Reform of the House of Representatives, the Chair of the Committee on Homeland Security and Governmental Affairs of the Senate, and the Administrator of the Office of Information and Regulatory Affairs, OMB.

A system of records is considered "altered" whenever an agency expands the types or categories of information maintained, significantly expands the types or categories of individuals about whom records are maintained, changes the purpose for which the information is used, changes the equipment configuration in a way that creates substantially greater access to the records, or adds a routine use disclosure to the system. Since this system of records was published in the **Federal Register** on December 27, 1999 (64 FR 72395–97), a number of changes are needed to update and accurately describe the current system of records. Most significantly, this notice expands the type of information maintained in the system, clarifies the categories of individuals covered by the system and the system's purposes, and reflects the current programmatic routine use disclosures needed to carry out responsibilities under the HEA.

This system of records will facilitate the Secretary of Education's performance of statutory duties to prescribe standards and procedures under section 485B of the HEA (including relevant definitions) that require all eligible institutions, lenders and guaranty agencies to report information on all aspects of loans and grants made under Title IV of the HEA in uniform formats in order to permit the direct comparison of data submitted by individual institutions, lenders, servicers, or guaranty agencies.

The changes proposed are intended to expand the information maintained in the system of records so that it would now include all of the loans and grants made under Title IV of the HEA, to clarify the categories of individuals covered by the system and the system's purposes, and to add routine uses to make disclosures needed to carry out statutory responsibilities contained in the system. This altered notice better reflects the current programmatic routine use disclosures needed by FSA to establish applicant eligibility as required under the HEA. Collectively, these revisions will enhance the ability of the Secretary to collect and maintain information on loans made, insured, or guaranteed under Part B of Title IV of the HEA, and loans made under Parts D and E of Title IV of the HEA.

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (e.g., braille, large print, audiotape, or computer diskette) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT**.

Electronic Access to This Document

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), on the Internet at the following site: *http://www.ed.gov/news/fedregister.*

To use PDF you must have Adobe Acrobat Reader, which is available free at this site.

Note: 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 on GPO Access at: *http://www.gpoaccess.gov/nara/index.html.*

Dated: September 1, 2010.

William J. Taggart,

Chief Operating Officer, Federal Student Aid U.S. Department of Education.

For the reasons discussed in the preamble, the Chief Operating Officer, Federal Student Aid, of the U.S. Department of Education (Department) publishes a notice of an altered system of records to read as follows:

SYSTEM NUMBER:

18–11–06

SYSTEM NAME:

National Student Loan Data System (NSLDS)

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Dell Perot Systems, 2300 West Plano Parkway, Plano, TX 75075–8247 (Virtual Data Center).

Iron Mountain, PO Box 294317, Lewisville, Texas 75029–4317 (System Back-Up Location).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system contains records on borrowers who have applied for and received loans under the William D. Ford Federal Direct Loan (Direct Loan) Program, the Federal Family Education Loan (FFEL) Program, the Federal Insured Student Loan (FISL) Program, and the Federal Perkins Loan Program (including National Defense Student Loans, National Direct Student Loans, Perkins Expanded Lending and Income Contingent Loans) (Perkins Loans). The NSLDS also contains records on recipients of Federal Pell Grants, Academic Competitiveness Grants (ACG), National Science and Mathematics Access to Retain Talent (National SMART) Grants, and Teacher Education Assistance for College and Higher Education (TEACH) Grants, the Iraq and Afghanistan Service Grants, as well as on persons who owe an overpayment on a Federal Pell Grant, an ACG Grant, a National SMART Grant, a Federal Supplemental Educational Opportunity Grant (FSEOG), Iraq or Afghanistan Service Grant, or a Federal Perkins Loan. NSLDS contains student enrollment information for those who have received an FFEL Loan, an FISL Loan, a Direct Loan, or a Perkins Loan. NSLDS contains Master Conduit Loan Program Data Master Loan Participation Program (LPP) Data and loan level detail on FFEL Subsidized, Unsubsidized, and PLUS loans funded through those programs. This system contains records on borrowers under the Title IV, HEA loan programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in NSLDS include, but are not limited to: (1) Borrower identifier information including Social Security Number (SSN), name, date of birth, and driver's license; (2) information on the

borrower's loans covering the period from the origination of the loan through final payment, cancellation, consolidation, discharge, or other final disposition including details such as loan amount, disbursements, balances, loan status, collections, claims, deferments, refunds, and cancellations; (3) student enrollment information including school(s) attended, course of study, anticipated completion date, enrollment status and effective dates; (4) student demographic information such as dependency status, citizenship, veteran status, marital status, gender, income and asset information, expected family contribution, and address; (5) information provided by the parent(s) of a dependent recipient, including, but not limited to: Name, date of birth, SSN, marital status, e-mail address, highest level of schooling completed, and income and asset information; (6) information about the spousal income and asset information of a married borrower who is repaying a Title IV loan under an income-based repayment plan; (7) Federal Pell Grant, ACG Grant, National SMART Grant, TEACH Grant, and Iraq and Afghanistan Service Grant amounts and dates of disbursement; (8) Federal Pell Grant, ACG Grant, National SMART Grant, Iraq and Afghanistan Service Grant, FSEOG, and Federal Perkins Loan Program overpayment amounts; (9) demographic and contact information on: The guaranty agency which guarantees the borrower's FFEL loan, and the lender, holder, and servicer of the borrower's loans; (10) NSLDS user profiles that include name, SSN, date of birth, employer, and NSLDS user name; (11) information concerning the date of any default on loans, the aggregated loan data to support cohort default rate calculations for educational institutions, financial institutions and guaranty agencies; (12) pre- and post-screening results used to determine a student or parent's aid eligibility; and, (13) information on financial institutions participating in the loan participation and sale programs established by the Department under the Ensured Continued Access to Student Loan Act of 2008 (ECASLA), including the collection of: ECASLA loan level funding amounts, dates of ECASLA participation for financial institutions, dates and amounts of loans sold to the Department under ECASLA, and the amount of loans funded by the Department's programs but repurchased by the lender.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

20 U.S.C. 1092b. The collection of SSNs of borrowers who are covered by this system is authorized by 31 U.S.C. 7701 and Executive Order 9397 (November 22, 1943), as amended by Executive Order 13478 (November 18, 2008).

PURPOSE(S):

The information contained in this system is maintained for the following purposes relating to students and borrowers: (1) To determine student/borrower eligibility for Title IV programs by NSLDS pre- and post-screening processes; (2) to report changes in student/borrower enrollment status via the Enrollment Reporting Process; (3) to track loan borrowers and students who owe grant overpayment amounts (debtors); (4) to provide an Exit Counseling tool for FFEL and Direct Loan programs that provides various calculators, requires students to complete a quiz to ensure understanding of their repayment obligations, and collects information to assist in the activity of skip-tracing for loan holders; (5) to provide Web-based access for borrowers/students to their loan, grant, and enrollment data; (6) to maintain information on the status of student loans; (7) to maintain information on Federal Pell, ACG, National SMART, TEACH, and Iraq and Afghanistan Service Grant awards to students; and (8) to provide borrowers and NSLDS users with loan refund/cancellation details. The information maintained in this system is also maintained for the following purposes relating to institutions participating in and administering the Title IV programs: (1) To permit guaranty agencies, eligible lenders, and eligible institutions of higher education to verify the eligibility of a student, potential student, or parent for loans; (2) to provide student aggregate loan calculations to educational institutions; (3) to track loan transfers from one entity to another; (4) to determine default rates for educational institutions, guaranty agencies, and lenders; (5) to prepare electronic financial aid histories on students or borrowers for educational institutions, guaranty agencies, the Department's Office of the Ombudsman, and the Department's Direct Loan Servicing office; (6) to alert educational institutions of changes in financial aid eligibility of students via the Transfer Student Monitoring process; (7) to assist guaranty agencies, educational institutions, lenders, and servicers in collecting debts arising from receipt of Title IV funds; (8) to assess Title IV program administration of guaranty agencies, educational institutions, lenders, and servicers; (9) to display organization contact information provided by educational institutions, guaranty agencies, lenders, and servicers; (10) to provide reporting capabilities for educational institutions, guaranty agencies, lenders, and servicers for use in Title IV administrative functions and for the Department for use in oversight and compliance; (11) to provide financial institutions, servicers, and the Department's Debt Collection office contact information on loan holders for use in the collection of loans; (12) to provide schools and servicers information to resolve overpayments of Pell, ACG, National SMART, TEACH, Iraq and Afghanistan Service Grants, and FSEOG grants; and (13) to assist Department staff, contractors, guaranty agencies and the Department of Justice in the collection of debts owed to the Department under Title IV of the HEA. The information maintained in this system is also maintained for the following purposes relating to the Department's oversight and administration of the Title IV programs: (1) To assist audit and program review planning; (2) to support research studies and policy development; (3) to conduct budget analysis and program review planning; (4) to provide information that supports the Department's compliance with the Federal Credit Reform Act of 1990, as amended (CRA); (5) to ensure only authorized users access the database and to maintain a history of the student/borrower information reviewed; (6) to track the Department's interest in loans funded through ECASLA; (7) to track TEACH grants that have been converted to loans; and (8) to track eligibility and participation in Public Service Loan Forgiveness.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Department may disclose information contained in a record in this system of records under the routine uses listed in this system of records notice without the consent of the individual if the disclosure is compatible with the purposes for which the record was collected. These disclosures may be made on a case-by-case basis or, if the Department has complied with the computer matching requirements of the Privacy Act of 1974, as amended, under a computer matching agreement.

(1) *Program Disclosures.* The Department may disclose records for the following program purposes:

(a) To verify the identity of the applicant involved, the accuracy of the record, or to assist with the

determination of program eligibility and benefits, the Department may disclose records to the applicant, guaranty agencies, educational institutions, financial institutions and servicers, and to Federal and State agencies;

(b) To support default rate calculations and/or provide information on borrowers' current loan status, the Department may disclose records to guaranty agencies, educational institutions, financial institutions, servicers, and State agencies;

(c) To provide financial aid history information to aid in their administration of Title IV programs, the Department may disclose records to financial aid professionals, guaranty agencies, loan holders, or servicers;

(d) To support auditors and program reviewers in planning and carrying out their assessments of Title IV program compliance, the Department may disclose records to guaranty agencies, educational institutions, financial institutions and servicers and to Federal, State and local agencies;

(e) To support governmental researchers and policy analysts, the Department may disclose records to Federal, State and local agencies using safeguards for system integrity and ensuring compliance with the Privacy Act;

(f) To support Federal budget analysts in the development of budget needs and forecasts, the Department may disclose records to Federal and State agencies;

(g) To assist in locating holders of loan(s), the Department may disclose records to students/borrowers, guaranty agencies, educational institutions, financial institutions and servicers, and Federal agencies;

(h) To assist analysts in assessing Title IV program administration by guaranty agencies, educational institutions, and financial institutions and servicers, the Department may disclose records to Federal and State agencies;

(i) To assist loan holders in locating borrowers, the Department may disclose records to guaranty agencies, educational institutions, financial institutions that hold an interest in the loan and their servicers, and to Federal agencies;

(j) To assist with meeting requirements under the CRA, the Department may disclose records to Federal agencies;

(k) To assist program administrators with tracking refunds and cancellations of Title IV loans, the Department may disclose records to guaranty agencies, educational institutions, financial institutions and servicers, and to Federal and State agencies;

(l) To enforce the terms of a loan, assist in the collection of a loan or assist in the collection of an aid overpayment, the Department may disclose records to guaranty agencies, loan servicers, educational institutions and financial institutions that hold an interest in the debt, and to Federal, State, or local agencies; and

(m) To assist the Department in tracking loans funded under ECASLA, the Department may disclose records to Federal agencies.

(2) *Disclosure for Use by Other Law Enforcement Agencies.* The Department may disclose information to any Federal, State, or local or foreign agency or other public authority responsible for enforcing, investigating, or prosecuting violations of administrative, civil, or criminal law or regulation if that information is relevant to any enforcement, regulatory, investigative, or prosecutorial responsibility within the receiving entity's jurisdiction.

(3) *Enforcement Disclosure.* In the event that information in this system of records indicates, either on its face or in connection with other information, a violation or potential violation of any applicable statute, regulation, or order of a competent authority, the Department may disclose the relevant records to the appropriate agency, whether foreign, Federal, State, tribal or local, charged with the responsibility of investigating or prosecuting that violation or charged with enforcing or implementing the statute, Executive Order, rule, regulation, or order issued pursuant thereto.

(4) *Litigation and Alternative Dispute Resolution (ADR) Disclosures.*

(a) *Introduction.* In the event that one of the following parties is involved in litigation or ADR, or has an interest in litigation or ADR, the Department may disclose certain records to the parties described in paragraphs (b), (c), and (d) of this routine use under the conditions specified in those paragraphs:

(i) The Department or any of its components; or

(ii) Any Department employee in his or her official capacity; or

(iii) Any Department employee in his or her individual capacity where the Department of Justice (DOJ) agrees to or has been requested to provide or arrange for representation of the employee; or

(iv) Any Department employee in his or her individual capacity where the Department has agreed to represent the employee; or

(v) The United States, where the Department determines that the litigation is likely to affect the Department or any of its components.

(b) *Disclosure to the DOJ.* If the Department determines that disclosure of certain records to the DOJ is relevant and necessary to litigation or ADR, and is compatible with the purpose for which the records were collected, the Department may disclose those records as a routine use to the DOJ.

(c) *Adjudicative Disclosures.* If the Department determines that disclosure of certain records to an adjudicative body before which the Department is authorized to appear or to an individual or entity designated by the Department or otherwise empowered to resolve or mediate disputes is relevant and necessary to litigation or ADR, the Department may disclose those records as a routine use to the adjudicative body, individual, or entity.

(d) *Parties, Counsel, Representatives, and Witnesses.* If the Department determines that disclosure of certain records is relevant and necessary to litigation or ADR, the Department may disclose those records as a routine use to the party, counsel, representative, or witness.

(5) *Freedom of Information Act (FOIA) or Privacy Act Advice Disclosure.* The Department may disclose records to the DOJ or the Office of Management and Budget (OMB) if the Department seeks advice regarding whether records maintained in this system of records are required to be disclosed under the FOIA or the Privacy Act.

(6) *Contract Disclosure.* If the Department contracts with an entity to perform any function that requires disclosing records to the contractor's employees, the Department may disclose the records to those employees. Before entering into such a contract, the Department shall require the contractor to establish and maintain the safeguards required under the Privacy Act (5 U.S.C. 552a(m)) with respect to the records in the system.

(7) *Congressional Member Disclosure.* The Department may disclose records to a Member of Congress in response to an inquiry from the Member made at the written request of the individual whose records are being disclosed. The Member's right to the information is no greater than the right of the individual who requested it.

(8) *Employment, Benefit, and Contracting Disclosure.*

(a) *For Decisions by the Department.* The Department may disclose a record to a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent records, or to another public authority or professional organization, if necessary to obtain information relevant

to a Department decision concerning the hiring or retention of an employee or other personnel action, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

(b) *For Decisions by Other Public Agencies and Professional Organizations.* The Department may disclose a record to a Federal, State, local, or other public authority or professional organization, in connection with the hiring or retention of an employee or other personnel action, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit, to the extent that the record is relevant and necessary to the receiving entity's decision on the matter.

(9) *Employee Grievance, Complaint, or Conduct Disclosure.* The Department may disclose a record in this system of records to another agency of the Federal Government if the record is relevant to one of the following proceedings regarding a present or former employee of the Department: Complaint, grievance, or disciplinary or competency determination proceedings. The disclosure may only be made during the course of the proceeding.

(10) *Labor Organization Disclosure.* The Department may disclose records from this system of records to an arbitrator to resolve disputes under a negotiated grievance procedure or to officials of labor organizations recognized under 5 U.S.C. chapter 71 when relevant and necessary to their duties of exclusive representation.

(11) *Disclosure to the DOJ.* The Department may disclose records to the DOJ to the extent necessary for obtaining DOJ advice on any matter relevant to an audit, inspection, or other inquiry related to the programs covered by this system.

(12) *Disclosure to the OMB for CRA Support.* The Department may disclose records to OMB as necessary to fulfill CRA requirements. These requirements currently include transfer of data on lender interest benefits and special allowance payments, defaulted loan balances, and supplemental pre-claims assistance payments information.

(13) *Disclosure in the Course of Responding to Breach of Data.* The Department may disclose records from this system to appropriate agencies, entities, and persons when: (a) The Department suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (b) the Department has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the Department or another agency or entity) that rely upon the compromised information; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): The Department may disclose the following information to a consumer reporting agency regarding a valid overdue claim of the Department: (1) The name, address, taxpayer identification number and other information necessary to establish the identity of the individual responsible for the claim; (2) the amount, status, and history of the claim; and (3) the program under which the claim arose. The Department may disclose the information specified in this paragraph under 5 U.S.C. 552a(b)(12) and the procedures contained in subsection 31 U.S.C. 3711(e). A consumer reporting agency to which these disclosures may be made is defined at 15 U.S.C. 1681a(f) and 31 U.S.C. 3701(a)(3).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The records are maintained electronically.

RETRIEVABILITY:

In order for users to retrieve student/borrower information they must supply the student/borrower SSN, name, and date of birth.

SAFEGUARDS:

Physical access to this system housed within the Virtual Data Center is controlled by a computerized badge reading system, and the entire complex is patrolled by security personnel during non-business hours. The computer system employed by the Department offers a high degree of resistance to tampering and circumvention. Multiple levels of security are maintained within the computer system control program. This security system limits data access to Department and contract staff on a "need-to-know" basis, and controls individual users' ability to access and alter records within the system. All users of this system of records are given a unique user ID with personal identifiers. All interactions by individual users with the system are recorded.

RETENTION AND DISPOSAL:

Records are retained for 15 years after an account is paid in full, then destroyed in accordance with the Department's records retention and disposition schedule 051.

SYSTEM MANAGER(S) AND ADDRESS:

Director, National Student Loan Data System, Federal Student Aid, U.S. Department of Education, 830 First Street, NE., UCP, room 44D2, Washington, DC 20202–5454.

NOTIFICATION PROCEDURE:

If you wish to determine whether a record exists regarding you in this system of records, contact the system manager and provide your name, date of birth, SSN, and the name of the school or lender from which the loan or grant was obtained. Requests for notification about whether the system of records contains information about an individual must meet the requirements of the regulations at 34 CFR 5b.5, including proof of identity.

RECORD ACCESS PROCEDURES:

If you wish to gain access to a record in this system, contact the system manager and provide information as described in the notification procedure. Requests by an individual for access to a record must meet the requirements of the regulations at 34 CFR 5b.5, including proof of identity.

CONTESTING RECORD PROCEDURES:

If you wish to contest the content of a record in the system of records, you must contact the system manager with the information described in the notification procedures, identify the specific item(s) to be changed, and provide a justification for the change, including any supporting documentation. Requests to amend a record must meet the requirements of the Department's Privacy Act regulations at 34 CFR 5b.7.

RECORD SOURCE CATEGORIES:

Information is obtained from the Free Application for Federal Student Aid completed by students and parents, guaranty agencies, educational institutions, financial institutions and servicers. Information is also obtained from other Department systems such as the Direct Loan Servicing System (covered by the system of records entitled "Common Services for Borrowers"); Debt Management

Collection System (covered by the system of records entitled "Common Servicers for Borrowers"); Common Origination and Disbursement System; Financial Management System; Student Aid Internet Gateway, Participant Management System; Postsecondary Education Participants System and Central Processing System (covered by the system of records entitled "Federal Student Aid Application File").

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 2010–22224 Filed 9–3–10; 8:45 am]

BILLING CODE 4000–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2010–0350; FRL–9196–7; EPA ICR Number 2256.03; OMB Control Number 2060–0598]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; NESHAP for Area Sources: Acrylic and Modacrylic Fibers Production, Carbon Black Production, Chemical Manufacturing: Chromium Compounds, Flexible Polyurethane Foam Production and Fabrication, Lead Acid Battery Manufacturing, and Wood Preserving (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request to renew an existing approved collection. The ICR which is abstracted below describes the nature of the collection and the estimated burden and cost.

DATES: Additional comments may be submitted on or before October 7, 2010.

ADDRESSES: Submit your comments, referencing docket ID number EPA–HQ–OECA–2010–0350 to (1) EPA online using *http://www.regulations.gov* (our preferred method), or by e-mail to *docket.oeca@epa.gov*, or by mail to: EPA Docket Center (EPA/DC), Environmental Protection Agency, Enforcement and Compliance Docket and Information Center, mail code 28221T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, and (2) OMB at: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Learia Williams, Compliance Assessment and Media Programs Division, Office of Compliance, Mail Code 2223A, Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone number: (202) 564–4113; fax number: (202) 564–0050; e-mail address: *williams.learia@epa.gov.*

SUPPLEMENTARY INFORMATION: EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On June 2, 2010 (75 FR 30813), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received no comments. Any additional comments on this ICR should be submitted to EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under docket ID number EPA–HQ–OECA–2010–0350, which is available for public viewing online at *http://www.regulations.gov*, in person viewing at the Enforcement and Compliance Docket in the EPA Docket Center (EPA/DC), EPA West, 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 Reading Room is (202) 566–1744, and the telephone number for the Enforcement and Compliance Docket is (202) 566–1752.

Use EPA's electronic docket and comment system at *http://www.regulations.gov*, to submit or view public comments, access the index listing of the contents of the docket, and to access those documents, whether submitted electronically or in paper will be made available for public viewing at *http://www.regulations.gov*, as EPA receives them and without change, unless the comment contains copyrighted material, Confidential Business Information (CBI), or other information whose public disclosure is restricted by statute. For further information about in the docket that are available electronically. Once in the system, select "docket search," then key in the docket ID number identified above. Please note that EPA's policy is that public comments the electronic docket, go to *http://www.regulations.gov.*

Title: NESHAP for Area Sources: Acrylic and Modacrylic Fibers Production, Carbon Black Production, Chemical Manufacturing: Chromium Compounds, Flexible Polyurethane Foam Production and Fabrication, Lead Acid Battery Manufacturing, and Wood Preserving (Renewal).

ICR Numbers: EPA ICR Number 2256.03, OMB Control Number 2060–0598.

ICR Status: This ICR is scheduled to expire on October 31, 2010. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB. 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 OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, and displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: The National Emission Standards for Hazardous Air Pollutants (NESHAP) for Area Sources: Acrylic and Modacrylic Fibers Production, Carbon Black Production, Chemical Manufacturing: Chromium Compounds, Flexible Polyurethane Foam Production and Fabrication, Lead Acid Battery Manufacturing, and Wood Preserving were proposed on April 4, 2007, and promulgated on July 16, 2007.

Owners and operators of NESHAP for Area Sources: Acrylic and Modacrylic Fibers Production, Carbon Black Production, Chemical Manufacturing: Chromium Compounds, Flexible Polyurethane Foam Production and Fabrication, Lead Acid Battery Manufacturing, and Wood Preserving, must submit an initial notification of applicability, a notification of compliance status, initial performance test, and periodic reports and results. Owners and operators of an existing affected source are also required to comply with the requirements of any startup, shutdown, or malfunction in the operation of an affected facility. Semiannual reports are also required.

Any owner or operator subject to the provisions of this part shall maintain a file of these measurements, and retain the file for at least five years following the date of such measurements, maintain reports and records. Performance tests reports are required as this is the Agency's record of a source's initial capability to comply with the emission standard, and they serve as a record of the operating conditions under which compliance was achieved.

All reports are sent to the delegated State or local authority. In the event that there is no such delegated authority, the reports are sent directly to the EPA regional office. This information is being collected to assure compliance with 40 CFR part 63, subpart LLLLLL, 40 CFR part 63, subpart MMMMMM, 40 CFR part 63, subpart NNNNNN, 40 CFR part 63, subpart OOOOOO, 40 CFR part 63, subpart PPPPPP, and 40 CFR part 63, subpart QQQQQQ, as authorized in sections 112 and 114(a) of the Clean Air Act. The required information consists of emissions data and other information that have been determined to be private.

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 OMB Control Number for EPA's regulations are list in 40 CFR part 9 and 48 CFR chapter 15, and are identified on the form and/or instrument, if applicable.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information are estimated to average 12 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining, information, and disclosing and providing information. All existing ways will have to adjust to comply with any previously applicable instructions and requirements that have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Acrylic and Modacrylic Fibers Production, Carbon Black Production, Chemical Manufacturing: Chromium Compounds, Flexible Polyurethane Foam Production and Fabrication, Lead Acid Battery Manufacturing, and Wood Preserving.

Estimated Number of Respondents: 319.

Frequency of Response: Initially, semiannually, and occasionally.

Estimated Total Annual Hour Burden: 4,233.

Estimated Total Annual Cost: $399,523, which includes $399,523 in labor costs, no capital/startup costs, and no operation and maintenance (O&M) costs.

Changes in the Estimates: There is a decrease in the number of affected facilities due to a more accurate accounting of existing sources. This decrease is not due to any program changes.

There is an increase in the estimated labor burden hours and cost as currently identified in the OMB Inventory of Approved Burdens. The increase is due to more accurate calculations, and the use of more recent labor rates.

Dated: August 26, 2010.

John Moses,

Director, Collection Strategies Division.

[FR Doc. 2010–22184 Filed 9–3–10; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2009–0886; FRL–9196–6]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; Submission of Unreasonable Adverse Effects Information Under FIFRA Section 6(a)(2); EPA ICR No. 1204.11, OMB Control No. 2070–0039

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA)(44 U.S.C. 3501 et seq.), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request to renew an existing approved collection. The ICR, which is abstracted below, describes the nature of the information collection and its estimated burden and cost.

DATES: Additional comments may be submitted on or before October 7, 2010.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OPP–2009–0886, to (1) EPA online using *http://www.regulations.gov* (our preferred method), or by mail to: EPA Docket Center, Environmental Protection Agency, Pesticide Public Regulatory Docket at Potomac Yard, 7502P, 1200 Pennsylvania Ave., NW., Washington, DC 20460, and (2) OMB by mail to: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Cameo G. Smoot, Field and External Affairs Division, Office of Pesticide Programs, 7506P, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: 703–305–5454; fax number: 703–305–5884; e-mail address: *smoot.cameo@epa.gov.*

SUPPLEMENTARY INFORMATION: EPA has submitted the following ICR to OMB for review and approval according to the Paperwork Reduction Act (PRA)(44 U.S.C. 3501 et seq.), and procedures prescribed in 5 CFR 1320.12. On February 24, 2010, EPA sought comments on the renewal ICR, (75 FR 8336), pursuant to 5 CFR 1320.8(d). EPA received no comments during the comment period. Any additional comments on this ICR should be submitted to EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under Docket ID No. EPA–OPP–2009–0886, which is available for online viewing at *http://www.regulations.gov*, or in person viewing at the Pesticides Public Regulatory Docket, One Potomac Yard, 2777 S. Crystal Drive, Room S–4400 Arlington, VA, 22202. The Pesticide Public Reading Room is open from 8 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is 703–305–5805.

Use EPA's electronic docket and comment system at *http://www.regulations.gov*, to submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the docket that are available electronically. Once in the system, select "docket search," then key in the docket ID number identified above. Please note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing at *http://www.regulations.gov* as EPA receives them and without change, unless the comment contains copyrighted material, confidential business information (CBI), or other information whose public disclosure is restricted by statute. For further information about the electronic docket, go to *http://www.regulations.gov.*

Title: Submission of Unreasonable Adverse Effects Information under FIFRA Section 6(a)(2).

ICR numbers: EPA ICR No. 1204.11, OMB Control No. 2070.0039.

ICR Status: The current OMB approval for this ICR is scheduled to expire on October 31, 2010. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is

pending at OMB. This ICR is for an ongoing information collection activity. 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 OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the Final Rule and in the **Federal Register** when approved, are listed in 40 CFR part 9 or by other appropriate means, such as on the related collection instrument or form, if applicable.

Abstract: Section 6(a)(2) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), requires pesticide registrants to submit information to the Agency which may be relevant to the balancing of the risks and benefits of a pesticide product. The statute requires the registrant to submit any factual information that it acquires regarding adverse effects associated with its pesticidal products, and it is up to the Agency to determine whether or not that factual information constitutes an unreasonable adverse effect. In order to limit the amount of less meaningful information that might be submitted to the Agency, the EPA has limited the scope of factual information that the registrant must submit. The agency's regulations at 40 CFR part 159 provide a detailed description of the reporting obligations of registrants under FIFRA section 6(a)(2).

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average about 117 hours per respondent. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Pesticide Registrants.

Estimated Total Number of Respondents: 1733.

Frequency of Response: As necessary.

Estimated Total Annual Hour Burden: 203,236.

Estimated Total Annual Cost: $11,793,027.

Changes in the Estimates: There is an increase of 35,920 hours in the total estimated burden currently identified in the OMB Inventory of Approved ICR Burdens. This adjustment reflects the increase of the number of registrants of active products (1,733 versus 1,720) and an increase in the estimated burden to account for additional employees being trained.

Dated: August 27, 2010.

John Moses,

Director, Collection Strategies Division.

[FR Doc. 2010–22187 Filed 9–3–10; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2010–0291; FRL–9196–8]

Agency Information Collection Activities: Submission to OMB for Review and Approval; State Review Framework; EPA ICR Number 2185.04; OMB Control No. 2020–0031

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request to renew an existing approved collection. The ICR, which is abstracted below, describes the nature of the information collection and its estimated burden and cost.

DATES: Additional comments may be submitted on or before October 7, 2010.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OECA–2010–0291, by one of the following methods:

- *http://www.regulations.gov:* (our preferred method) Follow the on-line instructions for submitting comments.
- *E-mail: gilbertson.sue@epa.gov.*
- *Fax:* 202–564–0027.
- *Mail:* Enforcement and Compliance Docket, Environmental Protection Agency, Mailcode: 2201T, 1200 Pennsylvania Ave., NW., Washington, DC 20460.
- *Hand Delivery:* Information Center in the EPA Docket Center (EPA/DC), EPA West, 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 Reading Room is (202) 566–1744, and the telephone number for the Enforcement and Compliance Docket is (202) 566–1752. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

FOR FURTHER INFORMATION CONTACT: Susan Gilbertson, Office of Enforcement and Compliance Assurance, Office of Compliance, MC: 2221A, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: 202–566–2351; fax number: 202–564–0027; e-mail address: *gilbertson.sue@epa.gov.*

SUPPLEMENTARY INFORMATION: EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On April 14, 2010 (75 FR 19384), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received no comments. Any additional comments on this ICR should be submitted to EPA and OMB within 30 days of this notice. EPA has established a public docket for this ICR under Docket ID No. EPA–HQ–OECA–2010–0291, which is available for online viewing at *http://www.regulations.gov* or in person viewing at the Enforcement and Compliance Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The EPA/DC 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 Reading Room is 202–566–1744, and the telephone number for the Enforcement and Compliance Docket is 202–566–1752. Use EPA's electronic docket and comment system at *http://www.regulations.gov,* to submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the docket that are available electronically. Once in the system, select "docket search," then key in the docket ID number identified above. Please note that EPA's policy is that public comments, whether submitted electronically or on paper, will be made available for public viewing at *http://www.regulations.gov* as EPA receives them and without change, unless the comment contains copyrighted material, confidential business information (CBI), or other information whose public disclosure is restricted by statute. For further information about the electronic docket, go to *http://www.regulations.gov.*

Title: State Review Framework.

ICR numbers: EPA ICR No. 2185.04, OMB Control No. 2020–0031.

ICR status: This ICR is scheduled to expire on April 30, 2011. 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 OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, and are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR Part 9.

Abstract: The State Review Framework ("Framework") is an oversight tool designed to assess state performance in enforcement and compliance assurance. The Framework's goal is to evaluate state performance by examining existing data to provide a consistent level of oversight and develop a uniform mechanism by which EPA Regions, working collaboratively with their states, can ensure that state environmental agencies are consistently implementing the national compliance and enforcement program in order to meet agreed-upon goals. Furthermore, the Framework is designed to foster dialogue on enforcement and compliance performance between the states that will enhance relationships and increase feedback, which will in turn lead to consistent program management and improved environmental results. The Framework is described in the April 26, 2005, **Federal Register** Notice (79 FR 21408) [*http://edocket.access.gpo.gov/2005/pdf/05–8320.pdf*]. This amendment will allow OECA to collect information from enforcement and compliance files reviewed during routine on-site visits of state or local agency offices that will assist in the evaluation of the State Review Framework implementation from FY 2011 to the end of FY 2013. This request will allow EPA to make inquiries to assess the State Review Framework process, including the consistency achieved among the EPA Regions and states, the resources required to conduct the reviews, and the overall effectiveness of the program.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 612 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

The ICR provides a detailed explanation of the Agency's estimate, which is only briefly summarized here:

Estimated total number of potential respondents: 54.

Frequency of response: Once every four years.

Estimated total average number of responses for each respondent: One.

Estimated total annual burden hours: 11,016 hours.

Estimated total annual costs: $393,343. This includes an estimated burden cost of $0 for capital investment or maintenance and operational costs.

Changes in the Estimates: There has been no increase in the hours in the total estimated respondent burden compared with that identified in the ICR currently approved by OMB. There has been an increase in the cost in the total estimated respondent burden based on rates from the Office of Personnel Management (OPM) "2010 General Schedule."

Dated: August 26, 2010.

John Moses,

Director, Collection Strategies Division.

[FR Doc. 2010–22193 Filed 9–3–10; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2009–0887; FRL–9196–9; EPA ICR No. 0616.10; OMB Control No. 2070–0052]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; Compliance Requirement for Child-Resistant Packaging

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA)(44 U.S.C. 3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request to renew an existing approved collection. The ICR, which is abstracted below, describes the nature of the information collection and its estimated burden and cost.

DATES: Additional comments may be submitted on or before October 7, 2010.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OPP–2009–0887, to (1) EPA online using *http://www.regulations.gov* (our preferred method), or by mail to: EPA Docket Center, Environmental Protection Agency, OPP Regulatory Public Docket (7502P), Office of Pesticide Programs (OPP), 1200 Pennsylvania Ave., NW., Washington, DC 20460, and (2) OMB by mail to: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Scott Drewes, Field and External Affairs Division, Office of Pesticide Programs, (7506P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: 703–347–0107; fax number: 703–305–5884; e-mail address: *Drewes.Scott@epa.gov.*

SUPPLEMENTARY INFORMATION: EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On Wednesday, March 3, 2010 (75 FR 9594), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received no comments. Any additional comments on this ICR should be submitted to EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under Docket ID No. EPA–HQ–OPP–2009–0887, which is available for online viewing at *http://www.regulations.gov,* or in person viewing at the OPP Regulatory Public Docket in Rm. S–4400, One Potomac Yard (South Building), 2777 S. Crystal Drive, Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the OPP Regulatory Public Docket is 703–305–5805.

Use EPA's electronic docket and comment system at *http://www.regulations.gov,* to submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the docket

that are available electronically. Once in the system, select "docket search," then key in the docket ID number identified above. Please note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing at *http://www.regulations.gov* as EPA receives them and without change, unless the comment contains copyrighted material, confidential business information (CBI), or other information whose public disclosure is restricted by statute. For further information about the electronic docket, go to *http://www.regulations.gov.*

Title: Compliance Requirement for Child-Resistant Packaging.

ICR numbers: EPA ICR No. 0616.10, OMB Control No. 2070–0052.

ICR Status: This ICR is scheduled to expire on November 30, 2010. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB. 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 OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: This ICR is designed to provide the EPA with assurances that the packaging of pesticide products sold and distributed to the general public in the United States meets standards set forth by the Agency pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Unless a pesticide product qualifies for an exemption, if the product meets certain criteria regarding toxicity and use, it must be sold and distributed in child-resistant packaging. Section 25(c)(3) of FIFRA authorizes EPA to establish standards for packaging of pesticide products and pesticidal devices to protect children and adults from serious illness or injury resulting from accidental ingestion or contact. The law requires that these standards are designed to be consistent with those under the Poison Prevention Packaging Act, administered by the Consumer Product Safety Commission (CPSC). Pesticide registrants must certify to the Agency that the packaging or device meets these standards. EPA reviews a registrant's child-resistant packaging (CRP) certification to determine if there are human safety/health risk concerns. Exemption requests are reviewed to ascertain if there is a health risk, and if CRP is technically feasible, practicable, and appropriate.

Responses to this collection of information are mandatory under authority of 40 CFR part 157.34. Although submission of confidential information is not required as a part of this information collection, there has been at least one instance where confidential data have been submitted voluntarily as supporting material for an exemption request from CRP compliance requirements. When any trade secret or Confidential Business Information (CBI) is provided to EPA, such information is protected from disclosure under section 10 of FIFRA. Data submitted to EPA is handled strictly in accordance with the provisions of the FIFRA Confidential Business Information Manual.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 4.2 hours per response. The ICR provides a detailed explanation of this estimate, which is only briefly summarized here, and is available in the public docket.

Respondents/Affected Entities: All registrants of pesticide products meeting the use criteria which trigger Child-Resistant Packaging (CRP) requirements.

Estimated Number of Responses: 1,165.

Frequency of Response: On Occasion.

Estimated Total Annual Hour Burden: 4,893.

Estimated Total Annual Cost: $261,237.

Changes in the Estimates: There is an increase of 1,420 hours in the total estimated burden currently identified in the OMB Inventory of Approved ICR Burdens. This increase reflects EPA's expectation of an increase in the number of responses driven by an influx of CRP certifications associated with the implementation of the registration review program. In addition, the exclusive use period for certain pesticide chemicals is expiring. Registrants with products using these chemicals will now be required to provide their own CRP test data, which will have to be reviewed for human safety/health risk concerns. The total burden hours per response for compliance with the CRP requirements decreased from 4.94 hours to 4.20 hours. The average burden estimate for CRP exemptions has increased. However, the distribution of responses has changed, resulting in a net shift from more burdensome to less burdensome type responses. This change is an adjustment.

Dated: August 28, 2010.

John Moses,

Director, Collection Strategies Division.

[FR Doc. 2010–22196 Filed 9–3–10; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9197–1]

National Environmental Justice Advisory Council; Notification of Public Teleconference and Public Comment

AGENCY: Environmental Protection Agency.

ACTION: Notification of Public Teleconference and Public Comment.

SUMMARY: Pursuant to the Federal Advisory Committee Act (FACA), Public Law 92–463, the U.S. Environmental Protection Agency (EPA) hereby provides notice that the National Environmental Justice Advisory Council (NEJAC) will host a public teleconference meeting on Monday, September 23, 2010, starting at 1 p.m. Eastern Time. The primary topics of discussion will be EPA's charge to the NEJAC on incorporating environmental justice concerns into permits under Federal environmental laws, and EPA's draft Plan EJ 2014. This NEJAC National Public Teleconference meeting is open to the public. There will be a public comment period beginning at 3:30 p.m. until 4 p.m. Eastern Time. Members of the public are encouraged to provide comments relevant to the topic of the meeting.

For additional information about registering to attend the meeting or to provide public comment, please see **SUPPLEMENTARY INFORMATION**. Due to a limited number of telephone lines, attendance will be on a first-come, first-served basis. *There is no fee to attend, but pre-registration is required.* Registration for the teleconference meeting closes September 20, 2010. The deadline to sign up for public comment, or to submit written public comments, is also September 20.

DATES: The NEJAC teleconference meeting on September 23, 2010, will begin promptly at 1 p.m. Eastern Time.

FOR FURTHER INFORMATION, CONTACT: To register via E-mail: Send an e-mail to *NEJACSeptember2010meeting@AlwaysPursuingExcellence.com* with "Register for the September NEJAC Teleconference" in the subject line.

Please provide your name, organization, city and state, e-mail address, and telephone number for future follow-up. To register by Phone or Fax: Send a fax (please print), or leave a voice message, with your name, organization, city and state, e-mail address, and telephone number to 877–773–0779. Please remember to specify which meeting you are registering to attend (*e.g.* NEJAC—September meeting). Please also state whether you would like to be put on the list to provide public comment, and whether you are submitting written comments before the September 23 deadline. Non-English speaking attendees wishing to arrange for a foreign language interpreter also may make appropriate arrangements using these numbers.

Questions or correspondence concerning the teleconference meeting should be directed to Mr. Aaron Bell, U.S. Environmental Protection Agency, at 1200 Pennsylvania Avenue, NW., (MC2201A), Washington, DC 20460; by telephone at (202) 564–1044, via e-mail at *Bell.Aaron@epa.gov*; or by fax at (202) 564–1624. Additional information about the NEJAC and upcoming meetings is available on the following Web site: *http://www.epa.gov/environmental justice/nejac/meetings.html.*

SUPPLEMENTARY INFORMATION: The Charter of the NEJAC states that the advisory committee shall provide independent advice to the Administrator on areas that may include, among other things, "advice about broad, cross-cutting issues related to environmental justice, including environment-related strategic, scientific, technological, regulatory, and economic issues related to environmental justice."

A. Public Comment: Members of the public who wish to attend the September 23, 2010, teleconference meeting or to provide public comment must pre-register by 11 a.m. Eastern Time, Monday, September 20. Individuals or groups making remarks during the public comment period will be limited to a total time of five minutes. Only one representative of a community, organization, or group will be allowed to speak. Written comments also can be submitted for the record. The suggested format for individuals providing public comments is as follows: Name of Speaker, Name of Organization/Community/E-mail, a brief description of the concern, and what you want the NEJAC to advise EPA to do. Written comments received by 11 a.m. Eastern Time, Thursday, September 23, 2010, will be included in the materials distributed to the members of the NEJAC. Written comments received after that time will be provided to the NEJAC as time allows. All written comments should be sent to EPA's support contractor, APEX Direct, Inc., via e-mail or fax as listed in the **FOR MORE INFORMATION CONTACT** section above.

B. Information about Services for Individuals with Disabilities: For information about access or services for individuals with disabilities, please contact Ms. Estela Rosas, EPA Contractor, APEX Direct, Inc., at 877–773–0779 or via e-mail at *NEJACSeptember2010meeting@AlwaysPursuingExcellence.com.* To request special accommodations for a disability, please contact Ms. Rosas, at least 5 working days prior to the meeting, to give EPA sufficient time to process your request. All requests should be sent to the address, e-mail, or FAX number listed in the **FOR FURTHER INFORMATION, CONTACT** section above.

Dated: August 31, 2010.

Victoria Robinson,

Designated Federal Officer, National Environmental Justice Advisory Council.

[FR Doc. 2010–22199 Filed 9–3–10; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

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 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 office 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 September 22, 2010.

A. Federal Reserve Bank of Chicago, (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690-1414:

1. The Thomas C. Pangborn Trust, with Thomas C. Pangborn as trustee, and the Trust, together with Thomas C. Pangborn, Traverse City, Michigan, Heidi M. Pangborn, Traverse City, Michigan, Emily Davies, Oakland, California, and Christine A. Wherry, Chicago, Illinois, as a group acting in concert, to acquire more than 25 percent of the outstanding voting shares of TCSB Bancorp, Inc., Traverse City, Michigan, and thereby indirectly acquire control of Traverse City State Bank, Traverse City, Michigan.

Board of Governors of the Federal Reserve System, September 1, 2010.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 2010–22157 Filed 9–3–10; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at *www.ffiec.gov/nic/*.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 1, 2010.

A. Federal Reserve Bank of St. Louis (Glenda Wilson, Community Affairs Officer) 411 Locust Street, St. Louis, Missouri 63166-2034:

1. First Bank Corp, Fort Smith, Arkansas, to acquire 9.99 percent of

Bankshares of Fayetteville, Inc., Fayetteville, Arkansas, and thereby indirectly acquire Bank of Fayetteville, Fayetteville, Arkansas.

Board of Governors of the Federal Reserve System, September 1, 2010.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 2010–22156 Filed 9–3–10; 8:45 am]

BILLING CODE 6210–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Comment Request

In compliance with the requirement for opportunity for public comment on proposed data collection projects (section 3506(c)(2)(A) of Title 44, United States Code, as amended by the Paperwork Reduction Act of 1995, Pub. L. 104–13), the Health Resources and Services Administration (HRSA) publishes periodic summaries of proposed projects being developed for submission to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995. To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, e-mail *paperwork@hrsa.gov* or call the HRSA Reports Clearance Officer at (301) 443–1129.

Comments are invited on: (a) The proposed collection of information for the proper performance of the functions of the agency; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed Project: National Health Service Corps Information Follow-up Form—[New]

The National Health Service Corps (NHSC) of the Bureau of Clinician Recruitment and Service, HRSA, is committed to improving the health of the Nation's underserved by uniting communities in need with caring health professionals and by supporting communities' efforts to build better systems of care.

The NHSC Information Follow-up Form, which NHSC will use when exhibiting at national and regional conferences as well as when presenting on campuses to health profession students, is an optional form that a health profession student, licensed clinician, faculty member, or clinical site administrator can fill out. Individuals who submit the form to NHSC, may ask questions and/or sign up to receive periodic program updates and other general information regarding opportunities with the NHSC via e-mail. An individual is free to discontinue receiving communication from NHSC at anytime by e-mailing *NHSCupdate@hrsa.gov*. Completed forms will contain information such as, the names of the individuals, their e-mail address(es), their city and State, their phone number, the organization where they are employed (or the school which they attend), the year they intend to graduate (if applicable), how they heard about NHSC, which NHSC programs they are interested in, *etc.* Assistance in completing the form will be given by the BCRS staff person (or BCRS representative) who is present at the event. Based on the FY10 exhibit and presentation schedule, NHSC could have gathered information from 2,400 individuals. Using this as a guide for future years, the estimated annual burden is as follows:

Form	Number of respondents	Responses per respondent	Total responses	Hours per response	Total burden hours
Information Follow-up Form	2,400	1	2,400	.025 (90 seconds)	60
Total	2,400	1	2,400	.025 (90 seconds)	60

E-mail comments to *paperwork@hrsa.gov* or mail the HRSA Reports Clearance Officer, Room 10–33, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. Written comments should be received within 60 days of this notice.

Dated: September 1, 2010.

Sahira Rafiullah,

Director, Division of Policy and Information Coordination.

[FR Doc. 2010–22233 Filed 9–3–10; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[OMB No.: 0970–0376]

Submission for OMB Review; Comment Request

Title: Strengthening Communities Fund Program Evaluation.

Description: This proposed information collection activity is to obtain evaluation information from Strengthening Communities Fund (SCF) grantees. Grantees include participants in two SCF grant programs contributing to the economic recovery as authorized in the American Recovery and Reinvestment Act of 2009 (ARRA). The SCF evaluation is an important opportunity to examine the outcomes achieved by the Strengthening Communities Fund in meeting its objective of improving the capacity of grantees that include Nonprofit organizations and State, Local and Tribal Governments. The evaluation for each program will be designed to assess progress and measure increased organizational capacity of grantees is each of the two SCF programs. The purpose of this request will be to establish the approved baseline instruments for follow-up data collection.

Respondents: SCF Grantees (both the Nonprofit Capacity Building Program and the Government Capacity Building Program) made up of state, local, and Tribal governments, as well as nonprofit organizations.

Annual Burden Estimates

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Nonprofit Capacity Building Program Performance Progress Report (PPR)	35	4	1	140
Government Capacity Building Program PPR	49	4	1	196

Estimated Total Annual Burden Hours: 336.

Additional Information:

Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, *Attn:* ACF Reports Clearance Officer. All requests should be identified by the title of the information collection. *E-mail address: infocollection@acf.hhs.gov.*

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, *Fax:* 202–395–7285, *E-mail: OIRA_SUBMISSION@OMB.EOP.GOV. Attn:* Desk Officer for the Administration for Children and Families.

Dated: August 31, 2010.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2010–22132 Filed 9–3–10; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2010–N–0436]

Center for Biologics Evaluation and Research eSubmitter Pilot Evaluation Program for Blood Establishments That Collect Whole Blood and Blood Components

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA), Center for Biologics Evaluation and Research (CBER) is announcing an invitation to participate in a pilot evaluation program for CBER's eSubmitter Program (eSubmitter). CBER's eSubmitter has been customized as an automated biologics license application (BLA) and BLA supplement (BLS) submission system for blood and blood components. Participation in the pilot program is open to blood establishments that collect Whole Blood and blood components. The pilot program is intended to provide industry and CBER regulatory review staff the opportunity to evaluate the eSubmitter system and determine if it facilitates the BLA/BLS submission process. The purpose of this notice is to invite blood establishments that collect Whole Blood and blood components to submit a request to CBER if they are interested in participating in this pilot program.

DATES: Submit a written or electronic request for participation in this program by October 7, 2010.

ADDRESSES: If you are interested in participating in this program, you should submit a request to participate in the program to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic requests to *http://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Lore Fields, Center for Biologics Evaluation and Research (HFM–375), Food and Drug Administration, 1401 Rockville Pike, suite 200N, Rockville, MD 20852–1448, 301–827–6143, FAX: 301–827–3534, email: *lore.fields@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

CBER regulates certain biological products, including blood and blood products, and is committed to advancing the public health through innovative activities that help ensure the safety, effectiveness and timely delivery of these products to patients. Further, CBER seeks to continuously enhance and update review efficiency and quality, and the quality of its regulatory efforts and interactions, by providing CBER staff and industry with improved processes. In support of this goal, CBER has participated in the FDA development of a computer-assisted automated BLA/BLS submission program called eSubmitter to improve the process for providing certain regulatory submissions to FDA. eSubmitter will include programs to submit applications for licensure, supplements to an approved license, and amendments to pending applications or supplements.

II. The eSubmitter Pilot Evaluation Program Expectations

The eSubmitter pilot evaluation program is expected to last approximately 12 months. During this period of time, participants will complete BLA/BLS regulatory submissions using the eSubmitter template developed at CBER for use by blood establishments that collect Whole Blood and blood components. eSubmitter was developed using the same review criteria for applications for these products as currently used in the BLA/BLS review process at CBER. During the BLA/BLS submission process, the participants will enter the requested information into the eSubmitter tool and attach requested documents as an Adobe document (pdf format). This information will be saved onto a CD–ROM and mailed to CBER for review. Paper copies of submissions will not be required. CBER will review the information provided on the CD–ROM and the attachments according to current managed review procedures.

During the BLA/BLS submission process, CBER staff will be available to answer any questions or concerns that may arise. As each submission is completed, the users will be asked to comment on the eSubmitter program. These discussions will assist CBER in the final development and release of this electronic tool for use by industry.

III. Requests for Participation

Requests to participate in the eSubmitter pilot are to be identified with the docket number found in brackets in the heading of this document. You should include the following information in your request: Contact name, contact phone number, email address, name of the establishment, address, and license number. Once requests for participation are received, FDA will contact interested establishments to discuss the pilot program.

Dated: August 31, 2010.

Leslie Kux,

Acting Assistant Commissioner for Policy.

[FR Doc. 2010–22167 Filed 9–3–10; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2010–E–0048]

Determination of Regulatory Review Period for Purposes of Patent Extension; EFFIENT

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for EFFIENT and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Director of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that human drug product.

ADDRESSES: Submit electronic comments to *http://www.regulations.gov*. Submit written petitions along with three copies and written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Beverly Friedman, Office of Regulatory Policy, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, rm. 6222, Silver Spring, MD 20993–0002, 301–796–3602.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Public Law 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Public Law 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA recently approved for marketing the human drug product EFFIENT (Prasugrel Hydrochloride). EFFIENT is a platelet inhibitor indicated for the reduction of thrombotic cardiovascular events (including stent thrombosis) in patients with acute coronary syndrome who are to be managed with percutaneous coronary intervention. Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for EFFIENT (U.S. Patent No. 5,288,726) from Daiichi Sankyo Co. Ltd., and UBE Industries, Ltd., and the Patent and Trademark Office requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated March 24, 2010, FDA advised the Patent and Trademark Office that this human drug product had undergone a regulatory review period and that the approval of EFFIENT represented the first permitted commercial marketing or use of the product. Thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for EFFIENT is 2,795 days. Of this time, 2,232 days occurred during the testing phase of the regulatory review period, while 563 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 355(i)) became effective*: November 16, 2001. FDA has verified the applicant's claim that the date the investigational new drug application became effective was on November 16, 2001.

2. *The date the application was initially submitted with respect to the human drug product under section 505(b) of the act*: December 26, 2007. FDA has verified the applicant's claim that the new drug application (NDA) for EFFIENT (NDA 22–307) was submitted on December 26, 2007.

3. *The date the application was approved*: July 10, 2009. FDA has verified the applicant's claim that NDA 22–307 was approved on July 10, 2009.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 1,679 days of patent term extension.

Anyone with knowledge that any of the dates as published are incorrect may submit to the Division of Dockets Management (see **ADDRESSES**) either electronic or written comments and ask for a redetermination by November 8, 2010. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by March 7, 2011. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) electronic or written comments and written petitions. It is only necessary to send one set of comments. It is no longer necessary to send three copies of mailed comments. However, if you submit a written petition, you must submit three copies of the petition. Identify comments with the docket number found in brackets in the heading of this document. Comments and petitions that have not been made publicly available on regulations.gov may be viewed in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Dated: August 13, 2010.

Jane A. Axelrad,

Associate Director for Policy, Center for Drug Evaluation and Research.

[FR Doc. 2010–22234 Filed 9–3–10; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2009–E–0583]

Determination of Regulatory Review Period for Purposes of Patent Extension; BRYAN CERVICAL DISC SYSTEM

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for BRYAN CERVICAL DISC SYSTEM and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Director of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that medical device.

ADDRESSES: Submit electronic comments to *http://www.regulations.gov*. Submit written petitions along with three copies and written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Beverly Friedman, Office of Regulatory Policy, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, rm. 6222, Silver Spring, MD 20993–0002, 301–796–3602.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Public Law 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Public Law 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For medical devices, the testing phase begins with a clinical investigation of the device and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the device and continues until permission to market the device is granted. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of Patents and Trademarks may award (half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a medical device will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(3)(B).

FDA recently approved for marketing the medical device BRYAN CERVICAL DISC SYSTEM. BRYAN CERVICAL DISC SYSTEM is indicated in skeletally mature patients for reconstruction of the disc from C3 to C7 following single-level discectomy for intractable radiculopathy and/or myelopathy. Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for BRYAN CERVICAL DISC SYSTEM (U.S. Patent No. 6,156,067) from Medtronic Sofamor Danek, Inc., and the Patent and Trademark Office requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated February 17, 2010, FDA advised the Patent and Trademark Office that this medical device had undergone a regulatory review period and that the approval of BRYAN CERVICAL DISC SYSTEM represented the first permitted commercial marketing or use of the product. Thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for BRYAN CERVICAL DISC SYSTEM is 2,702 days. Of this time, 1,653 days occurred during the testing phase of the regulatory review period, while 1,049 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 520(g) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360j(g)) involving this device became effective*: December 20, 2001. FDA has verified the applicant's claim that the date the investigational device exemption (IDE) required under section 520(g) of the act for human tests to begin became effective December 20, 2001.

2. *The date an application was initially submitted with respect to the device under section 515 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e)*: June 29, 2006. The applicant claims June 28, 2006, as the date the premarket approval application (PMA) for BRYAN CERVICAL DISC SYSTEM (PMA P060023) was initially submitted. However, FDA records indicate that PMA P060023 was submitted on June 29, 2006.

3. *The date the application was approved*: May 12, 2009. FDA has verified the applicant's claim that PMA P060023 was approved on May 12, 2009.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 1,826 days of patent term extension.

Anyone with knowledge that any of the dates as published are incorrect may submit to the Division of Dockets Management (see **ADDRESSES**) either electronic or written comments and ask for a redetermination by November 8, 2010. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by March 7, 2011. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) electronic or written comments and written petitions. It is only necessary to send one set of comments. It is no longer necessary to send three copies of mailed comments. However, if you submit a written petition, you must submit three copies of the petition. Identify comments with the docket number found in brackets in the heading of this document. Comments and petitions that have not been made publicly available on regulations.gov may be viewed in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Dated: August 13, 2010.

Jane A. Axelrad,

Associate Director for Policy, Center for Drug Evaluation and Research.

[FR Doc. 2010–22177 Filed 9–3–10; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, Public Health Service, HHS.

ACTION: Notice.

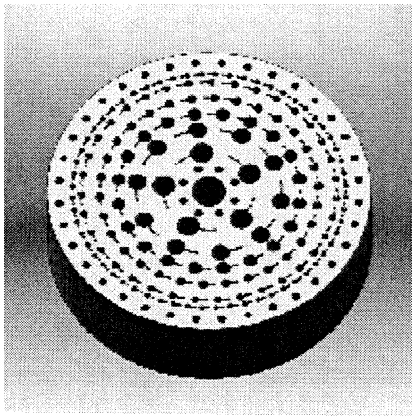
SUMMARY: The inventions listed below are owned by an agency of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of Federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

ADDRESSES: Licensing information and copies of the U.S. patent applications listed below may be obtained by writing to the indicated licensing contact at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301/496–7057; fax: 301/402–0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

Vortex Counter-Current Chromatography (CCC) System

Description of Invention: Available for licensing and commercial development is a vortex counter-current chromatography system. The system has a rotary frame engaged to a vortex separation column for rotation in one direction through a vortex separation shaft engaged to a pulley system. The rotary frame is engaged to a central shaft that rotates the rotary frame in a direction opposite that of the vortex separation column such that planetary motion is imparted to the vortex separation column. The vortex separation column may be configured to receive a solvent system separable between two immiscible liquid phases introduced into the vortex separation column. A pulley system is operatively engaged to the separation column shaft and the central shaft for rotating the separation column shaft and the cortex separation column in a synchronous rotational direction opposite to the rotational direction of the rotary frame for imparting a type-I planetary motion to the vortex separation column. A counter-weight column is engaged at a symmetrical position opposite the vortex separation column along the rotary frame, wherein the two immiscible liquid phases undergo a vortex motion during rotation of the vortex separation column such that mixing of the two immiscible liquid phases takes place with a plane perpendicular to an axis of the vortex separation column.

Compared with conventional CCC systems, the vortex system has much higher partition efficiency in terms of height equivalent to a theoretical plate (only 2 cm compared with 20 cm that is required for the conventional system). The vortex system also provides an advantage of low column pressure which facilitates application of a large industrial-scale separation without a risk of leakage of solvent and column damage caused by high pressure.



Applications

- Drug Discovery.
- Chromatography.
- Natural Products Research.

Inventors: Yoichiro Ito (NHLBI).

Publications

1. Ito Y, Bowman RL. Countercurrent chromatography with flow-through coil planet centrifuge. Science 1971;173:420–422. [PubMed: 5557320]

2. Ito Y, Bowman RL. Countercurrent chromatography with flow-through coil planet centrifuge. J Chromatogr Sci. 1973;11:284–291.

Patent Status: U.S. Provisional Application No. 61/368,157 filed 27 Jul 2010 (HHS Reference No. E–196–2010/0–US–01).

Licensing Status: Available for licensing.

Licensing Contact: Michael A. Shmilovich, Esq.; 301–435–5019; *shmilovm@mail.nih.gov.*

Superresolution Microscopy via Azicon Beam Polarization Devices

Description of Invention: The technology offered for licensing pertains to novel polarizers that produce tangentially and radially polarized beams. The polarizers and polarizing beam splitter of the technology include one or more pairs of axicons (also known as conical lenses) that are configured to separate an input beam into a radially polarized component and a tangentially (or azimuthally) polarized component. A second axicon pair can be positioned to recombine the tangentially polarized component so as to provide a more uniform beam intensity. The radial polarized component can be reflected or otherwise directed so that one or both the radial and tangential components are available for use.

Applications

The disclosed methods and apparatus of the technology can be used to provide radially or tangentially polarized beams (or both) to many applications. In particular, the technology can be effectively utilized in applications such as:

- Multi-photon microscopy.
- Microlithography.
- Ultrafine imaging in conjunction with the use of fluorophores.

Advantages: The technology provides higher optical resolution for certain applications as compared with currently used methodologies.

Development Status: The invention is fully developed.

Inventors: Jay R. Knutson (NHLBI).

Patent Status: U.S. Provisional Application No. 61/308,202 filed 25 Feb 2010 (HHS Reference No. E–251–2009/0–US–01).

Licensing Status: Available for licensing.

Licensing Contacts

- Uri Reichman, Ph.D., MBA; 301–435–4616; *UR7a@nih.gov.*
- Michael Shmilovich, Esq.; 301–435–5019; *shmilovm@mail.nih.gov.*

Collaborative Research Opportunity: The NHLBI Laboratory of Molecular Biophysics is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize this technology. Please contact Brian Bailey at 301–594–4094 for more information.

Mucosal Cytotoxic T Lymphocyte Responses

Description of Invention: The invention offered for licensing provides methods and compositions for induction of an antigen-specific, mucosal cytotoxic T lymphocyte (CTL) response useful in preventing and treating infections with pathogens that gain entry via a mucosal surface. The methods of the invention involve administering either a soluble antigen itself, or a polynucleotide encoding the

soluble antigen, to a mucosal surface. The soluble antigens can be full length, naturally occurring polypeptides or fragments (*i.e.* peptides) derived from them. The soluble antigen is administered with an adjuvant at the mucosal site or without an adjuvant. Adjuvants can be, for example, Cholera toxin (CT), mutant CT (MCT), E. coli heat labile enterotoxin (LT) and others. Cytokines like IL–12 or IFNγ can also be administered to enhance the immunoreactivity. Mucosal routes of administration include intrarectal (IR), intranasal (IN), intragastric (IG), intravaginal (IVG) or intratratracheal (IT). Soluble antigens can be derived from pathogenic viruses (*e.g.* HIV, influenza, or hepatitis virus), bacteria (*e.g.* Listeria monocytogenes), or prozoans. Furthermore, the soluble antigen can be tumor-associated antigen for cancer applications.

The utility of the technology has been extensively demonstrated when applied to HIV. Details about the HIV studies are provided in the eight (8) publications cited below.

Applications

- Immunization to treat infectious diseases.
- Possible applications in cancer therapy.

Development Status: Proof of concept has been demonstrated, in particular as related to HIV.

Inventors: Jay A. Berzofsky (NCI) *et al.*

Relevant Publications

1. Belyakov IM, Derby MA, Ahlers JD, Kelsall BL, Earl P, Moss B, Strober W, Berzofsky JA. Mucosal immunization with HIV–1 peptide vaccine induces mucosal and systemic cytotoxic T lymphocytes and protective immunity in mice against intrarectal recombinant HIV-vaccinia challenge. Proc Natl Acad Sci USA. 1998 Feb 17;95(4):1709–1714. [PubMed: 9465081]

2. Belyakov IM, Ahlers, JD, Brandwein BY, Earl P, Kelsall B, Moss B, Strober W, Berzofsky JA. The importance of local mucosal HIV-specific CD8+ cytotoxic T lymphocytes for resistance to mucosal viral transmission in mice and enhancement of resistance by local administration of IL–12. J Clin Invest. 1998 Dec 15;102(12):2072–2081. [PubMed: 9854042]

3. Belyakov IM, Ahlers JD, Clements JD, Strober W, Berzofsky JA. Interplay of cytokines and adjuvants in the regulation of mucosal and systemic HIV-specific CTL. J Immunol. 2000 Dec 1;165(11):6454–6462. [PubMed: 11086085]

4. Belyakov IM, Hel Z, Kelsall B, Kuznetsov VA, Ahlers JD, Nacsa J, Watkins DI, Allen TM, Sette A, Altman J, Woodward R, Markham PD, Clements JD, Franchini G, Strober W, Berzofsky JA. Mucosal AIDS vaccine reduces disease and viral load in gut reservoir and blood after mucosal infection of macaques. Nat Med. 2001 Dec;7(12):1320–1326. [PubMed: 11726972]

5. Belyakov IM, Kuznetsov VA, Kelsall B, Klinman D, Moniuszko M, Lemon M, Markham PD, Pal R, Clements JD, Lewis MG, Strober W, Franchini G, Berzofsky JA. Impact of vaccine-induced mucosal high avidity CD8+ CTLs in delay of AIDS-viral dissemination from mucosa. Blood 2006 Apr 15;107(8):3258–3264. [PubMed: 16373659]

6. Belyakov IM, Isakov DV, Zhu Q, Dzutsev A, Berzofsky JA. A novel functional CTL avidity/activity compartmentalization to the site of mucosal immunization contributes to protection of macaques against simian/human immunodeficiency viral depletion of mucosal CD4+ T cells. J Immunol. 2007 Jun 1;178(11):7211–7221. [PubMed: 17513770]

7. Belyakov IM, Ahlers JD, Nabel GJ, Moss B, Berzofsky JA. Generation of functionally active HIV–1 specific CD8+ CTL in intestinal mucosa following mucosal, systemic, or mixed prime-boost immunization. Virology 2008 Nov 10;381(1):106–115. [PubMed: 18793787]

8. Sui Y, Zhu Q, Gagnon S, Dzutsev A, Terabe M, Vaccari M, Venzon D, Klinman D, Strober W, Kelsall B, Franchini G, Belyakov IM, Berzofsky JA. Innate and adaptive immune correlates of vaccine and adjuvant-induced control of mucosal transmission of SIV in macaques. Proc Natl Acad Sci USA. 2010 May 25;107(21):9843–9848. [PubMed: 20457926]

Patent Status: HHS Reference No. E–268–1997/2—

- U.S. Patent Application No. 09/508,552, which issued as U.S. Patent No. 6,749,856 on 15 Jun 2004.
- Foreign patents issued in Australia (Application Number 93862/98 and Patent Number 757310) and in European countries (Application Number 98946965.5 and Patent Number 1011720): Germany, France, Ireland, United Kingdom, Italy, Portugal and Spain.
- Divisional U.S. Patent Application No. 10/815,340 filed 30 Mar 2004.

Licensing Status: Available for licensing and commercial development.

Licensing Contacts: Uri Reichman, PhD, MBA; 301–435–4616; *UR7a@nih.gov*; or John Stansberry, PhD; 301–435–5236; *js852e@nih.gov*.

Collaborative Research Opportunity: The Center for Cancer Research, Vaccine Branch, is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize Mucosal Cytotoxic T Lymphocyte Responses. Please contact John D. Hewes, PhD at 301–435–3121 or *hewesj@mail.nih.gov* for more information.

Dated: August 31, 2010.

Richard U. Rodriguez,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 2010–22182 Filed 9–3–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2010–D–0426]

Draft Guidance for Industry: Bar Code Label Requirements—Questions and Answers (Question 12 Update); Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft document entitled "Guidance for Industry: Bar Code Label Requirements—Questions and Answers (Question 12 Update)" dated August 2010. This draft guidance provides you, manufacturers of a licensed vaccine, with advice concerning compliance with the bar code label requirements. In this guidance, FDA is proposing to amend our response to question 12 (Q12) in the "Bar Code Label Requirements—Questions and Answers" guidance dated October 2006 (Bar Code Guidance), to provide recommendations to manufacturers of licensed vaccines in connection with the use of alternative coding technologies. When this guidance is finalized, we intend to incorporate the revised response to Q12 into the Bar Code Guidance, but otherwise continue with our recommendations for bar code label requirements as currently provided in the Bar Code Guidance.

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the agency considers your comment on this draft guidance before it begins work on the final version of the guidance, submit either electronic or written comments

on the draft guidance by November 8, 2010.

ADDRESSES: Submit written requests for single copies of the draft guidance to the Office of Communication, Outreach and Development (HFM–40), Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 1401 Rockville Pike, suite 200N, Rockville, MD 20852–1448. Send one self-addressed adhesive label to assist the office in processing your requests. The draft guidance may also be obtained by mail by calling CBER at 1–800–835–4709 or 301–827–1800. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

Submit electronic comments on the draft guidance to *http://www.regulations.gov*. Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Benjamin A. Chacko, Center for Biologics Evaluation and Research (HFM–17), Food and Drug Administration, 1401 Rockville Pike, suite 200N, Rockville, MD 20852–1448, 301–827–6210.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft document entitled "Guidance for Industry: Bar Code Label Requirements—Questions and Answers (Question 12 Update)" dated August 2010. FDA regulations require that certain human drug and biological product labels contain a bar code (§ 201.25 (21 CFR 201.25)). This draft guidance provides you, manufacturers of a licensed vaccine, with advice concerning compliance with the bar code label requirements. Previously, FDA issued questions and answers regarding how the bar code label requirements apply to specific products or circumstances in the Bar Code Guidance (October 5, 2006, 71 FR 58739). In this guidance, FDA is proposing to amend our response to question 12 (Q12) in the Bar Code Guidance to provide recommendations to manufacturers of licensed vaccines in connection with the use of alternative coding technologies. We are revising our response because we believe that an alternative regulatory program, comprised of alternative technology such as two dimensional symbology, could render the use of linear bar codes unnecessary for patient safety and could enhance health care providers' ability to comply with the National Childhood Vaccine Injury Act of 1986 (Public Law 99–660) (42 U.S.C. 300aa-25(a))). We would consider granting a request for exemption to the bar code requirement under § 201.25(d)(ii) in connection with such use.

II. Paperwork Reduction Act of 1995

The draft guidance refers to previously approved collections of information found in FDA regulations. The collection of information in 21 CFR part 201 has been approved under OMB control number 0910–0537.

III. Comments

The draft guidance is being distributed for comment purposes only and is not intended for implementation at this time. Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) either electronic or written comments regarding this document. It is only necessary to send one set of comments. It is no longer necessary to send two copies of mailed comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

IV. Electronic Access

Persons with access to the Internet may obtain the draft guidance at either *http://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/Guidances/default.htm* or *http://www.regulations.gov*.

Dated: August 16, 2010.

Leslie Kux,

Acting Assistant Commissioner for Policy.

[FR Doc. 2010–22169 Filed 9–3–10; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; 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: National Institute of Mental Health Special Emphasis Panel; ITVC Conflicts.

Date: October 6, 2010.

Time: 11 a.m. to 12:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852. (Telephone Conference Call)

Contact Person: Enid Light, PhD, Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Boulevard, Room 6132, MSC 9608, Bethesda, MD 20852, 301–443–3599, *elight@mail.nih.gov*.

Name of Committee: National Institute of Mental Health Special Emphasis Panel; K99.

Date: October 18, 2010.

Time: 11 a.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852. (Telephone Conference Call)

Contact Person: Megan Libbey, PhD, Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6148, MSC 9609, Rockville, MD 20852–9609, 301–402–6807, *libbeym@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.242, Mental Health Research Grants; 93.281, Scientist Development Award, Scientist Development Award for Clinicians, and Research Scientist Award; 93.282, Mental Health National Research Service Awards for Research Training, National Institutes of Health, HHS)

Dated: August 31, 2010.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–22185 Filed 9–3–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; 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 meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and

the discussions could disclose confidential trade secrets or commercial property such as patentable materials, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel, NIDA Clinical Science Conference Grant (R13) Review.

Date: September 29, 2010.

Time: 9 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6101 Executive Boulevard, Rockville, MD 20852. (Virtual Meeting)

Contact Person: Gerald L. McLaughlin, PhD, Scientific Review Administrator, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, Room 220, MSC 8401, 6101 Executive Blvd., Bethesda, MD 20892–8401. 301–402–6626. *gm145a@nih.gov.*

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel, NIDA B/Start Small Grant Review.

Date: October 20, 2010.

Time: 9 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6101 Executive Boulevard, Rockville, MD 20852. (Virtual Meeting)

Contact Person: Gerald L. McLaughlin, PhD, Scientific Review Administrator, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, Room 220, MSC 8401, 6101 Executive Blvd., Bethesda, MD 20892–8401. 301–402–6626. *gm145a@nih.gov.*

Name of Committee: National Institute on Drug Abuse Initial Review Group, Training and Career Development Subcommittee.

Date: November 3–5, 2010.

Time: 9 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Ritz-Carlton Hotel, 1150 22nd Street, NW., Rockville, MD 20852, Washington, DC 20037.

Contact Person: Kristen V. Huntley, PhD, Scientific Review Administrator, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, Room 220, MSC 8401, 6101 Executive Boulevard, Bethesda, MD 20892–8401. 301–435–1433. *huntleyk@mail.nih.gov.*

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel, NIDA I/Start Small Grant Review.

Date: November 10, 2010.

Time: 9 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6101 Executive Boulevard, Rockville, MD 20852. (Virtual Meeting.)

Contact Person: Gerald L. McLaughlin, PhD, Scientific Review Administrator, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, Room 220, MSC 8401, 6101 Executive Blvd., Bethesda, MD 20892–8401. 301–402–6626. *gm145a@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos.: 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: August 31, 2010.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–22183 Filed 9–3–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Negotiated Rulemaking Committee on Designation of Medically Underserved Populations and Health Professional Shortage Areas; Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of the following meeting:

Name: Negotiated Rulemaking Committee on Designation of Medically Underserved Populations and Health Professional Shortage Areas.

Date and time: September 22, 2010, 9:30 a.m. to 5 p.m.

September 23, 2010, 9 a.m. to 4:30 p.m.

September 24, 2010, 9 a.m. to12 p.m.

Place: The Legacy Hotel, Georgetown Room, 1775 Rockville Pike, Rockville, Maryland 20852, (301) 881–2300.

Status: The meeting will be open to the public.

Purpose: The purpose of the Negotiated Rulemaking Committee on Designation of Medically Underserved Populations and Health Professional Shortage Areas is to establish a comprehensive methodology and criteria for Designation of Medically Underserved Populations and Primary Care Health Professional Shortage Areas, using a Negotiated Rulemaking (NR) process. It is hoped that use of the NR process will yield a consensus among technical experts and stakeholders on a new rule, which will then be published as an Interim Final Rule in accordance with Section 5602 of Public Law 111–148, the Patient Protection and Affordable Care Act of 2010.

Agenda: The meeting will be held on Wednesday, September 22, Thursday, September 23 and Friday, September 24, and will include an orientation to the negotiated rulemaking process, ground rules for Committee operations, and an overview of the key topics on which the Committee will explore and seek consensus. The Friday morning meeting will include development of the agenda for the next meeting, as well as an opportunity for public comment.

FOR FURTHER INFORMATION CONTACT: For more information, please contact Lauren Krantz, Office of Shortage Designation, Bureau of Health Professions, Health Resources and Services Administration, Room 9A–18, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443–9027, E-mail *lkrantz@hrsa.gov*, or visit *http://bhpr.hrsa.gov/shortage/.*

SUPPLEMENTARY INFORMATION: Requests from the public to make oral comments or to provide written comments to the Committee should be sent to Lauren Krantz at the contact address above at least 10 days prior to the meeting. The meetings will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed above at least 10 days prior to the meeting. Members of the public will have the opportunity to provide comments at the Friday morning meeting.

Dated: September 1, 2010.

Sahira Rafiullah,

Director, Division of Policy and Information Coordination.

[FR Doc. 2010–22194 Filed 9–3–10; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2009–D–0007]

Animal Models—Essential Elements To Address Efficacy Under the Animal Rule; Notice of Public Meeting; and Reopening of Comment Period

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public meeting; and reopening of comment period.

SUMMARY: The Food and Drug Administration's (FDA or agency) Center for Biologics Evaluation and Research (CBER) and Center for Drug Evaluation and Research (CDER) are announcing a public meeting to solicit comments and concerns of industry, other government agencies, and interested parties on the regulatory and scientific challenges as addressed in the draft document entitled "Guidance for

Industry: Animal Models—Essential Elements to Address Efficacy Under the Animal Rule" dated January 2009 (Draft Guidance), and as related to the development of medical countermeasures under the "Animal Rule" with respect to chemical, biological, radiological, or nuclear (CBRN) threats. Comments on these issues will be considered in connection with the development of a final version of the Draft Guidance.

DATES: The public meeting will be held on November 5, 2010, from 8 a.m. to 5:30 p.m. Attendees who wish to request to make an oral presentation at the public meeting must register and submit their comments electronically by October 1, 2010. All non-presenting attendees must register electronically by October 27, 2010. See section III under **SUPPLEMENTARY INFORMATION** for the electronic submission of registration information, and the electronic submission of a request to make an oral presentation and the comments to be presented. The comment period for the Draft Guidance has been reopened until January 5, 2011.

ADDRESSES: The public meeting will be held at the FDA White Oak Complex, 10903 New Hampshire Ave., Bldg. 31, rm. 1503, Silver Spring, MD, 20993–0002.

Submit electronic comments on the Draft Guidance to *http://www.regulations.gov*. Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. See section IV under **SUPPLEMENTARY INFORMATION** for information on submission of comments. See section I under **SUPPLEMENTARY INFORMATION** for electronic access to the Draft Guidance.

FOR FURTHER INFORMATION CONTACT:

Eris Mackey, Career Development and Directed Training Branch, Center for Biologics Evaluation and Research (HFM–49), Food and Drug Administration, 1401 Rockville Pike, suite 200N, Rockville, MD 20852, 301–827–2000, e-mail: *AnimalModelGuidance@fda.hhs.gov*; or

Susie Dill, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, rm. 6183, Silver Spring, MD 20993–0002, 301–796–3437, e-mail: *AnimalModelGuidance@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of January 21, 2009 (74 FR 3610), FDA announced the availability of a draft document entitled "Guidance for Industry, "Animal Models—Essential Elements to Address Efficacy Under the Animal Rule" dated January 2009 (Draft Guidance). The purpose of the Draft Guidance, when finalized, is to assist sponsors in identifying the critical characteristics of an animal model that should be addressed when efficacy of an investigational product will be established under the "Animal Rule" (May 31, 2002, 67 FR 37988). FDA requested comments on the Draft Guidance by March 23, 2009. In 2010, reviews to assess our nation's preparedness against CBRN threats, as well as the major issues and challenges to achieving the desired state of emergency preparedness, were conducted under the auspices of the Public Health Emergency Medical Countermeasure Enterprise. Among the many issues noted was the difficulty of the regulatory path when developing drug or biological products for approval or licensure, respectively, under the "Animal Rule." Therefore, to address this and related issues, FDA is holding a public meeting to solicit comments and concerns on the challenges related to the development of medical countermeasures under the Animal Rule for CBRN threats. FDA will consider the oral comments presented at the public meeting and comments submitted to docket on the Draft Guidance in developing the final version of the Guidance. The Draft Guidance can be found on the Internet at *http://www.fda.gov/downloads/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/ucm078923.pdf*.

II. Purpose and Scope of Meeting

The purpose of this meeting is to receive comments from a broad group of stakeholders on the regulatory and scientific challenges related to the development of medical countermeasures under the Animal Rule (21 CFR 314.600 for drugs; 21 CFR 601.90 for biological products) for CBRN threats as addressed in the Draft Guidance. Each session will have a panel composed of FDA representatives from CBER and CDER to interact with the presenter as necessary to clarify comments and provide limited scientific discussion as appropriate. FDA is particularly interested in obtaining information and public comment on the following areas:

Topic Area A: (1) Natural course of the CBRN agent-induced disease or condition; and (2) Pathophysiologic comparability of the CBRN agent-induced disease or condition between animals and humans.

Topic Area B: (1) Characteristics of the CBRN agent; and (2) Host susceptibility in response to the agent.

Topic Area C: Characterization of medical intervention.

Topic Area D: Design considerations for the animal efficacy studies.

Topic Area E: General comments.

III. Registration and Requests for Oral Presentations

A. Registration

The FDA Conference Center at the White Oak Complex is a Federal facility with security procedures and limited seating. There is no registration fee for the public meeting; however, advance registration is required for all attendees including members of the press and FDA employees. Registrations will be confirmed in the order in which they are received. Attendees who wish to make an oral presentation at the public meeting must register and submit their comments electronically by October 1, 2010 (see section III.B for additional information on requests for oral presentations). All non-presenting attendees must register electronically by October 27, 2010. To register electronically, attendees must e-mail contact information (including name, title, affiliation, address, e-mail, and telephone number), and any requests to make oral presentations to: *AnimalModelGuidance@fda.hhs.gov*.

If you need special accommodations because of a disability, please contact FDA (see **FOR FURTHER INFORMATION CONTACT**) at least 7 days before the meeting.

B. Requests for Oral Presentations

Attendees who wish to make an oral presentation at the public meeting must register for the meeting, request to present, and submit their comments electronically to *AnimalModelGuidance@fda.hhs.gov* by October 1, 2010.

In section II under **SUPPLEMENTARY INFORMATION** of this notice, FDA has specified five topic areas for comment. Presenters will also need to identify by letter (A through E) the topic area or areas on which they will comment. Submitted comments to be presented at the public meeting that exceed 10 pages should include a one-page executive summary. Oral presentations are limited to statements; slide presentations will not be permitted.

FDA will do its best to accommodate requests to make oral presentations, and

will determine the amount of time allotted to each presenter and the approximate time that each oral presentation is scheduled to begin. Prior to the meeting, presenters will be notified of their allotted time and the approximate scheduled time of their remarks. An agenda of the public meeting, including the oral presentation schedule, will be available approximately 3 days before the public meeting at the Division of Dockets Management (Docket No. FDA–2009–D–0007) and on the Internet at *http://www.regulations.gov*.

Pre-registered participants will receive additional information on parking and public transportation with their e-mail registration confirmation.

IV. Comments on the Draft Guidance

Regardless of attendance at the public meeting, interested persons may submit either electronic or written comments regarding the Draft Guidance. Submit electronic comments to *http://www.regulations.gov*. Submit written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. It is no longer necessary to send two copies of mailed comments. Identify comments with the docket number FDA–2009–D–0007. Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the agency considers your comment on this draft guidance before it begins work on the final version of the guidance, submit either electronic or written comments on Draft Guidance by January 5, 2011. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

V. Transcripts

Transcripts of the meeting will be available for review at the Division of Dockets Management and on the Internet at *http://www.regulations.gov* approximately 45 days after the meeting. A transcript will also be available in either hardcopy or on CD–ROM, after submission of a Freedom of Information request. Written requests are to be sent to Division of Freedom of Information (HFI–35), Office of Management Programs, Food and Drug Administration, 5600 Fishers Lane, rm. 6–30, Rockville, MD 20857.

Dated: September 1, 2010.

Leslie Kux,

Acting Assistant Commissioner for Policy.

[FR Doc. 2010–22198 Filed 9–3–10; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2010–N–0001]

Cell and Gene Therapy Clinical Trials in Pediatric Populations; Public Workshop

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public workshop.

The Food and Drug Administration (FDA), Center for Biologics Evaluation and Research (CBER) is announcing a public workshop entitled "Cell and Gene Therapy Clinical Trials in Pediatric Populations." The purpose of the workshop is to gather information from Institutional Review Boards (IRBs), gene and cellular therapy clinical researchers, and other stakeholders regarding best practices related to cell and gene therapy clinical trials in pediatric populations, as well as challenges and considerations in the review of these clinical trials.

Date and Time: The public workshop will be held on November 2, 2010, from 8 a.m. to 5:30 p.m.

Location: The public workshop will be held at the Bethesda North Marriott Hotel and Conference Center, 5701 Marinelli Rd., North Bethesda, MD 20852.

Contact Person: Bernadette Kawaley, Center for Biologics Evaluation and Research (HFM–43), Food and Drug Administration, 1401 Rockville Pike, suite 200N, Rockville, MD 20852–1448, 301–827–2000, FAX 301–827–3079; email: *CBERTraining@fda.hhs.gov* (Subject line: Pediatrics Ethics Workshop).

Registration: Email, mail or fax your registration information (including name, title, firm name, address, telephone and fax numbers) to the contact person by October 1, 2010. There is no registration fee for the public workshop. Early registration is recommended because seating is limited. Registration on the day of the public workshop will be provided on a space available basis beginning at 7:30 a.m.

If you need special accommodations due to a disability, please contact Bernadette Kawaley (see *Contact Person*) at least 7 days in advance.

SUPPLEMENTARY INFORMATION: The workshop will include presentations on cell and gene therapy clinical trials in pediatric populations. The workshop will include panel discussions regarding best practices related to cell and gene therapy clinical trials in pediatric populations including those related to: (1) Evaluating these novel therapeutic products prior to initiating pediatric clinical studies; (2) identifying and minimizing risks associated with the administration of cell and gene therapy products in pediatric populations; (3) obtaining informed consent and assent; and (4) conducting continuing review of cell and gene therapy products in pediatric populations. The workshop also will include panel discussions addressing the challenges and considerations in the review of cell and gene therapy clinical trials in pediatric populations and the role of IRBs.

Transcripts: Please be advised that as soon as a transcript is available, it will be accessible at *http://www.regulations.gov*. It may be viewed at the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD. A transcript will also be available in either hardcopy or on CD–ROM, after submission of a Freedom of Information request. Written requests are to be sent to Division of Freedom of Information (HFI–35), Office of Management Programs, Food and Drug Administration, 5600 Fishers Lane, rm. 6–30, Rockville, MD 20857. A transcript of the public workshop will be available on the Internet at *http://www.fda.gov/BiologicsBloodVaccines/NewsEvents/WorkshopsMeetingsConferences/TranscriptsMinutes/default.htm*.

Dated: August 20, 2010.

Leslie Kux,

Acting Assistant Commissioner for Policy.

[FR Doc. 2010–22168 Filed 9–3–10; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Statement of Organization, Functions, and Delegations of Authority

Part C (Centers for Disease Control and Prevention) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (45 FR 67772–76, dated October 14, 1980, and corrected at 45 FR 69296, October 20, 1980, as amended most recently at 75 FR 45134–45142, dated August 2, 2010) is amended to reflect the reorganization of the Office of Health and Safety, Office of the Chief Operating Officer, Office of the Director, Centers for Disease Control and Prevention.

Section C–B, Organization and Functions, is hereby amended as follows:

Delete in its entirety the title and functional statements for the Office of Health and Safety (CAJP), and insert the following:

Office of Safety, Health, and Environment (CAJP). The mission of the Office of Safety, Health, and Environment (OSHE) of the Centers for Disease Control and Prevention (CDC) is to help workers protect themselves as they carry out their public health mission. By helping staff create a safe, healthful workplace environment, by assisting in the prevention of work-related injury and illness, and by promoting safe work practices, the Office improves worker morale, increases efficiency and contributes to the creation of sound public health science. In carrying out its mission, OSHE: (1) Provides leadership and service for the CDC Health and Safety Program to proactively ensure safe and healthy workplaces at CDC worksites for CDC employees, contractors, and visitors (including deployed personnel), and to protect the environment and communities adjacent to CDC-owned and leased facilities; (2) promotes healthy and safe work practices to prevent injury and illness, and provides occupational medical, employee assistance, and worksite health promotion/lifestyle services; (3) provides advice and counsel to the CDC Director and other senior OD and Centers/Institute/Offices (ClO) staff on health, safety, and environment-related matters, and to individuals and organizations nationally and internationally, as requested; (4) provides advice, counsel, and direct support services to supervisors and employees on health, safety, and environment-related matters; (5) assures compliance with applicable federal, state, and local health, safety, and environmental (HSE) laws and regulations; (6) provides liaison with both CDC safety officers and staff, and other partners such as Health and Human Services (HHS) health and safety officials, Occupational Safety and Health Administration (OSHA), Environmental Protection Agency (EPA), Nuclear Regulatory Commission (NRC), and other governmental and non-governmental organizations on HSE issues; (7) coproduces the CDC/NIH Biosafety in Microbiological and Biomedical Laboratories; (8) serves as a World Health Organization Collaborating Center for Applied Biosafety Programs and Training; (9) serves as a significant resource of subject matter expertise for the national and international community in the field of biosafety; and, (10) works with key partners, such as the World Health Organization, on critical health and safety issues around the globe.

Office of the Director (CAJP1). (1) Serves as the principal advisor to the Director, CDC, with responsibility for the CDC Health and Safety Program; (2) plans, identifies, and requests required resources; directs, manages, and evaluates the operations and programs of OSHE; (3) assures coordination and cooperation among OSHE staff; (4) provides advice and counsel to the CDC Director, the Chief Operating Officer, and other senior OD and CIO officials on workplace HSE matters; (5) assures compliance with applicable federal, state, and local HSE laws, regulations, and policies; (6) develops and implements new HSE injury/illness prevention programs indicated by surveys, incident investigations, reports of unsafe/unhealthful working conditions and other means; (7) assures cross-cutting, collaborative team functionality in building and maintaining a successful safety program; (8) assures OSHE coordination with the Office of Security and Emergency Preparedness, the Building and Facilities Office, and other staff and staff service offices on HSE matters; (9) provides liaison with both CDC safety officers and staff, and other partners such as HHS, OSHA, EPA, NRC, and other governmental and non-governmental organizations on HSE issues; (10) when asked, consults with individuals and organizations nationally and internationally on issues such as laboratory safety, biosafety, occupational health issues in the biomedical laboratory and animal care setting, and deployment health and safety; (11) maintains oversight and support for the CDC safety committees in operational components with representation, attendance, interaction and collaboration, and collaboration with non-Atlanta health and safety officers and staff and (12) provides an annual report on the CDC HSE and other 4 reports required or requested by CDC management officials, HHS, and regulatory agencies.

Dated: August 22, 2010.

William P. Nichols,

Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2010–21764 Filed 9–3–10; 8:45 am]

BILLING CODE 4160–18–M

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Agency Information Collection Activities: Free Trade Agreements

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: 60-Day Notice and request for comments; Extension of an existing collection of information: 1651–0117.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, CBP invites the general public and other Federal agencies to comment on an information collection requirement concerning: Free Trade Agreements. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before November 8, 2010, to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs and Border Protection, Attn: Tracey Denning, Regulations and Rulings, Office of International Trade, 799 9th Street, NW., 7th Floor, Washington, DC 20229–1177.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 799 9th Street, NW., 7th Floor, Washington, DC 20229–1177, at 202–325–0265.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual costs burden to respondents or record keepers from the collection of information (a total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP

request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document CBP is soliciting comments concerning the following information collection:

Title: Free Trade Agreements.

OMB Number: 1651–0117.

Form Number: None.

Abstract: Free trade agreements are established to reduce and eliminate barriers, strengthen and develop economic relations, and to lay the foundation for further cooperation to expand and enhance benefits of the agreement. Free trade agreements establish free trade by reduced-duty treatment on imported goods. The United States has numerous free trade agreements with various countries, eight of which are included in this information collection: Chile, Singapore, Australia, Morocco, Bahrain, Jordan, Oman, and Peru. These agreements involve collection of data elements such as information about the importer and exporter of the goods, a description of the goods, tariff classification number, and the preference criterion in the Rules of Origin.

Respondents can obtain information on how to make claims under these free trade agreements by going to *http://www.cbp.gov/xp/cgov/trade/trade_programs/international_agreements/free_trade/.*

Current Actions: This submission is being made to extend the expiration date with a change to the burden hours based on the addition of free trade agreements with Oman and Peru.

Type of Review: Extension (with change).

Affected Public: Businesses.

Estimated Number of Respondents: 116,100.

Total Number of Estimated Annual Responses: 116,100.

Estimated time per Response: 12 minutes.

Estimated Total Annual Burden Hours: 23,220.

Dated: August 31, 2010.

Tracey Denning,

Agency Clearance Officer, U.S. Customs and Border Protection.

[FR Doc. 2010–22163 Filed 9–3–10; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5383–N–18]

Notice of Proposed Information Collection for Public Comment; Notice of Proposed Information Collection for Public Comment; Public Housing Capital Fund

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, 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: November 8, 2010.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name/or OMB Control number and should be sent to: Leroy McKinney, Jr., Departmental Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street, SW., Room 4178, Washington, DC 20410–5000; telephone 202–402–5564 (this is not a toll-free number), or e-mail Mr. McKinney at *Leroy.McKinneyJr@hud.gov.* Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Information Relay Service at (800) 877–8339. (Other than the HUD USER information line and TTY numbers, telephone numbers are not toll-free.)

FOR FURTHER INFORMATION CONTACT: Arlette Mussington, Office of Policy, Programs and Legislative Initiatives, PIH, Department of Housing and Urban Development, 451 7th Street, SW., Room 4116, Washington, DC 20410; telephone 202–402–4109 (this is not a toll-free number). Additional information is provided at *http://www.hud.gov/offices/pih/programs/ph/cn/docs/2010-pre-notice.pdf.*

SUPPLEMENTARY INFORMATION: The Department will submit 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 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; (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 through 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: Public Housing Capital Fund Program.

OMB Control Number: 2577–0157.

Description of the need for the information and proposed use: Public Housing Agencies (PHAs) must provide information to HUD various stages of implementing Capital Fund grant. This grant is used for modernization of existing public housing stock and development of new units, which requires contract administration and construction contracting.

Agency form numbers: HUD–5084, HUD–5087, HUD–51000, HUD–51001, HUD–51002, HUD–51003, HUD–51004, HUD–51915, HUD–51915–A, HUD–51971–I–II, HUD–52396, HUD–52427, HUD–52482, HUD–52483–A, HUD–52484, HUD–52485, HUD–52651–A, HUD–52829, HUD–52830, HUD–52833, HUD–52845, HUD–52846, HUD–52847, HUD–52849, HUD–53001, HUD–53015, HUD–5370, HUD–5370EZ, HUD–5370C, HUD–5372, HUD–5378, HUD–5460, Public Housing Information Center Certification of Accuracy, New Physical Needs Assessment form.

Members of affected public: Business or other for-profit, State, Local Government.

Estimation of the total number of hours needed to prepare the information collection including number of respondents: The estimated number of respondents is 3,100, with a total reporting burden of 264,067 hours.

Frequency of submission: Annually.

Members of affected public: Local governments, public housing authorities, nonprofits, and for-project developers that apply jointly with a public entity.

Status of the proposed information collection: Revision of approved collection.

Authority: Section 3506 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: August 27, 2010.

Merrie Nichols-Dixon,

Acting Deputy Assistant Secretary for Policy, Programs, and Legislative Initiatives.

[FR Doc. 2010–22139 Filed 9–3–10; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5383–N–17]

Notice of Proposed Information Collection for Public Comment Allocation of Operating Subsidies Under the Operating Fund Formula: Data Collection

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice.

SUMMARY: This notice is being published to revise an existing information collection. 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:* November 8, 2010.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name/or OMB Control number and should be sent to: Leroy McKinney, Jr., Department Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street, SW., Room 4178, Washington, DC 20410–5000; telephone 202.402.5564 (this is not a toll-free number) or e-mail Mr. McKinney at *Leroy.McKinneyJr@hud.gov.* Persons with hearing or speech impairments may access this number through TTY by calling toll-free Federal Information Relay Service at (800) 877–8339. (Other than the HUD USER information line and TTY numbers, telephone numbers are not toll-free.)

FOR FURTHER INFORMATION CONTACT: Arlette Mussington, Office of Policy, Programs and Legislative Initiatives, PIH, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; telephone: 202–402–4109 (this is not a toll-free number) for copies of the proposed forms and other available documents.

SUPPLEMENTARY INFORMATION: The Department will submit 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 revised collection of information to: (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; (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 through 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: Allocation of Operating Subsidies under the Operating Fund Formula.

OMB Control Number: 2577–0029.

Discription of Information Collection: On December 6, 2006, (71 FR 70782), HUD published a notice to inform the public that the U.S. Department of Housing and Urban Development (HUD) would be soliciting comments from the public on the subject forms as part of the Subsidy and Grants Information System submission. For Fiscal Year 2011, the Department is changing its submission methods for the subject forms.

Section 9(f) of the United States Housing Act of 1937 establishes an Operating Fund for the purpose of making assistance available to public housing agencies (PHAs) which assistance is determined using a formula approach under the Operating Fund program. PHAs compute their operating subsidy eligibility by completing the following HUD prescribed forms, as applicable, each fiscal year: Calculation of Utilities Expense Level (HUD–52722); Operating Fund Calculation of Operating Subsidy (HUD–52723); and Calculation of Subsidies for Operations: Non-Rental Housing (HUD–53087). HUD uses the information on these forms to determine the operating subsidy obligation and proration level for each PHA. The forms HUD 52723 and HUD 52722 will be submitted through templates; form HUD 53087 will be submitted via hard copy.

Agency Form Numbers, if Applicable: HUD–52722, HUD–52723, and HUD–53087.

Members of Affected Public: Public Housing Agencies.

Estimation of the total number of hours needed to prepare the information collection including number of respondents, frequency of responses, and hours of response: The estimation number of respondents is 6,997 annually with 1 response per respondent for forms HUD–52722 and HUD–52723 for a total of 13,910 responses; and 1 response per 9 respondents for form HUD–53087 for a total of 9 responses. Average time per response for each form is .75 hours and total annual burden hours are 10,439.25.

Status of the proposed information collection: Revised collection.

Authority: Section 3506 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: August 27, 2010.

Merrie Nichols-Dixon,

Acting Deputy Assistant, Secretary for Policy, Programs and Legislative Initiatives.

[FR Doc. 2010–22142 Filed 9–3–10; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Management, Regulation and Enforcement

[Docket No. MMS–2010–OMM–0020]

BOEMRE Information Collection Activity: 1010–0106, Oil Spill Financial Responsibility for Offshore Facilities, Extension of a Collection; Submitted for Office of Management and Budget (OMB) Review; Comment Request

AGENCY: Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE), Interior.

ACTION: Notice of extension of an information collection (1010–0106).

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), we are notifying the public that we have submitted to OMB an information collection request (ICR) to renew approval of the paperwork requirements in the regulations under 30 CFR part 253, "Oil Spill Financial Responsibility for Offshore Facilities," and related documents. This notice also provides the public a second opportunity to comment on the paperwork burden of these regulatory requirements.

DATES: Submit written comments by October 7, 2010.

ADDRESSES: Submit comments by either fax (202) 395–5806 or e-mail (*OIRA_DOCKET@omb.eop.gov*) directly

to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for the Department of the Interior (1010–0106). Please also submit a copy of your comments to BOEMRE by any of the means below.

• *Electronically:* Go to *http://www.regulations.gov.* In the entry titled "Enter Keyword or ID," enter docket ID MMS–2010–OMM–0020 then click search. Follow the instructions to submit public comments and view supporting and related materials available for this collection. The BOEMRE will post all comments.

• *E-mail cheryl.blundon@boemre.gov.* Mail or hand-carry comments to: Department of the Interior; Bureau of Ocean Energy Management, Regulation and Enforcement; Attention: Cheryl Blundon; 381 Elden Street, MS–4024; Herndon, Virginia 20170–4817. Please reference ICR 1010–0106 in your comment and include your name and return address.

FOR FURTHER INFORMATION CONTACT: Cheryl Blundon, Regulations and Standards Branch, (703) 787–1607. You may also contact Cheryl Blundon to obtain a copy, at no cost, of the regulations and forms that require the subject collection of information.

SUPPLEMENTARY INFORMATION:

Title: 30 CFR 253, Oil Spill Financial Responsibility for Offshore Facilities.

Forms: MMS–1016, MMS–1017, MMS–1018, MMS–1019, MMS–1020, MMS–1021, MMS–1022.

OMB Control Number: 1010–0106.

Abstract: Title I of the Oil Pollution Act of 1990 (OPA) (33 U.S.C. 2701 *et seq.*), as amended by the Coast Guard Authorization Act of 1996 (Pub. L. 104–324), provides at section 1016 that oil spill financial responsibility (OSFR) for offshore facilities be established and maintained according to methods determined acceptable to the President. Section 1016 of OPA supersedes the offshore facility oil spill financial responsibility provisions of the Outer Continental Shelf (OCS) Lands Act Amendments of 1978. These authorities and responsibilities are among those delegated to the Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE) under which BOEMRE issues regulations governing oil and gas and sulphur operations in the OCS.

This ICR addresses the regulations at 30 CFR part 253, Oil Spill Financial Responsibility for Offshore Facilities, including any supplementary notices to lessees and operators (NTLs) that provide clarification, description, or explanation of these regulations, and forms MMS–1016 through MMS–1022.

Regulations implementing these responsibilities are under 30 CFR 253. Responses are mandatory. No questions of a sensitive nature are asked. The BOEMRE protects information considered proprietary according to the Freedom of Information Act (5 U.S.C. 552) and its implementing regulations (43 CFR 2).

The BOEMRE will use the information collected under 30 CFR part 253 to verify compliance with section 1016 of OPA. The information is necessary to confirm that applicants can pay for cleanup and damages from oil-spill discharges from Covered Offshore Facilities (COFs). The information will be used routinely: (a) To establish approval and eligibility of applicants for an OSFR certification; and (b) as a reference source for cleanup and damage claims associated with oil-spill discharges from COFs; the names, addresses, and telephone numbers of owners, operators, and guarantors; designated U.S. agents for service of process; and persons to contact. To collect most of the information, BOEMRE developed standard forms. The forms and their purposes are:

Cover Sheet: The forms will be distributed in a package that includes a cover sheet that displays the required OMB Control Number, Expiration Date, and Paperwork Reduction Act (PRA) statement. This cover sheet will accompany the forms as part of a package or will be included with any copies of a particular form that respondents may request.

Form MMS–1016, Designated Applicant Information Certification: The designated applicant uses this form to provide identifying information (company legal name, BOEMRE company number and region, address, contact name and title, telephone and fax numbers) and to summarize the OSFR evidence. This form is required for each new or renewed OSFR certification application.

Form MMS–1017, Designation of Applicant: When there is more than one responsible party for a COF, they must select a designated applicant. Each responsible party, as defined in the regulations, must use this form to notify BOEMRE of the designated applicant. This form is also used to designate the U.S. agent for service of process for the responsible party(ies) should claims from an oil-spill discharge exceed the amount evidenced by the designated applicant; to identify and provide pertinent information about the responsible party(ies); and to list the COFs for which the responsible party is liable for OSFR certification. The form identifies each COF by State or OCS region; lease, permit, right of use and easement or pipeline number; aliquot section; area name; and block number. This form must be submitted with each new OSFR application or with an assignment involving a COF in which there is at least one responsible party who is not the designated applicant for a COF.

Form MMS–1018, Self-Insurance or Indemnity Information: This form is used if the designated applicant is self-insuring or using an indemnity for OSFR evidence. As appropriate, either the designated applicant or the designated applicant's indemnitor completes the form to indicate the amount of OSFR coverage as well as effective and expiration dates. The form also provides pertinent information about the self-insurer or indemnitor and is used to designate a U.S. agent for service of process for claims up to the evidenced amount. This form must be submitted each time new evidence of OSFR is submitted using either self-insurance or an indemnification.

Form MMS–1019, Insurance Certificate: The designated applicant (representing himself as a direct purchaser of insurance) or his insurance agent or broker and the named insurers complete this form to provide OSFR evidence using insurance. The number of forms to be submitted will depend upon the number of layers of insurance to evidence the total amount of OSFR required. One form is required for each layer of insurance. The form provides pertinent information about the insurer(s) and designates a U.S. agent for service of process. This form must be submitted at the beginning of the term of the insurance coverage for the designated applicant's COFs or at the time COFs are added, with the scheduled option selected, to OSFR coverage.

Form MMS–1020, Surety Bond: Each bonding company that issues a surety bond for the designated applicant must complete this form indicating the amount of surety and effective dates. The form provides pertinent information about the bonding company and designates a U.S. agent for service of process for the amount evidenced by the surety bond. This form must be submitted at the beginning of the term of the surety bond for the named designated applicant.

Form MMS–1021, Covered Offshore Facilities: The designated applicant submits this form to identify the COFs for which the OSFR evidence applies. The form identifies each COF by State or OCS region; lease, permit, right of use and easement or pipeline number; aliquot section; area name; block

number; and potential worst case oil-spill discharge. This form is required to be submitted with each new or renewed OSFR certification application that includes COFs.

Form MMS–1022, Covered Offshore Facility Changes: During the term of the issued OSFR certification, the designated applicant may submit changes to the current COF listings, including additions, deletions, or changes to the worst case oil-spill discharge for a COF. This form must be submitted when identified changes occur during the term of an OSFR Certification.

Frequency: On occasion, annual.

Description of Respondents: Respondents are holders of leases, permits, and rights of use and easement in the OCS and in State coastal waters who will appoint designated applicants. Other respondents will be the designated applicants' insurance agents and brokers, bonding companies, and indemnitors. Some respondents may also be claimants. *Estimated Reporting and Recordkeeping Hour Burden:* The estimated annual hour burden for this information collection is a total of 21,319 hours. The following chart details the individual components and estimated hour burdens. In calculating the burdens, we assumed that respondents perform certain requirements in the normal course of their activities. We consider these to be usual and customary and took that into account in estimating the burden.

Citation 30 CFR 253	Reporting requirement	Hour burden	Average number of annual reponses	Annual burden hours
Various sections	The burdens for all general references to submitting evidence of OSFR are covered under the forms below.			0
	Applicability and Amount of OSFR			
11 (a)(1); 40; 41	Form MMS–1016—Designated Applicant Information Certification.	1	200	200
11(a)(1); 40; 41	Form MMS–1017—Designation of Applicant	9	600	5,400
12	Request for determination of OSFR applicability	2	5	10
15	Notify BOEMRE of change in ability to comply	1	1	1
15(f)	Provide claimant written explanation of denial	1	15	15
Subtotal			821	5,626
	Methods for Demonstrating OSFR			
21; 22; 23; 24; 26; 27; 30; 40; 41; 43.	Form MMS–1018—Self-Insurance or Indemnity Information	1	75	75
29; 40; 41; 43	Form MMS–1019—Insurance Certificate	120	120	14,400
31; 40; 41; 43	Form MMS–1020—Surety Bond	24	4	96
32	Proposal for alternative method to evidence OSFR (anticipate no proposals, but the regs provide the opportunity).	120	1	120
Subtotal			200	14,691
	Requirements for Submitting OSFR Information			
40; 41	Form MMS–1021—Covered Offshore Facilities	3	200	600
40; 41; 42	Form MMS–1022—Covered Offshore Facility Changes	1	400	400
Subtotal			600	1,000
	Claims for Oil-Spill Removal Costs and Damages			
Subpart F	Claims: BOEMRE will not be involved in the claims process. Assessment of burden for claims against the Oil Spill Liability Trust Fund (30 CFR parts 135, 136, 137) should be responsibility of the U.S. Coast Guard.			0
60(d)	Claimant request to determine whether a guarantor may be liable for a claim.	2	1	2
Subtotal			1	2
Total Burden			1,622	21,319

Estimated Reporting and Recordkeeping Non-Hour Cost Burden: We have identified no paperwork non-hour cost burdens associated with the collection of information.

Public Disclosure Statement: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. Until OMB approves a collection of information, you are not obligated to respond.

Comments: Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3501, *et seq.*) requires each agency "* * * to provide notice * * * and otherwise consult with members of the public and affected agencies concerning each proposed collection of information * * *" Agencies must specifically solicit comments to: (a) Evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency's estimate of the

burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

To comply with the public consultation process, on April 26, 2010, we published a **Federal Register** notice (75 FR 21648) announcing that we would submit this ICR to OMB for approval. The notice provided the required 60-day comment period. In addition, § 253.5 and the PRA statement on the cover sheet for the OSFR forms explain that BOEMRE will accept comments at any time on the information collection requirements and burdens of our 30 CFR part 253 regulations and associated forms. The regulation and the OSFR cover sheet also inform the public that they may comment at any time on the collection of information and provides the address to which they should send comments. We have received no comments in response to these efforts.

If you wish to comment in response to this notice, you may send your comments to the offices listed under the ADDRESSES section of this notice. The OMB has up to 60 days to approve or disapprove the information collection but may respond after 30 days. Therefore, to ensure maximum consideration, OMB should receive public comments by October 7, 2010.

Public Availability of Comments: Before including your address, phone number, e-mail 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.

BOEMRE Information Collection Clearance Officer: Arlene Bajusz (703) 787–1025.

Dated: August 30, 2010.

Doug Slitor,

Acting Chief, Office of Offshore Regulatory Programs.

[FR Doc. 2010–22189 Filed 9–3–10; 8:45 am]

BILLING CODE 4310–MR–W–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management, Regulation and Enforcement

[Docket No. MMS–2010–OMM–0008]

BOEMRE Information Collection Activity: 1010–0114, Subpart A—General, Revision of a Collection; Submitted for Office of Management and Budget (OMB) Review; Comment Request

AGENCY: Bureau of Ocean Management, Regulation and Enforcement (BOEMRE), Interior.

ACTION: Notice of an revision of an information collection (1010–0114).

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), we are notifying the public that we have submitted to OMB an information collection request (ICR) to renew approval of the paperwork requirements in the regulations under 30 CFR part 250, subpart A—General, and related documents. This notice also provides the public a second opportunity to comment on the paperwork burden of these regulatory requirements.

DATES: Submit written comments by October 7, 2010.

ADDRESSES: Submit comments by either fax (202) 395–5806 or email (*OIRA_DOCKET@omb.eop.gov*) directly to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for the Department of the Interior (1010–0114). Please also submit a copy of your comments to BOEMRE by any of the means below.

- Electronically: go to *http://www.regulations.gov*. In the entry titled "Enter Keyword or ID," enter docket ID MMS–2010–OMM–0008 then click search. Follow the instructions to submit public comments and view supporting and related materials available for this collection. The BOEMRE will post all comments.
- Email *cheryl.blundon@mms.gov*. Mail or hand-carry comments to: Department of the Interior; Bureau of Ocean Management, Regulation and Enforcement; Attention: Cheryl Blundon; 381 Elden Street, MS–4024; Herndon, Virginia 20170–4817. Please reference ICR 1010–0114 in your comment and include your name and return address.

FOR FURTHER INFORMATION CONTACT: Cheryl Blundon, Regulations and Standards Branch, (703) 787–1607. You may also contact Cheryl Blundon to obtain a copy, at no cost, of the regulations and forms that require the subject collection of information.

SUPPLEMENTARY INFORMATION:

Title: 30 CFR 250, subpart A—General.

Forms: MMS–132, MMS–143, MMS–1123, and MMS–1832.

OMB Control Number: 1010–0114.

Abstract: The Outer Continental Shelf (OCS) Lands Act, as amended (43 U.S.C. 1331 *et seq.* and 43 U.S.C. 1801 *et seq.*), authorizes the Secretary of the Interior to prescribe rules and regulations to manage the mineral resources of the OCS. Such rules and regulations will apply to all operations conducted under a lease, right-of-use and easement, or pipeline right-of-way. Operations on the OCS must preserve, protect, and develop oil and natural gas resources in a manner that is consistent with the need to make such resources available to meet the Nation's energy needs as rapidly as possible; to balance orderly energy resource development with protection of human, marine, and coastal environments; to ensure the public a fair and equitable return on the resources of the OCS; and to preserve and maintain free enterprise competition. Section 1332(6) states that "operations in the [O]uter Continental Shelf should be conducted in a safe manner by well trained personnel using technology, precautions, and other techniques sufficient to prevent or minimize the likelihood of blowouts, loss of well control, fires, spillages, physical obstructions to other users of the waters or subsoil and seabed, or other occurrences which may cause damage to the environment or to property or endanger life or health."

Section 1352 further requires that certain costs be reimbursed to the parties submitting required geological and geophysical (G&G) information and data. Under the Act, permittees are to be reimbursed for the costs of reproducing any G&G data required to be submitted. Permittees are to be reimbursed also for the reasonable cost of processing geophysical information required to be submitted when processing is in a form or manner required by the Director and is not used in the normal conduct of the business of the permittee.

The Independent Offices Appropriations Act (31 U.S.C. 9701), the Omnibus Appropriations Bill (Pub. L. 104–133, 110 Stat. 1321, April 26, 1996), and OMB Circular A–25, authorize Federal agencies to recover the full cost of services that confer special benefits. Under the Department of the Interior's implementing policy, Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE)

is required to charge fees for services that provide special benefits or privileges to an identifiable non-Federal recipient above and beyond those which accrue to the public at large. Several requests for approval required in subpart A are subject to cost recovery, and BOEMRE regulations specify service fees for these requests.

This ICR also covers the related Notices to Lessees and Operators (NTLs) that BOEMRE issues to clarify and provide additional guidance on some aspects of our regulations.

Regulations implementing these responsibilities are under 30 CFR part 250, subpart A. Responses are mandatory. Requests for BOEMRE approval may contain proprietary information related to performance standards or alternative approaches to conducting operations different from those approved and specified in BOEMRE regulations. We will protect this proprietary information according to the Freedom of Information Act, (5 U.S.C. 552), its implementing regulations (43 CFR 2), 30 CFR part 252, and 30 CFR 250.197, *Data and information to be made available to the public or for limited inspection.*

The BOEMRE uses the information collected under the subpart A regulations to ensure that operations on the OCS are carried out in a safe and pollution-free manner, do not interfere with the rights of other users on the OCS, and balance the protection and development of OCS resources. Specifically, we use the information collected to:

- Review records of formal crane operator and rigger training, crane operator qualifications, crane inspections, testing, and maintenance to ensure that lessees/operators perform operations in a safe and workmanlike manner and that equipment is maintained in a safe condition. The BOEMRE also uses the information to make certain that all new and existing cranes installed on OCS fixed platforms must be equipped with anti-two block safety devices, and to assure that uniform methods are employed by lessees for load testing of cranes.
- Review welding plans, procedures, and records to ensure that welding is conducted in a safe and workmanlike manner by trained and experienced personnel.
- Provide lessees/operators greater flexibility to comply with regulatory requirements through approval of alternative equipment or procedures and departures to regulations if they demonstrate equal or better compliance with the appropriate performance standards.
- Determine the capability of a well to produce oil or gas in paying quantities or to determine the possible need for additional wells resulting in minimum royalty status on a lease. If a well does not yield hydrocarbons in sufficient quantity to warrant continued operation and production, BOEMRE uses the information to verify the claim and to release the lessee from lease obligations. Conversely, the information is used to extend the term of the lease if additional wells will warrant continued operation and production.
- Ensure that injection of gas promotes conservation of natural resources, prevents waste, and that subsurface storage of natural gas does not unduly interfere with development and production operations under existing leases.
- Record the designation of an operator authorized to act on behalf of the lessee and to fulfill the lessee's obligations under the OCS Lands Act and implementing regulations, or to record the local agent empowered to receive notices and comply with regulatory orders issued (Form MMS–1123). This form requires the respondent to submit general information such as lease number, name, address, company number of designated operator, and signature of the authorized lessee.
- Determine if an application for right-of-use and easement complies with the OCS Lands Act, other applicable laws, and BOEMRE regulations; and does not unreasonably interfere with the operations of any other lessee.
- Provide for orderly development of leases through the use of information to determine the appropriateness of lessee/operator requests for suspension of operations, including production.
- Improve safety and environmental protection on the OCS through collection and analysis of accident reports to ascertain the cause of the accidents and to determine ways to prevent recurrences.
- Ascertain when the lease ceases production or when the last well ceases production in order to determine the 180th day after the date of completion of the last production. The BOEMRE will use this information to efficiently maintain the lessee/operator lease status.
- Approve requests to cancel leases.
- Be informed when there could be a major disruption in the availability and supply of natural gas and oil due to natural occurrences/hurricanes, to advise the U.S. Coast Guard in case of the need to rescue offshore workers in distress, to monitor damage to offshore platforms and drilling rigs, and to advise the news media and interested public entities when production is shut in and when resumed. The Gulf of Mexico OCS Region (GOMR) uses a reporting form, MMS–132, Evacuation Statistics, for respondents to report evacuation statistics when necessary. This form requires the respondent to submit general information such as company name, contact, date, time, telephone number, as well as number of platforms and drilling rigs evacuated and not evacuated. We also require production shut-in statistics for oil (BOPD) and gas (MMSCFD).
- Form MMS–143, Facility/Equipment Damage Report, assists lessees, lease operators, and pipeline right-of-way holders when reporting damage by a hurricane, earthquake, or other natural phenomenon. They are required to submit an initial damage report to the Regional Supervisor within 48 hours after completing the initial evaluation of the damage and then, subsequent reports, monthly and immediately, whenever information changes until the damaged structure or equipment is returned to service.
- Allow lessees/operators who exhibit unacceptable performance an incremental approach to improving their overall performance prior to a final decision to disqualify a lessee/operator or to pursue debarment proceedings through the execution of a performance improvement plan (PIP). The subpart A regulations do not address the actual process that we will follow in pursuing the disqualification of operators under §§ 250.135 and 250.136. However, our internal enforcement procedures include allowing such operators to demonstrate a commitment to acceptable performance by the submission of a PIP.
- Determine that respondents have corrected all Incidents of Non-Compliance (INC)(s), Form MMS–1832, identified during inspections. The BOEMRE issues this form to the operator and the operator then corrects the INC(s), signs and returns the form to the BOEMRE Regional Supervisor within 14 days of issuance.

Frequency: Primarily on occasion; monthly; and Form MMS–132, Evacuation Statistics is submitted daily during an emergency situation.

Description of Respondents: Potential respondents comprise Federal and State oil, gas, or sulphur lessees and/or operators.

Estimated Reporting and Recordkeeping Hour Burden: The estimated annual hour burden for this information collection is a total of 44,413 hours. The following chart details the individual components and

estimated hour burdens. In calculating the burdens, we assumed that respondents perform certain requirements in the normal course of their activities. We consider these to be usual and customary and took that into account in estimating the burden.

Citation 30 CFR 250 subpart A and related forms/NTLs	Reporting or recordkeeping requirement	Non-hour cost burdens		
		Hour burden	Average number of annual responses	Annual burden hours
Authority and Definition of Terms				
104; 181; Form MMS–1832	Appeal orders or decisions; appeal INCs; request hearing due to cancellation of lease.	Exempt under 5 CFR 1320.4(a)(2), (c).		0
Performance Standards				
109(a); 110	Submit welding, burning, and hot tapping plans	2	54 plans	108
115; 116	Request determination of well producibility; make available or submit data and information; notify BOEMRE of test.	5	90 responses	450
118; 119; 121; 124	Apply for injection or subsurface storage of gas; sign storage agreement.	10	7 applications	70
Subtotal			151 responses	628
Cost Recovery Fees				
125; 126	Cost Recovery Fees; confirmation receipt etc; verbal approvals pertaining to fees.	Cost Recovery Fees and related items are covered individually throughout this subpart.		0
Forms				
130–133; Form MMS–1832	Submit "green" response copy of Form MMS–1832 indicating date violations (INCs) corrected.	2	931 forms	1,862
143	Report change of address; submit designation of local agent.	Not considered information collection under 5 CFR 1320.3(h)(1).		0
143; 144; 145; Form MMS–1123.	Submit designation of operator (Form MMS–1123—form takes 15 minutes); report change of address; notice of termination; submit designation of local agent; include pay.gov confirmation receipt.	1	840 forms	840
		$164 fee × 840 = $137,760 *		
186(a)(3); NTL	Apply to receive administrative entitlements to eWell (electronic/digital form submittals).	Not considered information collection under 5 CFR 1320.3(h)(1).		0
192; Form MMS–132	Daily report of evacuation statistics for natural occurrence/hurricane (Form MMS–132 (form takes 1 hour) in the GOMR) when circumstances warrant; inform BOEMRE when you resume production.	1.5	1,950 reports or forms	2,925
192(b)	Use Form MMS–143 to submit an initial damage report to the Regional Supervisor.	3	133 forms	399
192(b)	Use Form MMS–143 to submit subsequent damage reports on a monthly basis until damaged structure or equipment is returned to service; immediately when information changes; date item returned to service must be in final report.	1	133 forms	133
Subtotal			3,987 responses	6,159
			$137,760 non-hour cost burden	
Inspection of Operations				
130–133	Request reconsideration from issuance of an INC	2	178 requests	356
	Request waiver of 14-day response time	1	274 waivers	274
	Notify BOEMRE before returning to operations if shut-in	1	698 notices	698
133	Request reimbursement for food, quarters, and transportation provided to BOEMRE representatives (no requests received in many years; minimal burden).	1.5	15 requests	[1] 23
Subtotal			1,165 responses	1,351

Citation 30 CFR 250 subpart A and related forms/NTLs	Reporting or recordkeeping requirement	Non-hour cost burdens		
		Hour burden	Average number of annual responses	Annual burden hours
Disqualification				
135 BOEMRE internal process.	Submit PIP under BOEMRE implementing procedures for enforcement actions.	40	4 plans	160
Subtotal			4 responses	160
Special Types of Approval				
140	Request various oral approvals not specifically covered elsewhere in regulatory requirements.	1	360 requests	360
140(c)	Submit letter when stopping approved flaring with required information.	Burden covered under 1010–0041.		0
141; 198	Request approval to use new or alternative procedures, including BAST not specifically covered elsewhere in regulatory requirements.	20	590 requests	11,800
142; 198	Request approval of departure from operating requirements not specifically covered elsewhere in regulatory requirements.	2.5	1,052 requests	2,630
Subtotal			2,002 responses	14,790
Naming and Identifying Facilities and Wells (Does Not Include MODUs)				
150; 151; 152; 154(a)	Name and identify facilities, artificial islands, MODUs, helo landing facilities etc., with signs.	3	585 new/replacement signs	1,755
150; 154(b)	Name and identify wells with signs	2	188 new wells	376
Subtotal			773 responses	2,131
Right-of-use and Easement				
160; 161; 123	OCS lessees: Apply for new or modified right-of-use and easement to construct and maintain off-lease platforms, artificial islands, and installations and other devices; include notifications.	9	26 applications	234
160(c)	Establish a Company File for qualification; submit updated information, submit qualifications for lessee/bidder, request exception.	Burden covered under 1010–0006.		0
165; 123	State lessees: Apply for new or modified right-of-use and easement to construct and maintain off-lease platforms, artificial islands, and installations and other devices; include pay.gov confirmation.	5	1 application	5
		$2,569 state lease fee × 1 = $2,569		
166	State lessees: Furnish surety bond; additional security if required.	Burden covered under 30 CFR 256 (1010–0006).		0
Subtotal			27 responses	239
			$2,569 non-hour cost burden	
Suspensions				
168; 170; 171; 172; 174; 175; 177; 180(b), (d).	Request suspension of operation or production; submit schedule of work leading to commencement; supporting information; include pay.gov confirmation receipt.	10	595 requests	5,950
		$1,968 fee × 595 = $1,170,960 *		
	Submit progress reports on SOO or SOP as condition of approval.	3	703 reports	2,109

Citation 30 CFR 250 subpart A and related forms/NTLs	Reporting or recordkeeping requirement	Non-hour cost burdens		
		Hour burden	Average number of annual responses	Annual burden hours
172(b); 177(a)	Conduct site-specific study; submit results. No instances requiring this study in several years—could be necessary if a situation occurred such as severe damage to a platform or structure caused by a hurricane or a vessel collision.	100	1 study/report	100
177(b), (c), (d); 182; 183, 185; 194.	Various references to submitting new, revised, or modified exploration plan, development/production plan, or development operations coordination document, and related surveys/reports.	Burden covered under 1010–0151.		0
Subtotal			1,299 responses	8,159
			$1,170,960 non-hour cost burden.	
Primary Lease Requirements, Lease Term Extensions, and Lease Cancellations				
180(a), (h), (i),	Notify and submit report on various leaseholding operations and lease production activities.	2	53 reports or notices	106
180(f), (g), (h), (i)	Submit various operations and production data to demonstrate production in paying quantities to maintain lease beyond primary term; notify BOEMRE when you begin conducting operations beyond its primary term.	2	404 submissions/notifications.	808
		.5		202
180(e), (j)	Request more than 180 days to resume operations; notify BOEMRE if operations do not begin within 180 days.	4	88 requests/notifications	352
		.5		44
181(d); 182(b), 183(b)(2)	Request termination of suspension and cancellation of lease (no requests in recent years for termination/cancellation of a lease; minimal burden).	20	1 request	20
184	Request compensation for lease cancellation mandated by the OCS Lands Act (no qualified lease cancellations in many years; minimal burden compared to benefit).	50	1 request	50
Subtotal			547 responses	1,582
Information and Reporting Requirements				
186; NTL	Submit information and reports as BOEMRE requires	10	200	2,000
187; 188(a-b); 189; 190(a-c); 192; NTL.	Report to the District Manager immediately via oral communication and written follow-up within 15 calendar days, incidents pertaining to: Fatalities; injuries; LoWC; fires; explosions; all collisions resulting in property or equipment damage >$25K; structural damage to an OCS facility; cranes; incidents that damage or disable safety systems or equipment (including firefighting systems); include hurricane reports such as platform/rig evacuation, rig damage, P/L damage, and platform damage; operations personnel to muster for evacuation not related to weather or drills; any additional information required. If requested, submit copy marked as public information.	Oral .5	898	449
		Written 2.5	950	2,375
187(d)	Report all spills of oil or other liquid pollutants	Burden covered under 30 CFR 254 (1010–0091).		0
188(a)(5)	Report to District Manager hydrogen sulfide (H2S) gas releases immediately by oral communication.	Burden covered under 1010–0141.		0
191	Submit written statement/Request compensation mileage and services for testimony re: accident investigation.	Exempt under 5 CFR 1320.4(a)(2), (c).		0
193	Report apparent violations or non-compliance	1.5	6 reports	9
194; NTL	Request departures from conducting archaeological resources surveys and/or submitting reports in GOMR.	1	2 requests	2

Citation 30 CFR 250 subpart A and related forms/NTLs	Reporting or recordkeeping requirement	Non-hour cost burdens		
		Hour burden	Average number of annual responses	Annual burden hours
194(c)	Report archaeological discoveries	2	12 reports	24
195	Notify District Manager within 5 workdays of putting well in production status (usually oral). Follow-up with either fax/email within same 5 day period (burden includes oral and written).	1	188 notifications	188
196	Submit data/information for post-lease G&G activity and request reimbursement.	Burden covered under 30 CFR 251 (1010–0048).		0
197(c)	Submit confidentiality agreement	1	1	1
101–199	General departure or alternative compliance requests not specifically covered elsewhere in Subpart A.	2	21 requests	42
Subtotal			2,278 responses	5,090
	Recordkeeping			
108(e)	Retain records of design and construction for life of crane, including installation records for any anti-two block safety devices; all inspection, testing, and maintenance for at least 4 years; crane operator and all rigger personnel qualifications for at least 4 years.	1.5	2,151 recordkeepers	[1] 3,227
109(b); 113(c)	Retain welding plan and drawings of safe-welding areas at site; designated person advises in writing that it is safe to weld.	1	637 operations	637
132(b)(3)	During inspections make records available as requested by inspectors.	2	130 lessees/operators	260
Subtotal			2,918 responses	4,124
Total Burden			15,151 responses	44,413
			$1,311,289 Non-Hour Cost Burdens.	

* Cost recovery monies collected are based on actual submittals through Pay.gov for FY 2009.
[1] Rounded.

Estimated Reporting and Recordkeeping Non-Hour Cost Burden: We have identified three non-hour cost burdens. Section 250.143 requires respondents to pay a cost recovery fee for a change in designation of operator. Section 250.165 requires a State lessee applying for a right-of-use and easement on the OCS to pay a cost recovery application fee. This cost is the same as the fee for a pipeline right-of-way grant specified in § 250.1015 and is subject to change based on that regulation. We estimate receiving only one application per year. Section 250.171 requests a cost recovery fee for either a Suspension of Operations or Production Request (SOO/SOP). We have not identified any other non-hour cost burden associated with this collection of information. We estimate a total reporting non-hour cost burden of $1,311,289.

Public Disclosure Statement: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. Until OMB approves a collection of information, you are not obligated to respond.

Comments: Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3501, *et seq.*) requires each agency "* * * to provide notice * * * and otherwise consult with members of the public and affected agencies concerning each proposed collection of information * * *" Agencies must specifically solicit comments to: (a) Evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

To comply with the public consultation process, on March 22, 2010, we published a **Federal Register** notice (75 FR 13563) announcing that we would submit this ICR to OMB for approval. The notice provided the required 60-day comment period. In addition, § 250.199 provides the OMB control number for the information collection requirements imposed by the 30 CFR 250 regulations and the forms. The regulation also informs the public that they may comment at any time on the collections of information and provides the address to which they should send comments. We have received no comments in response to these efforts.

If you wish to comment in response to this notice, you may send your comments to the offices listed under the **ADDRESSES** section of this notice. The OMB has up to 60 days to approve or disapprove the information collection but may respond after 30 days. Therefore, to ensure maximum consideration, OMB should receive public comments by October 7, 2010.

Public Availability of Comments: 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.

BOEMRE Information Collection Clearance Officer: Arlene Bajusz (703) 787–1025.

Dated: August 30, 2010

Doug Slitor,

Acting Chief, Office of Offshore Regulatory Programs.

[FR Doc. 2010–22192 Filed 9–3–10; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management, Regulation and Enforcement

[Docket No. MMS–2010–OMM–0011]

BOEMRE Information Collection Activity: 1010–0142, Decommissioning Activities, Extension of a Collection, Submitted for Office of Management and Budget (OMB) Review; Comment Request

AGENCY: Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE), Interior.

ACTION: Notice of extension of an information collection (1010–0142).

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), we are notifying the public that we have submitted to OMB an information collection request (ICR) to renew approval of the paperwork requirements in the regulations under 30 CFR 250, subpart Q, Decommissioning Activities, and related documents. This notice also provides the public a second opportunity to comment on the paperwork burden of these regulatory requirements.

DATES: Submit written comments by October 7, 2010.

ADDRESSES: Submit comments by either fax (202) 395–5806 or e-mail (*OIRA_DOCKET@omb.eop.gov*) directly to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for the Department of the Interior (1010–0142). Please also submit a copy of your comments to BOEMRE by any of the means below.

- *Electronically:* go to *http://www.regulations.gov.* In the entry titled "Enter Keyword or ID," enter docket ID MMS–2010–OMM–0011 then click search. Follow the instructions to submit public comments and view supporting and related materials available for this collection. The BOEMRE will post all comments.
- E-mail: *cheryl.blundon@mms.gov.*

Mail or hand-carry comments to the Department of the Interior; Bureau of Ocean Energy Management, Regulation and Enforcement; Attention: Cheryl Blundon; 381 Elden Street, MS–4024; Herndon, Virginia 20170–4817. Please reference ICR 1010–0142 in your comment and include your name and return address.

FOR FURTHER INFORMATION CONTACT: Cheryl Blundon, Regulations and Standards Branch (703) 787–1607. You may also contact Cheryl Blundon to obtain a copy, at no cost, of the regulation that requires the subject collection of information.

SUPPLEMENTARY INFORMATION:

Title: 30 CFR 250, subpart Q, Decommissioning Activities.

OMB Control Number: 1010–0142.

Abstract: The Outer Continental Shelf (OCS) Lands Act, as amended (43 U.S.C. 1331 *et seq.* and 43 U.S.C. 1801 *et seq.*), authorizes the Secretary of the Interior (Secretary) to prescribe rules and regulations to manage the mineral resources of the OCS. Such rules and regulations will apply to all operations conducted under a lease. Operations on the OCS must preserve, protect, and develop oil and natural gas resources in a manner that is consistent with the need to make such resources available to meet the Nation's energy needs as rapidly as possible; to balance orderly energy resource development with protection of human, marine, and coastal environments; to ensure the public a fair and equitable return on the resources of the OCS; and to preserve and maintain free enterprise competition.

Section 1332(6) states that "operations in the [O]uter Continental Shelf should be conducted in a safe manner by well trained personnel using technology, precautions, and other techniques sufficient to prevent or minimize the likelihood of blowouts, loss of well control, fires, spillages, physical obstructions to other users of the waters or subsoil and seabed, or other occurrences which may cause damage to the environment or to property or endanger life or health."

The Independent Offices Appropriations Act (31 U.S.C. 9701), the Omnibus Appropriations Bill (Pub. L. 104–133, 110 Stat. 1321, April 26, 1996), and OMB Circular A–25, authorize Federal agencies to recover the full cost of services that confer special benefits. Under the Department of the Interior's (DOI) implementing policy, the Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE) is required to charge fees for services that provide special benefits or privileges to an identifiable non-Federal recipient above and beyond those which accrue to the public at large. Applications to remove/decommission a platform are subject to cost recovery, and BOEMRE regulations specify cost recovery fees for these requests.

This authority and responsibility are among those delegated to BOEMRE. The regulations at 30 CFR 250, subpart Q, concern decommissioning of platforms, wells, and pipelines, as well as site clearance and platform removal and are the subject of this collection. This request also covers the related Notices to Lessees and Operators (NTLs) that BOEMRE issues to clarify, supplement, or provide additional guidance on some aspects of our regulations.

The BOEMRE uses the information collected under subpart Q primarily for the following reasons:

- To determine the necessity for allowing a well to be temporarily abandoned, the lessee/operator must demonstrate that there is a reason for not permanently plugging the well, and the temporary abandonment will not interfere with fishing, navigation, or other uses of the OCS. We use the information and documentation to verify that the lessee/operator is diligently pursuing the final disposition of the well and has performed the temporary plugging of the wellbore.
- The information submitted in initial decommissioning plans in the Alaska and Pacific OCS Regions will permit BOEMRE to become involved on the ground floor planning of platform removals anticipated to occur in these OCS regions.
- Site clearance and platform or pipeline removal information ensures that all objects (wellheads, platforms, etc.) installed on the OCS are properly removed using procedures that will protect marine life and the environment during removal operations, and the site cleared so as not to conflict with or harm other uses of the OCS.
- Information regarding decommissioning a pipeline in place is needed to ensure that it will not constitute a hazard to navigation and commercial fishing operations, unduly interfere with other uses of the OCS, or have adverse environmental effects.
- The information is necessary to verify that decommissioning activities comply with approved applications and procedures and are satisfactorily completed.

Responses are mandatory. No questions of a sensitive nature are asked. We protect proprietary information according to the Freedom of Information Act (5 U.S.C. 552) and its implementing regulations (43 CFR 2),

and 30 CFR 250.197, "Data and information to be made available to the public or for limited inspection."

Frequency: On occasion, annual; and as specified in sections.

Description of Respondents: Potential respondents comprise Federal OCS oil, gas, and sulphur operators, lessees, and holders of pipeline rights-of-way.

Estimated Reporting and Recordkeeping Hour Burden: The estimated annual hour burden for this information collection is a total of 15,716 hours. The following chart details the individual components and burdens. In calculating the burdens, we assumed that respondents perform certain requirements in the normal course of their activities. We consider these to be usual and customary and took that into account in estimating the burden.

Citation 30 CFR 250 subpart Q	Reporting/recordkeeping requirement	Non-hour cost burdens		
		Hour burden	Average number of annual responses	Annual burden hours (rounded)
General				
1700 thru 1754	General departure and alternative compliance requests not specifically covered elsewhere in subpart Q regulations.	3	50 requests	150
1703; 1704	Request approval for decommissioning	Burden included in specific requirement.		0
1704(g); 1712; 1716; 1717; 1721(a), (d), (f), (g); 1722(a), (b), (d); 1723(b); 1743(a).	Submit form MMS–124 to plug wells; provide subsequent report; request alternate depth departure; request procedure to protect obstructions above seafloor; report within 30 days, results of trawling; certify area cleared of obstructions; remove casing stub or mud line suspension equipment and subsea protective covering; or other departures.	Burden covered under 1010-0141.		0
Subtotal			50 responses	150
Permanently Plugging Wells				
1711	Required data if permanently plugging a well	Requirement not considered Information Collection under 5 CFR 1320.3(h)(9).		0
1713	Notify BOEMRE 48 hours before beginning operations to permanently plug a well.	.5	995 notices	498
Subtotal			995 responses	498
Temporary Abandoned Wells				
1721(e); 1722(e), (h)(1); 1741(c).	Identify and report subsea wellheads, casing stubs, or other obstructions; mark wells protected by a dome; mark location to be cleared as navigation hazard.	U.S. Coast Guard requirements.		0
1722(c), (g)(2)	Notify BOEMRE within 5 days if trawl does not pass over protective device or causes damages to it; or if inspection reveals casing stub or mud line suspension is no longer protected.	1	10 notices	10
1722(f), (g)(3)	Submit annual report on plans for re-entry to complete or permanently abandon the well and inspection report.	2.5	92 reports	230
1722(h)	Request waiver of trawling test	2	5 requests	10
Subtotal			107 responses	250
Removing Platforms and Other Facilities				
1726; 1704(a)	Submit initial decommissioning application in the Pacific and Alaska OCS Regions.	20	2 applications	40
1725; 1727; 1728; 1730; 1704(b).	Submit final application and appropriate data to remove platform or other subsea facility structures (including alternate depth departure) or approval to maintain, to conduct other operations, or to convert to artificial reef.	22	252 applications	5,544
		$4,342 fee × 252 = $1,094,184.		

Citation 30 CFR 250 subpart Q	Reporting/recordkeeping requirement	Non-hour cost burdens		
		Hour burden	Average number of annual responses	Annual burden hours (rounded)
1725(e)	Notify BOEMRE 48 hours before beginning removal of platform and other facilities.	.5	214 notices	107
1729; 1704(c)	Submit post platform or other facility removal report; supporting documentation; signed statements, etc.	9	214 reports	1,926
1731(c)	Request deferral of facility removal subject to RUE issued under 30 CFR 285.	1	1 request	1
Subtotal			683 responses	7,618
			$1,094,184 non-hour cost burdens.	
Site Clearance for Wells, Platforms, and Other Facilities				
1740;	Request approval to use alternative methods of well site, platform, or other facility clearance.	15	75 requests	1,125
1743(b); 1704(f)	Verify permanently plugged well, platform, or other facility removal site cleared of obstructions; supporting documentation; and submit certification letter.	5	189 verifications	945
Subtotal			264 responses	2,070
Pipeline Decommissioning				
1750; 1751; 1752; 1754; 1704(d).	Submit application to decommission pipeline in place or remove pipeline (L/T or ROW).	10	399 applications	3,990
		$1,059 L/T decommission fee × 230 = $243,570.		
		$2,012 ROW decommission fee × 169 = $340,028.		
1753; 1704(e)	Submit post pipeline decommissioning report	3	380 reports	1,140
Subtotal			779 responses	5,130
			$583,598 non-hour cost burdens.	
			2,878 responses	15,716
Total Burden			$1,677,782 Non-Hour Cost Burdens.	

1 L/T = Lease Term.
2 ROW = Right of Way.

Estimated Reporting and Recordkeeping Non-Hour Cost Burden: There are three non-hour paperwork costs associated with this information collection. The estimated non-hour cost burden is $1,677,782. Sections 250.1751(a), 250.1752(a), and 250.1727 require respondents to pay a cost recovery fee when submitting a request to remove a platform or other facility, to decommission a lease term pipeline, or to decommission a ROW pipeline. The fees are required to recover the Federal Government's processing costs. We have not identified any other non-hour paperwork cost burdens associated with this collection of information.

Public Disclosure Statement: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. Until OMB approves a collection of information, you are not obligated to respond.

Comments: Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3501, *et seq.*) requires each agency "* * * to provide notice * * * and otherwise consult with members of the public and affected agencies concerning each proposed collection of information * * *" Agencies must specifically solicit comments to: (a) Evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

To comply with the public consultation process, on March 22, 2010, we published a **Federal Register** notice (75 FR 13568) announcing that we would submit this ICR to OMB for approval. The notice provided the required 60-day comment period. In addition, § 250.199 provides the OMB control number for the information collection requirements imposed by the 30 CFR 250 regulations and forms. The regulation also informs the public that they may comment at any time on the collections of information and provides the address to which they should send comments. We received one comment in

response to the **Federal Register** notice and the comment was not germane to the collection of information.

If you wish to comment in response to this notice, you may send your comments to the offices listed under the **ADDRESSES** section of this notice. The OMB has up to 60 days to approve or disapprove the information collection but may respond after 30 days. Therefore, to ensure maximum consideration, OMB should receive public comments by October 7, 2010.

Public Comment Procedures: Before including your address, phone number, e-mail 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.

BOEMRE Information Collection Clearance Officer: Arlene Bajusz (202) 208–7744.

Dated: August 30, 2010.

Doug Slitor,

Acting Chief, Office of Offshore Regulatory Programs.

[FR Doc. 2010–22210 Filed 9–3–10; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Management, Regulation and Enforcement

[Docket No. MMS–2010–OMM–0012]

BOEMRE Information Collection Activity: 1010–0086, Sulphur Operations, Extension of a Collection; Submitted for Office of Management and Budget (OMB) Review; Comment Request

AGENCY: Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE), Interior.

ACTION: Notice of extension of an information collection (1010–0086).

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), we are notifying the public that we have submitted to OMB an information collection request (ICR) to renew approval of the paperwork requirements in the regulations under 30 CFR 250, subpart P, Sulphur Operations. This notice also provides the public a second opportunity to comment on the paperwork burden of these regulatory requirements.

DATES: Submit written comments by October 7, 2010.

ADDRESSES: Submit comments by either fax (202) 395–5806 or e-mail (*OIRA_DOCKET@omb.eop.gov*) directly to the Office of Information and Regulatory Affairs, OMB, *Attention:* Desk Officer for the Department of the Interior (1010–0086). Please also submit a copy of your comments to BOEMRE by any of the means below.

- *Electronically:* Go to *http://www.regulations.gov.* In the entry titled "Enter Keyword or ID," enter docket ID MMS–2010–OMM–0012 then click search. Follow the instructions to submit public comments and view supporting and related materials available for this collection. The BOEMRE will post all comments.
- *E-mail: cheryl.blundon@boemre.gov.* Mail or hand-carry comments to: Department of the Interior; Bureau of Ocean Energy Management, Regulation and Enforcement; *Attention:* Cheryl Blundon; 381 Elden Street, MS–4024; Herndon, Virginia 20170–4817. Please reference ICR 1010–0086 in your comment and include your name and return address.

FOR FURTHER INFORMATION CONTACT: Cheryl Blundon, Regulations and Standards Branch, (703) 787–1607. You may also contact Cheryl Blundon to obtain a copy, at no cost, of the regulations that require the subject collection of information.

SUPPLEMENTARY INFORMATION:

Title: 30 CFR 250, subpart P, Sulphur Operations.

OMB Control Number: 1010–0086.

Abstract: The Outer Continental Shelf (OCS) Lands Act, as amended (43 U.S.C. 1331 *et seq.* and 43 U.S.C. 1801 *et seq.*), authorizes the Secretary of the Interior (Secretary) to prescribe rules and regulations to manage the mineral resources of the OCS. Such rules and regulations will apply to all operations conducted under a lease, right-of-use and easement, and pipeline right-of-way. Operations on the OCS must preserve, protect, and develop mineral resources in a manner that is consistent with the need to make such resources available to meet the Nation's energy needs as rapidly as possible; to balance orderly energy resource development with protection of human, marine, and coastal environments; to ensure the public a fair and equitable return on the resources of the OCS; and to preserve and maintain free enterprise competition.

Section 5(a) of the OCS Lands Act requires the Secretary to prescribe rules and regulations "to provide for the prevention of waste, and conservation of the natural resources of the Outer Continental Shelf, and the protection of correlative rights therein" and to include provisions "for the prompt and efficient exploration and development of a lease area." These authorities and responsibilities are among those delegated to the Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE) to ensure that operations in the OCS will meet statutory requirements; provide for safety and protection of the environment; and result in diligent exploration, development, and production of OCS leases. This ICR addresses the regulations at 30 CFR 250, subpart P, Sulphur Operations, and any associated supplementary Notices to Lessees and Operators (NTLs) intended to provide clarification, description, or explanation of these regulations.

Currently, BOEMRE regulates one sulphur lease on the OCS, but it is not active. Therefore, this information collection and its relevant hours represent one respondent.

Regulations implementing these responsibilities are under 30 CFR 250, subpart P. Responses are mandatory. No questions of a sensitive nature are asked. The BOEMRE protects information considered proprietary according to 30 CFR 250.197, "Data and information to be made available to the public or for limited inspection," and the Freedom of Information Act (5 U.S.C. 552) and its implementing regulations (43 CFR 2).

The BOEMRE uses the information collected to ascertain the condition of drilling sites for the purpose of preventing hazards inherent in sulphur drilling and production operations and to evaluate the adequacy of equipment and/or procedures to be used during the conduct of drilling, well-completion, well-workover, and production operations. The BOEMRE uses the information to:

- Ascertain that a discovered sulphur deposit can be classified as capable of production in paying quantities.
- Ensure accurate and complete measurement of production to determine the amount of sulphur royalty payments due the United States; and that the sale locations are secure, production has been measured accurately, and appropriate follow-up actions are initiated.
- Review expected oceanographic and meteorological conditions to ensure the integrity of the drilling unit (this information is submitted only if it is not otherwise available).
- Review hazard survey data to ensure that the lessee or operator will

not encounter geological conditions that present a hazard to operations.

• Ensure the adequacy and safety of firefighting plans; the drilling unit is fit for the intended purpose; and the adequacy of casing for anticipated conditions.

• Review log entries of crew meetings to verify that crew members are properly trained.

• Review drilling, well-completion, well-workover diagrams and procedures, as well as production operation procedures to ensure the safety of the proposed sulphur drilling, well-completion, well-workover and proposed production operations.

• Monitor environmental data during sulphur operations in offshore areas where such data are not already available to provide a valuable source of information to evaluate the performance of drilling rigs under various weather and ocean conditions. This information is necessary to make reasonable determinations regarding safety of operations and environmental protection.

Frequency: Occasional; varies by section.

Description of Respondents: Currently there are no active OCS sulphur lease operators. Our estimates are based on expected responses for one potential respondent.

Estimated Reporting and Recordkeeping Hour Burden: The estimated annual hour burden for this information collection is a total of 903 hours. The following chart details the individual components and estimated hour burdens. In calculating the burdens, we assumed that respondents perform certain requirements in the normal course of their activities. We consider these to be usual and customary and took that into account in estimating the burden.

Citation 30 CFR 250	Reporting and recordkeeping requirement	Hour burden	Average number of annual reponses	Annual burden hours
	Submittals/Notifications			
1600; 1617	Submit exploration or development and production plan	Burden covered under (1010–0151)		0
1617; 1618; 1619(b); 1622.	Submit forms MMS–123 (Application for Permit to Drill), MMS–124 (Application for Permit to Modify), Form MMS–125 (End of Operations Report).	Burden covered under (1010–0141)		0
1605(b)(3)	Submit and/or resubmit data and information on fitness of drilling unit.	4	1 submission	4
1605(d)	Submit results of additional surveys and soil borings upon request*	1	1 submission	1
1605(f)	Submit application for installation of fixed drilling platforms or structures.	Burden covered under (1010–0149).		0
1608	Submit well casing and cementing plan or modification	5	1 plan	5
1619(c), (d), (e)	Submit copies of records, logs, reports, charts, etc., upon request	1	8 submissions	8
1628(b), (d)	Submit application for design and installation features of sulphur production facilities and fuel gas safety system; certify new installation conforms to approved design.	4	1 application	4
1630(a)(6)	Notify BOEMRE of pre-production test and inspection of safety system and commencement of production.		2 notifications	1
1633(b)	Submit application for method of production measurement	2	1 application	2
Subtotal			15 responses	25
	Requests			
1603(a)	Request determination whether sulphur deposit can produce in paying quantities.	1	1 request	1
1605(e)(5)	Request copy of directional survey (by holder of adjoining lease)*	1	1 request	1
1607	Request establishment, amendment, or cancellation of field rules for drilling, well-completion, or well-workover.	8	2 requests	16
1610(d)(7+8)	Request exception to ram-type blowout preventer (BOP) system components rated working pressure.	1	1 request	1
1611(b); 1625(b)	Request exception to water-rated working pressure to test ram-type and annular BOPs and choke manifold.	1	1 request	1
1611(f); 1625(f)	Request exception to recording pressure conditions during BOP tests on pressure charts.*	1	1 request	1
1612	Request exception to §§ 250.408/250.462 requirements for well-control drills.*	1	1 request	1
1615	Request exception to blind-shear ram or pipe rams and inside BOP to secure wells.	1	1 request	1
1629(b)(3)	Request approval of firefighting systems; post firefighting system diagram.	4	1 request	4
1600 thru 1634	General departure and/or alternative compliance requests not specifically covered elsewhere in subpart P.	2	1 request	2
Subtotal			11 responses	29
	Record/Retain			
1604(f)	Check traveling-block safety device for proper operation weekly and after each drill-line slipping; enter results in log.	¼	1 lessee × 52 wks × 2 rigs = 104.	26
1605(c)	Report oceanographic, meteorological, and drilling unit performance data upon request.*	1	1 report	1

Citation 30 CFR 250	Reporting and recordkeeping requirement	Hour burden	Average number of annual reponses	Annual burden hours
1609(a)	Pressure test casing; record time, conditions of testing, and test results in log.	2	1 lessee × 60 tests/records = 60.	120
1611(d)(3); 1625(d)(3).	Record in driller's report the date, time, and reason for postponing pressure testings.	10 minutes	1 lessee × 6 recordings = 6.	1
1611(f), (g); 1625(f), (g).	Conduct tests, actuations, inspections, maintenance, and crew drills of BOP systems at least weekly; record results in driller's report; retain records for 2 years following completion of drilling activity.	6	1 lessee × 52 weeks = 52.	312
1613(d)	Pressure test diverter sealing element/valves weekly; actuate diverter sealing element/valves/control system every 24 hours; test diverter line for flow every 24 hours; record test times and results in driller's report.	2	1 lessee (daily/weekly during drilling) × 2 rigs × 52 weeks = 104.	208
1616(c)	Retain training records for lessee and drilling contractor personnel	Burden covered under 1010–0128.	0.	
1619(a); 1623(c)	Retain records for each well and all well operations for 2 years; calculate well-control fluid volume and post near operators' station.	12	1 lessee	12
1621	Conduct safety meetings prior to well-completion or well-workover operations; record date and time.	1	1 lessee × 50 meetings/records = 50.	50
1628(b), (d)	Maintain information on approved design and installation features for the life of the facility.	1	1 lessee	1
1629(b)(1)(ii)	Retain pressure-recording charts used to determine operating pressure ranges for 2 years.	12	1 lessee	12
1630(b)	Maintain records for each safety device installed for 2 years; make available for review.	1	1 lessee	1
1631	Conduct safety device training prior to production operations and periodically thereafter; record date and time.	1	1 lessee × 52 train/records × 2 rigs = 104.	104
1634(b)	Report evidence of mishandling of produced sulphur or tampering or falsifying any measurement of production.	1	1 report	1
Subtotal			486 responses	849
Total Burden			512 responses	903

*We included a minimal burden, but it has not been necessary to request these data and/or no submissions received for many years.

Estimated Reporting and Recordkeeping Non-Hour Cost Burden: We have identified no paperwork non-hour cost burdens associated with the collection of information.

Public Disclosure Statement: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. Until OMB approves a collection of information, you are not obligated to respond.

Comments: Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3501, *et seq.*) requires each agency "* * * to provide notice * * * and otherwise consult with members of the public and affected agencies concerning each proposed collection of information * * *" Agencies must specifically solicit comments to: (a) Evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

To comply with the public consultation process, on March 30, 2010, we published a **Federal Register** notice (75 FR 15718) announcing that we would submit this ICR to OMB for approval. The notice provided the required 60-day comment period. In addition, § 250.199 provides the OMB control number for the information collection requirements imposed by the 30 CFR 250 regulations. The regulations also inform the public that they may comment at any time on the collections of information and provide the address to which they should send comments. We have received no comments in response to these efforts.

If you wish to comment in response to this notice, you may send your comments to the offices listed under the **ADDRESSES** section of this notice. The OMB has up to 60 days to approve or disapprove the information collection but may respond after 30 days. Therefore, to ensure maximum consideration, OMB should receive public comments by October 7, 2010.

Public Availability of Comments: 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.

BOEMRE Information Collection Clearance Officer: Arlene Bajusz (703) 787–1025.

Dated: August 30, 2010.

Doug Slitor,

Acting Chief, Office of Offshore Regulatory Programs.

[FR Doc. 2010–22190 Filed 9–3–10; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management, Regulation and Enforcement

[Docket ID: MMS–2010–OMM–0027]

BOEMRE Information Collection Activity: 1010–NEW, Upcoming Projects Considering the Use of Outer Continental Shelf Sand, Gravel, and Shell Resources for Coastal Restoration and/or Beach Nourishment; NEW Collection; Comment Request

AGENCY: Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE), Interior.

ACTION: Notice of a new information collection (1010–NEW).

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), BOEMRE is inviting comments on a collection of information that we will submit to the Office of Management and Budget (OMB) for review and approval. The information collection request (ICR) concerns the paperwork requirements that respondents will submit to BOEMRE to obtain OCS sand, gravel, and shell resources for use in shore protection and beach and coastal restoration, which is considered a noncompetitive negotiated agreement program.

DATES: Submit written comments by November 8, 2010.

FOR FURTHER INFORMATION CONTACT: To obtain information pertaining to this notice, contact: Colleen Finnegan at (703) 787–1275. Marine Minerals Program information and procedures for obtaining sand, gravel, and shell resources can be found on the BOEMRE Web site *http://www.boemre.gov/sandandgravel* or by contacting the Marine Minerals Program at (703) 787–1215.

ADDRESSES: You may submit comments by either of the following methods listed below.

- *Electronically:* go to *http://www.regulations.gov.* In the entry titled "Enter Keyword or ID," enter docket ID MMS–2010–OMM–0027 then click search. Follow the instructions to submit public comments and view supporting and related materials available for this collection. The BOEMRE will post all comments.
- E-mail *cheryl.blundon@boemre.gov.* Mail or hand-carry comments to the Department of the Interior; Bureau of Ocean Energy Management, Regulation and Enforcement; Attention: Cheryl Blundon; 381 Elden Street, MS–4024; Herndon, Virginia 20170–4817. Please reference ICR 1010–NEW in your comment and include your name and return address.

SUPPLEMENTARY INFORMATION:

Title: Upcoming Projects Considering the Use of Outer Continental Shelf Sand, Gravel, and Shell Resources for Coastal Restoration and/or Beach Nourishment.

OMB Control Number: 1010–NEW.

Abstract: The BOEMRE, under the authority delegated by the Secretary of the Interior, is authorized pursuant to section 8(k)(2) of the OCS Lands Act (43 U.S.C. 1337(k)(2)) to convey rights to Outer Continental Shelf sand, gravel, and shell resources by noncompetitive negotiated agreement (NNA) for use in shore protection and beach and coastal restoration, or for use in construction projects funded in whole or part by or authorized by the Federal Government.

Background

Since 1995, 22 shore protection or beach and coastal restoration projects have been completed using OCS sand resources. Recently, the program has seen an increase in projects and need for OCS resources due to the decreasing amounts of sand located in state waters. Because of this increase, the BOEMRE needed to develop a mechanism to plan for future projects and anticipated workload. Therefore, the BOEMRE will issue an annual call for information about resources and locations from interested parties to develop an annual NNA Project Schedule. The NNA Project Schedule will help BOEMRE determine appropriate future resource allocation, conduct environmental analyses, develop NNAs, and meet all necessary environmental and legal requirements.

The BOEMRE has developed Proposed NNA Project Schedules for 2012 and 2013, based on information from a general solicitation of interest. This ICR addresses the additional information needed from States, local governments, Federal agencies, environmental and other interest organizations, and all other interested parties to finalize the 2012 and 2013 NNA Project Schedules.

Given staff and funding resources currently available, the BOEMRE has determined it can process a maximum of six marine minerals requests per calendar year off the Atlantic and Florida coasts, two projects off the Gulf of Mexico coast, and two projects off the Pacific Coast. In the event the number of requested projects exceeds these limits, the BOEMRE will request the relevant states to prioritize their own projects based on several criteria including likelihood of project funding and progress of environmental work. After evaluating State responses and BOEMRE resources, BOEMRE plans to publish the Final 2012 NNA Project Schedule in November 2011.

Information Submittal Procedures: The BOEMRE seeks information pertaining to upcoming shore protection and beach and coastal restoration projects that may consider the use of OCS material. The call for information will request interested parties to submit, in writing, a description of their proposed projects for which OCS resources will be used. The description must include the offshore borrow sites if known, the estimated date of construction, a short description of current project funding, and the name of a primary point of contact with that person's mailing address, telephone number, and e-mail address, as well as any additional information concerning the status of the project that would be useful to the BOEMRE. This information may include detailed maps and coordinates of desired sand resources and sites that would be nourished, a description of the environmental documents that have been completed to date concerning any portion of the project, and a description of the status of Federal, State, and/or local permits required for the project.

We will protect information from respondents considered proprietary under the Freedom of Information Act (5 U.S.C. 552) and its implementing regulations (43 CFR part 2). No items of a sensitive nature are collected. Responses are required to obtain or retain benefits.

Frequency: Annually.

Description of Respondents: Potential respondents comprise 9 states and 50 counties.

Estimated Reporting and Recordkeeping Hour Burden: The BOEMRE is requesting approximately 95 annual burden hours. In calculating the burdens, we assumed that respondents perform certain requirements in the normal course of their activities. We consider these to be usual and customary and took that into account in estimating the burden.

Estimated Reporting and Recordkeeping Non-Hour Cost Burden: We have identified no non-hour

paperwork cost burdens for this collection.

Public Disclosure Statement: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. Until OMB approves a collection of information, you are not obligated to respond.

Comments: Before submitting an ICR to OMB, PRA section 3506(c)(2)(A) requires each agency "* * * to provide notice * * * and otherwise consult with members of the public and affected agencies concerning each proposed collection of information * * *". Agencies must specifically solicit comments to: (a) Evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

Agencies must also estimate the non-hour paperwork cost burdens to respondents or recordkeepers resulting from the collection of information. Therefore, if you have costs to generate, maintain, and disclose this information, you should comment and provide your total capital and startup cost components or annual operation, maintenance, and purchase of service components. You should describe the methods you use to estimate major cost factors, including system and technology acquisition, expected useful life of capital equipment, discount rate(s), and the period over which you incur costs. Capital and startup costs include, among other items, computers and software you purchase to prepare for collecting information, monitoring, and record storage facilities. You should not include estimates for equipment or services purchased: (i) Before October 1, 1995; (ii) to comply with requirements not associated with the information collection; (iii) for reasons other than to provide information or keep records for the Government; or (iv) as part of customary and usual business or private practices.

We will summarize written responses to this notice and address them in our submission for OMB approval. As a result of your comments, we will make any necessary adjustments to the burden in our submission to OMB.

Public Comment Procedures: Before including your address, phone number, e-mail 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.

BOEMRE Information Collection Clearance Officer: Arlene Bajusz (202) 208–7744.

Dated: August 30, 2010.

Doug Slitor,

Acting Chief, Office of Offshore Regulatory Programs.

[FR Doc. 2010–22214 Filed 9–3–10; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management, Regulation and Enforcement

[Docket No. MMS–2010–OMM–0029]

BOEMRE Information Collection Activity: 1010–0183, Information Requirements for Exploration Plans, Development and Production Plans, and Development Operations Coordination Documents on the OCS NTL, Extension of a Collection; Comment Request

AGENCY: Bureau of Ocean Energy Management, Regulation, and Enforcement (BOEMRE), Interior.

ACTION: Notice of an extension of an information collection (1010–0183).

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), BOEMRE is inviting comments on a collection of information that we will submit to the Office of Management and Budget (OMB) for review and approval. The information collection request (ICR) concerns the paperwork requirements in a Notice to Lessees and Operators (NTL) for the regulations under 30 CFR 250, subpart B, "Plans and Information." The collection was originally approved by OMB under an emergency request. This request extends the collection for 3 years.

DATES: Submit written comments by November 8, 2010.

FOR FURTHER INFORMATION CONTACT: Cheryl Blundon, Regulations and Standards Branch at (703) 787–1607. You may also contact Cheryl Blundon to obtain a copy, at no cost, of the regulation and NTL that requires the subject collection of information.

ADDRESSES: You may submit comments by either of the following methods listed below.

- *Electronically:* go to *http://www.regulations.gov.* In the entry titled "Enter Keyword or ID," enter docket ID MMS–2010–OMM–0029 then click search. Follow the instructions to submit public comments and view supporting and related materials available for this collection. The BOEMRE will post all comments.
- *E-mail: cheryl.blundon@mms.gov.* Mail or hand-carry comments to the Department of the Interior; Bureau of Ocean Energy Management, Regulation, and Enforcement; *Attention:* Cheryl Blundon; 381 Elden Street, MS–4024; Herndon, Virginia 20170–4817. Please reference ICR 1010–0183 in your comment and include your name and return address.

SUPPLEMENTARY INFORMATION:

Title: Information Requirements for Exploration Plans, Development and Production Plans, and Development Operations Coordination Documents on the OCS NTL.

OMB Control Number: 1010–0183.

Abstract: The Outer Continental Shelf (OCS) Lands Act, as amended (43 U.S.C. 1331 *et seq.* and 43 U.S.C. 1801 *et seq.*), authorizes the Secretary of the Interior (Secretary) to prescribe rules and regulations to administer leasing of the OCS. Such rules and regulations will apply to all operations conducted under a lease. Operations on the OCS must preserve, protect, and develop oil and natural gas resources in a manner that is consistent with the need to make such resources available to meet the Nation's energy needs as rapidly as possible; to balance orderly energy resource development with protection of human, marine, and coastal environments; to ensure the public a fair and equitable return on the resources of the OCS; preserve and maintain free enterprise competition; and ensure that the extent of oil and natural gas resources of the OCS is assessed at the earliest practicable time. Section 43 U.S.C. 1332(6) states that "operations in the outer Continental Shelf should be conducted in a safe manner by well-trained personnel using technology, precautions, and techniques sufficient to prevent or minimize the likelihood of blowouts, loss of well control, fires, spillages, physical obstruction to other users of the waters or subsoil and seabed, or other occurrences which may cause damage to the environment or to property, or endanger life or health."

To carry out these responsibilities, the Bureau of Ocean Energy Management,

Regulation, and Enforcement (BOEM) (formerly the Minerals Management Service) issues regulations to ensure that operations in the OCS will meet statutory requirements; provide for safety and protect the environment; and result in diligent exploration, development, and production of OCS leases. In addition, we also issue Notices to Lessees and Operators (NTLs) that provide clarification, explanation, and interpretation of our regulations. These NTLs are also used to convey purely informational material and to cover situations that might not be adequately addressed in our regulations. The latter is the case for the information collection required in the subject NTL. Because of the unusual nature of this information collection, issuing an NTL would be the appropriate means to collect the information at the time of the event.

The subject of this information collection request (ICR) is an NTL based on the recommendations in the May 27, 2010, Report from the Secretary of the Interior to the President of the United States, *Increased Safety Measures for Energy Development on the Outer Continental Shelf* (Report). The BOEMRE issued this NTL for operators to comply with the requirements and recommendations of the report as a result of the Deepwater Horizon oil spill in the Gulf of Mexico. The primary information collection for this regulation is 30 CFR 250, Subpart B approved under the Office of Management and Budget (OMB) Control Number 1010–0151. However, in connection with this subpart, BOEMRE thinks that the burden hour requirements in the NTL are in addition to the currently approved paperwork burden under those requirements. We are renewing the collection for 3 years because information needs to be collected for a longer period than allowed by the emergency OMB request. Due to the duration of the spill, companies have diligently been working to stop and/or contain the flow of oil into the Gulf of Mexico and not all facilities are back to normal operations.

As stated in the NTL, on April 20, 2010, an event of national significance that included the deaths of 11 people continues to harm the marine ecosystem, wildlife, and property along the Gulf Coast. Although the causes are still under investigation, these events highlight the importance of ensuring safe operations on the Outer Continental Shelf (OCS). The BOEMRE will use this information, as well as other information and analyses, to comprehensively assess what changes may be needed to BOEMRE program-wide requirements and to review the data submitted to analyze future activities under Exploration Plans (EPs), Development and Production Plans (DPPs), and Development Operations Coordination Documents (DOCDs).

They will be proposing rulemaking that will increase the burden hours and require more specific information that lessees need to submit about their plans (Exploration Plans, Development and Production Plans, and Development Operations Coordination Documents) due to such a catastrophic event. This increase in burden hours, once approved, will allow BOEMRE to react to disasters more quickly and provide the public with needed information about the offshore energy infrastructure.

We will protect information from respondents considered proprietary under the Freedom of Information Act (5 U.S.C. 552) and its implementing regulations (43 CFR part 2), 30 CFR 250.197, Data and information to be made available to the public or for limited inspection, and 30 CFR 252, OCS Oil and Gas Information Program. No items of a sensitive nature are collected. Responses are mandatory.

Frequency: On occasion.

Description of Respondents: Potential respondents comprise Federal oil, gas, or sulphur lessees and/or operators.

Estimated Reporting and Recordkeeping Hour Burden: The currently approved annual reporting burden for this collection is 7,755 hours. There are approximately 517 responses from the lessees and operators that will need to submit revised/updated Exploration Plans, Development and Production Plans, and Development Operations Coordination Documents. In calculating the burdens, we assumed that respondents perform certain requirements in the normal course of their activities. We consider these to be usual and customary and took that into account in estimating the burden.

Estimated Reporting and Recordkeeping Non-Hour Cost Burden: We have identified no non-hour paperwork cost burdens for this collection.

Public Disclosure Statement: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. Until OMB approves a collection of information, you are not obligated to respond.

Comments: Before submitting an ICR to OMB, PRA section 3506(c)(2)(A) requires each agency "* * * to provide notice * * * and otherwise consult with members of the public and affected agencies concerning each proposed collection of information * * *". Agencies must specifically solicit comments to: (a) Evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

Agencies must also estimate the non-hour paperwork cost burdens to respondents or recordkeepers resulting from the collection of information. Therefore, if you have costs to generate, maintain, and disclose this information, you should comment and provide your total capital and startup cost components or annual operation, maintenance, and purchase of service components. You should describe the methods you use to estimate major cost factors, including system and technology acquisition, expected useful life of capital equipment, discount rate(s), and the period over which you incur costs. Capital and startup costs include, among other items, computers and software you purchase to prepare for collecting information, monitoring, and record storage facilities. You should not include estimates for equipment or services purchased: (i) Before October 1, 1995; (ii) to comply with requirements not associated with the information collection; (iii) for reasons other than to provide information or keep records for the Government; or (iv) as part of customary and usual business or private practices.

We will summarize written responses to this notice and address them in our submission for OMB approval. As a result of your comments, we will make any necessary adjustments to the burden in our submission to OMB.

Public Comment Procedures: 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.

BOEMRE Information Collection Clearance Officer: Arlene Bajusz (703) 787–1025.

Dated: August 30, 2010.

Doug Slitor,

Acting Chief, Office of Offshore Regulatory Programs.

[FR Doc. 2010–22212 Filed 9–3–10; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management, Regulation, and Enforcement

[Docket No. MMS–2010–OMM–0026]

BOEMRE Information Collection Activity: 1010–0081, Operations in the Outer Continental Shelf for Minerals Other Than Oil, Gas, and Sulphur, Extension of a Collection; Comment Request

AGENCY: Bureau of Ocean Energy Management, Regulation, and Enforcement (BOEMRE), Interior.

ACTION: Notice of an extension of an information collection (1010–0081).

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), BOEMRE is inviting comments on a collection of information that we will submit to the Office of Management and Budget (OMB) for review and approval. The information collection request (ICR) concerns the paperwork requirements in the regulations under 30 CFR 282, Operations in the Outer Continental Shelf for Minerals Other than Oil, Gas, and Sulphur.

DATES: Submit written comments by November 8, 2010.

FOR FURTHER INFORMATION CONTACT: Cheryl Blundon, Regulations and Standards Branch at (703) 787–1607. You may also contact Cheryl Blundon to obtain a copy, at no cost, of the regulation that requires the subject collection of information.

ADDRESSES: You may submit comments by either of the following methods listed below.

- *Electronically:* Go to *http://www.regulations.gov.* In the entry titled "Enter Keyword or ID," enter docket ID MMS–2010–OMM–0026 then click search. Follow the instructions to submit public comments and view supporting and related materials available for this collection. The BOEMRE will post all comments.
- *E-mail: cheryl.blundon@mms.gov.*

Mail or hand-carry comments to the Department of the Interior; Bureau of Ocean Energy Management, Regulation, and Enforcement; Attention: Cheryl Blundon; 381 Elden Street, MS–4024; Herndon, Virginia 20170–4817. Please reference ICR 1010–0081 in your comment and include your name and return address.

SUPPLEMENTARY INFORMATION:

Title: 30 CFR Part 282, Operations in the Outer Continental Shelf for Minerals Other than Oil, Gas, and Sulphur.

OMB Control Number: 1010–0081.

Abstract: The Outer Continental Shelf (OCS) Lands Act, as amended (43 U.S.C. 1334 and 43 U.S.C. 1337(k)), authorizes the Secretary of the Interior (Secretary) to implement regulations to grant to the qualified persons, offering the highest cash bonus on a basis of competitive bidding, leases of any mineral other than oil, gas, and sulphur. This applies to any area of the OCS not then under lease for such mineral. This regulation governs mining operations within the OCS for minerals other than oil, gas and sulphur and establishes a comprehensive leasing and regulatory program for such minerals. These regulations have been designed to (1) recognize the differences between the OCS activities associated with oil, gas, and sulphur discovery and development and those associated with the discovery and development of other minerals; (2) facilitate participation by States directly affected by OCS mining activities; (3) provide opportunities for consultation and coordination with other OCS users and uses; (4) balance development with environmental protection; (5) insure a fair return to the public; (6) preserve and maintain free enterprise competition; and (7) encourage the development of new technology.

Regulations at 30 CFR 282 implement these statutory requirements. However, there has been no activity in the OCS for minerals other than oil, gas and sulphur for many years and no associated information collected since 1991. Nevertheless, because these are regulatory requirements, the potential exists for information to be collected and we are renewing OMB approval.

We use the information required by 30 CFR part 282 to determine if lessees are complying with the regulations that implement the mining operations program for minerals other than oil, gas, and sulphur. Specifically, BOEMRE uses the information:

- To ensure that operations for the production of minerals other than oil, gas, and sulphur in the OCS are conducted in a manner that will result in orderly resource recovery, development, and the protection of the human, marine, and coastal environments.
- To ensure that adequate measures will be taken during operations to prevent waste, conserve the natural resources of the OCS, and to protect the environment, human life, and correlative rights.
- To determine if suspensions of activities are in the national interest, to facilitate proper development of a lease including reasonable time to develop a mine and construct its supporting facilities, or to allow for the construction or negotiation for use of transportation facilities.
- To identify and evaluate the cause(s) of a hazard(s) generating a suspension, the potential damage from a hazard(s) and the measures available to mitigate the potential for damage.
- For technical and environmental evaluations which provide a basis for BOEMRE to make informed decisions to approve, disapprove, or require modification of the proposed activities.

We protect proprietary information according to the Freedom of Information Act (5 U.S.C. 552) and its implementing regulations (43 CFR part 2), and 30 CFR 282.5, 282.6, and 282.7 and applicable sections of 30 CFR parts 280 and 281. No items of a sensitive nature are collected. Responses are mandatory.

Frequency: Monthly; on occasion.

Estimated Number and Description of Respondents: As there are no active respondents, we estimated the potential annual number of respondents to be one. Respondents are OCS lessees.

Estimated Reporting and Recordkeeping "*Hour*" *Burden:* The currently approved annual reporting burden for this collection is 201 hours. The following chart details the individual components and respective hour burden estimates of this ICR. In calculating the burdens, we assumed that respondents perform certain requirements in the normal course of their activities. We consider these to be usual and customary and took that into account in estimating the burden.

Citation 30 CFR 282	Reporting or recordkeeping requirement	Hour burden Non-hour cost burden
	Subpart A—General	
4(a), (b); 11(b); 12(b)(2)(ii); 12(f)(l), (2); 13(d), (e)(2); 21; 22; 25; 26; 28.	Submit delineation plan, including environmental information, contingency plan, monitoring program, and various requests for approval referred to throughout; submit modifications.	40
4(a), (c); 11(b); 12(c)(2)(ii); 12(f)(l), (2); 13(d), (e)(2); 15(d); 21; 23; 25; 26; 28.	Submit testing delineation plan, including environmental information, contingency plan, monitoring program, and various requests for approval referred to throughout; demonstrate compliance before plan disapproved; submit modifications.	40
4(a), (d); 11(b); 12(d)(2)(ii); 12(f)(1), (2); 13(d), (e)(2); 15(d); 21; 24; 25; 26; 28.	Submit mining delineation plan, including environmental information, contingency plan, monitoring program, and various requests for approval referred to throughout; demonstrate compliance before plan disapproved; submit modifications.	40
5; 6; 7	Request non-disclosure/disclosure of data and information. Governor enters into agreements pertaining to confidentiality; jurisdictional controversies, etc.	10
	Subpart B—Jurisdiction and Responsibilities of Director	
11(c); 30(a), (b)	Apply for right-of-use and easement; comment on request; demonstrate correct purpose	30
11(d);	Request consolidation of two or more OCS mineral leases or portions	1
12(f)(1), (h); 20(g), (h) ..	Request approval of operations or departure from operating requirements	Burden included with applicable operation.
13(b), (f)(2); 31	Request suspension or temporary prohibition of production or operations	2
13(e)	Submit site-specific study plan and results	8 1 study = $100,000
14	Submit "green" response copy of Form MMS–1832 indicating date violations (INCs) corrected.	2
	Subpart C—Obligations and Responsibilities of Lessees	
20(a), (g);	Make available all mineral resource or environmental data and information; submit reports and maintain records.	Burden included with applicable operation.
20(c) thru (e)	Submit designation of payor, operator, or local representative; submit changes	1
21(d)	Notify BOEMRE of preliminary activities	1
27(b)	Request use of new or alternative technologies, techniques, etc	1
27(c)	Notify BOEMRE of death or serious injury; fire, exploration, or other hazardous event; submit report.	1
27(d)(2)	Request reimbursement for furnishing food, quarters, and transportation for BOEMRE representatives (no requests received in many years; minimal burden).	2
27(e)	Identify vessels, platforms, structures, etc. with signs	1
27(f)(2)	Log all drill holes susceptible to logging; submit copies of logs to BOEMRE	3
27(h)(3), (4)	Mark equipment; record items lost overboard; notify BOEMRE	1
29(a); 27(k)	Submit monthly report of minerals produced; request extension; submit other information as required by Director.	1
29(b), (c)	Submit quarterly status and final report on exploration and/or testing activities	5
29(d)	Submit results of environmental monitoring activities	5
29(e)	Submit marked and certified maps annually or as required	1
29(f)	Maintain rock, minerals, and core samples for 5 years and make available upon request	1
29(g)	Maintain original data and information and navigation tapes as long as lease is in effect and make available upon request.	1
29(h)	Maintain hard mineral records and make available upon request	1
	Subpart D—Payments	
40	Submit surety or personal bond; submit authority for Director to sell security(ies)	2
	Subpart E—Appeals	
50; 15	File an appeal	Burden exempt under 5 CFR 1320.4(a)(2), (c).

Estimated Reporting and Recordkeeping "Non-Hour Cost" Burden: There is one non-hour cost burden associated with § 282.13(e)(1), a site specific study. Since this has not been done to date, we estimated that the cost of such study would cost industry at least $100,000 to comply with the requirement.

Public Disclosure Statement: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. Until OMB approves a collection of information, you are not obligated to respond.

Comments: Before submitting an ICR to OMB, PRA section 3506(c)(2)(A) requires each agency "* * * to provide notice * * * and otherwise consult with members of the public and affected agencies concerning each proposed collection of information * * *" Agencies must specifically solicit comments to: (a) Evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

Agencies must also estimate the "non-hour cost" burdens to respondents or recordkeepers resulting from the collection of information. Therefore, if you have costs to generate, maintain, and disclose this information, you should comment and provide your total capital and startup cost components or annual operation, maintenance, and purchase of service components. You should describe the methods you use to estimate major cost factors, including system and technology acquisition, expected useful life of capital equipment, discount rate(s), and the period over which you incur costs. Capital and startup costs include, among other items, computers and software you purchase to prepare for collecting information, monitoring, and record storage facilities. You should not include estimates for equipment or services purchased: (i) Before October 1, 1995; (ii) to comply with requirements not associated with the information collection; (iii) for reasons other than to provide information or keep records for the Government; or (iv) as part of customary and usual business or private practices.

We will summarize written responses to this notice and address them in our submission for OMB approval. As a result of your comments, we will make any necessary adjustments to the burden in our submission to OMB.

Public Comment Procedures: Before including your address, phone number, e-mail 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.

BOEMRE Information Collection Clearance Officer: Arlene Bajusz (202) 208–7744.

Dated: June 28, 2010.

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Doug Slitor,

Acting Chief, Office of Offshore Regulatory Programs.

[FR Doc. 2010–22188 Filed 9–3–10; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management, Regulation, and Enforcement

[Docket No. MMS–2010–OMM–0025]

BOEMRE Information Collection Activity: 1010–0112, Performance Measures Data, Revision of a Collection; Comment Request

AGENCY: Bureau of Ocean Energy Management, Regulation, and Enforcement (BOEMRE), Interior.

ACTION: Notice of a revision of an information collection (1010–0112).

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), BOEMRE is inviting comments on a collection of information that we will submit to the Office of Management and Budget (OMB) for review and approval. The information collection request (ICR) concerns the paperwork requirements in the Performance Measures Data, Form MMS–131.

DATES: Submit written comments by November 8, 2010.

FOR FURTHER INFORMATION CONTACT: Cheryl Blundon, Regulations and Standards Branch at (703) 787–1607. You may also contact Cheryl Blundon to obtain a copy, at no cost, of the information collection. The form and its instructions are printed at the end of this notice.

ADDRESSES: You may submit comments by either of the following methods listed below.

- *Electronically:* Go to *http://www.regulations.gov*. In the entry titled Enter Keyword or ID, enter docket ID MMS–2010–OMM–0025 then click search. Follow the instructions to submit public comments and view supporting and related materials available for this collection. The BOEMRE will post all comments.
- *E-mail: cheryl.blundon@mms.gov*. Mail or hand-carry comments to the Department of the Interior; Bureau of Ocean Energy Management, Regulation, and Enforcement; Attention: Cheryl Blundon; 381 Elden Street, MS–4024; Herndon, Virginia 20170–4817. Please reference ICR 1010–0112 in your comment and include your name and return address.

SUPPLEMENTARY INFORMATION:

Title: Performance Measures Data, Form MMS–131.

OMB Control Number: 1010–0112.

Abstract: The Outer Continental Shelf (OCS) Lands Act (43 U.S.C. 1331 *et seq.*), as amended, requires the Secretary of the Interior to preserve, protect, and develop OCS oil, gas, and sulphur resources; make such resources available to meet the Nation's energy needs as rapidly as possible; balance orderly energy resources development with protection of the human, marine, and coastal environments; ensure the public a fair and equitable return on the resources offshore; and preserve and maintain free enterprise competition. These responsibilities are among those delegated to the BOEMRE. The BOEMRE generally issues regulations to ensure that operations in the OCS will meet statutory requirements; provide for safety and protect the environment; and result in diligent exploration, development, and production of OCS leases.

Beginning in 1991, BOEMRE has promoted, on a voluntary basis, the implementation of a comprehensive Safety and Environmental Management Program (SEMP) for the offshore oil and gas industry as a complement to current regulatory efforts to protect people and the environment during OCS oil and gas exploration and production activities.

From the beginning, BOEMRE, the industry as a whole, and individual companies realized that at some point they would want to know the effect of SEMP on safety and environmental management of the OCS. The natural consequence of this interest was the establishment of performance measures. The BOEMRE will be requesting OMB approval for a revision of the performance measures data on Form MMS–131. Respondents submit Form MMS–131 annually during the first quarter of each calendar year. This collection is considered a revision since BOEMRE is changing the way respondents will need to fill out the form. Respondents will break out the information quarterly on the form, but submittal will continue to be once a year. We have attached instructions and the revised form at the end of this document as an Appendix.

The responses to this collection of information are voluntary, although we consider the information to be critical for assessing the effects of the OCS

Safety and Environmental Management Program. We can better focus our regulatory and research programs on areas where the performance measures indicate that operators are having difficulty meeting BOEMRE expectations. We are more effective in leveraging resources by redirecting research efforts, promoting appropriate regulatory initiatives, and shifting inspection program emphasis. Also, the responses will bring the United States into the mainstream with other nations' oil and gas regulatory authorities. Because the oil and gas development and production industry is international, operators at work domestically are also at work internationally. It is important for the BOEMRE to be able to compare injury and illness outcomes from domestic production to those outcomes from other domestic industries as well as to outcomes from hydrocarbon development and production activities elsewhere in the world.

Operators also use the data to make individual comparisons of their results to those of the industry as a whole and evaluate trends. Knowing how the offshore operators, as a group, are doing and where their own company ranks, provides company management with information to focus their own continuous improvement efforts. This leads to more cost-effective prevention actions and, therefore, better cost containment.

We will protect information from respondents considered proprietary under the Freedom of Information Act (5 U.S.C. 552) and its implementing regulations (43 CFR part 2) and under regulations at 30 CFR 250.197, "Data and information to be made available to the public or for limited inspection." No items of a sensitive nature are collected. Responses are voluntary. We intend to release data collected on Form MMS–131 only in a summary format that is not company-specific.

Frequency: The frequency is annual, during the first quarter of the year.

Description of Respondents: Federal OCS oil and gas or sulphur lessees and/or operators.

Estimated Annual Reporting and Recordkeeping Hour Burden: The currently approved hour burden for Form MMS–131 is 280 hours. We estimate the public reporting burden for the revised form will average 10 hours per response. This includes the time for reviewing instructions, gathering and maintaining data, and completing and reviewing the information.

Estimated Annual Reporting and Recordkeeping Non-Hour Cost Burden: We have identified no non-hour cost burden associated with Form MMS–131.

Public Disclosure Statement: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. Until OMB approves a collection of information, you are not obligated to respond.

Comments: Before submitting an ICR to OMB, PRA section 3506(c)(2)(A) requires each agency "* * * to provide notice * * * and otherwise consult with members of the public and affected agencies concerning each proposed collection of information * * *". Agencies must specifically solicit comments to: (a) Evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

Agencies must also estimate the non-hour cost burdens to respondents or recordkeepers resulting from the collection of information. Therefore, if you have costs to generate, maintain, and disclose this information, you should comment and provide your total capital and startup cost components or annual operation, maintenance, and purchase of service components. You should describe the methods you use to estimate major cost factors, including system and technology acquisition, expected useful life of capital equipment, discount rate(s), and the period over which you incur costs. Capital and startup costs include, among other items, computers and software you purchase to prepare for collecting information, monitoring, and record storage facilities. You should not include estimates for equipment or services purchased: (i) Before October 1, 1995; (ii) to comply with requirements not associated with the information collection; (iii) for reasons other than to provide information or keep records for the Government; or (iv) as part of customary and usual business or private practices.

We will summarize written responses to this notice and address them in our submission for OMB approval. As a result of your comments, we will make any necessary adjustments to the burden in our submission to OMB.

Public Comment Procedures: 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.

BOEMRE Information Collection Clearance Office: Arlene Bajusz, (202) 208–7744.

Dated: June 25, 2010.

William S. Hauser,

Acting Chief, Office of Offshore Regulatory Programs.

Appendix

Instructions on how to fill out Form MMS–131—Performance Measures Data.

1. On the line titled, "Company Name(s)," enter the name(s) of the operating company(ies) that are the owners of the data that need to be entered on the remainder of this form.

2. Directly across from your entry on "Company Names," please enter the name of the Bureau of Ocean Energy Management, Regulation, and Enforcement (BOEMRE) Region where your operating company(ies) have worked and generated the data to be entered on the remainder of this form.

3. On the line titled, "Operator Code(s),*" please enter all the known operator codes for the company name or names that you have entered above.

4. Directly across from your entry on "Operator Codes," please enter the Calendar Year the data to be entered on the remainder of the form was generated.

5. On the line titled, "Contact Name," please enter the name of your chosen contact person. This person should be knowledgeable about the data your company has submitted on this form as they will be the first person the BOEMRE contacts should the bureau have any questions about the data you have provided.

6. Directly across from your entry on "Contact Name," please input an active, valid email address for your "Contact Name."

7. Enter an active and valid telephone number on the line titled, "Telephone." This telephone number should belong to your "Contact Name."

8. Enter an active and valid fax number on the line titled, "Fax." This fax number should be accessible to your "Contact Name."

9. Enter the date this form was submitted to the BOEMRE on the line titled, "Date Submitted."

10. On line A, in the column labeled, "Production Operations," enter the total number of company employee recordable injuries and illnesses accrued in each of the four quarters of the calendar year. Only the total number of recordable injuries and illnesses suffered by *operating company* employees while they were in engaged in production operations may be entered here.

11. On line A, in the column labeled, "Drilling** Operations," enter the total number of company employee recordable injuries and illnesses accrued in each of the four quarters of the calendar year. Only the total number of recordable injuries and illnesses suffered by *operating company* employees while they were engaged in drilling operations may be entered here.

12. On line A, in the column labeled, "Construction Operations," enter the total number of company employee recordable injuries and illnesses accrued in each of the four quarters of the calendar year. Only the total number of recordable injuries and illnesses suffered by *operating company* employees while they were engaged in construction operations may be entered here.

13. On line B, in the column labeled, "Production Operations," enter the total number of contract employee recordable injuries and illnesses accrued in each of the four quarters of the calendar year. Only the total number of recordable injuries and illnesses suffered by *contract* employees while they were engaged in production operations may be entered here.

14. On line B, in the column labeled, "Drilling** Operations," enter the total number of contract employee recordable injuries and illnesses accrued in each of the four quarters of the calendar year. Only the total number of recordable injuries and illnesses suffered by *contract* employees while they were engaged in drilling operations may be entered here.

15. On line B, in the column labeled, "Construction Operations," enter the total number of contract employee recordable injuries and illnesses accrued in each of the four quarters of the calendar year. Only the total number of recordable injuries and illnesses suffered by *contract* employees while they were engaged in construction operations may be entered here.

16. On line C, in the column labeled, "Production Operations," enter the total number of company employee DART recordable injuries and illnesses accrued in each of the four quarters of the calendar year. Only the total number of DART recordable injuries and illnesses suffered by *operating company* employees while they were engaged in production operations may be entered here.

17. On line C, in the column labeled, "Drilling** Operations," enter the total number of company employee DART recordable injuries and illnesses accrued in each of the four quarters of the calendar year. Only the total number of DART recordable injuries and illnesses suffered by *operating company* employees while they were engaged in drilling operations may be entered here.

18. On line C, in the column labeled, "Construction Operations," enter the total number of company employee DART recordable injuries and illnesses accrued in each of the four quarters of the calendar year. Only the total number of DART recordable injuries and illnesses suffered by *operating company* employees while they were engaged in construction operations may be entered here.

19. On line D, in the column labeled, "Production Operations," enter the total number of contract employee DART recordable injuries and illnesses accrued in each of the four quarters of the calendar year. Only the total number of DART recordable injuries and illnesses suffered by *contract* employees while they were engaged in production operations may be entered here.

20. On line D, in the column labeled, "Drilling** Operations," enter the total number of contract employee DART recordable injuries and illnesses accrued in each of the four quarters of the calendar year. Only the total number of DART recordable injuries and illnesses suffered by *contract* employees while they were engaged in drilling operations may be entered here.

21. On line D, in the column labeled, "Construction Operations," enter the total number of contract employee DART recordable injuries and illnesses accrued in each of the four quarters of the calendar year. Only the total number of DART recordable injuries and illnesses suffered by *contract* employees while they were engaged in construction operations may be entered here.

22. On line E, in the column labeled, "Production Operations," enter the total number of hours that company employees worked on production operations during each of the four quarters of the calendar year.

23. On line E, in the column labeled, "Drilling** Operations," enter the total number of hours company employees worked on drilling operations during each of the four quarters of the calendar year.

24. On line E, in the column labeled, "Construction Operations," enter the total number of hours that company employees worked on construction operations during each of the four quarters of the calendar year.

25. On line F, in the column labeled, "Production Operations," enter the total number of hours that contract employees worked on production operations during each of the four quarters of the calendar year.

26. On line F, in the column labeled, "Drilling** Operations," enter the total number of hours contract employees worked on drilling operations during each of the four quarters of the calendar year.

27. On line F, in the column labeled, "Construction Operations," enter the total number of hours that contract employees worked on construction operations during each of the four quarters of the calendar year.

28. On line G, enter the total number of EPA NPDES non-compliances experienced by the operating company during the calendar year.

29. On line H, for oil spills of less then 1 bbl:

a. Count every occurrence of such a spill individually and tally that sum. On line 1, enter the total number of oil spills less than 1 bbl that you have tallied.

For each individual spill, estimate the volume of oil lost. Sum the estimates for each spill and enter the final amount of oil lost (in bbls) on line 2.

PERFORMANCE MEASURES DATA

Provide Data on an Annual Basis for the Previous Calendar Year by March 31 of Each Year

Company Name(s)_____ BOEMRE Region_____

Operator Code(s)*_____ Calendar Year_____

Contact Name_____ E-mail Address_____

Telephone_____ Fax_____ Date_____

SAFETY		PRODUCTION OPERATIONS	DRILLING** OPERATIONS	CONSTRUCTION OPERATIONS
A. No. of Company Employee Recordable Injuries/Illnesses.	1st Qtr			
	2nd Qtr			
	3rd Qtr			
	4th Qtr			
B. No. of Contract Employee Recordable Injuries/Illnesses.	1st Qtr			
	2nd Qtr			
	3rd Qtr			
	4th Qtr			
C. No. of Company Employee DART Injuries/Illnesses***.	1st Qtr			
	2nd Qtr			
	3rd Qtr			
	4th Qtr			

PERFORMANCE MEASURES DATA—Continued

Provide Data on an Annual Basis for the Previous Calendar Year by March 31 of Each Year

D. No. of Contract Employee DART Injuries/ Illnesses***.	1st Qtr			
	2nd Qtr			
	3rd Qtr			
	4th Qtr			
E. Company Employee Hours Worked	1st Qtr			
	2nd Qtr			
	3rd Qtr			
	4th Qtr			
F. Contract Employee Hours Worked	1st Qtr			
	2nd Qtr			
	3rd Qtr			
	4th Qtr			

ENVIRONMENT

G. No. of EPA NPDES Noncompliances .....

H. For Oil Spills < 1 bbl

1. No. of Spills .....

2. Total Volume for Spills ..... bbl

* Please list all operator codes that these data represent.
** Drilling Operations include Drilling, Workover, and Allied Services.
*** Formerly Lost Time Cases that include Days Away from work, Restricted duty and Transfer situations.

Paperwork Reduction Act of 1995 (PRA): The PRA (44 U.S.C. 3501 *et seq.*) requires us to inform you that BOEMRE collects this information to carry out its responsibilities under the OCS Lands Act, as amended. The BOEMRE will use the information to evaluate the effectiveness of industry's continued improvement of safety and environmental management in the OCS. Responses are voluntary. No proprietary data are collected. We estimate the public reporting burden, including the time for reviewing instructions, gathering and maintaining data, and completing and reviewing the information to average 10 hours per response. 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 Office of Management and Budget (0MB) control number. The 0MB has approved this collection of information and assigned 0MB control number 1010–0112. You may direct comments regarding the burden estimate or any other aspect of this collection of information to the Information Collection Clearance Officer, Mail Stop 5438, Bureau of Ocean Energy Management, Regulation, and Enforcement, Department of the Interior, 1849 C Street, NW., Washington, DC 20240.

COMPANY-SPECIFIC DATA COLLECTED UNDER THIS REQUEST IS INTENDED FOR GOVERNNENT USE ONLY

BOEMRE Form MMS–131 (Mo/Year *Replaces all previous editions that may not be used.)*

[FR Doc. 2010–22186 Filed 9–3–10; 8:45 am]
BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

National Park Service

Cattle Point Road Relocation; Draft Environmental Impact Statement; San Juan Island National Historical Park; San Juan County, WA; Notice of Availability

Summary: Pursuant to the National Environmental Policy Act of 1969 (Pub. L. 91–190, as amended), and the Council on Environmental Quality Regulations (40 CFR part 1500–1508), the National Park Service (NPS), and the Federal Highway Administration (FHWA), Department of Transportation, co-lead agencies for this project, in cooperation with San Juan County, Washington and the Washington State Department of Natural Resources, have prepared a draft environmental impact statement (DEIS) for alternatives designed to respond to coastal bluff erosion which threatens Cattle Point Road located in San Juan Island National Historical Park (Park), Washington. The DEIS identifies and analyzes three "action" alternatives for road realignment that respond to agency planning requirements and to the public's concerns and relevant environmental issues, identified during the scoping and early public involvement process. The potential environmental consequences of the alternatives, and appropriate measures to minimize or avoid harm, are identified and analyzed in the DEIS. An "environmentally preferred" alternative is also identified.

Background: A portion of the Cattle Point Road which terminates on the southeastern tip of San Juan Island is threatened by coastal erosion at the base of the slope traversed by the road. This road passes through the Park and serves residences on a peninsular area of the island known as Cattle Point, as well provides public access to the Cattle Point Natural Resource Conservation Area, managed by the Washington Department of Natural Resources (DNR). If erosion continues unabated, the roadway eventually will fail, disrupting vehicular access to these areas. The road is currently maintained by San Juan County (County); the project area of potential effect is primarily within the Park. The entire Park is listed on the National Register of Historic Places as a National Historic Landmark.

A Notice of Intent to begin the conservation planning and environmental impact analysis for the project was published in the **Federal Register** on February 6, 2004. The NPS and the FHWA, along with the County and the DNR, organized an interdisciplinary team consisting of members from the four agencies. A previous scoping effort begun by the County in 2001 was incorporated into the current project. Public engagement was initiated through a newsletter and news release, followed by two public meetings held February 18, 2004, on San Juan Island. Project team members presented information and gathered feedback and ideas on preliminary alternatives and potential environmental issues. Approximately 30 public comments were received during the scoping period ending March 19, 2004.

The project team subsequently developed a Scoping Report, which described the range of potential alternatives identified for more detailed analysis, as well as alternatives dismissed from further consideration

(including armoring the base of the slope in lieu of road realignment options). The Scoping Report included comments and agency responses as appendices. On June 17, 2004, a notice was sent to the 302-member project mailing list regarding release of the Scoping Report; additionally, a press release was issued and a notice posted on the Park website announcing availability of the document. In April of 2005, a newsletter was sent to the project mailing list summarizing progress on the DEIS to date, including the preliminary identification of a preferred alternative, completion of a Cultural Resource Survey and a Tunnel Feasibility Study, and plans for rare plant surveys. The project team made a presentation summarizing planning to date to the San Juan Board of County Commissioners in January, 2006; the meeting was open to the public. A plant survey report was also completed during January, 2006. Letters were sent to culturally affiliated tribes on March 9, 2006, with copies of the Cultural Resource Survey and inviting their comments on the project. The FHWA, on behalf of the project team, sent a letter to the Washington State Historic Preservation Officer (SHPO) on May 28, 2009, with a recommendation of No Adverse Effect and § 4(f) *de minimis* determination. Concurrence was received from the SHPO on June 23, 2009.

Proposal and Alternatives: Alternative A: No Action—The existing use, maintenance, and management associated with the road would continue without change. This alternative provides a baseline of current conditions to aid comparison and analysis of the "action" alternatives. Under this alternative, erosion eventually could cause the road to fail, disrupting vehicular access to residential properties in the Cattle Point Estates and Cape San Juan neighborhoods and to public lands east of the eroding bluff. Since measurements began in 2002, erosion has moved approximately 14 feet closer to the guard rail and is currently 32 feet from the guard rail at its closest point. The continued life span of the road is difficult to predict, however large storm events could potentially make the road unsafe in a few years—life expectancy (relative to coastal erosion) is estimated at approximately 100 years for each of the "action" alternatives.

Alternative B: Hybrid Mid-Slope Realignment—This alternative is the "agency preferred" alternative. It involves mid-slope realignment to the north of the existing road, traversing the south-facing slope of Mt. Finlayson. At its highest point, this alignment curves slightly south of the Mt. Finlayson summit. The realignment would be entirely on the surface (no tunnel), approximately 4,950 feet in length, with a short slope of 10.5% on the eastern end. This also is deemed to be the "environmentally preferred" course of action.

Alternative C: Long Tunnel on Minor Realignment—This alternative involves a short realignment (2,830 feet) relatively low on the slope of Mt. Finlayson. Sixteen hundred feet of the realignment would be within a bored tunnel. Maximum slope would be 7%.

Alternative D: Mid-Slope Alignment with Short Tunnel—This alternative involves mid-slope realignment to the north of the existing road, utilizing a short tunnel near the ridgeline of Mt. Finlayson. Realignment length would be 4,700 feet, 775 feet of which would be within the tunnel. Maximum slope would be 8%.

Public Review and Comment: The DEIS is now available for public review. Copies may be obtained by contacting the Park as noted below. Printed copies of the document may also be reviewed at these locations in Friday Harbor on San Juan Island: San Juan County Public Library, San Juan County Office of Public Works, and at Park headquarters. The document may also be reviewed at Federal Highway Administration office in Vancouver, Washington. All written comments must be postmarked or transmitted **not later than 60 days** from the date of publication in the **Federal Register** of the Environmental Protection Agency's notice of filing of the DEIS—as soon as this date is confirmed, it will be announced on the project website and via local and regional media.

During the review period, several options are available for providing written comments. Letters can be directly mailed to: Superintendent Peter Dederich, San Juan Island National Historical Park, P.O. Box 429, Friday Harbor, WA 98250. In addition, comments may be hand-delivered at the upcoming public workshop to be conducted on San Juan Island. Confirmed details on the date, location, and time for the workshop will be announced in local newspapers, in the forthcoming DEIS Alternatives newsletter, online at the Park Web site (*http://www.nps.gov/sajh*), or may be obtained via telephone at (360) 378–2240. Comments may also be transmitted electronically on the NPS project Web site *http//parkplanning.nps.gov/sajh.*

Before including your address, phone number, e-mail 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.

Following the opportunity to review the DEIS, all comments received will be duly considered in preparing a Final EIS. The Final EIS is expected to be completed during the spring of 2011 and availability of the document will be similarly announced in the **Federal Register** and via local and regional press media.

Dated: April 5, 2010.

Cicely A. Muldoon,

Acting Regional Director, Pacific West Region.

[FR Doc. 2010–22145 Filed 9–3–10; 8:45 am]

BILLING CODE 4310–MS–P

DEPARTMENT OF THE INTERIOR

National Park Service

Draft Environmental Impact Statement; Stehekin River Corridor Implementation Plan; Lake Chelan National Recreation Area; Whatcom, Skagit and Chelan Counties, WA; Notice of Availability

Summary: Pursuant to § 102(2)(C) of the National Environmental Policy Act of 1969, the National Park Service, in cooperation with the Federal Highway Administration, has prepared a Draft Environmental Impact Statement and Stehekin River Corridor Implementation Plan (Plan/DEIS). The Plan/DEIS evaluates four alternatives for sustainable management of NPS facilities (*e.g.,* roads, maintenance yard, trails, bridges) in response to flooding and erosion issues on the lower Stehekin River between High Bridge and Lake Chelan, outside of the Stephen Mather Wilderness. When approved, the Plan will allow for implementation of several actions identified in the 1995 General Management Plan (GMP), including removal of NPS maintenance and housing facilities and the primary access road to North Cascades National Park from the floodplain, construction of new recreation facilities, and protection of the water quality and scenery along the lower Stehekin River. The Plan/DEIS also updates the Lake Chelan National Recreation Area Land Protection Plan.

Background: Lake Chelan National Recreation Area (LACH) encompasses 62,000 acres of the rugged North

Cascade mountains. The focal point of LACH is the Stehekin River, which occupies a deep glacial valley on the east slope of the range. The Stehekin River is known for being flood prone due to rapid runoff from steep, rocky slopes and the location of its headwaters on the wet Pacific Crest of the Cascade Range. The Lower Stehekin valley below High Bridge is particularly vulnerable to flood and erosion damage due to rapid decrease in stream energy as the river flows through a widening valley and empties into Lake Chelan.

Several key National Park Service (NPS) facilities (fuel storage, maintenance shops, and housing), private development, and roads are in the floodplain of the lower Stehekin River and threatened by floods. Flood conditions have become exacerbated by a shift in the timing, magnitude, and frequency of flooding on the Stehekin River in the 1970s, away from smaller spring floods to larger fall floods. This shift has produced the three largest floods since 1911 in the past 15 years. Changes in the river channel have resulted in threats to water quality and scenery as several private cabins and their sanitary systems have been incorporated into the river.

This plan seeks to implement and refine guidance from the 1995 GMP for LACH that identified a new location for administrative facilities outside of regulatory floodplains. Locations for expanded recreation opportunities outside of designated wilderness within the National Recreation Area were also identified in this plan. The 1995 LACH Land Protection Plan, scheduled to be updated every two years, is the primary means for the NPS to acquire private cabins and associated water and sanitary systems to prevent degradation of water quality and scenic resources. Given drastic changes in flood conditions, this plan was in need of revision.

Passage of the record floods in 2003 and 2006 led private landowners in the valley to request U.S. Army Corps of Engineers (COE) advice on how to reduce flooding. While the COE failed to secure funds to do a detailed five-year study, its emergency management team recommended extensive bank hardening with rock, and dredging of the river channel. Estimated one-time cost is $12 million for removal of gravel deposited since 2000 at two mile-long sites near McGregor Meadows and the Stehekin River mouth. The NPS finds the COE recommendations to manipulate the river contrary to the purpose and significance of LACH. The potential for major action by another agency and continued placement of structures on the Stehekin River by the NPS to protect the road and private landowners to protect property create the need to assess cumulative impacts before new actions are considered.

Surveys of channel topography (1972, 1990, 2004 and 2008) and position (1959, 1962, 1978, 1982, 1995, 2004, 2007, and 2009), measurement of gravel deposits (2007–08), hydrology data collected since 1911, and large wood surveys (conducted 1982, 2000, and 2007) provide the basis for development of a scientifically credible plan and impact analysis. Potential solutions for all alternatives were reviewed by a technical committee composed of representatives for the Washington DOE and DFW, Chelan PUD, Chelan County Planning Department, U.S. Fish and Wildlife Service, and a private consultant.

Public involvement in the conservation planning process began with widespread mailing of a scoping newsletter in early January 2008. Late in January 2008, meetings in Stehekin, Seattle, and Wenatchee provided an opportunity for the public to identify issues. Notice of Intent to prepare an environmental impact statement was published in the **Federal Register** on February 27, 2008. A news release for the public scoping meetings was sent in February 14, 2008, to local and regional news media (a follow up news release on March 5, 2008, extended public scoping to March 31). Following an NPS alternative development workshop in March 2008, a preliminary alternatives newsletter was developed and mailed to the public in summer 2008. This was followed-up by a public open house in Stehekin in August 2008. Both the newsletter and open house were announced via news releases to several media outlets, including local newspapers and radio and television stations.

Purpose and Need for Federal Action: Recent major floods and resultant channel changes on the lower Stehekin River are threatening NPS facilities and natural resources within LACH. The three largest recorded floods on the Stehekin River have occurred within the past 15 years, and in response the NPS has spent more than $3 million to protect public roads and facilities and to repair flood damage since 2003. Roads, visitor facilities and private homes once thought to be safe from the river are now threatened. Because of the current impacts and future risks associated with these unprecedented conditions, the primary purpose of this implementation plan is to enable the NPS to meet goals and direction provided in the 1995 GMP, including:

(1) Sustainably operate and maintain NPS administrative facilities, public access (roads and trails), and campgrounds; (2) Protect water quality, scenic values, habitat, and natural processes of the Stehekin River; and (3) Ensure the persistence of visitor services provided by the Stehekin community, including those services and facilities found on private lands.

The NPS and FHWA have identified a need to evaluate comprehensive and sustainable management strategies and holistic actions to address the consequences of flooding. This implementation plan is needed to address several interrelated issues, including the following:

(1) *Respond to the Increased Magnitude and Frequency of Flooding.* Prior to the late 20th century, the Stehekin River was prone primarily to spring snowmelt flooding. Since the 1970s, however, the Stehekin River has become prone to large fall rain-on-snow floods, which rise quickly and occur from mid-October through December. Hydrologic data collected on the river since 1911 confirm the statistical significance of this shift, as analyzed by the U.S. Geological Survey (USGS). The passage of severe floods in 1995, 2003, and 2006 has led to significant changes in the Stehekin River channel, and redefined the boundaries for the 100-year flood. As a result, recreational and administrative facilities and developments once thought to be safe from the river are now threatened by flooding and bank erosion, while other sites in the floodplain have been compromised by larger, more frequent floods. Until now, the NPS has addressed problems on a case-by-case basis throughout the valley with the passage of each of these large floods.

(2) *Implement and Clarify 1995 Lake Chelan National Recreation Area General Management Plan Guidance.* The GMP provides broad management guidance for LACH, as well as some specific prescriptions to mitigate the risks and consequences of flooding. As a programmatic document, the GMP lacks the specific management direction needed to respond to the current circumstances imposed by the recent floods and the change to a fall flood regime. Specific actions called for in the GMP that would be implemented in this plan include relocation of the maintenance facility and new NPS housing out of the floodplain, and continued maintenance of vehicle access on the Stehekin Valley and Company Creek roads. This implementation plan is needed to inform the location, design, construction, and implementation of

these actions. Guidance provided by the GMP needs to be updated and clarified to reflect the dramatic increase in woody debris since 1995 and recognition of the influence of Chelan Public Utility District on the level of Lake Chelan and the lower Stehekin River. This plan is also needed to evaluate and publicly disclose the direct, indirect and cumulative impacts of these actions on the resources and values of Lake Chelan NRA.

(3) *Sustain Public Facilities While Protecting Natural Resources.* Management action is needed to provide long-term use and access to administrative and recreation facilities. Despite erosion protection and flood control efforts by the NPS and private landowners, bank erosion continues to threaten public and private property. Channel changes have increased the rate of erosion and frequency of flooding at some sites, while decreasing erosion rates at others. Integrated management actions such as facility relocation, site-specific bank hardening, and limited manipulation of woody debris in the Lake Chelan backwater zone now need to be considered to ensure the long-term sustainability of infrastructure and protection of resources. Management of large wood and proliferation of bank protection measures have the potential to impact Federal and state listed species and to increase the spread of non-native plants. These conditions underscore the need for updated assessment of erosion and flood protection measures in the lower Stehekin Valley.

(4) *Manage Limited Funding.* The NPS has invested more than $3 million to react to recent flood damage and new threats on an event-by-event basis since 2003. A comprehensive and integrated set of strategies and tactics to meet the goals of the GMP and to mitigate the risk and impacts from flooding is urgently needed to enable the NPS to use limited funds for the maximum benefit of LACH. Without this comprehensive approach, the NPS may be compelled to continue reacting on a case-by-case basis, which is more expensive and could more adversely threaten natural resources and public safety.

(5) *Respond to Private Land-related Concerns.* Lake Chelan NRA includes approximately 417 acres of private land, much of which lies within the floodplain and channel migration zone of the Stehekin River. Developments at McGregor Meadows and near the river mouth are particularly vulnerable because of their density and location in particularly active reaches of the river. These reaches, or sections of the river, have extensive new gravel deposits and rapidly growing logjams as a result of recent flooding. The high monetary and environmental costs of bank protection and flood mitigation measures continue to threaten private property and river resources. At the river mouth, accumulation of logs in the backwater zone of Lake Chelan has led to deeper flood water in parts of the floodplain. Recent flooding has hastened channel migration; damaged or destroyed several cabins; incorporated debris and sanitary systems (and occasional limited effluent discharges) into the river; and increased the flood risk to private lands previously not threatened by flooding. The NPS is concerned that these non-Federal circumstances could continue to adversely affect LACH and Stehekin River natural resources and values. The primary means by which the NPS can address this concern is via the Land Protection Plan (LPP), which identifies and prioritizes private lands for acquisition or exchange from willing sellers. Last updated in 1995, the LPP needs to be amended to address new river channel and floodplain conditions.

Proposed Plan and Alternatives: The Plan/DEIS describes and analyzes three "action" alternatives, as well as continuation of current management. The three alternative management strategies differ primarily because they range from more removal of public facilities and threatened private developments from the channel migration zone (preferred Alternative 2) to less relocation and more dependence on bank hardening and maintaining the road in place (Alternative 4). Alternative three represents a mix of actions in Alternatives 2 and 4.

All of the alternatives have common actions identified in the GMP, including relocation of NPS maintenance and some housing out of the channel migration zone, resurfacing of the road from Harlequin Bridge to mile 9.2 (just above Stehekin valley Ranch), and construction of a new trail system from Stehekin Landing to High Bridge with a connection to the river trail via a footbridge over the river near the USGS gage site. Alternatives 2, 3, and 4 would add new campsites at different locations to supplement sites at Harlequin Bridge that are seasonally flooded.

Alternative 1 (continue current management) and Alternative 4 would keep the Stehekin valley road in place through McGregor Meadows. To protect the road from flood damage and to ensure access to private residences for emergencies during floods, about 6,000 cubic yards of fill would be placed in the floodplain. In Alternative 4, as many as 17 new rock barbs (rock structures used to redirect flows) would be placed along the river, with a similar number anticipated over time in Alternative 1.

Alternatives 2 and 3 would relocate 1.9 miles of the Stehekin valley road from the floodplain in McGregor Meadows, while retaining private access to the area via a 0.75 mile long reduced maintenance road at grade. The alternatives differ in where the reroute returns to the existing road, with Alternative 2 staying out of the channel migration zone (CMZ) and Alternative 3 re-entering the CMZ at the Lower Field. Implementation of Alternative 2 would result in closure of the shooting range near the Lower Field. Both Alternatives 2 and 3 reduce the number of barbs in the river relative to alternatives 1 and 4 (7–8 new barbs in Alternative 2 and four new barbs in Alternative 3).

Alternatives 2, 3, and 4 would revise the LACH Land Protection Plan (LPP). Alternatives 2 and 3 would focus more on acquisition of private development threatened by the river, and look to cluster future development on areas outside of the channel migration zone. This represents a departure from the 1995 LPP, which placed a higher value on scenic resources along the Stehekin valley road. In Alternative 4, less emphasis would be placed on acquisition of development in the floodplain, and far fewer private parcels would be high priority for purchase or exchange.

Comments: All written comments must be postmarked or transmitted not later than December 13, 2010 (this end of comment period date will also be posted on the project Web site, and announced via local and regional press media). All comments should be addressed to: Superintendent, ATTN: SRCIP/DEIS, North Cascades National Park Service Complex, 810 State Route 20, Sedro Woolley, WA 98284. Comments may also be faxed to (360) 856–1934 or may be transmitted electronically to *http://parkplanning.nps.gov/noca.* The Plan/DEIS will be mailed directly to all those who requested a copy during public scoping. Review copies will also be available at park headquarters in Sedro-Woolley, the main visitor center in Newhalem, and at the Golden West Visitor center in Stehekin. To request a printed copy or CD–ROM version of the DEIS, phone (360) 856–5700 ext. 351. The document will also be available for downloading on the project Web site.

All comments received will be maintained in the administrative record, and are available for review at North Cascades' headquarters. Before including your address, phone number, e-mail address, or other personal identifying information in your

comments, 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.

To enhance the opportunity for public information and commenting, public meetings will be hosted at the following Washington locations: October 19 in Stehekin, October 20 in Wenatchee, and October 21 Seattle. Confirmed meeting times, specific locations and other details will be announced via local and regional news media and may be obtained on the park's Web site (*http://www.nps.gov/noca*) or by phoning (360) 856–5700 ext.351. Participants are strongly encouraged to review the document prior to attending a meeting. The Superintendent and planning team members, including personnel from the Technical Committee will attend all meetings. The format will be the same for each meeting, and will include a brief presentation on the essential elements of the Plan/DEIS and a question and answer period. Oral and written comments may also be submitted. All meeting locations will be accessible for disabled persons. A sign language interpreter may be available upon request with prior notice (please contact the park as noted above).

Decision: Following due consideration of all comments received on the DEIS, preparation and release of the Final EIS/Stehekin River Corridor Implementation Plan is anticipated for late summer 2010; availability will be similarly announced in the **Federal Register.** The actual date will depend upon the degree of public interest and response from agencies and organizations. Following a minimum 30 days "no action" period, a Record of Decision may be prepared; approval of the plan will be similarly announced in the **Federal Register**. This is tentatively anticipated for late 2010. As a delegated EIS the official responsible for the final decision is the Regional Director, Pacific West Region; subsequently the official responsible for implementation of the approved Stehekin River Corridor Implementation Plan is the Superintendent, North Cascades National Park Service Complex.

Dated: March 12, 2010.

Patricia L. Neubacher,

Acting Regional Director, Pacific West Region.

Editorial Note: This document was received in the Office of the Federal Register on August 31, 2010.

[FR Doc. 2010–22144 Filed 9–3–10; 8:45 am]

BILLING CODE 4310–T6–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R6–R–2010–N078; 60138–1261–6CCP–S3]

Charles M. Russell National Wildlife Refuge and UL Bend National Wildlife Refuge, MT

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability: Draft comprehensive conservation plan and draft environmental impact statement; announcement of public meetings; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the availability of a draft comprehensive conservation plan (CCP) and draft environmental impact statement (DEIS) for Charles M. Russell and UL Bend National Wildlife Refuges (NWRs, Refuges) in Montana for public review and comment. In these documents, we describe alternatives, including our proposed action, to manage these refuges for the 15 years following approval of the final CCP.

DATES: To ensure consideration, please send your written comments by November 8, 2010. We will announce upcoming public meetings in local news media, on our Web site, and by mail.

ADDRESSES: You may submit your comments or a request for copies (hard copies or a CD–ROM) or more information by any of the following methods:

Agency Web site: Download a copy of the documents at *http://www.fws.gov/cmr/planning.*

E-mail: cmrplanning@fws.gov. Include "Request copy of Charles M. Russell NWR Draft CCP/EIS" in the subject line of the message.

Mail: Charles M. Russell NWR CCP/EIS, P.O. Box 110, Lewistown, MT 59457.

In-Person Viewing or Pickup: Call (406) 538–8706 to make an appointment during regular business hours at Charles M. Russell NWR Headquarters, Airport Road, Lewistown, MT 59457.

Local Library or Libraries: The draft documents are available for review at the libraries listed under **SUPPLEMENTARY INFORMATION.**

FOR FURTHER INFORMATION CONTACT: Barron Crawford, Project Leader, at (406) 538–8706, or Laurie Shannon, Planning Team Leader, (303) 236–4317; *laurie_shannon@fws.gov* (e-mail).

SUPPLEMENTARY INFORMATION:

Introduction

With this notice, we continue the CCP process for Charles M. Russell and UL Bend NWRs. We started this process through a notice in the **Federal Register** (72 FR 68174, December 4, 2007).

Charles M. Russell and UL Bend NWRs encompass nearly 1.1 million acres, including Fort Peck Reservoir in north central Montana. The Refuges extend about 125 air miles west from Fort Peck Dam to the western edge at the boundary of the Upper Missouri Breaks National Monument. UL Bend NWR lies within Charles M. Russell NWR. In essence, UL Bend is a refuge within a refuge, and the two refuges are managed as one unit and referred to as Charles M. Russell NWR. Refuge habitat includes native prairie, forested coulees, river bottoms, and badlands. Wildlife is as diverse as the topography and includes Rocky Mountain elk, mule deer, white-tailed deer, pronghorn, Rocky Mountain bighorn sheep, sharp-tailed grouse, prairie dogs, and more than 236 species of birds.

Background

The CCP Process

The National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd–668ee) (Administration Act), as amended by the National Wildlife Refuge System Improvement Act of 1997, requires us to develop a CCP for each national wildlife refuge. The purpose for developing a CCP is to provide refuge managers with a 15-year plan for achieving refuge purposes and contributing toward the mission of the National Wildlife Refuge System, which is consistent with sound principles of fish and wildlife management, conservation, legal mandates, and our policies. In addition to outlining broad management direction on conserving wildlife and their habitats, CCPs identify wildlife-dependent recreational opportunities available to the public, including opportunities for hunting, fishing, wildlife observation and photography, and environmental education and interpretation. We will review and update the CCP at least every 15 years in accordance with the Administration Act.

Public Outreach

The formal scoping period began on December 4, 2007, with the publication of a notice of intent in the **Federal Register**. Prior to this and early in the preplanning phase, we outlined a process that would be inclusive of diverse stakeholder interests and would involve a range of activities for keeping the public informed and ensure meaningful public input. This process was summarized in a planning update titled Public Involvement Summary (October 2007). Soon after, a project Web site was created, and since then the Public Involvement Summary, four additional planning updates, and other information have been posted to the Web site. We have mailed all planning updates to the project mailing list.

We began the process with formal notification to Native American Tribes and other Federal and State agencies. Subsequently, there are a number of cooperating agencies participating on the planning project, including the U.S. Army Corps of Engineers; Bureau of Land Management; Montana Fish, Wildlife, and Parks; Montana Department of Natural Resources and Conservation; Fergus, Petroleum, Garfield, McCone, Valley, and Phillips Counties; and the Missouri River Council of Conservation Districts. We also formally consulted with the Fort Belknap and Fort Peck Tribes in July 2009 and have encouraged their participation in the process.

During the initial scoping period, we received about 24,000 written responses. Hundreds of people attended seven public meetings across Montana, providing many verbal comments. Following the comment period, we summarized the information we learned and prepared a scoping report, which was posted to the project Web site. In the fall of 2008, we again reached out to the public and the cooperating agencies and sought additional input on four potential draft alternatives prior to fully developing and analyzing them. We held seven additional public meetings during this time and consequently received hundreds of additional written and oral responses.

We have considered all public comments throughout the process and have incorporated them in numerous ways. The significant issues for the project include a number of issues related to habitat and wildlife, water resources, public use and access, wilderness, socioeconomics, partnerships and collaboration, and cultural values, traditions, and resources. We have considered and evaluated all of these comments, with many incorporated into the various alternatives addressed in the draft CCP and draft EIS.

CCP Alternatives We Are Considering

During the public scoping process with which we started work on this draft CCP, we, our cooperating agencies, other governmental partners, Tribes, conservation organizations, and the public raised several issues. Our draft CCP addresses them. A full description of each alternative is in the draft EIS. To address these issues, we developed and evaluated four alternatives which are summarized below.

Alternative A—No Action. Few changes would occur in the management of existing wildlife populations and habitat. Wildlife-dependent public and economic uses would continue at current levels. Key actions follow:

- There would be continued emphasis on big game management, annual livestock grazing, use of fencing for pastures, invasive species control, and water development. Habitat would be managed in 65 habitat units that were originally established by the Bureau of Land Management. Prescriptive grazing would only be implemented when units became available.
- We would manage big game to achieve the target levels identified in an earlier EIS developed in 1986. There could be more restrictive regulations for rifle mule deer harvest on portions of the refuge as compared with State regulations.
- Select stock ponds would be maintained and rehabilitated. Riparian habitat would be restored where possible.
- The public would continue to access the Refuge on 670 miles of roads. About 155,288 acres of proposed wilderness within 15 units of the Charles M. Russell NWR would be managed in accordance with Service policy.

Alternative B—Wildlife Population Emphasis. We would manage the landscape, in cooperation with our partners, to emphasize the abundance of wildlife populations using balanced natural ecological processes such as fire and grazing by wild ungulates and responsible synthetic methods such as farming and tree planting. Wildlife-dependent public use would be encouraged, and economic uses would be limited when they compete for habitat resources. Key actions follow:

- Habitat would be actively managed and manipulated, thus creating a diverse plant community of highly productive wildlife food and cover plants. The emphasis would be on habitat for targeted species of wildlife in separate parts of the Refuge. We would consolidate the 65 habitat units based on field station boundaries and subsequently write new habitat management plans. Former agricultural river bottom areas would be aggressively restored, and we would restore the functioning condition of riparian areas. Prescriptive livestock grazing would be implemented across 75 percent of the Refuge within 4–7 years, and interior fencing would be removed, if necessary. We would increase the use of prescribed fire to enhance fire-adapted plants. We would also implement a number of research projects to respond to climate change on the Refuge.
- Additional habitat suitable for Rocky Mountain bighorn sheep would be identified, and new populations would be established. Wildlife populations would be benefited, and harvest experiences that are not always achieved on other public lands would be promoted.
- About 106 miles of roads would be closed. The Service would work with partners to develop a travel plan and to secure access to the Refuge through other lands.
- The acreage of proposed wilderness would be expanded by 25,037 acres in 6 existing units.

Alternative C—Public Use and Economic Uses Emphasis. We would manage the landscape, in cooperation with our partners, to emphasize and promote the maximum compatible wildlife-dependent public use and economic uses while protecting wildlife populations and habitats to the extent possible. Damaging effects on wildlife habitat would be minimized while using a variety of management tools to enhance and diversify public and economic opportunities. Key actions follow:

- In addition to the habitat elements identified in Alternative A, habitats would be managed to provide more opportunities for wildlife-dependent recreation. This could require a compromise between providing wildlife food and cover and livestock forage needs. Where needed, fencing and water gaps would be used to manage livestock use and prevent further degradation of riparian habitat.
- There would be a gradual move to a prescriptive livestock grazing program when current grazing permits become available due to a change in ranch ownership. Prescribed fire would be used primarily to reduce hazardous fuels. An aggressive initial attack would be used in identified habitat units to minimize economic losses from wildfire. Research projects would be

implemented to respond to climate change on the Refuge.

• Natural and constructed water sources would be allowed for livestock use, public fishing, and hunting. Future water developments would be allowed on a site-specific basis.

• A balance would be maintained between the numbers of big game and livestock in order to sustain habitats and populations of big game and sharp-tailed grouse. Similar balancing might be needed for nongame or migratory birds and livestock needs.

• Hunting opportunities would be expanded and maximized to include new species and traditional or niche (primitive weapon) hunting, mule deer season, predator hunting, trapping, and opportunities for young hunters.

• We would manage Refuge access to benefit public and economic uses. Access to boat ramps would be improved, and roads could be improved or seasonally closed where needed. Numbers of visitors participating in wildlife observation and other activities would be increased by a moderate amount through increased programs and facilities.

• The Service would recommend eliminating 4 proposed wilderness units for a reduction of 35,881 acres.

Alternative D—Proposed Action—Ecological Processes Emphasis. In cooperation with our partners, we would use natural, dynamic, ecological processes and management activities in a balanced, responsible manner to restore and maintain the biological diversity, biological integrity, and environmental health of the Refuge. Once natural processes are restored, a more passive approach (less human assistance) would be favored. There would be quality wildlife-dependent public uses and experiences. Economic uses would be limited when they are injurious to ecological processes. Key actions follow:

• Management practices that mimic and restore natural processes, as well as maintain a diversity of plant species in upland and riparian areas on the Refuge, will be applied.

• Plant diversity and health would be maintained by using natural and prescribed fire in combination with wild ungulate herbivory (wildlife feeding on plants) or prescriptive livestock grazing, or both, to ensure the viability of sentinel plants (those plants that decline first when management practices are injurious). To achieve this goal, prescriptive livestock grazing, on up to 75 percent of the Refuge within 9 years, would be implemented to reduce the number of habitat units, remove unnecessary fencing, and to restore degraded riparian areas. The Service would work with partners to combat invasive weeds. Research projects would be implemented to respond to climate change on the Refuge, and in particular, would focus on the resiliency of plants to adapt to climate change.

• The Service would collaborate with Montana Department of Fish, Wildlife, and Parks and others, to maintain the health and diversity of all species' populations, including game, nongame, and migratory bird species. These efforts will focus on restoring and maintaining balanced, self-sustaining populations. Limited hunting for predators would be considered only after population levels could be verified and sustained. The Service would provide for a variety of quality hunting opportunities, including those with population objectives that have diverse male age structures.

• Refuge access would be managed to benefit natural processes and habitat. Permanent and seasonal road closures would be implemented on at least 23 miles of roads as needed, to encourage free movement of animals, permit prescribed fire activities, harvest wildlife ungulates, or allow other activities that contribute to ecological health. Numbers of visitors participating in wildlife observation and other activities would be increased through increased quality programs and facilities.

• The Service would recommend expanding 6 of the proposed wilderness units by 18,559 acres and eliminating 3 units, for a reduction of 26,744 acres. This would accommodate more access in some areas while increasing protection of wilderness values in other areas.

Public Availability of Documents

You can view or obtain documents at the following locations:

• *Our Web site: http://www.fws.gov/cmr/planning.*

• The following public libraries:

Library	Address	Phone number
Garfield County	228 E. Main, Jordan, MT 59337	(406) 557–2297
Glasgow	408 3rd Avenue, Glasgow, MT 59230	(406) 228–2731
Great Falls	301 2nd Avenue, Great Falls, MT 59401	(406) 453–0349
Lewistown	701 W. Main, Lewistown, MT 59457	(406) 538–5212
McCone County	1101 C Avenue, Circle, MT 59215	(406) 485–2350
Petroleum County	205 S. Broadway, Winnett, MT 59087	(406) 429–2451
Phillips County	10 S. 4th Street E., Malta, MT 59538	(406) 542–2407
Montana State University-Billings	1500 University Drive, Billings, MT 59101	(406) 657–2011
Montana State University-Bozeman	Roland R. Renne Library, Centennial Mall, Bozeman, MT 59717	(406) 994–3171
Montana State University-Havre	Northern Vande Bogart Library, Cowan Drive, Havre, MT 59501	(406) 265–3706
University of Montana	Mansfield Library, 32 Campus Drive, Missoula, MT 59812	(406) 243–6860
Colorado State University	Morgan Library, 501 University Avenue, Fort Collins, CO 80523	(970) 491–1841

Public Meetings

We will hold public meetings that will be announced through the local media, on our Web site, and by mailing out a planning update prior to the meetings. For more information on the meetings, refer to **FOR FURTHER INFORMATION CONTACT.**

Submitting Comments/Issues for Comment

We particularly seek comments on the following significant issues:

• Issue 1—Habitat and wildlife management;

• Issue 2—Water resources;

• Issue 3—Public use and access;

• Issue 4—Wilderness management;

• Issue 5—Socioeconomics;

• Issue 6—Partnerships and collaboration; and

• Issue 7—Cultural values, traditions, and resources.

We consider comments substantive if they:

• Question, with reasonable basis, the accuracy of the information in the document;

• Question, with reasonable basis, the adequacy of the environmental assessment;

• Present reasonable alternatives other than those presented in the draft EIS; and/or

• Provide new or additional information relevant to the assessment.

Next Steps

After this comment period ends, we will analyze the comments and address them in the form of a final CCP and final EIS.

Public Availability of Comments

Before including your address, phone number, e-mail 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: August 24, 2010.

Hugh Morrison,

Acting Deputy Director.

[FR Doc. 2010–22160 Filed 9–3–10; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWY930000–L51100000–GN0000–LVEMK10CW370; WYW140590]

Notice of Intent To Prepare an Environmental Impact Statement for the Gas Hills Uranium Project, Fremont and Natrona Counties, WY

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Intent.

SUMMARY: Pursuant to the National Environmental Policy Act of 1969, as amended, (NEPA) and in response to a proposal filed by Power Resources Inc., doing business as Cameco Resources (Cameco), the Bureau of Land Management (BLM), announces its intention to prepare an Environmental Impact Statement (EIS) and to solicit public comments regarding issues and resource information for the proposed Gas Hills *in situ* recovery (ISR) Uranium Project (the Project), Fremont County and Natrona County, Wyoming. The project is a uranium exploration and development project.

DATES: This notice initiates the public scoping process. The BLM can best consider public input if comments and resource information are submitted within 45 days of publication of this notice. To provide the public with an opportunity to review the proposal and project information, the BLM will host public meetings in Lander, Riverton, and Casper, Wyoming. The BLM will announce the dates, times, and locations for these meetings at least 15 days prior to each event. Announcements will be made by news release to the media, individual letter mailings, and posting on the project Web site listed below.

ADDRESSES: Written comments or resource information may be mailed to: Bureau of Land Management, Lander Field Office, Attn: Kristin Yannone, Project Manager, P.O. Box 589, Lander, Wyoming 82520. Comments may be submitted electronically at: *Gas_Hills_Uranium_EIS_WY@BLM.gov.* Project information and documents will be available on the project Web site at: *http://www.blm.gov/wy/st/en/info/NEPA/lfodocs/gashills.html.*

FOR FURTHER INFORMATION: For information or to add your name to the project mailing list, contact Kristin Yannone, Project Leader, at 307–332–8448.

SUPPLEMENTARY INFORMATION: The Gas Hills Uranium Project is generally located in:

Sixth Principal Meridian, Wyoming

T. 32 N., R. 80 and 90 W.
T. 33 N., R. 80 and 90 W.

This is an area of historic uranium mining development, the earliest of which dates back to the 1950s. This area lies in the eastern part of Fremont County and the western part of Natrona County, approximately 50 road miles east of Riverton, Wyoming, and approximately 85 road miles west of Casper, Wyoming, in the Gas Hills Mining District, in which little to no actual mining activity has taken place since the 1980s.

The Project area covers approximately 8,538 surface acres (approximately 13 square miles) of mixed ownership including 7,940 acres of Federal surface, 161 acres under State ownership, and 394 acres of private lands. Approximately 8,006 acres of Federal mineral estate is included in the Project area. While the Project area contains Federal surface and mineral estate under the jurisdiction of both the BLM Lander and BLM Casper field offices, the Lander Field Office will serve as the lead office for coordinating the environmental analysis. The Project is permitted by the Wyoming Department of Environmental Quality—Land Quality Division (LQD) under Permit to Mine No. 687 and is licensed by the U.S. Nuclear Regulatory Commission under Source Materials License SUQ–1548. Cameco also controls mining claims outside of the approved mining permit boundary for which future exploration and development are planned.

In August 2008, as required by the surface management regulations contained in 43 CFR subpart 3809, Cameco submitted a Plan of Operations to the BLM describing their intent to develop their claims in the area with an ISR mining operation, which would affect more than a total of 640 acres over the life of the mine. For more information about the ISR process, the reader is referred to the Nuclear Regulatory Commission's Generic EIS of In-Situ Leach Uranium Milling Facilities (2009) available at: *http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1910/;* particularly Chapter 2. The BLM anticipates impacts from the ISR mining. The environmental analysis will consider the activities conducted under the Plan of Operations submitted to the BLM.

The purpose of the proposed Project is to explore for and identify mining reserves and extract approximately 1 million to 2.5 million pounds of uranium per year over an anticipated project life of 25 years. The Project will use ISR mining methods and will be operated as a satellite facility to the Cameco Smith Ranch-Highland uranium ISR mine operating in Converse County, Wyoming. An existing large building will house the site's central processing facilities. The surface disturbance will be limited to the construction of water wells, buried water pipelines, single-lane gravel access roads, and small buildings for well-head manifold control equipment known as header houses.

The ISR mining recovery method uses chemicals to remove the uranium minerals from the host rock in place and does not require physically removing and crushing ore-bearing rock. It does not use large earth-moving equipment and does not create large volumes of waste rock or tailings. The ISR methodology utilizes a solution consisting of oxygen and carbon dioxide or bicarbonate mixed with water, which is injected via conventional water wells into uranium ore-bearing rock formations in the subsurface. The solution dissolves the uranium minerals from the rock formations into the circulating groundwater and the resultant uranium-bearing groundwater is recovered by pumping at recovery wells located adjacent to the injection wells. Before ISR operations can begin, the portion of the aquifer designated for uranium recovery must be exempted as an underground source of drinking

water in accordance with the Safe Drinking Water Act. The groundwater containing uranium is then processed through an ion-exchange facility where the uranium is precipitated onto a resin bead media. The water is recharged with solvent and used in the further recovery of uranium. Any excess water no longer needed is evaluated for its constituents and properly disposed of via evaporation or an approved disposal well. The resin beads containing uranium will then be transported to the Cameco Smith Ranch-Highland facility for processing into uranium yellowcake. After the uranium has been removed, the resin bead media will be returned to the Project site for re-use. The distance one-way from the Gas Hills to Smith Ranch-Highland is approximately 140 road miles.

The Project activities will include the drilling of exploratory boreholes; installation of monitoring wells, injection wells, and production wells; construction of uranium processing and waste water treatment facilities; and development of new and improvement of existing access roads within separately defined potential uranium recovery areas known as mine units. Surface-disturbing and interim-reclamation activities will be performed sequentially to minimize the amount of surface disturbance at any one time.

Surface disturbance within a mine unit will not occur all at once but is phased over several years, depending on the uranium production rate and the availability of mine construction equipment and personnel. Cameco estimates that of the approximately 1,205 acres that will be disturbed over the 25-year life of the Project, approximately 50 acres (4 percent of the total acreage) each year will be disturbed, undergo interim reclamation, and subsequently be returned to wildlife habitat that meets BLM and State of Wyoming reclamation standards. Final surface reclamation is also required by regulatory agencies and assured by bonds. Final reclamation includes plugging and abandoning all mining wells, removing header houses and buried piping, and re-grading and seeding the disturbed surface. After vegetation has been re-established, the mine unit surface will be returned to its pre-mining use of livestock grazing and wildlife habitat. Cameco estimates that the long-term post-mining footprint will be negligible because the ISR mining method does not require removal of rock.

Restoration of groundwater to pre-mining quality and final surface reclamation within a mine unit is also a sequenced, phased process. When uranium production from a mining unit is no longer feasible economically, groundwater production wells will be switched to groundwater restoration. Restoration is accomplished through a combination of methods, including reinjection of treated groundwater, bioremediation, and addition of reducing chemicals that make the uranium insoluble and clean the groundwater. Once Cameco has restored the groundwater within a mine unit to pre-mining quality, as required and monitored by regulatory agencies and assured by financial bonds, final surface reclamation will be implemented. Groundwater sampling data suggests that mining unit groundwater quality is generally marginally potable but does exhibit certain parameters, including radionuclides, which exceed primary or secondary maximum contaminant levels for drinking water standards.

Cameco estimates that the Project will employ a mix of full-time personnel and temporary contractors throughout the life of the mine. During the construction of each mine unit, approximately 15 to 20 full-time employees plus 50 drilling contractors will be employed. During mining operations, approximately 30 full-time employees plus approximately 22 installation contractors will be required. It is likely that the majority of employees will live in Riverton and the remainder in Casper. The Project is projected to provide an economic benefit through a variety of taxes paid to Federal, State, and local governments, including employee income, severance, property, and sales taxes. The proposed action is in conformance with the Lander Resource Management Plan/Final Environmental Impact Statement (LRMP/Final EIS) and Record of Decision (ROD), 1987, and the Casper Resource Management Plan (CRMP/EIS) and ROD, 2007. During the preparation of the EIS, interim exploration and development will be subject to development guidelines and decisions made in applicable NEPA documents, including the CRMP, 2007 and the LRMP, 1987. The EIS for the Project will analyze the environmental consequences of implementing the proposed action and alternatives to the proposed action, including a No Action alternative. Other alternatives that may be considered in detail could include, for example, drilling surface densities, reclamation schedule adjustments, or perhaps a pace of development different from those of the proposed action.

Your input is important and will be considered in the environmental analysis process. All comment submittals must include the commenter's name and street address. Comments, including the names and addresses of the respondent, will be available for public inspection at the above offices during normal business hours, Monday through Friday, except Federal holidays. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

Before including your address, phone number, e-mail address, or any other personal identifying information in your comment, please consider that your entire comment—including your personal identifying information—may be publicly available at any time.

While you can ask us in your comment to withhold from public review your personal identifying information, we cannot guarantee that we will be able to do so.

Donald A. Simpson,

State Director.

[FR Doc. 2010–22174 Filed 9–3–10; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Geological Survey

Announcement of National Geospatial Advisory Committee Meeting

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice of meeting.

SUMMARY: The National Geospatial Advisory Committee (NGAC) will meet on September 22–23, 2010 at the American Institute of Architects Building, 1735 New York Avenue, NW., Washington, DC 20006. The meeting will be held in the Gallery Room. The NGAC, which is composed of representatives from governmental, private sector, non-profit, and academic organizations, was established to advise the Chair of the Federal Geographic Data Committee on management of Federal geospatial programs, the development of the National Spatial Data Infrastructure, and the implementation of Office of Management and Budget (OMB) Circular A–16. Topics to be addressed at the meeting include:

—Geospatial Platform.
—Place-Based Policies Initiative.
—Geospatial Metrics.
—FGDC Update.
—Geospatial Program Updates.
—NGAC Subcommittee Reports.

The meeting will include an opportunity for public comment on September 23. Comments may also be

submitted to the NGAC in writing. Members of the public who wish to attend the meeting must register in advance. Please register by contacting Arista Maher at the U.S. Geological Survey (703–648–6283, *amaher@usgs.gov*). Registrations are due by September 17, 2010. While the meeting will be open to the public, seating may be limited due to room capacity.

DATES: The meeting will be held from 8:30 a.m. to 5 p.m. on September 22 and from 8:30 a.m. to 4 p.m. on September 23.

FOR FURTHER INFORMATION CONTACT: John Mahoney, U.S. Geological Survey (206–220–4621).

SUPPLEMENTARY INFORMATION: Meetings of the National Geospatial Advisory Committee are open to the public. Additional information about the NGAC and the meeting is available at *http://www.fgdc.gov/ngac.*

Dated: August 30, 2010.

Ken Shaffer,

Deputy Executive Director, Federal Geographic Data Committee.

[FR Doc. 2010–22153 Filed 9–3–10; 8:45 am]

BILLING CODE 4311–AM–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLMTB07900 09 L10100000.PH0000 LXAMANMS0000]

Notice of Public Meeting, Western Montana Resource Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act (FLPMA) and the Federal Advisory Committee Act of 1972 (FACA), the U.S. Department of the Interior, Bureau of Land Management (BLM), the Western Montana Resource Advisory Council will meet as indicated below.

DATES: The Western Montana RAC will meet September 16, 2010 at 9 a.m. The public comment period for the meeting will begin at 11:30 a.m. and the meeting is expected to adjourn at approximately 3 p.m.

ADDRESSES: The meeting will be held at the Dillon Field Office, 1005 Selway Drive Dillon, Montana.

FOR FURTHER INFORMATION CONTACT: David Abrams, Western Montana Resource Advisory Council Coordinator, Butte Field Office, 106 North Parkmont, Butte, Montana 59701, telephone 406–533–7617.

SUPPLEMENTARY INFORMATION: The 15-member Council advises the Secretary of the Interior, through the BLM, on a variety of planning and management issues associated with public land management in western Montana. At the September meeting, agenda items include an informational briefing on the Landscape Conservation Cooperatives, and project updates from the Butte, Dillon, and Missoula Field Offices.

All meetings are open to the public. The public may present written comments to the Council. Each formal Council meeting will also have time allocated for hearing public comments. Depending on the number of persons wishing to comment and time available, the time for individual oral comments may be limited. Individuals who plan to attend and need special assistance, such as sign language interpretation, or other reasonable accommodations, should contact the BLM as provided below.

Diane M. Friez,

Associate State Director.

[FR Doc. 2010–22191 Filed 9–3–10; 8:45 am]

BILLING CODE 4310–DN–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLORV00000.L10200000.DD0000; HAG 10–0378]

Southeast Oregon Resource Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Southeast Oregon Resource Advisory Council.

SUMMARY: Pursuant to the Federal Land Policy and Management Act and the Federal Advisory Committee Act, the U.S. Department of the Interior, Bureau of Land Management (BLM) Southeast Oregon Resource Advisory Council (SEORAC) will meet as indicated below:

DATES: The SEORAC field trip will begin at 11 a.m. MDT on October 21, 2010. The SEORAC business meeting will begin 8 a.m. MDT on October 22, 2010.

ADDRESSES: The field trip will meet at the Holiday Inn Express, 212 SE 10th St. Ontario, OR 97914 at the above time. The business meeting will meet at the Holiday Inn Express Conference Room, 212 SE 10th St. Ontario, OR 97914.

FOR FURTHER INFORMATION CONTACT: Mark Wilkening, 100 Oregon Street, Vale, Oregon 97918, (541) 473–6218 or e-mail *mark_wilkening@blm.gov.*

SUPPLEMENTARY INFORMATION: The business meeting will take place on October 22, 2010, at the Holiday Inn Express Conference Room, 212 SE. 10th St., Ontario, OR 97914 from 8 a.m. to 4 p.m. The meeting may include such topics as an update on Oregon/Washington BLM 2015 Strategic Plan, Comments on the Oregon Department of Fish and Wildlife Sage-grouse plan, National Forests Tri-Forest Plan, Energy 101, litigation updates, subgroup reports, and other matters as may reasonably come before the council. The public is welcome to attend all portions of the meeting and may make oral comments to the Council at 1 p.m. on October 22, 2010. Those who verbally address the SEORAC are asked to provide a written statement of their comments or presentation. Unless otherwise approved by the SEORAC Chair, the public comment period will last no longer than 15 minutes, and each speaker may address the SEORAC for a maximum of five minutes. If reasonable accommodation is required, please contact the BLM Vale District Office at (541) 473–6218 as soon as possible.

Donald N. Gonzalez,

Vale District Manager.

[FR Doc. 2010–22176 Filed 9–3–10; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review; Comment Request

August 31, 2010.

The Department of Labor (DOL) hereby announces the submission of the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35). A copy of the ICR, with applicable supporting documentation; including, among other things, a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAMain* or by contacting Michel Smyth on 202–693–4129 (this is not a toll-free number)/*e-mail: DOL_PRA_PUBLIC@dol.gov.*

Interested parties are encouraged to send comments to the Office of Information and Regulatory Affairs, *Attn:* OMB Desk Officer for the Department of Labor—Occupational Safety and Health Administration

(OSHA), Office of Management and Budget, Room 10235, Washington, DC 20503, *Telephone:* 202–395–7316/*Fax:* 202–395–5806 (these are not toll-free numbers), *E-mail: OIRA_submission@omb.eop.gov* within 30 days from the date of this publication in the **Federal Register**. In order to ensure the appropriate consideration, comments should reference the OMB Control Number (see below).

The OMB is particularly interested in comments which:

• Evaluate whether the proposed information collection requirements are necessary for the proper performance 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 collections of information on those who are to respond including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: Occupational Safety and Health Administration.

Type of Review: Extension without change of a previously approved collection.

Title of Collection: Definition and Requirements for a Nationally Recognized Testing Laboratory (NRTL) (29 CFR 1910.7).

OMB Control Number: 1218–0147.

Affected Public: Business or other for-profits.

Estimated Number of Respondents: 67.

Estimated Total Annual Burden Hours: 1,340.

Estimated Total Annual Costs Burden (excludes hourly wage costs): $0.

Description: A number of standards issued by the Occupational Safety and Health Administration (OSHA) contain requirements for equipment, products, or materials. These standards often specify that employers use only equipment, products, or material tested or approved by a nationally recognized testing laboratory (NRTL); this requirement ensures that employers use safe equipment, products, or materials in complying with the standards. Accordingly, OSHA promulgated the regulation titled "Definition and Requirements for a Nationally Recognized Testing Laboratory" (the Regulation). The Regulation specifies procedures that organizations must follow to apply for, and to maintain, OSHA's recognition to test and certify equipment, products, or material for this purpose. For additional information, see the related notice published in the **Federal Register** on March 4, 2010, (Vol. 75 FR 9953).

Dated: August 31, 2010.

Linda Watts Thomas,

Acting Departmental Clearance Officer.

[FR Doc. 2010–22170 Filed 9–3–10; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review; Comment Request

August 31, 2010.

The Department of Labor (DOL) hereby announces the submission of the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35). A copy of the ICR, with applicable supporting documentation; including, among other things, a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAMain* or by contacting Michel Smyth on 202–693–4129 (this is not a toll-free number)/e-mail: *DOL_PRA_PUBLIC@dol.gov.*

Interested parties are encouraged to send comments to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Department of Labor—Occupational Safety and Health Administration (OSHA), Office of Management and Budget, Room 10235, Washington, DC 20503, Telephone: 202–395–7316/Fax: 202–395–5806 (these are not toll-free numbers), E-mail: *OIRA_submission@omb.eop.gov* within 30 days from the date of this publication in the **Federal Register.** In order to ensure the appropriate consideration, comments should reference the OMB Control Number (see below).

The OMB is particularly interested in comments which:

• Evaluate whether the proposed information collection requirements are necessary for the proper performance 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 collections of information on those who are to respond including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: Occupational Safety and Health Administration.

Type of Review: Extension without change of a previously approved collection.

Title of Collection: Standard on Ethylene Oxide (29 CFR 1910.1047).

OMB Control Number: 1218–0108.

Affected Public: Business or other for-profits.

Estimated Number of Respondents: 4,001.

Frequency: On occasion.

Estimated Total Annual Burden Hours: 41,544.

Estimated Total Annual Costs Burden (excludes hourly wage costs): $6,640,301.

Description: The EtO Standard specifies a number of paperwork requirements. The following is a brief description of the collections of information requirements contained in the Standard.

The information collection requirements specified in Ethylene Oxide Standard protect workers from the adverse health effects that may result from occupational exposure to ethylene oxide. The principal information collection requirements in the EtO Standard include conducting worker exposure monitoring, notifying workers of the exposure, implementing a written compliance program, and implementing medical surveillance of workers. Also, the examining physician must provide specific information to ensure that workers receive a copy of their medical examination results. The employer must maintain exposure-monitoring and medical records for specific periods, and provide access to these records by OSHA, the National Institute for Occupational Safety and Health, the affected workers, and their authorized representatives and other designated parties. For additional information, see the related notice published in the **Federal Register** on November 4, 2009, (Vol. 74 FR 57199).

Dated: August 31, 2010.

Linda Watts Thomas,

Acting Departmental Clearance Officer.

[FR Doc. 2010–22171 Filed 9–3–10; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–73,762]

Rain Bird Corporation, Arizona Molding Division Including On-Site Leased Workers From Lumea Staffing Services, Tri-State Staffing Services and Remedy Staffing (AKA Select Staffing) Tucson, AZ; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (''Act''), 19 U.S.C. 2273, the Department of Labor issued a Certification of Eligibility To Apply for Worker Adjustment Assistance on June 9, 2009, applicable to workers of Rain Bird Corporation, Arizona Molding Division, including on-site leased workers from Lumea Staffing Services and Tri-State Staffing Service, Tucson, Arizona. The notice was published in the **Federal Register** on July 1, 2010 (75 FR 38137).

At the request of the state, the Department reviewed the certification for workers of the subject firm. The workers are engaged in activities related to the production of injected molded components.

The company reports that workers leased from Remedy Staffing Services were employed on-site at the Tucson, Arizona location of Rain Bird Corporation, Arizona Molding Division. The Department has determined that these workers were sufficiently under the control of the subject firm to be considered leased workers.

Based on these findings, the Department is amending this certification to include workers leased from Remedy Staffing Services, working on-site at the Tucson, Arizona location of Rain Bird Corporation, Arizona Molding Division.

The amended notice applicable to TA–W–73,762 is hereby issued as follows:

All workers of Rain Bird Corporation, Arizona Molding Division, including on-site leased workers from Lumea Staffing Services, Tri-State Staffing Service and Remedy Staffing Services, Tucson, Arizona, who became totally or partially separated from employment on or after March 18, 2009, through June 9, 2012, and all workers in the group threatened with total or partial separation from employment on the date of certification through two years from the date of certification, are eligible to apply for adjustment assistance under Chapter 2 of Title II of the Trade Act of 1974, as amended.

Signed at Washington, DC this 24th day of August 2010.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 2010–22102 Filed 9–3–10; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–71,952]

General Motors Company Formerly Known as General Motors Corporation, Orion Assembly Plant Including On-Site Leased Workers From Aerotek Automotive Lake Orion, MI; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (''Act''), 19 U.S.C. 2273, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on March 17, 2010, applicable to workers of General Motors Company, formerly known as General Motors Corporation, Orion Assembly Plant, Lake Orion, Michigan. The notice was published in the **Federal Register** on April 23, 2010 (75 FR 21355).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers assembled the Chevrolet Malibu and Pontiac G6.

New information shows that workers leased from Aerotek Automotive were employed on-site at the Lake Orion, Michigan location of General Motors Company, formerly known as General Motors Corporation, Orion Assembly Plant. The Department has determined that these workers were sufficiently under the control of the subject firm to be considered leased workers.

Based on these findings, the Department is amending this certification to include workers leased from Aerotek Automotive working on-site at the Lake Orion, Michigan location of General Motors Company, formerly known as General Motors Corporation, Orion Assembly Plant.

The amended notice applicable to TA–W–71,952 is hereby issued as follows:

All workers of General Motors Company, formerly known as General Motors Corporation, Orion Assembly Plant, including on-site leased workers from Aerotek Automotive, Lake Oregon, Michigan, who became totally or partially separated from employment on or after August 6, 2008, through March 17, 2012, and all workers in the group threatened with total or partial separation from employment on the date of certification through two years from the date of certification, are eligible to apply for adjustment assistance under Chapter 2 of Title II of the Trade Act of 1974, as amended.

Signed at Washington, DC, this 25th day of August, 2010.

Del Min Amy Chen,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2010–22105 Filed 9–3–10; 8:45 am]

BILLING CODE 4510–FN–P

LEGAL SERVICES CORPORATION

Sunshine Act Meeting

TIME AND DATE: The Legal Services Corporation Board of Directors' Search Committee for LSC President (''Search Committee'' or ''Committee'') will meet *telephonically* on September 10, 2010. The meeting will begin at 1 p.m., (Eastern Time) and continue until conclusion of the Committee's agenda.

LOCATION: Legal Services Corporation, 3333 K Street, NW., Washington, DC 20007, 3rd Floor Conference Center.

STATUS OF MEETING: Open.

Public Observation: For all meetings and portions thereof open to public observation, members of the public that wish to listen to the proceedings may do so by following the telephone call-in directions given below. You are asked to keep your telephone muted to eliminate background noises. From time to time the Chairman may solicit comments from the public.

Call-In Directions for Open Session(s)

- Call toll-free number: 1–(866) 451–4981;
- When prompted, enter the following numeric pass code: 5907707348;
- When connected to the call, please ''MUTE'' your telephone immediately.

MATTERS TO BE CONSIDERED:

Closed Session

1. Approval of agenda.
2. Consider and act on proposed job description for the position of LSC President.
3. Consider and act on other business.
4. Consider and act on adjournment of meeting.

CONTACT PERSON FOR INFORMATION: Kathleen Connors, Executive Assistant

to the President, at (202) 295–1500. Questions may be sent by electronic mail to *FR_NOTICE_QUESTIONS@lsc.gov.*

Special Needs: Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments. Individuals who have a disability and need an accommodation to attend the meeting may notify Kathleen Connors at (202) 295–1500 or *FR_NOTICE_QUESTIONS@lsc.gov.*

Dated: September 2, 2010.

Patricia D. Batie,

Corporate Secretary.

[FR Doc. 2010–22334 Filed 9–2–10; 4:15 pm]

BILLING CODE 7050–01–P

LEGAL SERVICES CORPORATION

Request for Comments—LSC Budget Request for FY 2012

AGENCY: Legal Services Corporation.

ACTION: Request for Comments—LSC Budget Request for FY 2012.

SUMMARY: The Legal Services Corporation is beginning the process of developing its FY 2012 budget request to Congress and is soliciting suggestions as to what the request should be.

DATES: Written comments must be received on or before September 10, 2010.

ADDRESSES: Written comments may be submitted by mail, fax or e-mail to David L. Richardson, Treasurer, Legal Services Corporation, 3333 K St., NW., Washington, DC 20007; 202–295–1630 phone); 202–337–6834 (fax); *david.richardson@lsc.gov.*

FOR FURTHER INFORMATION CONTACT: David L. Richardson, Treasurer, Legal Services Corporation, 3333 K St., NW., Washington, DC 20007; 202–295–1510 (phone); 202–337–6834 (fax); *david.richardson@lsc.gov.*

SUPPLEMENTARY INFORMATION: The Legal Services Corporation's (LSC) mission is to promote equal access to justice in our Nation and to provide for high-quality civil legal assistance to low income persons. LSC submits an annual budget request directly to Congress and receives an annual direct appropriation to carry out its mission. For the current fiscal year (FY 2011), LSC received an appropriation of $420,000,000 of which $394,400,000 was for basic field programs and required independent audits; $4,200,000 was for the Office of Inspector General; $17,000,000 was for management and grants oversight; $3,400,000 was for technology initiative grants; and $1,000,000 was for loan repayment assistance; Consolidated Appropriations Act, 2010, Public Law 111–117 123 Stat. 3034 (December 16, 2009).

As part of its annual budget and appropriation process, LSC notifies the Office of Management and Budget (OMB) in September as to what the LSC budget request to Congress will be for the next fiscal year. Accordingly, LSC is currently in the process of formulating its FY 2012 budget request. The Finance Committee of the LSC Board of Directors will meet on September 21, 2010 to develop a recommendation to make to the full Board.

LSC invites public comment on what its FY 2012 budget request should be. Interested parties may submit comments to LSC by September 13, 2010. More information about LSC can be found at LSC's Web site: *http://www.lsc.gov.*

Dated: August 30, 2010.

Patricia D. Batie,

Corporate Secretary.

[FR Doc. 2010–22114 Filed 9–3–10; 8:45 am]

BILLING CODE 7050–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (10–103)]

NASA Advisory Council; Science Committee; Meeting.

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration (NASA) announces a meeting of the Science Committee of the NASA Advisory Council (NAC). This Committee reports to the NAC. The Meeting will be held for the purpose of soliciting from the scientific community and other persons scientific and technical information relevant to program planning.

DATES: Tuesday, September 28, 2010, 8:30 a.m. to 1 p.m., Local Time.

ADDRESSES: This meeting will take place telephonically and by WebEx. Any interested person may call the USA toll free conference call number 888–566–6137, pass code SC2010, to participate in this meeting by telephone. International callers may contact Ms. Marian Norris for country-specific conference call numbers. The WebEx link is *https://nasa.webex.com/,* meeting number 998 561 086, and password $CSept28.

FOR FURTHER INFORMATION CONTACT: Ms. Marian Norris, Science Mission Directorate, NASA Headquarters, Washington, DC 20546, (202) 358–4452, fax (202) 358–4118, or *mnorris@nasa.gov.*

SUPPLEMENTARY INFORMATION: The agenda for the meeting includes the following topics:

—Astronomy & Astrophysics Decadal Survey report.
—Cost Containment.
—Program & Subcommittee Updates.
—Open domain publishing pilot program.

It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants.

Dated: August 31, 2010.

P. Diane Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration and Space Administration.

[FR Doc. 2010–22117 Filed 9–3–10; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL SCIENCE FOUNDATION

Notice of Permit Applications Received Under the Antarctic Conservation Act of 1978 (Pub. L. 95–541)

AGENCY: National Science Foundation.

ACTION: Notice of Permit Modification Received under the Antarctic Conservation Act of 1978, Public Law 95–541.

SUMMARY: The National Science Foundation (NSF) is required to publish a notice of requests to modify permits issued to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act at Title 45 Part 670 of the Code of Federal Regulations. This is the required notice of a requested permit modification.

DATES: Interested parties are invited to submit written data, comments, or views with respect to this permit application by October 7, 2010. Permit applications may be inspected by interested parties at the Permit Office, address below.

ADDRESSES: Comments should be addressed to Permit Office, Room 755, Office of Polar Programs, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230.

FOR FURTHER INFORMATION CONTACT: Nadene G. Kennedy at the above address or (703) 292–7405.

SUPPLEMENTARY INFORMATION: The National Science Foundation, as

directed by the Antarctic Conservation Act of 1978 (Pub. L. 95–541), as amended by the Antarctic Science, Tourism and Conservation Act of 1996, has developed regulations for the establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas requiring special protection. The regulations establish such a permit system to designate Antarctic Specially Protected Areas.

Description of Permit Modification Requested: The Foundation issued a permit (2010–010) to Dr. Daniel P. Costa on January 5, 2010. The issued permit allows the applicant to census, tag, weigh, measure, and collect blood and tissue samples, and instrument mammals (Weddell, Crabeater, Ross, Leopard and Southern Elephant seals). The studies of these animals will help in understanding how they respond to temperature fluctuations and how their foraging behavior and habitat utilization varies over large spatial and temporal scales. The applicant requests a modification to his permit to administer 40–60 gr of 0–18 labeled water and to attach a small drag inducing device along with the ARGOS telemetry tag, a TDR and an accelerometer tag. The 0–18 water is a stable isotope and should have no adverse affect on the animal. This procedure will help to understand the foraging energy expenditure from isotopic turnover.

Location: Ross Sea and McMurdo Sound.

Dated: October 1, 2010 to December 31, 2012.

Nadene G. Kennedy,

Permit Officer, Office of Polar Programs.

[FR Doc. 2010–22130 Filed 9–3–10; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2010–0290]

Biweekly Notice; Applications and Amendments to Facility Operating Licenses Involving No Significant Hazards Considerations

I. Background

Pursuant to section 189a.(2) of the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (the Commission or NRC) is publishing this regular biweekly notice. The Act requires the Commission publish notice of any amendments issued, or proposed to be issued and grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from August 25, 2010, to September 8, 2010. The last biweekly notice was published on August 24, 2010 (75 FR 52039).

Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in Title 10 of the *Code of Federal Regulations* (10 CFR), Section 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period should circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example in derating or shutdown of the facility. Should the Commission take action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. Should the Commission make a final No Significant Hazards Consideration Determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules, Announcements and Directives Branch (RADB), TWB–05–B01M, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be faxed to the RADB at 301–492–3446. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, Public File Area O1F21, 11555 Rockville Pike (first floor), Rockville, Maryland.

Within 60 days after the date of publication of this notice, any person(s) whose interest may be affected by this action may file a request for a hearing and a petition to intervene with respect to issuance of the amendment to the subject facility operating license. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested person(s) should consult a current copy of 10 CFR 2.309, which is available at the Commission's PDR, located at One White Flint North, Public File Area O1F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management System's (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm/doc-collections/cfr/*. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: (1) The

name, address, and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order, which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also identify the specific contentions, which the requestor/petitioner seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the requestor/petitioner shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion, which support the contention and on which the requestor/petitioner intends to rely in proving the contention at the hearing. The requestor/petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the requestor/petitioner intends to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the requestor/petitioner to relief. A requestor/petitioner who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

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 ten (10) days prior to the filing deadline, the participant should contact the Office of the Secretary by e-mail at *hearing.docket@nrc.gov,* or by telephone at (301) 415–1677, to request (1) A digital 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 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 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 EIE, users will be required to install a Web browser plug-in from the NRC 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 NRC guidance available on the NRC 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 e-mail notice confirming receipt of the document. The E-Filing system also distributes an e-mail notice that provides access to the document to the NRC 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 Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by e-mail at *MSHD.Resource@nrc.gov,* or by a toll-free call at (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 NRC's electronic hearing docket which is available to the public at *http://ehd.nrc.gov/EHD_Proceeding/home.asp,* 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.

Petitions for leave to intervene must be filed no later than 60 days from the date of publication of this notice. Non-timely filings will not be entertained absent a determination by the presiding officer that the petition or request should be granted or the contentions should be admitted, based on a balancing of the factors specified in 10 CFR 2.309(c)(1)(i)–(viii).

For further details with respect to this license amendment application, *see* the application for amendment which is available for public inspection at the Commission's PDR, located at One White Flint North, Public File Area O1F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the ADAMS Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm/adams.html.* Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff at 1–800–397–4209, 301–415–4737, or by e-mail to *pdr.resource@nrc.gov*.

Duke Energy Carolinas, LLC, Docket Nos. 50–269, 50–270, and 50–287, Oconee Nuclear Station, Units 1, 2, and 3, Oconee County, South Carolina; Docket Nos. 50–369 and 50–370, McGuire Nuclear Station, Units 1 and 2, Mecklenburg County, North Carolina; Docket Nos. 50–413 and 50–414, Catawba Nuclear Station, Units 1 and 2, York County, South Carolina

Date of amendment request: April 26, 2010.

Description of amendment request: The proposed amendments would revise the Technical Specifications to reflect changes to organization, unit staff responsibility, and unit staff qualifications.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed TS [Technical Specification] change regarding unit staff qualifications is an administrative change to clarify the current requirements for licensed operator qualifications and training program. With this change, the TS continue to meet the current requirements of 10 CFR 55 [Title 10 of the Code of Federal Regulations (10 CFR) Part 50 Section 55]. Although licensed operator qualifications and training may have an indirect impact on accidents previously evaluated, the NRC [Nuclear Regulatory Commission] considered this impact during the rulemaking process, and by promulgation of the revised 10 CFR 55 rule, concluded that this impact remains acceptable as long as the licensed operator training programs are certified to be accredited and are based on a systems approach to training. The Duke Energy [Duke Energy Carolinas, LLC] licensed operator training program is accredited by NANT [National Academy of Nuclear Training] and is based on a systems approach to training. The proposed TS change takes credit for the NANT accreditation of the licensed operator training program. The TS requirements for all other plant staff qualifications remain unchanged.

The proposed TS change regarding responsibility, organization and high radiation area is administrative in nature to reflect the current titles and responsibilities of station personnel and are consistent with STS [Standard Technical Specifications].

Therefore, the proposed TS changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed TS change regarding unit staff qualifications is an administrative change to clarify the current requirements for licensed operator qualifications and training program and to conform to the revised 10 CFR 55. As discussed above, although licensed operator qualifications and training may have an indirect impact on the possibility of a new or different kind of accident from any accident previously evaluated, the NRC considered this impact during the rule making process, and by promulgation of the revised rule, concluded that this impact remains acceptable as long as licensed operator training programs are certified to be accredited and based on a systems approach to training. As previously noted, the Duke Energy licensed operator training program is accredited by NANT and is based on a systems approach to training. The proposed TS change takes credit for the NANT accreditation of the licensed operator training program. The TS requirements for all other plant staff qualifications remain unchanged. Additionally, the proposed TS change does not affect plant design, hardware, system operation, or procedures. Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

The proposed TS change regarding responsibility, organization and high radiation area does not impact any plant systems that are accident initiators nor does it adversely impact any accident mitigating system. No physical changes are being made to the plant. This change is administrative in nature to reflect the current titles and responsibilities of station personnel and consistent with STS. Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed amendment involve a significant reduction in the margin of safety?

Response: No.

The proposed TS change regarding unit staff qualifications is an administrative change to clarify the current requirements applicable to licensed operator qualifications and training program. With this change, the TS continue to be consistent with the requirements of 10 CFR 55. The TS qualification requirements for all other plant staff remain unchanged. Licensed operator qualifications and training can have an indirect impact on the margin of safety. However, the NRC considered this impact during the rulemaking process, and by promulgation of the revised 10 CFR Part 55, determined that this impact remains acceptable when licensees maintain a licensed operator training program that is

accredited and based on a systems approach to training. As noted previously, the Duke Energy licensed operator training program is accredited by NANT and is based on a systems approach to training.

The NRC has concluded, as stated in NUREG–1262, that the standards and guidelines provided by the Institute for Nuclear Power Operations' NANT in their training accreditation program are equivalent to those put forth or endorsed by the NRC. As a result, maintaining a NANT accredited, systems approach to licensed operator training program is equivalent to maintaining an NRC approved licensed operator training program which conforms to applicable NRC Regulatory Guides or NRC endorsed industry standards. The margin of safety is maintained by virtue of maintaining the NANT accredited licensed operator training program.

In addition, the NRC published RIS 2001–001 to familiarize licensees with the NRC's current guidelines for the qualification and training of RO [reactor operator] and SO [senior operator] license applicants. This document again acknowledges that the NANT guidelines for education and experience outline acceptable methods for implementing the NRC's regulations in this area.

The proposed TS change regarding responsibility, organization and high radiation area is administrative in nature to reflect the current titles and responsibilities of station personnel and is consistent with STS. Systems and components are not affected, and therefore are capable of performing as designed. The performance of fission product barriers will not be impacted by this proposed change.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Lara S. Nichols, Associate General Counsel, Duke Energy Corporation, 526 South Church Street—EC07H, Charlotte, NC 28202.

NRC Branch Chief: Gloria Kulesa.

Duke Energy Carolinas, LLC, Docket Nos. 50–269, 50–270, and 50–287, Oconee Nuclear Station, Units 1, 2, and 3, Oconee County, South Carolina; Docket Nos. 50–369 and 50–370, McGuire Nuclear Station, Units 1 and 2, Mecklenburg County, North Carolina; Docket Nos. 50–413 and 50–414, Catawba Nuclear Station, Units 1 and 2, York County, South Carolina

Date of amendment request: July 28, 2010.

Description of amendment request: The proposed amendments would revise the Emergency Plans to reflect changes to on-shift staffing and augmentation times.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

The proposed amendment changes the minimum staffing levels and augmentation times for emergency response personnel. The proposed changes do not impact the physical configuration or function of plant structures, systems, or components (SSCs) or the manner in which SSCs are operated, maintained, modified, tested, or inspected. The Emergency Plan is activated in response to an accident. It is not an initiator of any accident. The purpose of the Emergency Plan is to assist in mitigating the consequences of accidents. These changes do not result in a reduction of the emergency response organization's capability to respond to an emergency. The emergency planning functions of radiological accident assessment and support of operational accident assessment as well as protective actions (in-plant) are maintained. The proposed changes do not affect the ability of the plan to be a comprehensive emergency plan.

Therefore, it is concluded that these changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

The proposed amendment does not involve any change in the design, configuration, or operation of the nuclear plants. The current plant design, design bases, and plant safety analysis will remain the same. The Limiting Conditions for Operations, Limiting Safety System Settings and Safety Limits as specified in the Technical Specifications are not affected by the proposed changes. As such, the plant conditions for which the design basis accident analyses were performed remain valid. The proposed amendment does not introduce a new mode of plant operation or new accident precursors, does not involve any physical alterations to plant configurations, or make changes to system set points that could initiate a new or different kind of accident. The Emergency Plan is used to respond to an accident. These changes do not result in a reduction of the emergency response organization's capability to respond to an emergency. The proposed changes do not affect the ability of the plan to be a comprehensive emergency plan.

Therefore, it is concluded that these changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

The proposed amendment does not involve a change in the design, configuration, or operation of the nuclear plants. The changes do not affect either the way in which the plant structures, systems and components (SSCs) perform their safety function or their design and licensing basis. Plant safety margins are established through Limiting Conditions for Operation, Limiting Safety System Settings and Safety Limits specified in the Technical Specifications. Because there is no change to the physical design of the plant, there is no change to any of these margins.

Therefore, it is concluded that these changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Lara S. Nichols, Associate General Counsel, Duke Energy Corporation, 526 South Church Street—EC07H, Charlotte, NC 28202.

NRC Branch Chief: Gloria Kulesa.

Duke Energy Carolinas, LLC, Docket Nos. 50–269, 50–270, and 50–287, Oconee Nuclear Station, Units 1, 2, and 3, Oconee County, South Carolina

Date of amendment request: March 17, 2010.

Description of amendment request: The proposed amendments would revise the Technical Specifications by relocating specific surveillance frequencies to a licensee-controlled program with the implementation of Nuclear Energy Institute (NEI) 04–10, "Risk-Informed Technical Specification Initiative 5B, Risk-Informed Method for Control of Surveillance Frequencies."

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of any accident previously evaluated?

Response: No.

The proposed change relocates the specified frequencies for periodic surveillance requirements to licensee control under a new SFCP [Surveillance Frequency Control Program]. Surveillance frequencies are not an initiator to any accident previously evaluated. As a result, the probability of any accident previously evaluated is not significantly increased. The systems and components required by the technical specifications for which the surveillance frequencies are relocated are still required to

be operable, meet the acceptance criteria for the surveillance requirements, and be capable of performing any mitigation function assumed in the accident analysis. As a result, the consequences of any accident previously evaluated are not significantly increased.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any previously evaluated?

Response: No.

No new or different accidents result from utilizing the proposed change. The changes do not involve a physical alteration of the plant (*i.e.,* no new or different type of equipment will be installed) or a change in the methods governing normal plant operation. In addition, the changes do not impose any new or different requirements. The changes do not alter assumptions made in the safety analysis. The proposed changes are consistent with the safety analysis assumptions and current plant operating practice.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in the margin of safety?

Response: No.

The design, operation, testing methods, and acceptance criteria for systems, structures, and components (SSCs), specified in applicable codes and standards (or alternatives approved for use by the NRC [Nuclear Regulatory Commission] will continue to be met as described in the plant licensing basis (including the final safety analysis report and bases to TS [Technical Specification]), since these are not affected by changes to the surveillance frequencies. Similarly, there is no impact to safety analysis acceptance criteria as described in the plant licensing basis. To evaluate a change in the relocated surveillance frequency, Duke [Duke Energy Carolinas, LLC] will perform a probabilistic risk evaluation using the guidance contained in NRC approved NEI 04–10, Rev. 1 in accordance with the TS SFCP. NEI [Nuclear Energy Institute] 04–10, Rev. 1, methodology provides reasonable acceptance guidelines and methods for evaluating the risk increase of proposed changes to surveillance frequencies consistent with Regulatory Guide 1.177.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Lara S. Nichols, Associate General Counsel, Duke Energy Corporation, 526 South Church Street—EC07H, Charlotte, NC 28202.

NRC Branch Chief: Gloria Kulesa.

Duke Energy Carolinas, LLC, Docket Nos. 50–269, 50–270, and 50–287, Oconee Nuclear Station, Units 1, 2, and 3, Oconee County, South Carolina

Date of amendment request: May 6, 2010.

Description of amendment request: The proposed amendments would revise the Technical Specifications to support 24-month fuel cycle operations.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed amendment changes the surveillance frequency from 18 months to 24 months for Surveillance Requirements in the Technical Specifications that are normally a function of the refueling interval. Surveillance Requirement 3.0.2 would allow a maximum surveillance interval of 30 months for these surveillances. Duke Energy's [Duke Energy Carolinas, LLC] evaluations have shown that the reliability of protective instrumentation and equipment will be preserved for the maximum allowable surveillance interval.

The proposed change does not involve any change to the design or functional requirements of the associated systems. That is, the proposed Technical Specification (TS) change neither degrades the performance of, nor increases the challenges to any safety systems assumed to function in the plant safety analysis. The proposed change will not give rise to any increase in operation power level, fuel operating limits or effluents. The proposed change does not affect any accident precursors since no accidents previously evaluated relate to the frequency of surveillance testing and the revision to the frequency does not introduce any accident initiators. The proposed change does not impact the usefulness of the Surveillance Requirements (SRs) in evaluating the operability of required systems and components or the manner in which the surveillances are performed.

In addition, evaluation of the proposed TS change demonstrates that the availability of equipment and systems required to prevent or mitigate the radiological consequences of an accident is not significantly affected because of the availability of redundant systems and equipment or the high reliability of the equipment. Since the impact on the systems is minimal, it is concluded that the overall impact on the plant safety analysis is negligible.

Furthermore, an historical review of surveillance test results and associated maintenance records indicates there is no evidence of any failure that would invalidate the above conclusions. Therefore, the proposed TS change does not significantly increase the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed amendment does not require a change to the plant design nor the mode of plant operation. No new or different equipment is being installed. No installed equipment is being operated in a different manner. As a result, no new failure modes are being introduced. In addition, the proposed change does not impact the usefulness of the SRs in evaluating the operability of required systems and components or the manner in which the surveillances are performed. Furthermore, an historical review of surveillance test results and associated maintenance records indicates there is no evidence of any failure that would invalidate the above conclusions. Therefore, the implementation of the proposed change will not create the possibility for an accident of a new or different type than previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed amendment changes the surveillance frequency from 18 months to 24 months for Surveillance Requirements in the Technical Specifications that are normally a function of the refueling interval. Surveillance Requirement 3.0.2 would allow a maximum surveillance interval of 30 months for these surveillances. Although the proposed change will result in an increase in the interval between surveillance tests, the impact on system availability is small based on other, more frequent testing that is performed, the existence of redundant systems and equipment or overall system reliability. There is no evidence of any time-dependent failures that would impact the availability of the systems. The proposed change does not significantly impact the condition or performance of structures, systems and components relied upon for accident mitigation. This change does not alter the existing TS allowable values or analytical limits. The existing operating margin between plant conditions and actual plant setpoints is not significantly reduced due to these changes. The assumptions and results in any safety analyses are not significantly impacted. Therefore, the proposed change does not involve a significant reduction in margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Lara S. Nichols, Associate General Counsel, Duke Energy Corporation, 526 South Church Street—EC07H, Charlotte, NC 28202.

NRC Branch Chief: Gloria Kulesa.

Exelon Generation Company, LLC, Docket No. 50–461, Clinton Power Station, Unit No.1, DeWitt County, Illinois

Date of amendment request: June 4, 2010.

Description of amendment request: The proposed amendment would remove a time-related item from Technical Specifications (TS) 3.6.5.1, "Drywell," and corrects typographical errors introduced into the TS in previous license amendments.

Basis for proposed no significant hazards consideration: As required by 10 CFR 50.91(a), an analysis of the issue of no significant hazards consideration is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of any accident previously evaluated?

Response: No.

The initial conditions and methodologies used in the accident analyses remain unchanged. The proposed changes do not change or alter the design assumptions for the systems or components used to mitigate the consequences of an accident. Therefore, accident analyses results are not impacted.

All changes proposed by EGC in this amendment request are administrative in nature, and include the removal [of] a time-related requirement that has been satisfied and the correction of typographical-type administrative errors. There are no physical changes to the facilities, nor any changes to the station operating procedures, limiting conditions for operation, or limiting safety system settings.

Based on the above discussion, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any previously evaluated?

Response: No.

None of the proposed changes affect the design or operation of any system, structure, or component in the plant. The safety functions of the related structures, systems, or components are not changed in any manner, nor is the reliability of any structure, system, or component reduced by the revised surveillance or testing requirements. The changes do not affect the manner by which the facility is operated and do not change any facility design feature, structure, system, or component. No new or different type of equipment will be installed. Since there is no change to the facility or operating procedures, and the safety functions and reliability of structures, systems, or components are not affected, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

Based on this evaluation, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed changes to the TS are administrative in nature and have no impact on the margin of safety of any of the TS. There is no impact on safety limits or limiting safety system settings. The changes do not affect any plant safety parameters or setpoints.

Based on this evaluation, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mr. Bradley J. Fewell, Associate General Counsel, Exelon Nuclear, 4300 Winfield Road, Warrenville, IL 60555.

NRC Branch Chief: Robert D. Carlson.

Southern California Edison Company, et al., Docket Nos. 50–361 and 50–362, San Onofre Nuclear Generating Station, Units 2 and 3, San Diego County, California

Date of amendment requests: August 16, 2010.

Description of amendment requests: The proposed amendments would revise the Completion Time of Condition A of Technical Specification 3.8.1, "AC [Alternating Current] Sources—Operating," on a one-time basis to allow a Completion Time of 10 days.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

This proposed Technical Specification amendment provides a one-time per train extension of the Completion Time of Condition A of Technical Specification 3.8.1, "AC Sources—Operating." Condition A will be revised on a one-time basis to allow a Completion Time of 10 days. This one-time change would be used once on each train on each unit. The revised Completion Time accommodates maintenance which is to be performed on the 4.16 kV [kilo volt] Class 1E breaker cubicles on both units to replace cracked bottle (bushing) flanges. The bottle flange replacement requires extensive work and cannot be completed within the existing 72-hour (3-day) Completion Time.

The consequences associated with extending the Completion Time by 7 days have been evaluated and there is no significant increase in the probability or consequences of an accident previously evaluated.

The minimum requirements of 10 CFR 50 Appendix A, GDC [General Design Criteria] 17 with the alternate preferred power source circuit unavailable to one of the two redundant 4.16 kV Class 1E buses at a time will continue to be met.

Further, the additional time to effect repairs for the bottles will allow for full inspection and replacement of any degraded condition in a timely manner with the minimum impact to safety.

Consequently, this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from accident previously evaluated?

Response: No.

The request for this one-time per train Technical Specification change involves an extension of the Completion Time for Technical Specification 3.8.1, Required Action A.2, associated with restoring compliance with the Technical Specification. The proposed change will not physically alter the present plant configuration nor adversely affect how the plant is currently operated. The plant configuration that would result from use of the revised Completion Time is currently allowed by existing Technical Specifications, only for a shorter duration. This Completion Time change does not create a new or different kind of accident from any kind of accident previously evaluated.

Consequently, there is no possibility of a new or different kind of accident due to this change.

3. Does the proposed change involve significant reduction in a margin of safety?

Response: No.

This proposed Technical Specification amendment provides a one-time per train extension of the Completion Time of Condition A of Technical Specification 3.8.1, "AC Sources—Operating." Condition A will be revised on a one-time basis to allow a Completion Time of 10 days. This one-time change would be used once on each train on each unit. The revised Completion Time accommodates maintenance which is to be performed on the 4.16 kV Class 1E breaker cubicles on both units to replace cracked bottle (bushing) flanges. The bottle flanges replacement requires extensive work and cannot be completed within the existing 72-hour (3-day) Completion Time.

The minimum requirements of 10 CFR 50 Appendix A, GDC 17 with the alternate preferred power source circuit unavailable to one of the two redundant 4.16 kV Class 1E buses at a time continues to be met.

Further, the additional time to effect repairs for the bottles will allow for full inspection and replacement of any degraded condition in a timely manner with the minimum impact to safety.

Consequently, there is no significant reduction in a margin of safety due to this change.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment requests involve no significant hazards consideration.

Attorney for licensee: Douglas K. Porter, Esquire, Southern California Edison Company, 2244 Walnut Grove Avenue, Rosemead, California 91770.

NRC Branch Chief: Michael T. Markley.

Virginia Electric and Power Company (VEPCO), Docket Nos. 50–280 and 50–281, Surry Power Station, Unit Nos. 1 and 2 (Surry 1 and 2), Surry County, Virginia

Date of amendment request: May 6, 2010.

Description of amendment request: VEPCO proposes a change to the Surry 1 and 2 Technical Specifications (TS) to update the cumulative core burnup applicability limit Effective Full Power Years (EFPY) for Reactor Coolant System (RCS) Heatup and Cooldown Pressure/Temperature (P/T) Limits, Low Temperature Overpressure Protection System (LTOPS) Setpoint, and LTOPS Enabling Temperature (T-enable).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change revises the Surry Units 1 and 2 TS RCS Heatup and Cooldown Limitations figures to reflect an increase in the cumulative core burnup applicability limit to 48 EFPY. The existing Surry TS RCS P/T Limits, LTOPS Setpoint, and T-enable value remain valid and conservative for cumulative core burnups up to 48 EFPY, thus increasing the cumulative core burnup applicability limit for RCS P/T Limits, LTOPS Setpoints and LTOPS T-enable to 48 EFPY has no bearing on the probability or consequences of an accident previously evaluated. These evaluations address the LTOPS design basis mass addition accident (inadvertent charging pump start), heat addition accident (Reactor Coolant Pump (RCP) start with a secondary-to-primary temperature difference of 50°F) and Pressurized Thermal Shock (PTS) events, the analysis of which is covered by 10 CFR 50.61. The increased cumulative core burnup applicability limit is accomplished through application of improved analytical margins provided by Topical Report BAW–2308, Revision 2–A, "Initial RT_{NDT} of Linde 80 Weld Materials," which was approved by the NRC in March 2008 for use in plant-specific applications. Dominion assessed the effect of the use of the analytical margins and determined that the existing TS limits (RCS P/T Limits, LTOPS Setpoints and LTOPS T-enable) governing reactor vessel integrity remain valid and conservative for cumulative core burnups up to 48 EFPY. No changes to plant systems, structures or components are proposed, and no new operating modes are established. Furthermore, plant operating limits and setpoints are not being changed. Therefore, there is no increase in the probability or consequences of any accident previously evaluated.

2. Does the change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

No changes to plant operating conditions, operating limits or setpoints are being proposed and no changes to plant systems, structures or components are being implemented. The existing Surry TS RCS P/T Limits, LTOPS Setpoint, and T-enable value remain valid and conservative for cumulative core burnups up to 48 EFPY. Analyses supporting the increased cumulative core burnup applicability limit were performed in accordance with applicable regulatory guidance and confirm that design functions (*i.e.,* ensuring that combined pressure and thermal stresses under normal operation heatup and cooldown conditions and under design basis accident conditions at low temperature) are maintained. Therefore, the proposed change does not create the possibility of any accident or malfunction of a different type previously evaluated.

3. Does the change involve a significant reduction in the margin of safety?

Response: No.

The increased cumulative core burnup applicability limit is accomplished through application of improved analytical margins provided by Topical Report BAW–2308, Revision 2–A, which was approved by the NRC in March 2008 for use in plant-specific applications. Dominion [VEPCO] assessed the effect of the use of the analytical margins and determined that the existing TS P/T Limits, LTOPS Setpoints, and LTOPS T-enable governing reactor vessel integrity remain valid and conservative for cumulative core burnups up to 48 EFPY. No changes to plant systems, structures or components are proposed, and no new operating modes are established. Furthermore, plant operating limits and setpoints are not being changed. Consequently, the existing TS P/T Limit curves, LTOPS Setpoint, and LTOPS T-enable value provide acceptable margin to vessel fracture under both normal operation and LTOPS design basis (mass addition and heat addition) accident conditions for cumulative core burnups up to 48 EFPY. Therefore, the proposed change does not result in a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Lillian M. Cuoco, Senior Counsel, Dominion Resources Services, Inc., 120 Tredegar St., RS–2, Richmond, VA 23219.

NRC Branch Chief: Gloria Kulesa.

Notice of Issuance of Amendments to Facility Operating Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for A Hearing in connection with these actions was published in the **Federal Register** as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.22(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action *see* (1) the applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment as indicated. All of these items are available for public inspection at the Commission's Public Document Room (PDR), located at One White Flint North, Public File Area 01F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm/adams.html*. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the PDR

Reference staff at 1–(800) 397–4209, (301) 415–4737 or by e-mail to *pdr.resource@nrc.gov*.

Duke Power Company, LLC, et al., Docket Nos. 50–413 and 50–414, Catawba Nuclear Station, Units 1 and 2, York County, South Carolina; Duke Power Company, LLC, Docket Nos. 50–369 and 50–370, McGuire Nuclear Station, Units 1 and 2, Mecklenburg County, North Carolina; Duke Power Company, LLC, Docket Nos. 50–269, 50–270, and 50–287, Oconee Nuclear Station, Units 1, 2, and 3, Oconee County, South Carolina

Date of application of amendments: September 30, 2009.

Brief description of amendments: The amendments revised the Technical Specifications to allow testing containment spray nozzles for nozzle blockage following activities which could result in nozzle blockage, rather than a fixed periodic basis. Currently the testing for nozzle blockage is performed every 10 years.

Date of issuance: August 24, 2010.

Effective date: As of the date of issuance and shall be implemented within 30 days from the date of issuance.

Amendment Nos.: 261 and 256.

Renewed Facility Operating License Nos. NPF–35 and NPF–52: Amendments revised the licenses and technical specifications.

Amendment Nos.: 259 and 239.

Renewed Facility Operating License Nos. NPF–9 and NPF–17: Amendments revised the licenses and technical specifications.

Amendment Nos.: 369, 371, and 370.

Renewed Facility Operating License Nos. DPR–38, DPR–47, and DPR–55: Amendments revised the licenses and technical specifications.

Date of initial notice in ***Federal Register:*** March 9, 2010 (75 FR 10828).

No significant hazards consideration comments received: No.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated August 24, 2010.

No significant hazards consideration comments received: No.

Exelon Generation Company, LLC, Docket Nos. 50–237 and 50–249, Dresden Nuclear Power Station, Units 2 and 3, Grundy County, Illinois; Docket Nos. 50–254 and 50–265, Quad Cities Nuclear Power Station, Units 1 and 2, Rock Island County, Illinois

Date of application for amendments: August 28, 2009, as supplemented by letters dated February 5 and June 2, 2010.

Brief description of amendments: The amendments revise Technical Specification 3.4.5, "RCS Leakage Detection Instrumentation," at each site to support implementation of an alternate method of verifying that leakage in the drywell is within limits.

Date of issuance: August 16, 2010.

Effective date: As of the date of issuance and shall be implemented within 60 days.

Amendment Nos.: 235 and 228, 247 and 242.

Renewed Facility Operating License Nos. DPR–19, DPR–25, DPR–29 and DPR–30. The amendments revised the Technical Specifications and License.

Date of initial notice in ***Federal Register****:* November 3, 2009 (74 FR 56886). The February 5 and June 2, 2010, supplements contained clarifying information and did not change the NRC staff's initial proposed finding of no significant hazards consideration.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated August 16, 2010.

No significant hazards consideration comments received: No.

Northern States Power Company—Minnesota, Docket Nos. 50–282 and 50–306, Prairie Island Nuclear Generating Plant, Units 1 and 2, Goodhue County, Minnesota

Date of application for amendments: December 28, 2009, as supplemented by letters dated April 19, April 23, and June 17, 2010.

Brief description of amendments: These amendments revise the Facility Operating License and Technical Specifications to reflect an increase in the rated thermal power from 1650 megawatts thermal (MWt) to 1677 MWt (1.64 percent increase). The increase is based upon increased feedwater flow measurement accuracy achieved by using high-accuracy Caldon CheckPlus™ Leading Edge Flow Meter ultrasonic flow measurement instrumentation.

Date of issuance: August 17, 2010.

Effective date: As of the date of issuance and shall be implemented within 180 days.

Amendment Nos.: 197, 186.

Facility Operating License Nos. DPR–42 and DPR–60: Amendments revised the License and Technical Specifications.

Date of initial notice in ***Federal Register*****:** May 11, 2010 (75 FR 26291).

The supplemental letters contained clarifying information and did not change the initial no significant hazards consideration determination, and did not expand the scope of the original **Federal Register** notice.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated August 17, 2010.

No significant hazards consideration comments received: No.

PSEG Nuclear LLC, Docket No. 50–272, Salem Nuclear Generating Station, Unit No. 1, Salem County, New Jersey

Date of application for amendment: September 21, 2009, as supplemented on February 24, 2010.

Brief description of amendments: The amendment revises Technical Specification (TS) 6.8.4.f, "Primary Containment Leakage Rate Testing Program," to allow a one-time extension of the Type A integrated leak rate test (ILRT) interval from 10 to 15 years. Specifically, the amendment requires that the next Type A ILRT be performed no later than May 7, 2016.

Date of issuance: August 16, 2010.

Effective date: As of the date of issuance, to be implemented within 60 days.

Amendment No.: 296.

Facility Operating License No. DPR–70: The amendment revised the TSs and the License.

Date of initial notice in ***Federal Register****:* November 17, 2009 (74 FR 59262).

The letter dated February 24, 2010, provided clarifying information that did not change the initial proposed no significant hazards consideration determination or expand the application beyond the scope of the original **Federal Register** notice.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 16, 2010.

No significant hazards consideration comments received: No.

PSEG Nuclear LLC, Docket Nos. 50–272 and 50–311, Salem Nuclear Generating Station, Unit Nos. 1 and 2, Salem County, New Jersey

Date of application for amendments: September 23, 2009, as supplemented on December 21, 2009.

Brief description of amendments: The amendments revise the Technical Specifications (TSs) to: (1) Delete TS 4.0.5, which pertains to surveillance requirements for inservice inspection (ISI) and inservice testing (IST) of American Society of Mechanical Engineers *Boiler and Pressure Vessel Code* Class 1, 2 and 3 components; (2) add a new TS for the IST Program to Section 6.0, "Administrative Controls," of the TSs; and (3) change TSs that currently reference TS 4.0.5 to reference the IST Program or ISI Program, as applicable.

Date of issuance: August 20, 2010.

Effective date: As of the date of issuance, to be implemented within 60 days.

Amendment Nos.: 297 and 279.

Facility Operating License Nos. DPR–70 and DPR–75: The amendments revised the TSs and the Facility Operating Licenses.

Date of initial notice in ***Federal Register****:* December 29, 2009 (74 FR 68871).

The letter dated December 21, 2009, provided clarifying information that did not change the initial proposed no significant hazards consideration determination or expand the application beyond the scope of the original **Federal Register** notice.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated August 20, 2010.

No significant hazards consideration comments received: No.

Notice of Issuance of Amendments to Facility Operating Licenses and Final Determination of No Significant Hazards Consideration and Opportunity for a Hearing (Exigent Public Announcement or Emergency Circumstances)

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Because of exigent or emergency circumstances associated with the date the amendment was needed, there was not time for the Commission to publish, for public comment before issuance, its usual Notice of Consideration of Issuance of Amendment, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing.

For exigent circumstances, the Commission has either issued a **Federal Register** notice providing opportunity for public comment or has used local media to provide notice to the public in the area surrounding a licensee's facility of the licensee's application and of the Commission's proposed determination of no significant hazards consideration. The Commission has provided a reasonable opportunity for the public to comment, using its best efforts to make available to the public means of communication for the public to respond quickly, and in the case of telephone comments, the comments have been recorded or transcribed as appropriate and the licensee has been informed of the public comments.

In circumstances where failure to act in a timely way would have resulted, for example, in derating or shutdown of a nuclear power plant or in prevention of either resumption of operation or of increase in power output up to the plant's licensed power level, the Commission may not have had an opportunity to provide for public comment on its no significant hazards consideration determination. In such case, the license amendment has been issued without opportunity for comment. If there has been some time for public comment but less than 30 days, the Commission may provide an opportunity for public comment. If comments have been requested, it is so stated. In either event, the State has been consulted by telephone whenever possible.

Under its regulations, the Commission may issue and make an amendment immediately effective, notwithstanding the pendency before it of a request for a hearing from any person, in advance of the holding and completion of any required hearing, where it has determined that no significant hazards consideration is involved.

The Commission has applied the standards of 10 CFR 50.92 and has made a final determination that the amendment involves no significant hazards consideration. The basis for this determination is contained in the documents related to this action. Accordingly, the amendments have been issued and made effective as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action *see* (1) the application for amendment, (2) the amendment to Facility Operating License, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment, as indicated. All of these items are available for public inspection at the Commission's Public Document Room (PDR), located at One White Flint North, Public File Area 01F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management System's (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm/adams.html.* If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the PDR Reference staff at 1 (800) 397–4209, (301) 415–4737 or by e-mail to *pdr.resource@nrc.gov.*

The Commission is also offering an opportunity for a hearing with respect to the issuance of the amendment. Within 60 days after the date of publication of this notice, any person(s) whose interest may be affected by this action may file a request for a hearing and a petition to intervene with respect to issuance of the amendment to the subject facility operating license. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested person(s) should consult a current copy of 10 CFR 2.309, which is available at the Commission's PDR, located at One White Flint North, Public File Area 01F21, 11555 Rockville Pike (first floor), Rockville, Maryland, and electronically on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm/doc-collections/cfr/.* If there are problems in accessing the document, contact the PDR Reference staff at 1 (800) 397–4209, (301) 415–4737, or by e-mail to *pdr.resource@nrc.gov.* If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: (1) The name, address, and telephone number of

the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also identify the specific contentions which the requestor/petitioner seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the requestor/petitioner shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact.[1] Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A requestor/petitioner who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Each contention shall be given a separate numeric or alpha designation within one of the following groups:

1. *Technical*—Primarily concerns/issues relating to technical and/or health and safety matters discussed or referenced in the applications.

2. *Environmental*—Primarily concerns/issues relating to matters discussed or referenced in the environmental analysis for the applications.

3. *Miscellaneous*—Does not fall into one of the categories outlined above.

As specified in 10 CFR 2.309, if two or more petitioners/requestors seek to co-sponsor a contention, the petitioners/requestors shall jointly designate a representative who shall have the authority to act for the petitioners/requestors with respect to that contention. If a requestor/petitioner seeks to adopt the contention of another sponsoring requestor/petitioner, the requestor/petitioner who seeks to adopt the contention must either agree that the sponsoring requestor/petitioner shall act as the representative with respect to that contention, or jointly designate with the sponsoring requestor/petitioner a representative who shall have the authority to act for the petitioners/requestors with respect to that contention.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing. Since the Commission has made a final determination that the amendment involves no significant hazards consideration, if a hearing is requested, it will not stay the effectiveness of the amendment. Any hearing held would take place while the amendment is in effect.

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 ten (10) days prior to the filing deadline, the participant should contact the Office of the Secretary by e-mail at *hearing.docket@nrc.gov,* or by telephone at (301) 415–1677, to request (1) a digital 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 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 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 EIE, users will be required to install a Web browser plug-in from the NRC 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 NRC guidance available on the NRC 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 e-mail notice confirming receipt of the document. The E-Filing system also distributes an e-mail notice that provides access to the document to the NRC 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

[1] To the extent that the applications contain attachments and supporting documents that are not publicly available because they are asserted to contain safeguards or proprietary information, petitioners desiring access to this information should contact the applicant or applicant's counsel and discuss the need for a protective order.

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 Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by e-mail at *MSHD.Resource@nrc.gov,* or by a toll-free call at (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 NRC's electronic hearing docket which is available to the public at *http://ehd.nrc.gov/EHD_Proceeding/home.asp,* 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.

Southern Nuclear Operating Company, Inc., Docket No. 50–425, Vogtle Electric Generating Plant, Unit 2, Burke County, Georgia

Date of amendment request: August 18, 2010.

Description of amendment request: The amendment revises Technical Specifications (TS) 3.7.14, "Engineered Safety Features (ESF) Room Cooler and Safety-Related Chiller System" such that, with one safety-related chiller train inoperable, the allowed completion time for Condition A is extended from 72 hours to 14 days, on a one-time-only basis. The 14 day allowable outage time will allow time to repair the Unit 2 A-train ESF chiller.

Date of issuance: August 19, 2010.

Effective date: As of the date of issuance, and shall be implemented within 30 days.

Amendment No.: 139.

Facility Operating License No. NPF–81: Amendment revises the technical specifications.

Public comments requested as to proposed no significant hazards consideration (NSHC): No. The Commission's related evaluation of the amendment, finding of emergency circumstances, State consultation, and final NSHC determination are contained in a safety evaluation dated August 19, 2010.

Attorney for licensee: Mr. Arthur H. Domby, Troutman Sanders, NationsBank Plaza, Suite 5200, 600 Peachtree Street, NE., Atlanta, Georgia 30308–2216.

NRC Branch Chief: Gloria Kulesa.

Dated at Rockville, Maryland, this 26th day of August 2010.

For the Nuclear Regulatory Commission.

Joseph G. Giitter,

Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2010–21946 Filed 9–3–10; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 52–040–COL and 52–041–COL; ASLBP No. 10–903–02–COL–BD01]

Florida Power and Light Company; Establishment of Atomic Safety and Licensing Board

Pursuant to delegation by the Commission dated December 29, 1972, published in the **Federal Register**, 37 FR 28,710 (1972), and the Commission's regulations, *see* 10 CFR 2.104, 2.300, 2.303, 2.309, 2.311, 2.318, and 2.321, notice is hereby given that an Atomic Safety and Licensing Board (Board) is being established to preside over the following proceeding:

Florida Power & Light Company (Turkey Point Units 6 and 7)

This proceeding concerns petitions to intervene submitted (1) by the Village of Pinecrest, Florida, (2) by Citizens for Safe Energy, Inc., and (3) jointly by Mark Oncavage, Dan Kipnis, Southern Alliance for Clean Energy, and National Parks Conservation Association. These petitions were submitted in response to a June 18, 2010 Notice of Hearing and Opportunity to Petition for Leave to Intervene (75 FR 34,777). Petitioners challenge the application filed by Florida Power & Light Company pursuant to Subpart C of 10 CFR Part 52 for a combined license for Turkey Point Units 6 and 7, to be located in Homestead, Florida.

The Board is comprised of the following administrative judges:

E. Roy Hawkens, Chair, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

Dr. Michael F. Kennedy, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

Dr. William C. Burnett, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

All correspondence, documents, and other materials shall be filed in accordance with the NRC E-Filing rule, which the NRC promulgated in August 2007 (72 FR 49,139).

Issued at Rockville, Maryland, this 31st day of August 2010.

E. Roy Hawkens,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 2010–22178 Filed 9–3–10; 8:45 am]

BILLING CODE 7590–01–P

PENSION BENEFIT GUARANTY CORPORATION

Submission of Information Collections for OMB Review; Comment Request; Payment of Premiums; Termination Premium

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of request for extension of OMB approval.

SUMMARY: Pension Benefit Guaranty Corporation (PBGC) is requesting that the Office of Management and Budget (OMB) extend approval, under the Paperwork Reduction Act, of the collection of information for the termination premium under its regulation on Payment of Premiums (29 CFR Part 4007) (OMB control number 1212–0064; expires October 31, 2010), without change. This notice informs the public of PBGC's request and solicits public comment on the collection of information.

DATES: Comments should be submitted by October 7, 2010.

ADDRESSES: Comments should be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Pension Benefit Guaranty Corporation, via electronic mail at *OIRA_DOCKET@omb.eop.gov* or by fax to 202–395–6974.

The collection of information (Form T and instructions) and PBGC's premium payment regulation may be accessed on PBGC's Web site at *http://www.pbgc.gov.* Copies of the collection of information and PBGC's request may also be obtained without charge by writing to the Disclosure Division of the Office of the General Counsel of PBGC, 1200 K Street, NW., Washington, DC 20005, or by visiting the Disclosure Division or calling 202–326–4040 during normal business hours. (TTY and TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4040.)

FOR FURTHER INFORMATION CONTACT: Deborah C. Murphy, Staff Attorney, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005–4026, 202–326–4024. (TTY and TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4024.)

SUPPLEMENTARY INFORMATION: Pension Benefit Guaranty Corporation (PBGC) administers the pension plan termination insurance program under title IV of the Employee Retirement Income Security Act of 1974 (ERISA). Section 4006(a)(7) of ERISA provides for a "termination premium" (in addition to the flat-rate and variable-rate premiums under section 4006(a)(3)(A) and (E) of ERISA) that is payable for three years following certain distress and involuntary plan terminations. PBGC's regulations on Premium Rates (29 CFR part 4006) and Payment of Premiums (29 CFR part 4007) implement the termination premium. Sections 4007.3 and 4007.13(b) of the premium payment regulation require the filing of termination premium information and payments with PBGC. PBGC has promulgated Form T and instructions for paying the termination premium.

In general, the termination premium applies where a single-employer plan terminates in a distress termination under ERISA section 4041(c) (unless contributing sponsors and controlled group members meet the bankruptcy liquidation requirements of ERISA section 4041(c)(2)(B)(i)) or in an involuntary termination under ERISA section 4042, and the termination date under section 4048 of ERISA is after 2005. The termination premium does not apply in certain cases where termination occurs during a bankruptcy proceeding filed before October 18, 2005.

The termination premium is payable for three years. The same amount is payable each year. The amount of each payment is based on the number of participants in the plan as of the day before the termination date. In general, the amount of each payment is equal to $1,250 times the number of participants. However, the rate is increased from $1,250 to $2,500 in certain cases involving commercial airline or airline catering service plans. The termination premium is due on the 30th day of each of three consecutive 12-month periods. The first 12-month period generally begins shortly after the termination date or after the conclusion of bankruptcy proceedings in certain cases.

Sections 4007.3 and 4007.13(b) of the premium payment regulation require the filing of termination premiums and related information. A filing must be made by a person liable for the termination premium. The persons liable for the termination premium are contributing sponsors and members of their controlled groups, determined on the day before the plan termination date. Interest on late termination premiums is charged at the rate imposed under section 6601(a) of the Internal Revenue Code, compounded daily, from the due date to the payment date. Penalties based on facts and circumstances may be assessed both for failure to timely pay the termination premium and for failure to timely file required related information and may be waived in appropriate circumstances. A penalty for late payment will not exceed the amount of termination premium paid late. Section 4007.10 of the premium payment regulation requires the retention of records supporting or validating the computation of premiums paid and requires that the records be made available to PBGC.

OMB has approved the termination premium collection of information (Form T and instructions) under control number 1212–0064 through October 31, 2010. PBGC is requesting that OMB extend approval of this collection of information for three years, without change. (In connection with this request for extension of OMB approval, Form T has been reformatted without substantive change, and current burden data and instructions for the hearing impaired have been added to the Form T instructions.) 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.

PBGC assumes that termination premium filings will be made with respect to one termination per year. Accordingly, PBGC assumes that it will receive each year an average of about one first-year, one second-year, and one third-year termination premium filing from an average of about three plan sponsor groups. Thus, PBGC estimates that the total annual burden of the collection of information will be about two-and-a-half hours and $16,625.

Issued in Washington, DC, August 30, 2010.

John H. Hanley,

Director, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation.

[FR Doc. 2010–22222 Filed 9–3–10; 8:45 am]

BILLING CODE 7709–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. CP2010–102 and CP2010–103; Order No. 529]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recently–filed Postal Service request to add two Global Expedited Package Services 3 contracts to the competitive product list. This notice addresses procedural steps associated with the filing.

DATES: Comments are due: September 8, 2010.

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 the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on alternatives to electronic filing.

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, General Counsel,

stephen.sharfman@prc.gov or 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction
II. Notice of Filing
III. Ordering Paragraphs

I. Introduction

On August 30, 2010, the Postal Service filed a notice announcing that it has entered into two additional Global Expedited Package Services 3 (GEPS 3) contracts.[1] The Postal Service believes the instant contracts are functionally equivalent to previously submitted GEPS contracts, and are supported by Governors' Decision No. 08–7, attached to the Notice and originally filed in Docket No. CP2008–4. *Id.* at 1, Attachment 3. The Notice explains that Order No. 86, which established GEPS 1 as a product, also authorized functionally equivalent agreements to be included within the product, provided that they meet the requirements of 39 U.S.C. 3633. *Id.* at 2. In Order No. 290, the Commission approved the GEPS 2 product.[2] In Order No. 503, the Commission approved the GEPS 3 product. Additionally, the Postal Service requested to have the contract in Docket No. CP2010–71 serve as the baseline contract for future functional equivalence analyses of the GEPS 3 product.

The instant contracts. The Postal Service filed the instant contracts pursuant to 39 CFR 3015.5. In addition, the Postal Service contends that each contract is in accordance with Order No. 86. The term of each contract is one year from the date the Postal Service notifies the customer that all necessary regulatory approvals have been received. Notice at 3.

In support of its Notice, the Postal Service filed four attachments as follows:

• Attachments 1A and 1B—redacted copies of the two contracts and applicable annexes;

•Attachments 2A and 2B—certified statements required by 39 CFR 3015.5(c)(2) for each contract;

• Attachment 3—a redacted copy of Governors' Decision No. 08–7, which establishes prices and classifications for GEPS contracts, a description of applicable GEPS contracts, formulas for prices, an analysis of the formulas, and certification of the Governors' vote; and

• Attachment 4—an application for non–public treatment of materials to maintain redacted portions of the contracts and supporting documents under seal.

The Notice advances reasons why the instant GEPS 3 contracts fit within the Mail Classification Schedule language for GEPS. The Postal Service identifies customer–specific information and general contract terms that distinguish the instant contracts from the baseline GEPS 3 agreement. *Id.* at 4–5. It states that the differences, which include price variations based on updated costing information and volume commitments, do not alter the contracts' functional equivalency. *Id.* at 4. The Postal Service asserts that "[b]ecause the agreements incorporate the same cost attributes and methodology, the relevant characteristics of these two GEPS contracts are similar, if not the same, as the relevant characteristics of previously filed contracts." *Id.*

The Postal Service concludes that its filings demonstrate that each of the new GEPS 3 contracts complies with the requirements of 39 U.S.C. 3633 and is functionally equivalent to the baseline GEPS 3 contract. Therefore, it requests that the instant contracts be included within the GEPS 3 product. *Id.* at 5.

II. Notice of Filing

The Commission establishes Docket Nos. CP2010–102 and CP2010–103 for consideration of matters related to the contracts identified in the Postal Service's Notice.

These dockets are addressed on a consolidated basis for purposes of this order. Filings with respect to a particular contract should be filed in that docket.

Interested persons may submit comments on whether the Postal Service's contracts are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642. Comments are due no later than September 8, 2010. The public portions of these filings can be accessed via the Commission's Web site *(http://www.prc.gov.)*

The Commission appoints Paul L. Harrington to serve as Public Representative in the captioned proceedings.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket Nos. CP2010–102 and CP2010–103 for consideration of matters raised by the Postal Service's Notice.

2. Comments by interested persons in these proceedings are due no later than September 8, 2010.

3. Pursuant to 39 U.S.C. 505, Paul L. Harrington is appointed to serve as the officer of the Commission (Public Representative) to represent the interests of the general public in these proceedings.

4. The Secretary shall arrange for publication of this order in the **Federal Register.**

By the Commission.

Shoshana M. Grove,

Secretary.

[FR Doc. 2010–22155 Filed 9–3–10; 8:45 am]

BILLING CODE 7710–FW–S

[1] Notice of United States Postal Service of Filing Two Functionally Equivalent Global Expedited Package Services 3 Negotiated Service Agreements and Application For Non–Public Treatment of Materials Filed Under Seal, August 30, 2010 (Notice).

[2] Docket No. CP2009–50, Order Granting Clarification and Adding Global Expedited Package Services 2 to the Competitive Product List, August 28, 2009 (Order No. 290).

POSTAL REGULATORY COMMISSION

[Docket No. A2010–6; Order No. 527]

Post Office Closing

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: This document informs the public that an appeal of the closing of the Renfro Valley Post Office, Renfro Valley, Kentucky 40473, has been filed. It identifies preliminary steps and provides a procedural schedule. Publication of this document will allow the Postal Service, petitioner, and others to take appropriate action.

DATES: Deadline for filing administrative record: September 9, 2010. *See* the Procedural Schedule for other important dates.

ADDRESSES: Submit filings electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot file electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on alternatives to electronic filing.

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, General Counsel, *stephen.sharfman@prc.gov* or 202–789–6820.

SUPPLEMENTARY INFORMATION: Notice is hereby given that pursuant to 39 U.S.C. 404(d), the Commission has received an appeal of the closing of the Renfro Valley Post Office, Renfro Valley, Kentucky 40473. The appeal, which appears to be postmarked August 19, 2010, was received by the Commission on August 25, 2010. The Commission hereby institutes a proceeding under 39 U.S.C. 404(d)(5) and designates the case as Docket No. A2010–6 to consider the petitioner's appeal. If the petitioner would like to further explain his position with supplemental information

or facts, he may either file a Participant Statement on PRC Form 61 or file a brief with the Commission by no later than September 29, 2010.

Categories of issues apparently raised. The categories of issues that appear to be raised include: Effect on the community. *See* 39 U.S.C. 404(d)(2)(A)(i).

After the Postal Service files the administrative record and the Commission reviews it, the Commission may find that there are more legal issues than the one set forth above, or that the Postal Service's determination disposes of one or more of those issues. The deadline for the Postal Service to file the administrative record with the Commission is September 9, 2010. 39 CFR 3001.113.

Availability; Web site posting. The Commission has posted the appeal and supporting material on its Web site at *http://www.prc.gov.* Additional filings in this case and participants' submissions also will be posted on the Web site, if provided in electronic format or amenable to conversion, and not subject to a valid protective order. Information on how to use the Commission's Web site is available online or by contacting the Commission's webmaster via telephone at 202–789–6873 or via electronic mail at *prc–webmaster@prc.gov.*

The appeal and all related documents are also available for public inspection in the Commission's docket section. Docket section hours are 8 a.m. to 4:30 p.m., Monday through Friday, except on Federal government holidays. Docket section personnel may be contacted via electronic mail at *prc–dockets@prc.gov* or via telephone at 202–789–6846.

Filing of documents. All filings of documents in this case shall be made using the Internet (Filing Online) pursuant to Commission rules 9(a) and 10(a) at the Commission's Web site, *http://www.prc.gov,* unless a waiver is obtained. 39 CFR 3001.9(a) and 10(a). Instructions for obtaining an account to file documents online may be found on the Commission's Web site, *http://www.prc.gov,* or by contacting the Commission's docket section at *prc–dockets@prc.gov* or via telephone at 202–789–6846.

Intervention. Those, other than the petitioner and respondent, wishing to be heard in this matter are directed to file a notice of intervention. *See* 39 CFR 3001.111(b). Notices of intervention are due on or before September 27, 2010. A notice of intervention shall be filed using the Internet (Filing Online) at the Commission's Web site, *http://www.prc.gov,* unless a waiver is obtained for hardcopy filing. *See* 39 CFR 3001.9(a) and 10(a).

Further procedures. By statute, the Commission is required to issue its decision within 120 days from the date this appeal was filed. *See* 39 U.S.C. 404(d)(5). A procedural schedule has been developed to accommodate this statutory deadline. In the interest of expedition, in light of the 120–day decision schedule, the Commission may request the Postal Service or other participants to submit information or memoranda of law on any appropriate issue. As required by the Commission rules, if any motions are filed, responses are due 7 days after any such motion is filed. 39 CFR 3001.21.

It is ordered:

1. The Postal Service shall file the administrative record in this appeal, or otherwise file a responsive pleading to the appeal, by September 9, 2010.

2. The procedural schedule listed below is hereby adopted.

3. Pursuant to 39 U.S.C. 505, Cassandra L. Hicks is designated officer of the Commission (Public Representative) to represent the interests of the general public.

4. The Secretary shall arrange for publication of this notice and order and procedural schedule in the **Federal Register.**

By the Commission.

Shoshana M. Grove,

Secretary.

PROCEDURAL SCHEDULE

August 25, 2010	Filing of Appeal.
September 9, 2010	Deadline for Postal Service to file administrative record in this appeal or responsive pleading.
September 27, 2010	Deadline for petitions to intervene (*see* 39 CFR 3001.111(b)).
September 29, 2010	Deadline for petitioner's Form 61 or initial brief in support of petition (*see* 39 CFR 3001.115(a) and (b)).
October 19, 2010	Deadline for answering brief in support of Postal Service (*see* 39 CFR 3001.115(c)).
November 3, 2010	Deadline for reply briefs in response to answering briefs (*see* 39 CFR 3001.115(d)).
November 10, 2010	Deadline for motions by any party requesting oral argument; the Commission will schedule oral argument only when it is a necessary addition to the written filings (*see* 39 CFR 3001.116).
December 17, 2010	Expiration of the Commission's 120-day decisional schedule (*see* 39 U.S.C. 404(d)(5)).

[FR Doc. 2010–22159 Filed 9–3–10; 8:45 am]

BILLING CODE 7710–FW–S

OFFICE OF SCIENCE & TECHNOLOGY POLICY

U.S. National Climate Assessment Objectives, Proposed Topics, and Next Steps

ACTION: Notice of Publication of National Climate Assessment (NCA) Objectives, Proposed Topics, and Next Steps and Request for Public Comments.

SUMMARY: The purpose of this notice is to enhance the value of the National Climate Assessment (NCA), a project of the U.S. Global Change Research Program, by engaging people who are interested in climate issues and requesting specific input on the outline for the next NCA synthesis report, to be delivered to Congress and published in June 2013. This notice refers to the NCA Objectives, Proposed Topics, and Next Steps (*http://globalchange.gov/hat-we-do/assessment/notices*). Public comments received on these documents will be evaluated and, if appropriate, used to inform the NCA structure and process. Updates on the NCA structure and process will be posted on the NCA Web site (*http://globalchange.gov/what-we-do/assessment*) as they are available. Comments will also be provided to the Federal Advisory Committee for the NCA, the "National Climate Assessment Development and Advisory Committee," when it is constituted this fall. All comments will be collated and posted on the NCA Web site.

Response Instructions: The White House Office of Science and Technology Policy and the U.S. Global Change Research Program are interested in comments on the NCA Objectives, Proposed Topics, and Next Steps. When submitting your response, please indicate the (1) Objectives, (2) Proposed Topics, or (3) Next Steps heading to

which you are referring. Please be specific and concise.

Responses to this request should be submitted by 11:59 p.m. Eastern Time on October 8, 2010. Responses to this request must be submitted electronically at *http://globalchange.gov/what-we-do/assessment/notices.*

Responses to this notice are not offers and cannot be accepted by the Government to form a binding contract or issue a grant. Information obtained as a result of this request may be used by the government for program planning on a non-attribution basis. Do not include any information that might be considered proprietary or confidential.

FOR FURTHER INFORMATION CONTACT: Any questions about the content of this request should be sent to Emily Cloyd, U.S. Global Change Research Program Office, 1717 Pennsylvania Ave., NW., Suite 250, Washington, DC 20006, Telephone (202) 223–6262, Fax (202) 223–3064. Additional information regarding this request can be found at *http://globalchange.gov/what-we-do/assessment/notices.* Questions and responses may also be sent by mail (please allow additional time for processing) to the address above.

SUPPLEMENTARY INFORMATION:

What is the NCA? The National Climate Assessment (NCA) is being conducted under the auspices of the U.S. Global Change Research Program (USGCRP), pursuant to the Global Change Research Act of 1990, Section 106, which requires that: "On a periodic basis (not less frequently than every 4 years), the Council *[the National Science and Technology Council],* through the Committee *[the Global Change Research Committee],* shall prepare and submit to the President and the Congress an assessment which—

1. Integrates, evaluates, and interprets the findings of the [USGCR] Program and discusses the scientific uncertainties associated with such findings;

2. Analyzes the effects of global change on the natural environment, agriculture, energy production and use, land and water resources, transportation, human health and welfare, human social systems, and biological diversity; and

3. Analyzes current trends in global change, both human-induced and natural, and projects major trends for the subsequent 25 to 100 years."

Assessments serve an important function by providing the scientific underpinnings of informed policy. They also serve as progress reports by identifying advances in the underlying science, providing critical analysis of issues, and highlighting key findings and key unknowns that can improve policy choices and guide decision making related to climate change. The approach that is envisioned for this NCA is a comprehensive assessment of climate change, impacts, vulnerabilities and response strategies within a context of how communities and the nation as a whole create sustainable and environmentally sound development paths.

This new NCA will differ in multiple ways from previous U.S. climate assessment efforts (*http://globalchange.gov/what-we-do/assessment/nca-reports*). For example, it is more focused both on supporting the Nation's activities in adaptation and mitigation and also on evaluating the current state of scientific knowledge relative to climate impacts and trends. Additionally, it will build on the recommendations of previous NCA efforts by implementing a long-term, consistent process for evaluation of climate risks and opportunities and providing information to support decision making processes within regions and sectors.

A primary goal of this NCA is to establish permanent assessment capacity both inside and outside of the Federal government. The NCA will be an ongoing process that draws upon the work of stakeholders and scientists across the country. Assessment activities will result in the capacity to execute ongoing assessments of vulnerability to climate stressors, observe and project impacts of climate change within regions and sectors, develop consistent indicators of progress in adaptation and mitigation activities, and allow for the production of a set of reports and Web-based products that are useful for decision-making at multiple levels.

Strategic planning for the NCA began in early 2010 with the circulation of the first strategic plan outline in January, 2010. This outline served as a basis for strategic planning input meetings in Chicago in February, 2010. In addition, NCA staff convened a listening session with regional, State, and local participants following the National Adaptation Summit in May, 2010. More information about the process to date, including workshop outcome summaries, is available from *http://globalchange.gov/what-we-do/assessment.*

Objectives

NCA Vision: The vision for the NCA incorporates recommendations from the National Research Council, feedback from previous assessment processes, and the results of the workshops and listening session described above. It has been developed within the Interagency National Climate Assessment (INCA) Task Force, which includes members from all 13 USGCRP agencies and departments and additional agencies and departments whose work is relevant to the NCA (*http://globalchange.gov/what-we-do/assessment/nca-participants*). The NCA will continue to solicit input from a broad range of individual stakeholders, decision makers, and concerned citizens to ensure that its vision and implementation is responsive to their needs.

The overarching goal for the broad climate science program within the U.S. government is to inform and enhance our ability to respond to changing climate in a multi-stress context. The primary vision of the NCA is a continuing, inclusive national process that: (1) Synthesizes relevant science and information; (2) increases understanding of what is known and not known; (3) identifies needs for information related to preparing for climate variability and change and reducing climate impacts and vulnerability; (4) evaluates progress of adaptation and mitigation activities; (5) informs science priorities; (6) builds assessment capacity in regions and sectors; and (7) builds societal understanding and skilled use of Assessment findings. The NCA will be a sustained and integrated process that is responsive to climate assessment needs and meets the requirements of the Global Change Research Act, is based on the best available science, and is authoritative, transparent, and accessible.

NCA Key Objectives: In order to achieve its vision, the NCA has established seven overarching, cross-cutting objectives:

- *Objective 1: Create a sustainable assessment process that involves networks of participants in regions and sectors across the country in addition to engaging Federal scientists in multiple agencies.* The reports that will be generated will be viewed as a "time-slice" through an ongoing evaluation effort. This process will enable national, regional, sectoral or topical reports to be created over time as needed to serve important policy and science objectives.
- *Objective 2: Establish an ongoing, national-scale, consistent and replicable approach to assessing current and projected climate impacts and climate-related risk in the context of other stressors.* This includes examining the integrated effects on ecosystems and ecosystem services, social and economic

systems, and American civil society and institutions. The intent of this effort is to identify opportunities and risks associated with changes in climate conditions. An ongoing component will be work towards attribution and explanation of events and trends that are observed in the climate system.

• *Objective 3: Within this broad ongoing assessment, nest more specific investigations of regions and topics that have high priority due to existing or anticipated climate stresses, generally in the context of a variety of other concerns.* The number and scale of these specific nested investigations, as well as the time frame and responsibility for completing products related to them have not yet been determined.

• *Objective 4: The NCA office will perform a central coordination function while depending on a distributed process and inclusive engagement with partners both inside and outside of the Federal government to meet NCA goals.* Although it is the role of the Federal government to conduct a national climate assessment and to provide the support needed for regional efforts, it is neither appropriate nor possible for the Federal government alone to conduct the totality of this undertaking . This distributed approach will also maximize the likelihood that national climate assessments will continue over time. However, the Federal government must play a leading role in cross-regional and international aspects of the NCA.

• *Objective 5: To the extent possible, depend on regional networks and a variety of public and private partners to do the* "*ground-truthing*" *of scientific findings, and depend on Federal monitoring programs for larger scale or more comprehensive assessments and evaluations.* The intent is to have the National Climate Assessment become the "connective tissue" that ties these efforts to Federal science programs.

• *Objective 6: Recognize the international context of climate trends and efforts and help to support some of the U.S. inputs to the IPCC.* Adaptation and mitigation decisions within the U.S. have impacts on other countries, and vice versa. Climate impacts occur within economic and social systems that affect every country across the globe. The NCA will lay the groundwork for a strategic approach to engaging with internationalclimate assessment activities and with a specific focus on North America.

• *Objective 7: Build a strong stakeholder engagement process, based on mobilizing a regionally coordinated network of local stakeholders and a nationally coordinated network of professional associations to connect to a series of important sectors and various levels of government.* The stakeholder engagement process will rely on both in-person and virtual (Web-based) interactions that will make the assessment process accessible to the general public. Online tools, such as Web pages, webinars, and online data sets will help to maximize opportunities for education and communication and will make the data and information collected for the NCA more useful.

Proposed Topics

The NCA is both an ongoing process of assessing the impacts of climate change in the context of broader, baseline conditions and also a periodic report that evaluates, integrates, and interprets these impacts. For the next NCA synthesis report, due by June 2013, the following topics are proposed in the initial outline for the product:

I. Background and Context for the Process: This section of the report will contain information on the (1) Purpose (mission, objectives, and intended audience); (2) Background (legal requirements, explanation of previous rounds of assessment, and ways in which USGCRP is responding to advice from the National Research Council); (3) General scope for the NCA (global change and climate variability and change, limitations of the process, and challenges); and (4) Assessment process (timeline, methods and design, tools for assessing climate change and impacts, dealing with uncertainty, sources of material, and common lexicon/glossary of terms).

II. The Scientific Basis for Climate Change: This section of the report will contain information on (1) What climate change is and what it means for the U.S. (summarizing and interpreting the science, new maps and projections, regional climate drivers and impacts, and climate variability and change and climate extremes); (2) Current observations of global change and projections of future changes (detecting the impacts of climate change through a matrix for long-term assessment, models and scenarios, and vulnerability assessment); (3) Overview of research on human responses to climate change (adaptation and mitigation) (4) Interpreting the science (assessing the value of information and science and execution of decisions); and (5) Uncertainty (scales of time, space, and decisions and prioritizing which uncertainties are important to reduce).

III. Sectors: This section of the report will contain information on the impacts of and responses to climate change in sectors. In addition to introductory information (what a sector is and how sectors are delineated), individual sectoral chapters under consideration include: (1) Natural environment (ecosystems), (2) Biological diversity, (3) Agriculture and forestry, (4) Land resources, (5) Water resources, (6) Marine resources, (7) Air quality, (8) Energy production and use, (9) Transportation, (10) Human health and welfare, and (11) Human social systems (including impacts on cultures and cultural resources).

IV. Regions: This section of the report will contain information on the impacts of and responses to climate change in geographic regions. In addition to introductory information (what a region is, how regions are chosen), individual regional chapters under consideration include those used in the 2009 Global Climate Change Impacts Report (*http://globalchange.gov/what-we-do/assessment/nca-reports*): (1) Northeast, (2) Southeast, (3) Midwest, (4) Great Plains, (5) Southwest, (6) Northwest, (7) Alaska, (8) Islands, and (9) Coasts; and a new region: (10) Arctic.

V. Integrated, Cross-Sectoral Issues: This section of the report will contain information on climate change impacts in specific, integrated issue areas. In addition to introductory information (criteria for selecting integrated assessment topics and criteria for selecting level of assessment effort), this section will include both short case studies (distributed throughout the report) and individual chapters. Topics under consideration include: (1) Water supply, energy, and agriculture; (2) Biogeochemical cycles (*e.g.,* carbon, nitrogen) (3) Land use change, land cover, and human settlements (*e.g.,* urban environments, rural environments, and/or traditional use rights); (4) Migratory species; (5) Tipping points, thresholds, and extreme events; (6) Ecosystem services and human and natural systems trade-offs; (7) Disaster, recovery, risk management, and perception; and (4) International context: U.S./global systems interactions (*e.g.,* trade, migration, economics, food security, disaster preparedness and response, water, and health).

VI. Human Responses to Climate Change: This section of the report will describe human responses to climate change and look broadly at how the nation is meeting the challenges of climate change impacts without evaluating individual actions. It will include case studies that explore (1) Adaptation; (2) Mitigation; and (3) Interactions and integration across adaptation and mitigation (*e.g.,* management of forests to sequester carbon and increase resilience,

management of heat island responses, and transportation impacts).

VII. Future Scientific and Societal Needs: This section of the report will contain information on (1) Science gap analysis for this round of assessment; (2) Priorities for climate science investments (including impacts and responses); and (3) Facilitating decisions related to climate impacts and responses.

VIII. Appendices: One or more appendices to the report will provide further information about tools, methodologies, guidelines, and assumptions for the NCA, including (1) long-term data sets; (2) models; (3) scales and interactions; (4) scenarios; (5) risk; (6) impact assessment; (7) vulnerability assessment; (8) economic and alternative valuation techniques; (9) dealing with uncertainty; (10) detecting changes through monitoring and observations; (11) knowledge management strategies; (12) communications and engagement; (13) interactions with other types of assessments; and (14) building capacity within regions and sectors for conducting and using assessments in the future.

Next Steps

The next steps in planning for the NCA include gathering inputs on a number of issue areas to help define the NCA process and expectations for its products. Public comments on the above NCA objectives and proposed topics and on the following issue areas may be used by the Interagency National Climate Assessment (INCA) Task Force and the National Climate Assessment Development and Advisory Committee, an advisory body being created at the National Oceanic and Atmospheric Administration in compliance with the provisions of the Federal Advisory Committee Act, in their discussion of plans for developing the first draft of the this National Climate Assessment.

Issue Areas: The INCA Task Force has identified the need for discussion on important tools, methodologies, guidelines, and assumptions for assessment. USGCRP and the NCA team are actively soliciting input on the following topics:

• *Knowledge Management, Metadata, and Peer Review:* How to manage data, archiving, quality assurance/quality control, peer review, qualifications for inclusion of data in official Assessment documents; documentation of sources; chain of custody of information.

• *Communications and Engagement:* Ensuring consistent messages about what we are trying to accomplish, encouraging co-production of information between government and external stakeholders, coordination with other Federal climate-related programs, design of documents and tailored communications with a variety of partners.

• *Economic and Alternative Valuation Techniques and Metrics for Climate Change Impacts, Adaptation, and Mitigation:* Ways of evaluating the effectiveness of adaptation and mitigation options using tools that acknowledge non-monetary values and inter-generational benefits.

• *Vulnerability Assessments:* Identification of approaches to evaluating the relative vulnerability of ecological and social communities and approaches to prioritization of risk across sectors and regions.

• *Planning for Regional and Sectoral Assessments:* Methods to ensure consistent approaches to building regional and sectoral components of the assessment.

• *Role of International Climate Impacts and Responses, and their Implications for the United States:* The ways in which the NCA will consider the implications of stresses that are generated elsewhere in the globe and to consider the global context for the NCA process.

• *Scenarios for Climate Change Assessment:* Methods for the development and use of consistent projections of possible future conditions for use within NCA activities.

• *Climate Change Modeling and Downscaling:* Issues and methodological perspectives related to selecting model and downscaling outputs and approaches for their use in NCA activities. This includes socioeconomic, land use, and other model types and outputs, in addition to climate model outputs.

• *Monitoring Climate Change and its Impacts:* Selecting from existing monitoring and observing systems and a variety of impact reports to design an integrated, ongoing monitoring system for the NCA. This includes establishing a long-term, consistent approach to documenting climate impacts and trends (including developing indicators of, *e.g.,* impacts to the built environment and energy sectors, impacts on and responses of natural systems, socio-economic and public health trends, and disasters and extreme events).

Ted Wackler,

Deputy Chief of Staff.

[FR Doc. 2010–22229 Filed 9–3–10; 8:45 am]

BILLING CODE 3170–W0–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold a Closed Meeting on Friday, September 10, 2010 at 10 a.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the Closed Meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), 9(B) and (10) and 17 CFR 200.402(a)(3), (5), (7), 9(ii) and (10), permit consideration of the scheduled matters at the Closed Meeting.

Commissioner Casey, as duty officer, voted to consider the items listed for the Closed Meeting in a closed session.

The subject matter of the Closed Meeting scheduled for Friday, September 10, 2010 will be:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings;

Adjudicatory matters; and

Other matters relating to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact:

The Office of the Secretary at (202) 551–5400.

Dated: September 2, 2010.

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2010–22345 Filed 9–2–10; 4:15 pm]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–62792; File No. SR–NYSEAmex–2010–85]

Self-Regulatory Organizations; NYSE Amex LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending Rule 107B—NYSE Amex Equities To Revise the Quoting Requirement

August 30, 2010.

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 August 26, 2010, NYSE Amex LLC (the "Exchange" or "NYSE Amex") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I and II, below, which Items have been prepared by the 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 Rule 107B—NYSE Amex Equities ("Supplemental Liquidity Providers") ("SLPs"), which is a pilot program, to revise the quoting requirement. The text of the proposed rule change is available on the Exchange's Web site at *http://www.nyse.com,* at the Exchange's principal office, 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 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.

[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 the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 107B—NYSE Amex Equities, which is a pilot program, to eliminate the ability for an SLP to earn a rebate if it maintains a quote at the National Best Bid ("NBB") or National Best Offer ("NBO") an average of 3% in an assigned SLP security. Instead, an SLP would be eligible to earn a rebate only if it meets the 5% quoting requirement currently set forth in the rule. The Exchange also proposes to clarify which mnemonics that a member organization may use for the SLP trading activity to enable a member organization to use the same mnemonic for non-SLP trading activity.

Rule 107B provides for a class of market participants referred to as Supplemental Liquidity Providers or "SLPs."[3] Approved Exchange member organizations are eligible to be an SLP. SLPs supplement the liquidity provided by Designated Market Makers ("DMMs"). SLPs have monthly quoting requirements that may qualify them to receive SLP rebates, which are larger than the general rebate available to non-SLP market participants.

The goal of the SLP program is to encourage participants to quote more often and to add displayed liquidity to the market. Thus, Rule 107B(a) requires that an SLP maintain a bid and/or an offer at the NBB or NBO averaging at least 5% of the trading day for each assigned security. Notwithstanding the 5% quoting requirement, an SLP can earn a financial rebate if it maintains a quote an average of 3% in an assigned SLP security.

If an SLP fails to meet a 3% average quoting requirement in its assigned securities, the SLP is not eligible for SLP rebates on executions for that month. Further, if an SLP fails to meet its 5% average quoting requirement in its assigned securities for three (3) consecutive months (not including the first month of SLP operation), the SLP Liaison Committee may, in its discretion, impose the following non-regulatory penalties: (1) Revocation of the affected security(ies); (2) each time a security(ies) is revoked for failure to meet the quoting requirement for a particular security, revocation of an additional unaffected security; and/or (3) disqualification from the SLP program.

[3] The pilot is currently scheduled to end on September 30, 2010.

The Exchange proposes to eliminate the ability of an SLP to earn a rebate if it maintains a quote in assigned SLP securities at the NBB or NBO at least 3%, up to, but not including 5% of the time. Instead, to align the rebate with the 5% quoting requirement set forth in Rule 107B(a), as proposed, an SLP would not be able to earn a rebate unless it maintained a quote at the NBB or NBO an average of 5% of the trading day. The Exchange proposes to make conforming amendments to Rule 107B(i)(1)(A) and (B) by deleting the last sentence of each paragraph as no longer necessary. The Exchange believes that this proposed change strengthens the SLP program by ensuring that rebates are paid only if the SLP meets the minimum quoting requirement of an SLP.

The Exchange also proposes to amend the operational pre-qualifications for an SLP. Among other things, the Exchange requires pursuant to Rule 107B(c)(1) that an SLP use a unique mnemonic for its SLP business, which enables the Exchange to identify SLP transactions for billing and regulatory purposes. The Exchange proposes to revise this requirement to clarify that the member organization must identify to the Exchange mnemonics that identify the SLP trading activity in assigned SLP securities. As proposed, because all order flow in an assigned SLP security using that mnemonic will be treated as SLP volume, a member organization may not use such identified mnemonics for trading activity at the Exchange in assigned SLP securities that is not SLP trading activity. However, to enable the member organization to use the same mnemonic for both SLP and non-SLP trading activity in different securities, an SLP may use mnemonics used for SLP trading for trading activity in securities not assigned to the SLP. As further proposed, the rule would specify that if the member organization does not identify such mnemonics to the Exchange, the member organization will not receive credit for such SLP trading. The Exchange proposes to make a conforming amendment to Rule 107B(f)(2).

In addition to the above proposed changes, the Exchange proposes to make clarifying amendments to Rule 107B. First, because FINRA now conducts all market regulation functions on behalf of the Exchange, the Exchange proposes to delete references to the "Division of Market Surveillance," and replace it with a reference to FINRA (see Section (e) of the Rule). Second, the Exchange proposes to revise section (g)(2)(A) of the rule, to provide that a DMM unit shall not also act as an SLP in the same

securities in which it is registered as a DMM. The Exchange does not need to spell out the term "designated market maker" as it, and the term DMM unit, are defined terms in Rule 2.

The Exchange proposes to implement these changes on October 1, 2010.[4]

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the "Act"),[5] in general, and furthers the objectives of Section 6(b)(5) of the Act,[6] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, 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. The Exchange believes the proposed Rule is consistent with these principles in that it seeks to increase the trading performance of SLPs, which will benefit all market participants.

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

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[7] and Rule 19b–4(f)(6) thereunder.[8] 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[9] and Rule 19b–4(f)(6)(iii) thereunder.[10]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form *(http://www.sec.gov/rules/sro.shtml);* or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–NYSEAmex–2010–85 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEAmex–2010–85. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site *(http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEAmex–2010–85 and should be submitted on or before September 28, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–22206 Filed 9–3–10; 8:45 am]

BILLING CODE 8010–01–P

[4] As noted above, the SLP program is a pilot program currently set to expire on September 30, 2010. The Exchange intends to file to make the program permanent or extend the pilot program so that it can continue past September 30, 2010.

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

[7] 15 U.S.C. 78s(b)(3)(A)(iii).

[8] 17 CFR 240.19b–4(f)(6).

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 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 the 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 the pre-filing requirement.

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–62793; File No. SR–CBOE–2010–076]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Its Fees Schedule

August 30, 2010.

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 August 17, 2010, Chicago Board Options Exchange, Incorporated ("CBOE" or "Exchange") 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

The Exchange proposes to amend its Fees Schedule relating to routing charges. The text of the proposed rule change is available on the Exchange's Web site (*http://www.cboe.org/legal*), at

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

the Exchange's Office of the Secretary, and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing to modify its fee schedule related to routing large orders to other exchanges for execution in connection with the Options Order Protection and Locked/Crossed Market Plan referenced in CBOE Rule 6.80. Currently, when the Exchange receives a marketable order for the account of a non-broker dealer when CBOE is not at the national best bid or offer ("NBBO"), CBOE transmits a message to market participants in accordance with Rule 6.14A to see in an attempt to achieve an execution at the NBBO price or better for the order (*i.e.,* step-up) so that CBOE can avoid routing order flow to a competing exchange. If step-up is not achieved, CBOE will route a "linkage" order to the NBBO market(s) up to the size of the displayed interest at the NBBO or the size of the order (whichever is smaller).[3] If the linkage order is executed (which is typically the case), CBOE absorbs all transaction costs associated with the execution at the away market. CBOE also routes the order for free. When CBOE receives a similar marketable order for the account of a broker dealer, however, CBOE charges $0.50 per contract for the routing and away execution costs, in addition to the customary CBOE execution charges. This is because the service is geared more toward retail customer orders.

CBOE is now seeking to refine the cost structure of the program as it relates to large non-broker dealer customer orders. Specifically, when CBOE receives a qualifying customer order that has an original size of 1,000 or more contracts that is routed, in whole or in part, to one or more exchanges, CBOE will charge $ 0.35 per contract executed on another exchange, in addition to the customary CBOE execution charges (when applicable). The changes will take effect on August 23, 2010.

These larger non-broker dealer customer orders are more akin to broker dealer orders and CBOE believes it is appropriate and consistent to pass through some of these costs. We note that the step-up service should still be a very attractive offering for these larger non-broker dealer orders since, when step-up is achieved, they will continue to receive considerable cost savings. As is the case today, order senders can request that orders be cancelled if step-up is not achieved without routing to an away market, thereby avoiding this new charge. The program will remain unchanged for orders that fall under the 1,000 contract threshold.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the "Act"),[4] in general, and furthers the objectives of Section 6(b)(4)[5] of the Act in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges among CBOE trading permit holders. Because non-broker dealer customer orders with an original size of 1,000 contracts or more are more akin to broker dealer orders, CBOE believes it is appropriate to pass through some costs associated with this routing service.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE 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 solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The proposed rule change is designated by the Exchange as establishing or changing a due, fee, or other charge, thereby qualifying for effectiveness on filing pursuant to Section 19(b)(3)(A)(ii)[6] of the Act and subparagraph (f)(2) of Rule 19b–4[7] thereunder.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2010–076 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–CBOE–2010–076. This file number should be included on the subject line if e-mail 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

[3] We note that, pursuant to Rule 6.14A(a)(i), if one or more orders are resting at the Exchange's BBO and there is insufficient Market-Maker interest at the BBO price to satisfy the entire marketable order, the Exchange will immediately route away without processing for step-up.

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(4).

[6] 15 U.S.C. 78s(b)(3)(A)(ii).

[7] 17 C.F.R. 240.19b–4(f)(2).

available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR–CBOE–2010–076 and should be submitted on or before September 28, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–22207 Filed 9–3–10; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–62801; File No. SR–OCC–2010–13]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing of a Proposed Rule Change To Allow for Adjustments to the Settlement Price of Exchange-Designated Security Futures for All Cash Dividends or Distributions Paid by the Issuer of the Underlying Security

August 31, 2010.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] notice is hereby given that on August 19, 2010, The Options Clearing Corporation ("OCC") filed with the Securities and Exchange Commission ("Commission") and on August 25, 2010, amended the proposed rule change as described in Items I and II below, which items have been prepared primarily by OCC. The Commission is publishing this notice to solicit comments from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The purpose of the proposed rule change is to revise OCC's By-Laws to allow OCC to make adjustments to the settlement price of exchange-designated security futures for all cash dividends or distributions paid by the issuer of the underlying security.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC 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. OCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.[2]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The primary purpose of this proposed rule change is to revise OCC's By-Laws to allow OCC to make adjustments to the settlement price of exchange-designated security futures for all cash dividends or distributions paid by the issuer of the underlying security. Under its current rules, OCC makes such adjustments only for "non-ordinary" dividends. However, OneChicago, LLC ("OneChicago") has informed OCC that it believes there is a demand for security futures that would be adjusted in response to all cash dividends or distributions. Accordingly, OCC is proposing to amend Section 3 of Article XII of its By-Laws to permit exchanges to designate certain security futures that would be adjusted for ordinary as well as "non-ordinary" dividends. Exchanges could continue to trade security futures that would be adjusted only in the event of a "non-ordinary" dividend.

For security futures subject to adjustment for all cash dividends or distributions, it would be the exchange's responsibility to inform OCC of the issuance of a cash dividend or distribution and the appropriate adjustment amount. Provided that such information (including any corrections thereto) is reported to OCC before a designated cut-off time prior to the ex-date, OCC would then make the appropriate adjustment to the settlement price of the security futures contract. Such adjustments would be effective before the opening of business on the ex-date.[3] If the exchange failed to report dividend or distribution information to OCC on a timely basis or reported incorrect dividend or distribution information to OCC, then the exchange would be able to report such information or corrected information to OCC on the ex-date, and OCC would effect the adjustment as soon as practicable thereafter.[4] In the event the exchange already opened trading in the security futures contracts affected thereby, the exchange would provide OCC with direction on whether such trades should be cleared or disregarded as provided for in Article VI, Section 7 of OCC's By-Laws. Pursuant thereto, disregarded transactions would be deemed null and void and given no effect. These procedures are intended to preserve OCC's ability to initiate and conduct nightly processing on a timely basis, but they also provide the exchange with the opportunity to report to OCC dividend or distribution information that was not available to it before OCC's processing cut-offs or to correct erroneously reported information to ensure an appropriate adjustment to the settlement price for the affected contracts.

In connection with OneChicago's proposal, OneChicago and OCC also have agreed to amend the Security Futures Agreement for Clearing and Settlement Services, dated April 1, 2002 (the "Clearing Agreement"), by entering into Amendment No. 1 thereto.[5] Amendment No. 1 would amend Section 5 of the Clearing Agreement to permit OneChicago to designate those security futures contracts for which adjustments will be made in response to all cash dividends or distributions and to set forth for OneChicago's obligation to furnish OCC with notice of all relevant information regarding such dividends or distributions in order for

[8] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] The Commission has modified the text of the summaries prepared by OCC.

[3] The standard method for adjusting futures contracts in response to cash distributions is to decrease the prior day's settlement price by the amount of the dividend. This adjustment is effective at the opening of business on the ex-distribution date and parallels the adjustment made to the price of the underlying stock by the securities exchanges on the ex-distribution date. It is intended to ensure that no futures mark-to-the-market attributable to the adjustment made to the stock price for the dividend will occur.

[4] OCC also proposes to add Interpretation and Policy .10 to Article XII, Section 3 that provides that officially reported settlement prices will not be adjusted (other than as provided for in the By-Laws and Rules) except in extraordinary circumstances. The Interpretation further provides that in no event will a completed settlement be adjusted due to errors discovered thereafter. This latter provision is intended to preserve the finality of money settlements should it be later determined that an officially reported settlement price was erroneous and is based on existing provisions of OCC's By-Laws. *See, e.g.,* Article XIV, Section 6, Interpretation and Policy .01; Article XVI, Section 4, Interpretation and Policy .01; and Article XVII, Section 4, Interpretation and Policy .01.

[5] Amendment No. 1, which will be executed after the effectiveness of this filing, would amend and restate Section 5 of the Clearing Agreement.

OCC to adjust the settlement price of the affected security future as described above. Amended Section 5 further extends the current indemnification provided by OneChicago to OCC to also cover losses resulting from adjusting security futures in accordance with dividend or distribution information supplied by OneChicago or failing to adjust in the event OneChicago did not supply OCC with information regarding such an adjustment.

OCC believes that the proposed rule change is consistent with the requirements of Section 17A of the Act,[6] as amended, and the rules and regulations thereunder applicable to OCC because it is designed to promote the prompt and accurate clearance and settlement of security transactions and generally to protect investors and the public interest by allowing the clearing and settling of security futures contracts that reflect the issuance of all cash dividends or distributions on the underlying security.

(B) Self-Regulatory Organization's Statement on Burden on Competition

OCC does not believe that the proposed rule change will have an impact on or impose a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments relating to the proposed rule change have been solicited or received. OCC will notify the Commission of any written comments received by OCC.

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 ninety 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, as amended, 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 e-mail to *rule-comments@sec.gov.* Please include File Number SR–OCC–2010–13 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–OCC–2010–13. This file number should be included on the subject line if e-mail 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 inspection and copying in the Commission's Public Reference Section, 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 OCC and on OCC's Web site at *http://www.theocc.com.* 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–OCC–2010–13 and should be submitted on or before September 28, 2010.

For the Commission by the Division of Trading and Markets, pursuant to delegated authority.[7]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–22209 Filed 9–3–10; 8:45 am]

BILLING CODE 8010–01–P

[6] 15 U.S.C. 78q–1.

[7] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–62791; File No. SR–NYSE–2010–60]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending NYSE Rule 107B To Revise the Quoting Requirements and Add a Volume Requirement

August 30, 2010.

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 August 26, 2010, 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 and II, 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 NYSE Rule 107B ("Supplemental Liquidity Providers") ("SLPs"), which is a pilot program, to revise the quoting requirements and add a volume requirement. The text of the proposed rule change is available on the Exchange's Web site at *http://www.nyse.com,* at the Exchange's principal office, 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 self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

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 Rule 107B, which is a pilot program, to increase the quoting requirement applicable to SLPs and add a requirement that the SLP provide average daily volume ("ADV") of more than 10 million shares for all assigned SLP securities on a monthly basis. In connection with this proposed change, the Exchange also proposes to revise the non-regulatory penalties associated with the SLP program to align them with the new quoting and volume requirements. The Exchange also proposes to clarify which mnemonics that a member organization may use for the SLP trading activity to enable a member organization to use the same mnemonic for non-SLP trading activity.

Background:

Rule 107B, which was adopted as a pilot program in October 2008, established a new class of market participants referred to as Supplemental Liquidity Providers or "SLPs." [3] Approved Exchange member organizations are eligible to be an SLP. SLPs supplement the liquidity provided by Designated Market Makers ("DMMs"). SLPs have monthly quoting requirements that may qualify them to receive SLP rebates, which are larger than the general rebate available to non-SLP market participants.

Proposed Amendments to Rule 107B:

1. Proposed Modification of SLP Quoting Requirements

The goal of the SLP program is to encourage participants to quote more often and to add displayed liquidity to the market. Thus, Rule 107B(a) requires that an SLP maintain a bid and/or an offer at the NBB or NBO (*e.g.,* the "inside") averaging at least 5% of the trading day for each assigned security. The Exchange proposes to increase this quoting requirement to require SLPs to maintain a bid and/or offer at the inside an average of at least 10% of the trading day. The Exchange notes that SLPs are already operating at this volume of trading for many of the assigned securities and have been notified that the Exchange intends to increase the quoting requirement for all SLP securities. Accordingly, the Exchange proposes to increase the quoting requirement set forth in the rule to ensure that SLPs continue trading at this level or higher.

2. Proposed SLP Monthly Volume Requirement

Currently, as set forth in the NYSE Price List, an SLP can receive additional credit if it adds liquidity of an ADV of more than 10 million shares in the applicable month. The Exchange proposes to amend Rule 107B to make the ADV fee structure an ongoing volume requirement. The Exchange therefore proposes to add to section (a) of the rule that an SLP must provide an ADV of more than 10 million shares for all assigned SLP securities on a monthly basis. Meeting this volume requirement will enable an SLP to receive the basic SLP rebate (currently $0.0020 per executed share) on security-by-security basis and to maintain their SLP status.[4] An SLP will not receive the SLP rebate for any assigned SLP securities if it fails to also meet the volume requirement for all assigned SLP securities.

As proposed, Rule 107B's volume requirement will be calculated by aggregating all liquidity an SLP provides in all of its assigned SLP securities each month and calculating the ADV by dividing the total aggregated providing volume by the number of trading days in the applicable month.[5] For example, if an SLP provides liquidity of 200 million shares in Security X and 200 million shares in Security Y in a month with 20 regular trading days, the SLP would meet the month's volume requirement pursuant to Rule 107B because the ADV is 20 million shares (200 plus 200, divided by 20 days).

As further proposed, days on which the Exchange ends the regular trading hours early (*i.e.,* earlier than 4 p.m.) will not be included in the ADV for the applicable month. The Exchange believes that these trading days, *i.e.,* the day after Thanksgiving, should not be included because there is less trading time and trading is typically light and therefore the low volume numbers may distort the ADV calculation for the SLP.

An SLP does not have to meet this volume requirement for each individual SLP assigned security in a given month. This is an aggregated amount of shares for all assigned securities of an SLP. The Exchange notes that in assigning securities to SLPs, the SLP Liaison Committee will take into consideration this volume requirement to ensure that the SLP are assigned securities for which they would be able to meet this volume requirement. Similar to the quoting requirement, the volume requirement will not be in effect for the first calendar month that an SLP begins operations.

3. Proposed Modifications of SLP Non-Regulatory Penalties

Rule 107B imposes certain non-regulatory penalties if an SLP fails to meet the quoting requirements. The Exchange seeks to modify these non-regularity penalties to align them with the new quoting and volume requirements for SLPs.

Currently, if an SLP fails to meet a 3% average quoting requirement in its assigned securities, the SLP is not eligible for SLP rebates on executions for that month. Further, if an SLP fails to meet its 5% average quoting requirement in its assigned securities for three (3) consecutive months (not including the first month of SLP operation), the SLP Liaison Committee may, in its discretion, impose the following non-regulatory penalties: (1) Revocation of the affected security(ies); (2) each time a security(ies) is revoked for failure to meet the quoting requirement for a particular security, revocation of an additional unaffected security; and/or (3) disqualification from the SLP program.

The Exchange proposes to eliminate the ability of an SLP to earn a rebate if it maintains a quote in assigned SLP securities at the NBB or NBO at least 3%, up to, but not including 5% of the time. Instead, to align the rebate with the 10% quoting requirement set forth in Rule 107B(a), as proposed, an SLP would not be able to earn a rebate unless it maintained a quote at the NBB or NBO an average of 10% of the trading day. The Exchange proposes to make conforming amendments to Rule 107B(i)(1)(A) and (B) by deleting the last sentence of each paragraph as no longer necessary. The Exchange believes that this proposed change strengthens the SLP program by ensuring that rebates are paid only if the SLP meets the minimum quoting requirement of an SLP.

[3] *See* Securities Exchange Act Release No. 58877 (October 29, 2008), 73 FR 65904 (November 5, 2008) (SR–NYSE–2008–108) (establishing pilot program for market participants referred to as "Supplemental Liquidity Providers" or "SLPs."). The pilot is currently scheduled to end on September 30, 2010.

[4] The Exchange may, from time to time, change the amounts of the scaled SLP rebates by filing a proposed rule change under Rule 19b–4(f)(2) of the Act. 17 CFR 240.19b–4(f)(2).

[5] Pursuant to the NYSE Equities Price List, SLPs will receive a higher rebate when they provide liquidity that is executed in excess of the specified levels of ADV in the applicable month aggregated across all of their assigned SLP securities.

In addition, the Exchange proposes to add that to be eligible for a financial rebate for an SLP security for which the SLP has met the 10% quoting requirement, the SLP would first need to meet the minimum 10 million share ADV requirement for all assigned securities. If the SLP fails to meet the volume requirement, it would not be eligible for any rebates, notwithstanding that it may have met the quoting requirement for one or more assigned SLP securities. If the SLP meets the volume requirement for all assigned securities, but does not meet the 10% quoting requirement in any securities, the SLP would not receive any financial rebates. The Exchange believes that adding the volume requirement as a condition to receive a financial rebate further strengthens the SLP program by aligning the financial rebate incentive not only with the new quoting requirements, but also with the new volume requirement.

4. Proposed Amendments to SLP Qualifications

Rule 107B requires a member organization to meet several qualifications prior to obtaining approval of their SLP application and obtaining SLP status. These pre-qualifications have both operational and regulatory aspects.

With respect to the operational pre-qualifying requirements, among other things, the Exchange requires pursuant to Rule 107B(c)(1) that an SLP use a unique mnemonic for its SLP business, which enables the Exchange to identify SLP transactions for billing and regulatory purposes. The Exchange proposes to revise this requirement to clarify that the member organization must identify to the Exchange mnemonics that identify the SLP trading activity in assigned SLP securities. As proposed, because all order flow in an assigned SLP security using that mnemonic will be treated as SLP volume, a member organization may not use such identified mnemonics for trading activity at the Exchange in assigned SLP securities that is not SLP trading activity. However, to enable the member organization to use the same mnemonic for both SLP and non-SLP trading activity in different securities, an SLP may use mnemonics used for SLP trading for trading activity in securities not assigned to the SLP. As further proposed, the rule would specify that if the member organization does not identify such mnemonics to the Exchange, the member organization will not receive credit for such SLP trading.

In addition to the above proposed changes, the Exchange proposes to make clarifying amendments to Rule 107B. First, because FINRA now conducts all market regulation functions on behalf of the Exchange, the Exchange proposes to delete references to the "Division of Market Surveillance," and replace it with a reference to FINRA (see Section (e) of the Rule). Second, the Exchange proposes to revise section (g)(2)(A) of the rule (now proposed Rule (h)(2)(A)), to provide that a DMM unit shall not also act as an SLP in the same securities in which it is registered as a DMM. The Exchange does not need to spell out the term "designated market maker" as it, and the term DMM unit, are defined terms in Rule 2.

The Exchange proposes to implement the changes to the quoting requirement and add the volume requirement effective October 1, 2010.[6]

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the "Act"),[7] in general, and furthers the objectives of Section 6(b)(5) of the Act,[8] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to 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. The Exchange believes the proposed Rule is consistent with these principles in that it seeks to increase the trading performance of SLPs, which will benefit all market participants.

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.

[6] As noted above, the SLP program is a pilot program currently set to expire on September 30, 2010. The Exchange intends to file to make the program permanent or extend the pilot program so that it can continue past September 30, 2010.

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

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[9] and Rule 19b–4(f)(6) thereunder.[10] 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[11] and Rule 19b–4(f)(6)(iii) thereunder.[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.

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 e-mail to *rule-comments@sec.gov.* Please include File Number SR–NYSE–2010–60 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–2010–60. This file number should be included on the

[9] 15 U.S.C. 78s(b)(3)(A)(iii).

[10] 17 CFR 240.19b–4(f)(6).

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 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 the 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 the pre-filing requirement.

subject line if e-mail 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–2010–60 and should be submitted on or before September 28, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–22201 Filed 9–3–10; 8:45 am]

BILLING CODE 8010–01–P

SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA–2010–0057]

On Behalf of the Accessibility Committee of the U.S. Council of CIOs; 29 U.S.C. 794d; Listening Session Regarding Improving the Accessibility of Government Information

AGENCY: U.S. Council of CIOs.

ACTION: Notice of meeting.

SUMMARY: This notice announces a listening session being conducted in response to a memo dated July 19, 2010 from the Office of Management and Budget (OMB) on "Improving the Accessibility of Government Information". Section 508 of the Rehabilitation Act (29 U.S.C. 794d) requires Federal agencies to buy and use electronic and information technology (EIT) that is accessible. The July memo directs agencies to take stronger steps toward improving the acquisition and implementation of accessible technology. In order to better understand the needs of diverse communities and provide better solutions, the U.S. Council of CIOs, in collaboration with the Chief Acquisition Officers Council, the GSA Office of Governmentwide Policy and the U.S. Access Board, is holding the first in a series of listening sessions to engage citizens and employees in expressing concerns and proposing ideas. Persons with disabilities, their advocates and government employees are invited to participate.

DATES: *Meeting Date:* The listening session will be held on Thursday, September 30, 2010, from 1:30 p.m. to 4:30 p.m. Central Time (CT).

Persons wishing to address the panel at the listening session can pre-register by contacting Kathy Roy Johnson at (202) 272–0041, (202) 272–0082 (TTY), or *johnson@access-board.gov.* Pre-registrants will be given priority in addressing the panel in Chicago. Registration will also be available in person in Chicago on the afternoon of the listening session.

ADDRESSES: *Meeting Location:* The listening session will be held at the Courtyard by Marriott Magnificent Mile Hotel, 165 East Ontario Street, Chicago, IL 60611 in the Ontario B & C rooms.

Accommodations: The listening session will have sign language interpreters; CART (real time captioning) services, Assistive Listening Devices (ALDs), microphones and materials will be available in Braille, large print and electronic formats. The hotel is wheelchair accessible. Anyone needing other accommodations should include a specific request when registering in advance.

FOR FURTHER INFORMATION CONTACT: Kathy Roy Johnson at (202) 272–0041, (202) 272–0082 (TTY), or *johnson@access-board.gov.*

SUPPLEMENTARY INFORMATION: In 1998, Congress amended the Rehabilitation Act of 1973 to require Federal agencies to make their electronic and information technology (EIT) accessible to people with disabilities. Inaccessible technology interferes with an ability to obtain and use information quickly and easily. Section 508 was enacted to eliminate barriers in information technology, open new opportunities for people with disabilities, and encourage development of technologies that will help achieve these goals. The law applies to all Federal agencies when they develop, procure, maintain, or use electronic and information technology. Under Section 508 (29 U.S.C. 794 d), agencies must give disabled employees and members of the public access to information that is comparable to access available to others.

Effective implementation of Section 508 is an essential element of President Obama's principles of open government, requiring that all government and data be accessible to all citizens. In order for the goal of open government to be meaningful for persons with disabilities, technology must also be accessible, including digital content. In July 2010, the OMB took steps to assure that the federal government's progress in implementing Section 508 is stronger and achieves results more quickly.

Section 508 requires the General Services Administration (GSA) to provide technical assistance to agencies on Section 508 implementation. GSA has created a number of tools, available at *http://www.Section508.gov,* to help agencies to develop accessible requirements, test the acceptance process, and share lessons learned and best practices. For example:

- The BuyAccessible Wizard, *http://www.buyaccessible.gov,* helps build compliant requirements and solicitations;
- The Quick Links site, *https://app.buyaccessible.gov/baw/KwikLinksMain.jsp,* provides pre-packaged Section 508 solicitation documents;
- The BuyAccessible Products and Services Directory, *https://app.buyaccessible.gov/DataCenter/* provides a registry of companies and accessibility information about their offerings; and
- The Section 508 blog *http://buyaccessible.net/blog/* provides a venue where stakeholders may share ideas and success stories, or engage in conversations on improving accessibility.

The OMB has directed that several actions be taken to improve 508 performance:

- By Mid-January 2011, the GSA Office of Governmentwide Policy (OGP) will provide updated guidance on making government EIT accessible. This guidance will build upon existing resources to address challenges, increase oversight, and reduce costs associated with acquiring and managing EIT solutions that are not accessible.
- By Mid-January 2011, the GSA OGP will update its general Section 508 training to offer refreshed continuous learning modules that can be used by contracting officers, program/project managers (especially those managing IT

[13] 17 CFR 200.30–3(a)(12).

programs), and contracting officer technical representatives (COTRs) as they fulfill their Federal Acquisition Certification requirements.

• In September 2010, the GSA OGP and the Department of Justice (DOJ) will issue a survey to allow agencies to assess their implementation of Section 508, including accessibility of Web sites and other technology used by the agencies. This information will be used by the DOJ in preparing its next assessment of agency compliance as required by the Rehabilitation Act. The CIOC Accessibility Committee will also use this information to identify best practices and lessons learned.

• In the spring of 2011, the DOJ will issue a progress report on Federal agency compliance with Section 508, the first since 2004. Going forward, DOJ will meet its obligation to issue a report biennially.

• Beginning in FY 2011, the GSA OGP will begin providing OMB a quarterly summary report containing results of Section 508 reviews of a sample of solicitations posted on FedBizOpps.gov. GSA will provide the agencies a summary of the sampling results to facilitate sharing of best practices and successes, and to address common challenges.

This listening session will focus on what other steps the federal government can take to increase the accessibility and usability of government information and data for persons with disabilities. Input is sought on the following questions:

• What can technology do to improve things for people with disabilities?

• What can the federal government do to use technology better or in new ways?

• What can the federal government do to make technology more accessible?

• What emerging technologies are being used by the federal government that you are left out of?

• What technologies should the federal government use that would enhance your interactions with the federal government?

• What are state and local governments doing that the federal government should follow?

• What can the federal government do to influence technology accessibility?

Feedback from the listening session will be used by, and shared across, agencies to improve accessibility and usability.

Karen Palm,

Associate Chief Information Officer.

[FR Doc. 2010–22158 Filed 9–3–10; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF STATE

[Public Notice 7110]

Shipping Coordinating Committee; Notice of Committee Meeting

The Shipping Coordinating Committee (SHC) will conduct four separate open meetings to prepare for upcoming events at the International Maritime Organization (IMO) in London, United Kingdom. The first of these open meetings will be held at 9:30 a.m. on Tuesday, September 21st, 2010, in Room 2415 of the United States Coast Guard Headquarters Building, 2100 Second Street, SW., Washington, DC 20593–0001. The primary purpose of this meeting is to prepare for the fifty-fourth Session of the IMO Sub-Committee on Ship Design and Equipment (DE 54) to be held from October 25th through October 29th, 2010.

The primary matters to be considered at DE 54 include:

—Guidance to ensure consistent policy for determining the need for watertight doors to remain open during navigation;
—Safety provisions applicable to tenders operating from passenger ships;
—Interpretation on application of SOLAS, MARPOL and Load Line requirements for major conversions of oil tankers;
—Application of amendments to SOLAS chapter III and the LSA Code;
—Performance standards for recovery systems for all types of ships;
—Guidelines for a visible element to general alarm systems on passenger ships;
—Development of new framework of requirements for life-saving appliances;
—Amendments to Assembly Resolution A.744(18);
—Development of a mandatory Code for ships operating in polar waters;
—Thermal performance of immersion suits;
—Protection against noise on board ships;
—Amendments to the Revised recommendation on testing of life-saving appliances;
—Consideration of IACS unified interpretations;
—Test standards for type approval of add-on equipment;
—Measures to promote integrated bilge water treatment systems;
—Guidelines for a shipboard oil waste pollution prevention plan;
—Manually operated alternatives in the event of prevention pollution equipment malfunctions.

The next three open meetings will be held at 9:30 a.m. on Wednesday November 17th, 2010, Wednesday December 15th, 2010, and Wednesday February 16th, 2011 in suite 1060 of the Radio Technical Commission for Maritime Services (RTCM), 1800 North Kent Street, Arlington, VA 22209. The primary purpose of these three meetings is to prepare for the 15th Session of the IMO Subcommittee on Radio communications and Search and Rescue (COMSAR 15) to be held from March 7 through March 11, 2011.

The primary matters to be considered at COMSAR 15 include:

—Global Maritime Distress and Safety System (GMDSS)
—ITU Radiocommunication matters
—Satellite services (Inmarsat and COSPAS–SARSAT)
—Matters concerning search and rescue, including those related to the 1979 SAR Conference and the implementation of the GMDSS
—Developments in maritime radiocommunication systems and technology
—Revision of the IAMSAR Manual
—Safety provisions applicable to tenders operating from passenger ships
—Measures to protect the safety of persons rescued at sea
—Development of an e-navigation strategy implementation plan
—Revision of Performance Standards for float-free satellite EPIRBs operating on 406 MHz (resolution A.810(19))

Members of the public may attend the four meetings up to the seating capacity of the rooms. To facilitate the building security process and request reasonable accommodations, those who plan to attend one or all of the four meetings should contact the following coordinators at least 7 days prior to the meetings:

—For the one DE 54 meeting on September 21st, contact Mr. Wayne Lundy, by e-mail at *wayne.m.lundy@uscg.mil,* by phone at (202) 372–1379, by fax at (202) 372–1925, or in writing at Commandant (CG–5224), U.S. Coast Guard, 2100 2nd Street, SW., Stop 7126, Washington, DC 20593–7126 not later than September 14th, 2010, 7 days prior to the meeting. Requests made after September 14th might not be able to be accommodated.
—For the three COMSAR 15 meetings on November 17th, 2010, December 15th, 2010, and February 16th, 2011 contact Mr. Russell Levin, by e-mail at *russell.s.levin@uscg.mil,* by phone at (202) 475–3555, by fax at (202) 475–3927, or in writing at Commandant

(CG–652), U.S. Coast Guard, 2100 2nd Street, SW., Stop 7101, Washington, DC 20593–7101 not later than 7 days prior to the meetings. Later requests might not be able to be accommodated.

Due to security considerations at Coast Guard Headquarters in Washington, DC, two valid, government issued photo identifications must be presented to gain entrance to the building. The Coast Guard Headquarters building is accessible by taxi and privately owned conveyance (public transportation is not generally available). However, parking in the vicinity of the building is extremely limited.

Access to RTCM in Arlington, VA does not require the production of government issued photo identification. In addition, paid parking is generally available in the building at 1800 North Kent Street, Arlington, VA. Additional information regarding the IMO SHC public meetings may be found at: *http://www.uscg.mil/imo.*

Dated: August 30, 2010.

Jon Trent Warner,

Executive Secretary, Shipping Coordinating Committee, Department of State.

[FR Doc. 2010–22195 Filed 9–3–10; 8:45 am]

BILLING CODE 4710–09–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Notice of Meeting of the Committee of Chairs of the Industry Trade Advisory Committees (ITACs)

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of a Partially Opened Meeting.

SUMMARY: The Committee of Chairs of the Industry Trade Advisory Committees (ITACs) will hold a meeting on Friday, September 17, 2010, from 10 a.m. to 12 noon. The meeting will be closed to the public from 10 a.m. to 10:45 a.m. and opened to the public from 11 a.m. to 12 noon.

DATES: The meeting is scheduled for September 17, 2010, unless otherwise notified.

ADDRESSES: The meeting will be held at the U.S. Department of Commerce, Room 4830, located at 14th Street and Constitution Avenue, NW., Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Ingrid Mitchem, DFO (202) 482–3268, Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION: The Agenda topics to be discussed are:

—National Export Initiative (NEI).

—Report of the Chairs on ITACs' Trade Priority Issues and Concerns.

Isaac Faz,

Acting Assistant U.S. Trade Representative for Intergovernmental Affairs and Public Engagement.

[FR Doc. 2010–22137 Filed 9–3–10; 8:45 am]

BILLING CODE 3190–W0–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2010–0114]

Agency Information Collection Activities: Notice of Request for Approval of a New Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of request for approval of a new information collection.

SUMMARY: The FHWA invites public comments about our intention to request the Office of Management and Budget's (OMB) approval of a new information collection that is summarized below under **SUPPLEMENTARY INFORMATION.** We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by November 8, 2010.

ADDRESSES: You may submit comments identified by DOT Docket ID Number 2010–0114 by any of the following methods:

Web site: For access to the docket to read background documents or comments received go to the Federal eRulemaking Portal: Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Fax: 1–202–493–2251.

Mail: Docket Management Facility, U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

Hand Delivery or Courier: 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. ET, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Karen White, (202) 366–9474, Office of Innovative Program Delivery, Federal Highway Administration, Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590, Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Experiments on Driving under Uncertain Congestion Conditions and the Effects on Traffic Networks from Congestion Pricing Initiatives.

Background: The traditional way of financing the transportation system in the U.S. is currently being challenged and new revenue schemes are being evaluated for possible implementation. In addition, the growth in traffic volumes overwhelms the ability to finance additional road capacity. Congestion pricing is gaining support across the world as a way to solve the congestion problem and thereby ease the congestion cost to the public and at the same time generate revenues that can be used to fund additional transportation capacity. While congestion pricing strategies have been implemented in several parts of the world, the implementation is still relatively limited in this country.

This study will assess the responses to several congestion pricing schemes by asking volunteer participants to make driving choices under these schemes in an experiment. The study will present participants with a number of choice situations involving routes that vary in road pricing and travel time. Three basic types of experiments will be conducted: A field experiment using Global Positioning System (GPS) trackers; a multi-driver traffic simulation experiment; and a single driver simulator experiment. In addition to these experiments participants will answer short demographic questionnaires and short surveys of their driving habits.

The initial phase will consist of recruiting participants by sending out invitation letters to potential participants who are drivers on select routes in the Miami, Florida, Orlando, Florida and Atlanta, Georgia metropolitan areas. Local toll road agencies have agreed to collaborate with the researchers in this phase. The invitation will ask those who are interested to complete a survey online. This survey is used to filter respondents based on how frequently they drive on the selected routes. A typical respondent will complete this survey in 30 minutes. Respondents who express interest in being part of the experiments will be asked to attend four face-to-face sessions. There will be a choice of times and locations for these sessions so as to make it convenient for the participant.

In these sessions participants will be presented with lottery choices, betting tasks, and simulator driving tasks, in addition to a short questionnaire about their demographics and driving habits. These tasks are intended to observe characteristics in drivers that are important to their driving choices when roads are congested. The choice tasks, questionnaires and simulator driving tasks will require four and one half hours of the participant's time, spread over the four meetings. In addition, all participants' cars will be outfitted with a GPS device that can receive but not send signals, allowing us to collect information on driving habits. The installation is simple and will only take a couple of minutes. All driving data will be downloaded directly from the device to a computer. Sensitive data, such as the home and work locations of the drivers, will not be downloaded. Approximately two weeks will pass between each meeting; a time frame that is determined by the capacity of the GPS device's ability to store data of subjects' travel log. The total time required for instructing participants in the field driving task, installing the device, and downloading all the data will be one hour, spread out over the four sessions. All the 1,200 participants will have their car equipped with a GPS while participating in the study. However, since we partition the study into three parts there will be a maximum of 400 cars that have GPS installed at any time in the field experiment.

Participants will attend four meetings. At the first meeting they receive their GPS devise. At subsequent meetings, data from the GPS devise will be downloaded to allow the researchers to study the driving choices in the intervening weeks. During the first two meetings they will also be given driving simulator tasks, lottery and betting tasks, and questionnaires. Meetings will be spaced approximately two weeks apart. Participants will receive money for driving on the routes studied but tolls that vary across routes and departure times will be subtracted from this money. If a toll from the study is applied to a route that already has a toll, the existing toll is subtracted from the toll charge in the study. If the existing toll is higher than the toll charge in the study, the participant will be paid the difference from the study. Some routes will have no toll charge. Participants will also receive money in a similar manner for driving in the simulators, and for the non-simulator choice tasks. There will also be a fixed compensation for attending each of the four sessions, and for completing the entire study.

A total of 1,200 persons will participate, divided across the three regions. 10 weeks will be needed to complete the 4 sessions for each group of participants. 100 of these participants will be expected to volunteer for an additional 10 week field driving period for additional monetary compensation. The sessions will be timed very carefully since the student research assistants helping the participants will not be available during final exam periods and certain breaks.

Respondents: 1200 participants are expected to participate throughout all tasks.

Frequency: In phase 1, a survey will be completed via the Internet, followed by four face-to-face meetings and three two-week periods of driving with a GPS devise for most participants and twice that for a few selected participants. The face-to-face meetings will take place within a 10-week period. For those who are selected to double their participation there will be a break before starting the second period.

Estimated Average Burden per Response: The online questionnaire will require 30 minutes for a typical respondent. Two of the face-to-face meetings will last two hours each, the third meeting will last one hour, and the final meeting will be completed in thirty minutes. This time covers the 4½ hours for the simulator tasks, the other choice tasks, and questionnaires, and the one hour for installing the GPS device, instructing participants in the field driving task plus downloading the GPS data to a computer. The average time allocation per participant is therefore expected to be 6 hours. For those who choose to double their participation there will be a need for an additional two hours spread across four meetings.

Estimated Total Burden Hours: Approximately 7,600 hours.

6 hours × 1200 participants = 7200.

2 hours × 200 participants = 400.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued on: August 30, 2010.

Juli Huynh,

Chief, Management Programs and Analysis Division.

[FR Doc. 2010–22164 Filed 9–3–10; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2010–0108]

Agency Information Collection Activities: Notice of Request for Approval of a New Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of request for approval of a new information collection.

SUMMARY: The FHWA invites public comments about our intention to request the Office of Management and Budget's (OMB) approval of a new information collection that is summarized below under **SUPPLEMENTARY INFORMATION**. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by November 8, 2010.

ADDRESSES: You may submit comments identified by DOT Docket ID Number 2010–0108 by any of the following methods:

Web Site: For access to the docket to read background documents or comments received go to the Federal eRulemaking Portal: Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Fax: 1–202–493–2251.

Mail: Docket Management Facility, U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

Hand Delivery or Courier: 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. ET, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Kathleen Bergeron, (202) 366–5508, Office of Infrastructure, Federal Highway Administration, Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590, Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Highways for LIFE Omnibus Survey for Technology Deployment.

Background: The Highways for LIFE program was established by the 109th Congress within Sections 1101 and 1502 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Pub. L. 109–59). Within that law, under the topic "Technology Transfer and Information

Dissemination," it states that "The Secretary shall conduct a highways for life technology transfer program." It further states that "The Secretary shall establish a process for stakeholder input and involvement in the development, implementation, and evaluation of the Highways for LIFE Pilot Program. The process may include participation by representatives of the State departments of transportation and other interested persons." Also, it states that, "The Secretary shall monitor and evaluate the effectiveness of any activity carried out under this section."

A critical element in accomplishing these goals is to ensure that the technologies being deployed by FHWA and implemented by the States actually fill a specific need. Therefore, it is important that FHWA obtain feedback both before and after specific technologies are transferred. If, for example, FHWA determined on its own that a particular innovation was important, yet never actually determined whether States would value such an innovation, much time and money would have been wasted. Or, if there were an innovation that was deployed to States, yet FHWA never followed up to determine if the effort was a success, or how it might be even more successful, lessons could not be learned and put into effect.

In FHWA's Strategic Plan, the first goal listed is "National Leadership." Under that topic, the first objective is "Advance Innovation: FHWA is recognized as a leader in the development and promotion of innovative solutions that address current and emerging transportation issues." Item 1.1 is "Systematically identify emerging issues and needs that could impact transportation," and item 1.2 is "Identify, develop, promote, and rapidly implement new and proven technologies and innovative solutions to improve system performance." These "innovative solutions" cannot properly identify what might work without discussing the needs for such things with the user groups—the States. Likewise, it cannot promote and implement them without an appropriate understanding of how the user organizations—the States—feel about the particular innovations; and this can only come from a formal survey.

Respondents: There are 260 respondents, including 5 each from 50 State Transportation Departments, the District of Columbia, and the Commonwealth of Puerto Rico.

Frequency: Once a year, for three years.

Estimated Average Burden per Response: Each survey will require 15 minutes to respond.

Estimated Total Annual Burden Hours: 65 hours.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection of information is necessary for the U.S. DOT's performance, including whether the information will have practical utility; (2) the accuracy of the U.S. DOT's estimate of the burden of the proposed information collection; (3) ways to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued On: August 27, 2010.

Juli Huynh,

Chief, Management Programs and Analysis Division.

[FR Doc. 2010–22166 Filed 9–3–10; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Public Notice for a Change in Use of Aeronautical Property Associated With Wiscasset Municipal Airport, Wiscasset, ME

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Request for public comments.

SUMMARY: The FAA is requesting public comment on the Town of Wiscasset, Maine's, request to change 1.38 acres of fee interest from aeronautical use to non-aeronautical use and to abandon .15 acres of an easement. The property is located on Route 27 in Edgecomb, Maine (Map R2 Lot 12). The property was for a non-directional beacon the FAA has decommissioned. The Town proposes to lease or sell the 1.38 acres in fee.

Section 125 of The Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR 21) requires the FAA to provide an opportunity for public notice and comment to the "waiver" or "modification" of a sponsor's Federal obligation to use certain airport property for aeronautical purposes.

The Town acquired the land FAA ADAP Project No. 7–27–0049–01.

The disposition of proceeds from the disposal of airport property will be in accordance with FAA's Policy and Procedures Concerning the Use of Airport Revenue, published in the **Federal Register** on February 16, 1999.

DATES: Comments must be received on or before October 7, 2010.

ADDRESSES: Documents are available for review by appointment by contacting at Erving Deck at Wiscasset Municipal Airport, Telephone 207–882–5475 or by contacting Donna R. Witte, Federal Aviation Administration, 16 New England Executive Park, Burlington, Massachusetts, Telephone 781–238–7624.

FOR FURTHER INFORMATION CONTACT: Donna R. Witte at the Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803, Telephone 781–238–7624.

SUPPLEMENTARY INFORMATION: The following is a legal description of the 1.38 acres of fee interest of the property:

Beginning at the Southwest corner of land described in deed from George H. Salley to George L. Worden it ux, dated May 29, 1968 and recorded in the Lincoln County Registry of Deeds, and at land now or formerly of Candace Sawyer; thence Northeasterly along land of said Sawyer and following a stone wall, to the Westerly side of Route #27; thence Northerly by and along said Route #27 (200) feet more or less to an iron rod; thence running at right angles to said Route #27 and in a Westerly direction, two hundred (200) feet, more or less to an iron rod; thence running Southerly and parallel to the above mentioned road to a stone wall which forms the Southerly boundary of the property described in the above cited deed; thence Southeasterly following said stone wall to the point of beginning. TOGETHER with a right of way to the above premises from the Old town road, so called.

The following is a legal description of the .15 acre easement:

Beginning at a pipe in rocks at the Northwest corner of land described in deed from George L. Worden and Martha Worden to the Inhabitants of the Town of Wiscasset, recorded May 15, 1973 in Book 770, Page 226 in the Lincoln County Registry of Deeds; thence South 00° 40′ West one hundred thirty (130′) feet along land of said Wiscasset to a point; thence North 89° 20′ West fifty (50′) feet to a point: thence North 00° 40′ East one hundred thirty (130") feet to a point; thence South 89°

20′ East fifty (50′) feet to the point of beginning.

Issued in Burlington, Massachusetts on August 25, 2010.

LaVerne F. Reid,

Manager, Airports Division, New England Region.

[FR Doc. 2010–22110 Filed 9–3–10; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2010–0245; Notice No. 10–6]

Notice: Elimination of Expiration Dates for Classification Approvals

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice.

SUMMARY: In 2005, PHMSA initiated a policy imposing a 5-year expiration date on firework classification approvals to ensure that background information supporting the approval is current and applicable, information is up-to-date and complete, obsolete approvals are eliminated from the PHMSA database, and approvals are amended with new requirements and/or methods as necessary. In 2009, this policy was extended to include all types of classification approvals, including explosives, oxidizing substances, organic peroxide materials and self-reactive substances. PHMSA is changing its policy and eliminating expiration dates for classification approvals because the policy has had unanticipated effects since its implementation. For instance, explosives assigned EX numbers, and self-reactive materials and organic peroxide materials, assigned CA numbers, have a shelf life far beyond the 5-year expiration date. Consequently, a product shipped in accordance with a classification approval with a 5-year expiration date becomes ineligible for domestic transport on the date the approval expires despite the product continuing to be safe for transport.

Existing classification approvals with expiration dates will be reissued by PHMSA in accordance with the change of policy. While expiration dates for classification approvals will be eliminated, PHMSA retains the authority to issue approvals with expiration dates on a case-by-case basis.

DATES: *Effective Date:* The effective date of these amendments is September 7, 2010.

FOR FURTHER INFORMATION CONTACT: Mr. Ryan Paquet, Technical Advisor, Office of Hazardous Materials Special Permits and Approvals, (202) 366–4512, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590.

Issued in Washington, DC on August 31, 2010 under authority delegated in 49 CFR part 1.

Magdy El-Sibaie,

Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration.

[FR Doc. 2010–22138 Filed 9–3–10; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Queens County, NY

AGENCY: Federal Highway Administration (FHWA, United States Department of Transportation (DOT).

ACTION: Revised notice of intent.

SUMMARY: The FHWA is issuing this revised notice to advise the public that the FHWA will not be preparing an Environmental Impact Statement (EIS) for the proposed Bridge Rehabilitation and Interchange Improvements Project on the Long Island Expressway (LIE) from the Grand Central Parkway (GCP) to the Van Wyck Expressway, Queens County, NY. A Notice of Intent to prepare an EIS was published in the **Federal Register** on March 12, 2004.

FOR FURTHER INFORMATION CONTACT: Jeffrey W. Kolb, Division Administrator, Federal Highway Administration, New York Division, Leo W. O'Brien Federal Building, 9th Floor, Clinton Avenue and North Pearl Street, Albany, New York 12207, Telephone: (518) 431–4127.

or

Phillip Eng, Regional Director, NYSDOT Region 11; Hunters Point Plaza, 47–40 21st Street, Long Island City, NY 11101, Telephone: 718–482–4526.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the New York State Department of Transportation previously intended to prepare an EIS for the Bridge Rehabilitation and Interchange Improvements Project on the Long Island Expressway from the Grand Central Parkway to the Van Wyck Expressway, Queens County, New York.

The purpose of the original Project was to address various geometric, operational, and structural deficiencies associated with the interchange. The project proposed direct connector ramps and new structures.

An Expanded Project Proposal (EPP) was issued in 2002 and the project was programmed with a cost estimate of $130 million. During preliminary design, the cost estimate increased to approximately $250 million and the operational improvements for the build alternatives were found not to be as effective in reducing congestion as expected. Also, the Region's capital program has been reduced and available funding has been re-allocated to more critical needs.

Currently, the bridges within the interchange have a number of severely deteriorated elements, including the concrete decks and superstructures, that require prompt treatment to keep them in service and to address urgent safety concerns. The bridges also do not meet current geometric standards.

Since the proposed operational benefits from the build alternatives were found not to be as expected, it is proposed to terminate the EIS. However, the three bridges carrying the LIE and service roads over the GCP have significant deck and steel superstructure deterioration that require prompt treatment to keep them in service. The infrastructure improvements being considered will not have a significant impact on the environment. To address these bridge conditions, a reduced scope project will be progressed as a NEPA Class II Categorical Exclusion.

Issued on August 25, 2010.

Jeffrey W. Kolb,

Division Administrator, Federal Highway Administration, Albany, NY.

[FR Doc. 2010–21768 Filed 9–3–10; 8:45 am]

BILLING CODE M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Yellowstone County, MT

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent—revised.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Yellowstone County, Montana.

FOR FURTHER INFORMATION CONTACT: Brian Hasselbach, Right of Way and Environmental Programs Manager, Federal Highway Administration, 585 Shepard Way, Helena, Montana 59601. *Telephone:* (406) 441–3908; or Fred

Bente, Consultant Design, Montana Department of Transportation, 2701 Prospect Avenue, P.O. Box 201001, Helena, Montana 59620–1001. *Telephone:* (406) 444–7634.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Montana Department of Transportation, will prepare an environmental impact statement (EIS) on a proposal to construct a connection between Interstate 90 (I–90) and Old Highway 312 in or near the city of Billings, Yellowstone County, Montana.

FHWA previously issued a notice on August 13, 2003 that an EIS would be prepared for a proposal to construct a bypass route north of the city of Billings. Funding constraints prompted a re-scoping of that proposed project and this notice is intended to advise the public that an EIS will be prepared on the re-scoped, proposed project.

These improvements are considered necessary in order to provide an additional Yellowstone River crossing for transportation system reliability. The improvements are also necessary to provide an additional connection between the Lockwood and Billings areas; as well as improve mobility to and from Billings Heights.

Alternatives under consideration include (1) taking no action; (2) providing a connection between I–90 and Old Highway 312.

Letters describing the proposed action and soliciting comments have been sent to appropriate Federal, State, and local agencies, and to private organizations and citizens, who have previously expressed interest in this proposal. An extensive public involvement process will be conducted to solicit views and comments from appropriate agencies and interested private organizations and citizens. The process, to date, has included a Billings Bypass Advisory Committee, public meetings and workshops, a public hearing, and presentations and meetings.

Public notice will be given of the time and place of future outreach meetings and hearing. The draft EIS will be available for public and agency review and comment prior to the public hearing. No formal scoping meeting date has been set at this time.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA or MDT at the addresses provided previously.

(Catalog of Federal Domestic Assistance Program Number 20.206, Highway Planning & Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 315; 49 CFR 1.48.

Issued on: August 26, 2010.

Brian Hasselbach,

Right of Way & Environmental Programs Manager, FHWA.

[FR Doc. 2010–22116 Filed 9–3–10; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Cancellation of Supplemental Environmental Impact Statement (SEIS); Travis County, TX

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Cancellation of Notice of Intent to Prepare a SEIS.

SUMMARY: In Vol. 73, No. 106/June 2, 2008/Notices, Federal Highway Administration (FHWA) issued a Notice of Intent (NOI) to advise the public that a Supplemental Environmental Impact Statement (SEIS) would be prepared for the proposed SH 71 roadway between Riverside Drive and SH 130 in Travis County, Texas. The FHWA is issuing this notice to advise the public that the NOI to prepare a SEIS for proposed improvements to State Highway (SH) 71 from Riverside Drive to SH 130, in Travis County, Texas, is being rescinded.

FOR FURTHER INFORMATION CONTACT: Mr. Salvador Deocampo, District Engineer, District A, Federal Highway Administration (FHWA), Texas Division, 300 East 8th Street, Rm 826, Austin, Texas 78701, Telephone 512–536–5950.

SUPPLEMENTARY INFORMATION: The Texas Department of Transportation (TxDOT), in cooperation with the FHWA, announced its intent to prepare a limited-scope SEIS pursuant to 40 CFR 1508.22 and 43 TAC Sec. 2.5(e)(2) for proposed improvement of SH 71 from Riverside Drive to SH 130, in Travis County, Texas. The improvements proposed between Riverside Drive and Farm-to-Market Road (FM) 973 were originally considered in a Final Environmental Impact Statement (FEIS) covering improvements to SH 71/US 290 from Ranch-to-Market Road (RM) 1826 to FM 973. A Record of Decision (ROD) was issued by FHWA on August 22, 1988. The mid-section of the original project limits, between Joe Tanner Lane and Riverside Drive, has been constructed. The limited-scope SEIS would have evaluated potential impacts resulting from tolling, changes in adjacent land use, the construction of SH 130, and proposed design modifications since the issuance of the SH 71/US 290 ROD along the unconstructed eastern portion of the original FEIS, between Riverside Drive and FM 973. The improvements, as proposed in 2008, are not included in the Capital Area Metropolitan Planning Organization (CAMPO) 2035 Transportation Plan. However, non-tolled improvement of SH 71 at Riverside Drive is included in the CAMPO 2035 Plan, and is consistent with prior federal approvals on the project.

TxDOT and FHWA have decided to rescind the Notice of Intent to Prepare a Supplemental Environmental Impact Statement for SH 71 from Riverside Drive to SH 130. The decision to rescind the NOI is due to the limited availability of funds and local planning priorities. The SEIS was in the preliminary stages of development. One public meeting was held June 24, 2008, at Del High School in Del Valle, Texas. Appropriate environmental documents will be completed in the future as components of the project proceed through project development as funding becomes available.

Issued on: August 31, 2010.

Salvador Deocampo,

District Engineer, FHWA Texas Division.

[FR Doc. 2010–22180 Filed 9–3–10; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on US 290/Hempstead Corridor

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Limitation on Claims for Judicial Review of Actions by FHWA.

SUMMARY: This notice announces actions taken by the FHWA and other Federal agencies that are final within the meaning of 23 U.S.C. 139(l)(1). The actions relate to a proposed highway project, United States Highway 290 (US 290), from Farm to Market 2920 (FM 2920) to Interstate Highway 610 (IH 610) in Harris County, Texas. Those actions grant licenses, permits, and approvals for the project.

DATES: By this notice, the FHWA is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before March 7, 2011. If the Federal law that authorizes judicial review of a claim provides a time period of less than 180 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: Mr. Gregory Punske, P.E., District Engineer, District B (South), Federal Highway Administration, 300 East 8th Street, Room 826 Austin, Texas 78701; *telephone:* (512) 536–5960; *e-mail: gregory.punske@dot.gov.* The FHWA Texas Division Office's normal business hours are 7:45 a.m. to 4:15 p.m. (central time) Monday through Friday.

You may also contact Dianna Noble, P.E., Environmental Affairs Division, Texas Department of Transportation, 118 E. Riverside Drive, Austin, Texas 78704; *telephone:* (512) 416–2734; *e-mail: Dianna.Noble@txdot.gov.* The Texas Department of Transportation normal business hours are 8 a.m. to 5 p.m. (central time) Monday through Friday.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the FHWA and other Federal agencies have taken final agency actions by issuing licenses, permits, and approvals for the following highway project in the State of Texas: US 290 from FM 2920 to IH 610 in Harris County; FHWA Project Reference Number: FHWA–TX–EIS–07–01–F. The project will be a 61.2 km (38 mi) long, six to twelve main lanes, two- or three-lane frontage roads in each direction, a controlled access managed-lane (toll) facility along Hempstead Road between Bauer Road and IH 610, an advanced high-capacity transit reserved corridor, grade-separated intersections with exit and entrance ramps at intersecting roadways, and elevated directional interchanges at IH 610 and Sam Houston Tollway. It will begin in northwestern Harris County at FM 2920 near Waller, TX. It will then proceed southeast through Harris County and end at IH 610 north of Interstate Highway 10 (IH10). The purpose of the project is to reduce congestion in the US 290 corridor, enhance mobility and safety, and bring the roadway up to current design standards. The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Final Environmental Impact Statement (FEIS) for the project, approved on March 30, 2010, in the FHWA Record of Decision (ROD) issued on August 25, 2010, and in other documents in the FHWA administrative record. The FEIS, ROD, and other documents in the FHWA administrative record file are available by contacting the FHWA or the Texas Department of Transportation at the addresses provided above. The FHWA FEIS and ROD can be viewed and downloaded from the project Web site at *http://www.my290.com/.* This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. *General:* National Environmental Policy Act (NEPA) [42 U.S.C. 4321 *et seq.*]; Federal-Aid Highway Act [23 U.S.C. 109].

2. *Air:* Clean Air Act [42 U.S.C. 7401–7671(q)].

3. *Land:* Section 4(f) of the Department of Transportation Act of 1966 [23 U.S.C. 138 and 49 U.S.C. 303].

4. *Wildlife:* Endangered Species Act [16 U.S.C. 1531–1544]; Fish and Wildlife Coordination Act [16 U.S.C. 661–667(d)]; and, Migratory Bird Treaty Act [16 U.S.C. 703–712].

5. *Historic and Cultural Resources:* Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470]; Archaeological Resources Protection Act of 1979 [16 U.S.C. 470]; Archaeological and Historical Preservation Act [16 U.S.C. 469].

6. *Social and Economic:* Title VI of the Civil Rights Act of 1964 [42 U.S.C. 2000(d) et seq.]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201–4209].

7. *Wetlands and Water Resources:* Clean Water Act [33 U.S.C. 1251–1342]; Land and Water Conservation Fund (LWCF) [16 U.S.C. 4601–4604].

8. *Executive Orders:* E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 11514 Protection and Enhancement of Environmental Quality.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139(l)(1).

Issued on: August 27, 2010.

Gregory S. Punske,

District Engineer.

[FR Doc. 2010–22146 Filed 9–3–10; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Sixth Meeting: RTCA Special Committee 223: Airport Surface Wireless Communications

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

ACTION: Notice of RTCA Special Committee 223: Airport Surface Wireless Communications meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of RTCA Special Committee 223: Airport Surface Wireless Communications.

DATES: The meeting will be held September 28–30, 2010 from 0900 a.m.–1600 p.m.

ADDRESSES: The meeting will be held at EUROCONTROL, Rue de la Fusee 96, Meeting Room VEGA, Brussels, Belgium.

FOR FURTHER INFORMATION CONTACT: RTCA Secretariat, 1828 L Street, NW., Suite 805, Washington, DC, 20036; telephone (202) 833–9339; fax (202) 833–9434; Web site *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., Appendix 2), notice is hereby given for a RTCA Special Committee 223: Airport Surface Wireless Communications meeting. The agenda will include:

- 0900 a.m.—Opening Plenary
  - Welcome and Introductions
  - Approval of the Agenda
  - Minutes of Last Meeting
  - Coordination with Other GROUPs (EUROCAE, RTCA, ICAO, SESAR, WMF)
  - Report on ad-hoc committee work with WIMAX Forum (ITT)
- AeroMACS System Profile
  - Status of US Profile Development (Harris)
  - SJU/WG–82 Draft Profile Presentation (ECTL)
  - Develop combined Draft Profile
- Presentations
  - Overview of terrestrial communication networks (FAA)
  - User Services and Applications (FAA)
  - NASA Cleveland Test Bed Test Results (ITT)
  - Channel Model Considerations for AeroMACS (Uni Lancaster)
  - SANDRA SP 6.2 Simulation Results (DLR, Uni Salzburg)
  - Further presentations (to be coordinated)
- Refinement of TOR of WG–82

- AOB
- Summary and Next Meeting

Attendance is open to the interested public but limited to space availability. With the approval of the chairmen, 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 September 1, 2010.

Robert L. Bostiga,

RTCA Advisory Committee.

[FR Doc. 2010–22238 Filed 9–3–10; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

August 31, 2010.

The Department of Treasury will submit the following public information collection requirement(s) to OMB for review and clearance under the **Paperwork Reduction Act of 1995, Public Law 104–13** on or after the date of publication of this notice. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 11000, 1750 Pennsylvania Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before October 7, 2010 to be assured of consideration.

Financial Crimes Enforcement Network (FinCEN)

OMB Number: 1506–XXXX.

Type of Review: New Information Collection.

Title: Administrative Rulings.

Description: These sections address administrative rulings under the Bank Secrecy Act. They explain how to submit a ruling request (103.81), how nonconforming requests are handled (103.82), how oral communications are treated (103.83), how rulings are issued (103.85), how rulings are modified or rescinded (103.86), and how information may be disclosed (103.87). This is a reallocation of currently approved burden from 1506–0009 to this new control number.

Affected Public: Private Sector: Businesses or other for-profits.

Estimated Total Reporting Burden: 60 hours.

OMB Number: 1506–XXXX.

Type of Review: New Information Collection.

Title: Special rules for casinos (31 CFR 103.64, 103.36(b)(10), and 103.38).

Description: This section provides special rules for casinos, including the requirement that casinos maintain a written anti money laundering compliance program. This action is the reallocation of currently approved burden from 1506–0009.

Affected Public: Private Sector: Businesses or other for-profits.

Estimated Total Reporting Burden: 92,500 hours.

OMB Number: 1506–XXXX.

Type of Review: New Information Collection.

Title: Additional records to be made and retained by currency dealers or exchangers (31 CFR 103.37 and 103.38).

Description: A currency dealer or exchanger must make and maintain a record of the taxpayer identification number of certain persons for whom a transaction account is opened or a line of credit is extended, and must maintain a list containing the names, addresses, and account or credit line numbers of those persons from whom it has been unable to secure such information. A currency dealer or exchanger must retain the original or a copy of certain documents, as specified in section 103.37. The required records must be maintained for five years (31 CFR 103.38). This action reallocates currently approved burden from 1506–0009 to this new control number.

Affected Public: Private Sector: Businesses or other for-profits.

Estimated Total Reporting Burden: 36,800 hours.

OMB Number: 1506–XXXX.

Type of Review: New Information Collection.

Title: Additional records to be made and retained by casinos (31 CFR 103.36 and 103.38).

Description: Casinos (and card clubs) must make and retain a record of the name, permanent address, and taxpayer identification number each person who deposits funds with the casino, opens an account at the casino, or to whom the casino extends a line of credit (and maintain a list, available to the Secretary upon request, of the names and addresses of persons who do not furnish a taxpayer identification number), and must retain the original or a copy of certain documents, as specified in section 103.36 (31 CFR 103.36(a) and (b)(1)–(8)). Casinos must also maintain a list of transactions with customers involving certain instruments (31 CFR 103.36(b)(9)). Card clubs must maintain records of currency transactions by customers and records of activity at cages (31 CFR 103.36(b)(11)). Casinos that input, store, or retain required records on computer disk, tape or other machine-readable media must maintain the records on such media (31 CFR 103.36(c)). Required records must be maintained for five years (31 CFR 103.38). This action reallocates currently approved burden from 1506–0009 to this new control number.

Affected Public: Private Sector: Businesses or other for-profits.

Estimated Total Reporting Burden: 121,056 hours.

OMB Number: 1506–XXXX.

Type of Review: New Information Collection.

Title: Additional records to be made and retained by brokers or dealers in securities (31 CFR 103.35 and 103.38).

Description: A broker or dealer in securities must retain an original or copy of certain documents, as specified in section 103.35. The required records must be maintained for five years (31 CFR 103.38). This action reallocates already approved burden from 1506–0009 to a new control number.

Affected Public: Private Sector: Businesses or other for-profits.

Estimated Total Reporting Burden: 830,000 hours.

OMB Number: 1506–XXXX.

Type of Review: New Information Collection.

Title: Additional records to be made and retained by banks (31 CFR 103.34 and 103.38).

Description: A bank must retain an original or copy of certain documents, as specified in section 103.34. The required records must be maintained for five years (31 CFR 103.38). This is a reallocation of burden from 1506–0009 to a new control number.

Affected Public: Private Sector: Businesses or other for-profits.

Estimated Total Reporting Burden: 2,290,000 hours.

OMB Number: 1506–XXXX.

Type of Review: New Information Collection.

Title: Records to be made and retained by financial institutions (31 CFR 103.33 and 103.38).

Description: Each financial institution must retain an original or copy of records related to extensions of credit in excess of $10,000 (other than those secured by real property), and records related to transfers of funds, currency, other monetary instruments, checks, investment securities, or credit of more

than $10,000 to or from the United States (31 CFR 103.33(a)–(c)). Banks and non-bank financial institutions must also maintain records related to, and include certain information as part of, funds transfers or transmittals of funds involving more than $3,000 (31 CFR 103.33(e)–(f), and 103.33(g)). The required records must be maintained for five years (31 CFR 103.38). This is a reallocation from 1506–0009.

Affected Public: Private Sector: Businesses or other for-profits.

Estimated Total Reporting Burden: 2,139,000 hours.

OMB Number: 1506–XXXX.

Type of Review: New Information Collection.

Title: Purchases of bank checks and drafts, cashier's checks, money orders and traveler's checks (31 CFR 103.29 and 31 CFR 103.38).

Description: Financial institutions must maintain records of certain information related to the sale of bank checks and drafts, cashiers checks, money orders, or traveler's checks when the sale involves currency between $3,000–$10,000. The records must be maintained for a period of five years and be made available to Treasury upon request. This action accounts for PRA burden previously listed under 1506–0009.

Affected Public: Private Sector: Businesses or other for-profits.

Estimated Total Reporting Burden: 456,750 hours.

OMB Number: 1506–XXXX.

Type of Review: New Information Collection.

Title: Reports of certain domestic coin and currency transactions (31 CFR 103.26 and 103.33(d)).

Description: Upon a finding that additional reporting or recordkeeping is necessary to carry out the purposes, or prevent the evasion, of the Bank Secrecy Act, Treasury may issue an order requiring financial institutions or groups of financial institutions in certain geographic locations to report certain transactions in prescribed amounts for a limited period of time (31 CFR 103.26). Financial institutions subject to a geographic targeting order must maintain records for such period of time as the order requires but not more than 5 years (31 CFR 103.33(d)). Although the burden is stated as an annual burden in accordance with the Paperwork Reduction Act, the estimated annual burden is not intended to indicate that there is a geographic targeting order in effect throughout a year or in each year.

Affected Public: Private Sector: Businesses or other for-profits.

Estimated Total Reporting Burden: 6,800 hours.

OMB Number: 1506–XXXX.

Type of Review: New Information Collection.

Title: Reports of transactions with foreign financial agencies (31 CFR 103.25).

Description: Treasury may, by regulation, require specified financial institutions to report transactions by persons with designated foreign financial agencies. This recordkeeping requirement was previously reported under 1506–0009.

Affected Public: Private Sector: Businesses or other for-profits.

Estimated Total Reporting Burden: 1 hour.

Bureau Clearance Officer: Russell Stephenson (202) 354–6012, Department of the Treasury, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183; (202) 354–6012

OMB Reviewer: Shagufta Ahmed, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503; (202) 395–7873.

Robert Dahl,

Treasury PRA Clearance Officer.

[FR Doc. 2010–22143 Filed 9–3–10; 8:45 am]

BILLING CODE 4810–02–P

DEPARTMENT OF THE TREASURY

Privacy Act of 1974; Systems of Records

AGENCY: Department of the Treasury.

ACTION: Notice of systems of records.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a, the Department is publishing its Privacy Act systems of records.

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, the Department has completed a review of its Privacy Act systems of records notices to identify minor changes that will more accurately describe these records. Such changes throughout the document are editorial in nature and consist principally of changes to system locations and system manager addresses, and revisions to organizational titles. The Treasury-wide notices were last published in their entirety on August 1, 2005, at 70 FR 44178.

The President's Identity Theft Task Force's Strategic Plan recommended that all federal agencies publish a routine use for their systems of records allowing for the disclosure of information in the course of responding to a breach of data maintained in a system of records.

On May 22, 2007, the Office of Management and Budget (OMB) issued M–07–16 "Safeguarding Against and Responding to the Breach of Personally Identifiable Information." It required agencies to develop and implement breach notification policies within 120 days.

As part of that effort, the Department published on October 3, 2007 at 72 FR 56434 a new routine use for all Treasury systems of records. The routine use permits the Department to disclose information "to appropriate agencies, entities, and persons when (a) the Department suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (b) the Department has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the Department or another agency or entity) that rely upon the compromised information; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm."

The routine use will facilitate an effective response to a confirmed or suspected breach by allowing for disclosure to those individuals affected by the breach, as well as to others who are in a position to assist in the Department's response efforts, either by assisting in notification to affected individuals or otherwise playing a role in preventing, minimizing, or remedying harms from the breach or compromise.

The Emergency Economic Stabilization Act of 2008 (EESA), Public Law 110–343, at section 121 created the Special Inspector General for the Troubled Asset Relief Program (SIGTARP). SIGTARP exercises all duties and responsibilities of an Inspector General with respect to the purchase, management, and sale of assets by the Secretary of the Treasury under any program established by the Secretary under ESSA. It is responsible for coordinating and conducting audits and investigations of any program established by the Secretary under EESA. SIGTARP is being added under the headings "system location" and

"system manager(s)" to each system of records as appropriate.

A routine use found in a number of Treasury-wide systems of records notices, permitting disclosure of information in response to a subpoena has been revised. The revision limits the disclosure of records from a system of records to those disclosures made in response to a court order.

The systems notices are reprinted in their entirety following the Table of Contents. Systems covered by this notice:

This notice covers all systems of records adopted up to November 2, 2009.

Dated: August 30, 2010.

Melissa Hartman,

Acting Deputy Assistant Secretary for Privacy, Transparency, and Records.

Department of the Treasury

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TREASURY .001

SYSTEM NAME:

Treasury Personnel and Payroll System—Treasury.

SYSTEM LOCATION:

The Shared Development Center of the Treasury Personnel/Payroll System is located at 1750 Pennsylvania Avenue NW., Suite 1300, Washington, DC 20220. The Treasury Personnel System processing site is located at the Internal Revenue Service Detroit Computing Center, 985 Michigan Avenue, Detroit, MI 48226. The Treasury Payroll processing site is located at the United States Department of Agriculture National Finance Center, 13800 Old Gentilly Road, New Orleans, LA 70129.

The locations at which the system is maintained by all Treasury components and their associated field offices are:

(1) Departmental Offices (DO):

a. 1500 Pennsylvania Ave., NW., Washington, DC 20220.

b. The Office of Inspector General (OIG): 740 15th Street, NW., Washington, DC 20220.

c. Treasury Inspector General for Tax Administration (TIGTA): 1125 15th Street, NW., Suite 700A, Washington, DC 20005.

(2) Alcohol and Tobacco Tax and Trade Bureau (TTB): 1310 G St., NW., Washington, DC 20220.

(3) Office of the Comptroller of the Currency (OCC): 250 E Street, SW., Washington, DC 20219–0001.

(4) Bureau of Engraving and Printing (BEP): 14th & C Streets, SW., Washington, DC 20228.

(5) Financial Management Service (FMS): 401 14th Street, SW., Washington, DC 20227.

(6) Internal Revenue Service (IRS): 1111 Constitution Avenue, NW., Washington, DC 20224.

(7) United States Mint (MINT): Avery Street Building, 320 Avery Street, Parkersburg, WV.

(8) Bureau of Public Debt (BPD): 999–E Street, NW., Washington, DC 20239.

(9) Financial Crimes Enforcement Network (FinCEN), Vienna, VA 22183–0039.

(10) Office of Thrift Supervision (OTS): 1700 G St., NW., Washington, DC 20552.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Employees, former employees, and applicants for employment, in all Treasury Department bureaus and offices. (2) Employees, former employees, and applicants for employment of Federal agencies for which the Treasury Department is a cross-services provider.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information contained in this system includes such data as:

(1) Employee identification and status data such as name, records that establish an individual's identity, social security number, date of birth, sex, race and national origin designator, awards received, suggestions, work schedule, type of appointment, education, training courses attended, veterans preference, and military service; (2) employment data such as service computation for leave, date probationary period began, date of performance rating, performance contract, and date of within-grade increases; (3) position and pay data such as position identification number, pay plan, step, salary and pay basis, occupational series, organization location, and accounting classification codes; (4) payroll data such as earnings (overtime and night differential), deductions (Federal, state and local taxes, bonds and allotments), and time and attendance data; (5) employee retirement and Thrift Savings Plan data; (6) employment history, and (7) tables of data for editing, reporting and processing personnel and pay actions. These include nature of action codes, civil service authority codes, standard remarks, signature block table, position title table, financial organization table, and salary tables.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 31 U.S.C. 321; Homeland Security Presidential Directive 12 (HSPD–12), and Treasury Directive 80–05, Records and Information Management Program.

PURPOSE(S):

The purposes of the system include, but are not limited to: (1) Maintaining current and historical payroll records that are used to compute and audit pay entitlement; to record history of pay transactions; to record deductions, leave accrued and taken, bonds due and issued, taxes paid; maintaining and distributing Leave and Earnings statements; commence and terminate allotments; answer inquiries and process claims; and (2) maintaining current and historical personnel records and preparing individual administrative transactions relating to education and training; classification; assignment; career development; evaluation; promotion, compensation, separation and retirement; making decisions on the rights, benefits, entitlements and the utilization of individuals; providing a data source for the production of reports, statistical surveys, rosters, documentation, and studies required for the orderly personnel administration within Treasury; (3) maintaining employment history; and (4) perform personnel and payroll functions for Federal agencies for which Treasury is a cross-services provider and to conduct activities necessary to carry-out the official HR line of business for all Federal departments and agencies that are serviced by the a National Finance Center (NFC).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be used to:

(1) Furnish data to the Department of Agriculture, National Finance Center (which provides payroll and personnel processing services for Treasury under a cross-servicing agreement) affecting the conversion of Treasury employee payroll and personnel processing

services; the issuance of paychecks to employees and distribution of wages; and the distribution of allotments and deductions to financial and other institutions, some through electronic funds transfer;

(2) Furnish the Internal Revenue Service and other jurisdictions which are authorized to tax employees' compensation with wage and tax information in accordance with a withholding agreement with the Department of the Treasury pursuant to 5 U.S.C. 5516, 5517, and 5520, for the purpose of furnishing employees with IRS Forms W–2 that report such tax distributions;

(3) Provide records to the Office of Personnel Management, Merit Systems Protection Board, Equal Employment Opportunity Commission, and General Accounting Office for the purpose of properly administering Federal personnel systems or other agencies' systems in accordance with applicable laws, Executive Orders, and regulations;

(4) Furnish another Federal agency with information necessary or relevant to effect interagency salary or administrative offset, except that addresses obtained from the Internal Revenue Service shall not be disclosed to other agencies; to furnish a consumer reporting agency information to obtain commercial credit reports; and to furnish a debt collection agency information for debt collection services. Current mailing addresses acquired from the Internal Revenue Service are routinely released to consumer reporting agencies to obtain credit reports and are arguably relevant to debt collection agencies for collection services;

(5) Disclose information to a Federal, state, local, or foreign agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, that has requested information relevant to or necessary to the requesting agency's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit;

(6) Disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation or settlement negotiations in response to a subpoena where arguably relevant to a proceeding, or in connection with criminal law proceedings;

(7) Disclose information to foreign governments in accordance with formal or informal international agreements;

(8) Provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(9) Provide information to the news media in accordance with guidelines contained in 28 CFR 50.2, which relates to civil and criminal proceedings;

(10) Provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation;

(11) Provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114;

(12) Provide wage and separation information to another agency, such as the Department of Labor or Social Security Administration, as required by law for payroll purposes;

(13) Provide information to a Federal, state, or local agency so that the agency may adjudicate an individual's eligibility for a benefit, such as a state employment compensation board, housing administration agency, and Social Security Administration;

(14) Disclose pertinent information to appropriate Federal, state, local or foreign agencies responsible for investigating or prosecuting the violation of, or for implementing, a statute, regulation, order, or license, where the disclosing agency becomes aware of a potential violation of civil or criminal law or regulation;

(15) Disclose information about particular Treasury employees to requesting agencies or non-Federal entities under approved computer matching efforts, limited only to those data elements considered relevant to making a determination of eligibility under particular benefit programs administered by those agencies or entities or by the Department of the Treasury or any constituent unit of the Department, to improve program integrity, and to collect debts and other money owed under those programs (e.g., matching for delinquent loans or other indebtedness to the government);

(16) Disclose to the Office of Child Support Enforcement, Administration for Children and Families, Department of Health and Human Services, the names, social security numbers, home addresses, dates of birth, dates of hire, quarterly earnings, employer identifying information, and State of hire of employees, for the purposes of locating individuals to establish paternity, establishing and modifying orders of child support, identifying sources of income, and for other child support enforcement activities as required by the Personal Responsibility and Work Opportunity Reconciliation Act (Welfare Reform Law, Pub. L. 104–193);

(17) Disclose information to contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the Department of the Treasury, when necessary to accomplish an agency Function;

(18) Disclose information to other Federal agencies with whom the Department has entered into a cross servicing agreement that provides for the delivery of automated human resources operations. These operations may include maintaining current and historical payroll and personnel records, and providing reports, statistical surveys, rosters, documentation, and studies as required by the other federal agency to support its personnel administration activities; and

(19) To appropriate agencies, entities, and persons when (a) the Department suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (b) the Department has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the Department or another agency or entity) that rely upon the compromised information; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures may be made pursuant to 5 U.S.C. 552a(b)(12) and section 3 of the Debt Collection Act of 1982, Public Law 97–365; debt information concerning a government claim against an individual is also furnished, in accordance with 5 U.S.C. 552a(b)(12) and section 3 of the Debt Collection Act of 1982, to consumer reporting agencies to encourage repayment of an overdue debt. Disclosures may be made to a consumer reporting agency 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. 701(a)(3).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Electronic records, microfiche, and hard copy. Disbursement records are stored at the Federal Records Center.

RETRIEVABILITY:

Records are retrieved generally by social security number, position identification number within a bureau/agency and sub-organizational element, employee identification or employee name. Secondary identifiers are used to assure accuracy of data accessed, such as master record number or date of birth.

SAFEGUARDS:

Entrances to data centers and support organization offices are restricted to those employees whose work requires them to be there for the system to operate. Identification (ID) cards are verified to ensure that only authorized personnel are present. Disclosure of information through remote terminals is restricted through the use of passwords and sign-on protocols, which are periodically changed. Reports produced from the remote printers are in the custody of personnel and financial management officers and are subject to the same privacy controls as other documents of similar sensitivity.

RETENTION AND DISPOSAL:

The current payroll and personnel system and the personnel and payroll system's master files are kept as electronic media. Information rendered to hard copy in the form of reports and payroll information documentation is also retained in an electronic media format. Employee records are retained in automated form for as long as the employee is active on the system (separated employee records are maintained in an "inactive" status). Files are purged in accordance with Treasury Directive 80–05, "Records and Information Management Program."

SYSTEM MANAGER(S) AND ADDRESS:

Department of the Treasury: Official prescribing policies and practices: Chief Human Capitol Officer/Deputy Assistant Secretary for Human Resources, 1750 Pennsylvania Avenue, NW., Washington, DC 20220.

The systems managers for the Treasury components are:

(1) a. DO: Deputy Assistant Secretary for Human Resources/Chief Human Capital Officer, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

b. OIG: Personnel Officer, 740 15th Street NW., Suite 500, Washington, DC 20220.

c. TIGTA: Director, Human Resources, 1125 15th Street, NW., Suite 700A, Washington, DC 20005.

(2) TTB: Chief, Personnel Division, 1310 G St., NW., Washington, DC 20220.

(3) OCC: Director, Human Resources, 250 E Street, SW., Washington, DC 20219.

(4) BEP: Chief, Office of Human Resources, 14th & C Streets, SW., Room 202–13A, E&P Annex, Washington, DC 20228.

(5) FMS: Director, Personnel Management Division, 3700 East West Hwy, Room 115–F, Hyattsville, MD 20782.

(6) IRS: Associate Director, Transactional Processing Operations, 1111 Constitution Avenue, NW., CP6, A:PS:TP, 2nd Floor, Washington, DC 20224.

(7) MINT: Assistant Director for Human Resources, 801 9th Street, NW., 7th Floor, Washington, DC 20220.

(8) BPD: Director, Human Resources Operations Division, Avery Street Building, 320 Avery Street, Parkersburg, WV.

(9) FinCEN: Chief of Personnel and Training, Vienna, VA 22183–0039.

(10) OTS: 1700 G St, NW., Washington, DC 20552.

A list of the Federal agencies for which Treasury is a cross-services provider and their respective system managers may be obtained by contacting the Chief Human Capitol Officer/Deputy Assistant Secretary for Human Resources, at the address shown above.

NOTIFICATION PROCEDURE:

(1) Employees, former employees or applicants of the Department of the Treasury seeking notification and access to any record contained in the system of records, or seeking to contest its content, may inquire in accordance with instructions pertaining to individual Treasury components appearing at 31 CFR part 1, subpart C, appendices A–L.

(2) Employees of other Federal agencies for which Treasury is a cross-services provider may request notification, access and amendment of their records through the personnel office at their home agency. (See "System manager" above.)

RECORD ACCESS PROCEDURES:

See "Notification procedure" above.

CONTESTING RECORD PROCEDURES:

See "Notification procedure" above.

RECORD SOURCE CATEGORIES:

The information contained in these records is provided by or verified by the subject of the record, supervisors, and non-Federal sources such as private employers.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY .002

SYSTEM NAME:

Grievance Records—Treasury.

SYSTEM LOCATION:

Department of the Treasury, 1500 Pennsylvania Ave., NW., Washington, DC 20220. These records are located in personnel or designated offices in the bureaus in which the grievances were filed.

The locations at which the system is maintained are:

(1) a. Departmental Offices (DO): 1500 Pennsylvania Ave., NW., Washington, DC 20220.

b. The Office of Inspector General (OIG): 740 15th Street, NW., Washington, DC 20220.

c. Treasury Inspector General for Tax Administration (TIGTA): 1125 15th Street, NW., Suite 700A, Washington, DC 20005.

d. Special Inspector General for the Troubled Asset Relief Program (SIGTARP), 1801 L. Street, NW., Washington, DC 20036.

(2) Alcohol and Tobacco Tax and Trade Bureau (TTB): 1310 G. St., NW., Washington, DC 20220.

(3) Office of the Comptroller of the Currency (OCC): 250 E Street, NW., Washington, DC 20219–0001.

(4) Bureau of Engraving and Printing (BEP): 14th & C Streets, SW. Washington, DC 20228.

(5) Financial Management Service (FMS): 401 14th Street, SW., Washington, DC 20227.

(6) Internal Revenue Service (IRS): 1111 Constitution Avenue, NW., Washington, DC 20224.

(7) United States Mint (MINT): 801 9th Street, NW., Washington, DC 20220.

(8) Bureau of the Public Debt (BPD): Avery Street Building, 320 Avery Street, Parkersburg, WV 26101.

(9) Office of Thrift Supervision (OTS): 1700 G Street, NW., Washington, DC 20552.

(10) Financial Crimes Enforcement Network (FinCEN), Vienna, VA 22183–0039.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current or former Federal employees who have submitted grievances with their bureaus in accordance with part 771 of the Office of Personnel Management's (OPM) regulations (5 CFR part 771), the Treasury Employee Grievance System (TPM Chapter 771), or a negotiated procedure.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains records relating to grievances filed by Treasury employees under part 771 of the OPM's regulations. These case files contain all documents related to the grievance including statements of witnesses, reports of interviews and hearings, examiner's findings and recommendations, a copy of the original and final decision, and related correspondence and exhibits. This system includes files and records of internal grievance and arbitration systems that bureaus and/or the Department may establish through negotiations with recognized labor organizations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1302, 3301, 3302; E.O. 10577; 3 CFR 1954–1958 Comp., p. 218; E.O. 10987; 3 CFR 1959–1963 Comp., p. 519; agency employees, for personal relief in a matter of concern or dissatisfaction which is subject to the control of agency management.

PURPOSE(S):

To adjudicate employee administrative grievances filed under the authority of 5 CFR part 771 and the Department's Administrative Grievance Procedure.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be used:

(1) To disclose pertinent information to the appropriate Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation;

(2) To disclose information to any source from which additional information is requested in the course of processing in a grievance, to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and identify the type of information requested;

(3) To disclose information to a Federal agency, in response to its request, in connection with the hiring or retention of an individual, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of jobs, 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 requesting the agency's decision on the matter;

(4) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(5) To disclose information to another Federal agency or to a court when the Government is party to a judicial proceeding before the court;

(6) By the National Archives and Records Administration in records management inspections conducted under authority of 44 U.S.C. 2904 and 2908;

(7) By the bureau maintaining the records of the Department in the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related work force studies. While published statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by inference;

(8) To disclose information to officials of the Merit Systems Protection Board, the Office of the Special Counsel, the Federal Labor Relations Authority and its General Counsel, the Equal Employment Opportunity Commission, or the Office of Personnel Management when requested in performance of their authorized duties;

(9) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing Counsel or witnesses in the course of civil discovery, litigation or settlement negotiations in response to a court order, or in connection with criminal law proceedings;

(10) To provide information to officials of labor organizations reorganized under the Civil Service Reform Act when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting work conditions.

(11) To appropriate agencies, entities, and persons when (a) the Department suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (b) the Department has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the Department or another agency or entity) that rely upon the compromised information; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

By the names of the individuals on whom they are maintained.

SAFEGUARDS:

Lockable metal filing cabinets to which only authorized personnel have access.

RETENTION AND DISPOSAL:

Disposed of 3 years after closing of the case. Grievances filed against disciplinary adverse actions are retained by the United States Secret Service for 4 years. Disposal is by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Records pertaining to administrative grievances filed at the Departmental level: Director, Office of Human Resources Strategy and Solutions, 1750 Pennsylvania Ave., NW., Suite 1200, Washington, DC 20220. Records pertaining to administrative grievances filed at the bureau level:

(1) a. DO: Director, Office of Human Resources for Departmental Offices, 1500 Pennsylvania Ave., NW., Room 5202–Main Treasury, Washington, DC 20220.

b. OIG: Personnel Officer, 740 15th St., NW., Rm. 510, Washington, DC 20220.

c. TIGTA: Director, Human Capital and Support Services, 1125 15th Street, NW., Suite 700A, Washington, DC 20005.

(2) Alcohol and Tobacco Tax and Trade Bureau (TTB): 1310 G St., NW., Washington, DC 20220.

(3) OCC: Director, Human Resources, 250 E Street, SW., Washington, DC 20219.

(4) BEP: Chief, Office of Human Resources, 14th & C Streets, SW., Room 202–13A, E&P Annex, Washington, DC 20228.

(5) FMS: Director, Personnel Management Division, 3700 East West Hwy, Room 115–F, Hyattsville, MD 20782.

(6) IRS: Director, Office of Workforce Relations (M:S:L), 1111 Constitution Ave., NW., Room 1515IR, Washington, DC 20224.

(7) Mint: Assistant Director for Human Resources, 801 9th Street, NW., 3rd Floor, Washington, DC 20220.

(8) BPD: Director, Human Resources Operations Division, Avery Street Building, 320 Avery Street, Parkersburg, WV 26101.

(9) OTS: Principal Director, Human Resources Programs and Services, 1700 G Street, NW., Washington, DC 20552.

(10) FinCEN: Director, P.O. Box 39, Vienna, VA 22183–0039.

NOTIFICATION PROCEDURE:

It is required that individuals submitting grievances be provided a copy of the record under the grievance process. They may, however, contact the agency personnel or designated office where the action was processed, regarding the existence of such records on them. They must furnish the following information for their records to be located and identified: (1) Name, (2) date of birth, (3) approximate date of closing of the case and kind of action taken, (4) organizational component involved.

RECORD ACCESS PROCEDURES:

It is required that individuals submitting grievances be provided a copy of the record under the grievance process. However, after the action has been closed, an individual may request access to the official copy of the grievance file by contacting the bureau personnel or designated office where the action was processed. Individuals must provide the following information for their records to be located and identified: (1) Name, (2) date of birth, (3) approximate date of closing of the case and kind of action taken, (4) organizational component involved.

CONTESTING RECORD PROCEDURES:

Review of requests from individuals seeking amendment of their records which have been the subject of a judicial or quasi-judicial action will be limited in scope. Review of amendment requests of these records will be restricted to determining if the record accurately documents the action of the agency ruling on the case, and will not include a review of the merits of the action, determination, or finding.

Individuals wishing to request amendment to their records to correct factual errors should contact the bureau personnel or designated office where the grievance was processed. Individuals must furnish the following information for their records to be located and identified: (1) Name, (2) date of birth, (3) approximate date of closing of the case and kind of action taken, (4) organizational component involved.

RECORD SOURCE CATEGORIES:

Information in this system of records is provided: (1) By the individual on whom the record is maintained, (2) by testimony of witnesses, (3) by agency officials, (4) from related correspondence from organizations or persons.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY .003

SYSTEM NAME:

Treasury Child Care Tuition Assistance Records—Treasury.

SYSTEM LOCATION:

Department of the Treasury, 1500 Pennsylvania Ave., NW., Washington, DC 20220. The locations at which the system is maintained by Treasury components are:

(1) a. Departmental Offices (DO): 1500 Pennsylvania Ave., NW., Washington, DC 20220.

b. The Office of Inspector General (OIG): 740 15th Street, NW., Washington, DC 20220.

c. Treasury Inspector General for Tax Administration (TIGTA): 1125 15th Street, NW., Suite 700A, Washington, DC 20005.

d. Special Inspector General for the Troubled Asset Relief Program (SIGTARP), 1801 L. Street, NW., Washington, DC 20036.

(2) Alcohol and Tobacco Tax and Trade Bureau (TTB): 1310 G. St., NW., Washington, DC 20220.

(3) Office of the Comptroller of the Currency (OCC): 250 E Street, NW., Washington, DC 20219–0001.

(4) Bureau of Engraving and Printing (BEP): 14th & C Streets, SW., Washington, DC 20228.

(5) Financial Management Service (FMS): 401 14th Street, SW., Washington, DC 20227.

(6) Internal Revenue Service (IRS): 1111 Constitution Avenue, NW., Washington, DC 20224.

(7) United States Mint (MINT): 801 9th Street, NW., Washington, DC 20220.

(8) Bureau of the Public Debt (BPD): Avery Street Building, 320 Avery Street, Parkersburg, WV.

(9) Office of Thrift Supervision (OTS): 1700 G Street, NW., Washington, DC 20552.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Department of the Treasury who voluntarily apply for child care tuition assistance, the employee's spouse, their children and their child care providers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records may include application forms for child care tuition assistance containing personal information, including employee (parent) name, Social Security Number, pay grade, home and work numbers, addresses, telephone numbers, total family income, names of children on whose behalf the parent is applying for tuition assistance, each child's date of birth, information on child care providers used (including name, address, provider license number and State where issued, tuition cost, and provider tax identification number), and copies of IRS Form 1040 and 1040A for verification purposes. Other records may include the child's social security number, weekly expense, pay statements, records relating to direct deposits, verification of qualification and administration for the child care tuition assistance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Law 106–58, section 643 and E.O. 9397.

PURPOSE(S):

To establish and verify Department of the Treasury employees' eligibility for child care subsidies in order for the Department of the Treasury to provide monetary assistance to its employees. Records are also maintained so the Department can make payments to child care providers on an employee's behalf.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be used to:

(1) Disclose pertinent information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the Department of the Treasury becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation;

(2) Provide information to a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual;

(3) Disclose information to another Federal agency, to a court, or a party in litigation before a court or in an administrative proceeding being conducted by a Federal agency, when the Government is a party to the judicial or administrative proceeding. In those cases where the Government is not a party to the proceeding, records may be disclosed If a subpoena has been signed by a judge;

(4) Disclose information to the National Archives and Records

Administration for use in records management inspections;

(5) Disclose information to the Department of Justice, or in a proceeding before a court, adjudicative body, or other administrative body before which the Department of the Treasury is authorized to appear, when: (a) The Department of the Treasury, or any component thereof; or (b) any employee of the Department of the Treasury in his or her official capacity; or (c) any employee of the Department of the Treasury in his or her individual capacity where the Department of Justice or the Department of the Treasury has agreed to represent the employee; or (d) the United States, when the Department of the Treasury determines that litigation is likely to affect the Department of the Treasury or any of its components; is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice or the Department of the Treasury is deemed by the Department of the Treasury to be relevant and necessary to the litigation; provided, however, that the disclosure is compatible with the purpose for which records were collected;

(6) Provide records to the Office of Personnel Management, Merit Systems Protection Board, Equal Employment Opportunity Commission, Federal Labor Relations Authority, the Office of Special Counsel, and General Accountability Office for the purpose of properly administering Federal personnel systems or other agencies' systems in accordance with applicable laws, Executive Orders, and regulations;

(7) Disclose information to contractors, grantees, or volunteers performing or working on a contract, service, grant, or cooperative agreement, or job for the Federal Government;

(8) Disclose information to a court, magistrate, or administrative tribunal when necessary and relevant in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings or in response to a subpoena;

(9) Disclose information to unions recognized as exclusive bargaining representatives under 5 U.S.C. chapter 71, and other parties responsible for the administration of the Federal labor-management program if needed in the performance of their authorized duties.

(10) To appropriate agencies, entities, and persons when (a) the Department suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (b) the Department has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the Department or another agency or entity) that rely upon the compromised information; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information may be collected on paper or electronically and may be stored as paper forms or on computers.

RETRIEVABILITY:

By name; may also be cross-referenced to Social Security Number.

SAFEGUARDS:

When not in use by an authorized person, paper records are stored in lockable file cabinets or secured rooms. Electronic records are protected by the use of passwords.

RETENTION AND DISPOSAL:

Disposition of records is according to the National Archives and Records Administration (NARA) guidelines.

SYSTEM MANAGER(S) AND ADDRESS:

Treasury official prescribing policies and practices: Director, Office of Human Resources Strategy and Solutions, 1750 Pennsylvania Ave., NW., Suite 1200, Department of the Treasury, Washington, DC 20220. Officials maintaining the system and records for the Treasury components are:

(1) DO:

a. Director, Office of Human Resources for Departmental Offices, 1500 Pennsylvania Ave. NW., Room 5202–MT, Washington, DC 20220.

b. Office of General Counsel: Administrative Officer, Department of the Treasury, Room 3000–MT, Washington, DC 20220.

c. OIG: Personnel Officer, 740 15th St., NW., Suite 510, Washington, DC 20220.

d. TIGTA: Director, Human Capital and Support Services, 1125 15th Street, NW., Suite 700A, Washington, DC 20005.

(2) TTB: Assistant Administrator, Office of Management, 1310 G St., NW., Washington, DC 20220.

(3) OCC: Director, Human Resources Division, Independence Square, 250 E St., SW, 4th Floor, Washington, DC 20219.

(4) BEP: Chief, Office of Human Resources. 14th & C St., SW., Room 202–13a, Washington, DC 20228.

(5) FMS: Director, Human Resources Division, PG Center II Bldg, Rm. 114f, 3700 East West Highway, Hyattsville, MD 20782.

(6) IRS: Director Personnel Policy Division, 1111 Constitution Ave., Building CP6–M:S:P, Washington, DC 20224.

(7) MINT: Assistant Director for Human Resources, 801 9th Street, NW., 3rd Floor, Washington, DC 20220.

(8) BPD: Child Care Assistance Program (CCAP) Coordinator, Avery Street Building, 320 Avery Street, Parkersburg, WV 26101.

(9) OTS: Principal Director, Human Resources Programs and Services, 1700 G Street, NW., Washington, DC 20552.

NOTIFICATION PROCEDURE:

Individuals seeking notification and access to any record contained in the system of records, or seeking to contest its content, may inquire in accordance with instructions pertaining to individual Treasury components appearing at 31 CFR part 1, subpart C, appendices A–M.

RECORD ACCESS PROCEDURES:

See "Notification procedure" above.

CONTESTING RECORD PROCEDURES:

See "Notification procedure" above.

RECORD SOURCE CATEGORIES:

Information is provided by Department of the Treasury employees who apply for child care tuition assistance.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY .004

SYSTEM NAME:

Freedom of Information Act/Privacy Act Request Records—Treasury.

SYSTEM LOCATION:

Department of the Treasury, 1500 Pennsylvania Avenue, NW., Washington, DC 20220. The locations at which the system is maintained by Treasury components and their associated field offices are:

(1) Departmental Offices (DO), which includes the Office of Inspector General (OIG), the Treasury Inspector General for Tax Administration (TIGTA), and Special Inspector General for the Troubled Asset Relief Program (SIGTARP);

(2) Alcohol and Tobacco Tax and Trade Bureau (TTB);

(3) Office of the Comptroller of the Currency (OCC);

(4) Bureau of Engraving and Printing (BEP);

(5) Financial Management Service (FMS);

(6) United States Mint (MINT);

(7) Bureau of the Public Debt (BPD);

(8) Office of Thrift Supervision (OTS);

(9) Financial Crimes Enforcement Network (FinCEN).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have: (1) Requested access to records pursuant to the Freedom of Information Act, 5 U.S.C. 552, (FOIA) or who have appealed initial denials of their requests; and/or (2) made a request for access, amendment or other action pursuant to the Privacy Act of 1974, 5 U.S.C. 552a (PA).

CATEGORIES OF RECORDS IN THE SYSTEM:

Requests for records or information pursuant to the FOIA and/or PA which includes the names of individuals making written requests for records under the FOIA or the PA, the mailing addresses of such individuals, and the dates of such requests and their receipt. Supporting records include the written correspondence received from requesters and responses made to such requests; internal processing documents and memoranda, referrals and copies of records provided or withheld, and may include legal memoranda and opinions. Comparable records are maintained in this system with respect to any appeals made from initial denials of access, refusal to amend records and lawsuits under the FOIA/PA.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Freedom of Information Act, 5 U.S.C. 552; Privacy Act of 1974, 5 U.S.C. 552a; and 5 U.S.C. 301.

PURPOSE(S):

The system is used by officials to administratively control and/or process requests for records to ensure compliance with the FOIA/PA and to collect data for the annual and biennial reporting requirements of the FOIA/PA and other Department management report requirements.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be used to:

(1) Disclose pertinent information to appropriate Federal, foreign, State, local, tribal or other public authorities or self-regulatory organizations responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation;

(2) Disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a court order, or in connection with criminal law proceedings;

(3) Provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(4) Disclose information to another Federal agency to (a) permit a decision as to access, amendment or correction of records to be made in consultation with or by that agency, or (b) verify the identity of an individual or the accuracy of information submitted by an individual who has requested access to or amendment or correction of records;

(5) The Department of Justice when seeking legal advice, or when (a) the agency or (b) any component thereof, or (c) any employee of the agency in his or her official capacity, or (d) any employee of the agency in his or her individual capacity where the Department of Justice has agreed to represent the employee, or (e) the United States, where the agency determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice is deemed by the agency to be relevant and necessary to the litigation;

(6) Disclose information to the appropriate foreign, State, local, tribal, or other public authority or self-regulatory organization for the purpose of (a) consulting as to the propriety of access to or amendment or correction of information obtained from that authority or organization, or (b) verifying the identity of an individual who has requested access to or amendment or correction of records;

(7) Disclose information to contractors and other agents who have been engaged by the Department or one of its bureaus to provide products or services associated with the Department's or bureau's responsibility arising under the FOIA/PA;

(8) Disclose information to the National Archives and Records Administration for use in records management inspections.

(9) To appropriate agencies, entities, and persons when (a) the Department suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (b) the Department has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the Department or another agency or entity) that rely upon the compromised information; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Electronic media, computer paper printout, index file cards, and paper records in file folders.

RETRIEVABILITY:

Retrieved by name, subject, request file number or other data element as may be permitted by an automated system.

SAFEGUARDS:

Protection and control of any sensitive but unclassified (SBU) records are in accordance with TD P 71–10, Department of the Treasury Security Manual, and any supplemental guidance issued by individual bureaus. Access to the records is available only to employees responsible for the management of the system and/or employees of program offices who have a need for such information.

RETENTION AND DISPOSAL:

The records pertaining to Freedom of Information Act and Privacy Act requests are retained and disposed of in accordance with the National Archives and Records Administration's General Record Schedule 14—Information Services Records.

SYSTEM MANAGER(S) AND ADDRESS:

Department of the Treasury: Official prescribing policies and practices—Departmental Disclosure Officer, Department of the Treasury, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

The system managers for the Treasury components are:

1. (a) DO: Director, Disclosure Services, Department of the Treasury, Washington, DC 20220.

(b) TIGTA: Director, Human Capital and Support Services, 1125 15th Street, NW., Suite 700A, Washington, DC 20005.

(c) SIGTARP: Chief Counsel, Office of the Special Inspector General for the Troubled Asset Relief Program, 1801 L. Street, NW., Washington, DC 20036.

2. Alcohol and Tobacco Tax and Trade Bureau (TTB): 1310 G St., NW., Washington, DC 20220.

3. BEP: Disclosure Officer, FOIA Office, 14th & C Streets, SW., Washington, DC 20228.

5. FMS: Disclosure Officer, 401 14th Street, SW., Washington, DC 20227.

6. Mint: Disclosure Officer, 801 9th Street, NW., 8th Floor, Washington, DC 20220.

7. OCC: Disclosure Officer, Communications Division, Washington, DC 20219.

9. BPD: Information Disclosure Officer, Avery Street Building, 320 Avery Street, Parkersburg, WV.

11. OTS: Manager, Freedom of Information Act (FOIA) Office, 1700 G Street, NW., Washington, DC 20552.

12. Financial Crimes Enforcement Network (FinCEN), P.O. Box 39, Vienna, VA 22182.

NOTIFICATION PROCEDURE:

Individuals seeking notification and access to any record contained in the system of records, or seeking to contest its content, may inquire in accordance with instructions pertaining to individual Treasury components appearing at 31 CFR part 1, subpart C, appendices A–M.

RECORD ACCESS PROCEDURES:

See "Notification procedure" above.

CONTESTING RECORD PROCEDURES:

See "Notification procedure" above.

RECORD SOURCE CATEGORIES:

The information contained in these files originates from individuals who make FOIA/PA requests and agency officials responding to those requests.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None. Please note that the Department has claimed one or more exemptions (see 31 CFR .36) for a number of its other systems of records under 5 U.S.C. 552a(j)(2) and (k)(1), (2), (3), (4), (5), and (6). During the course of a FOIA/PA action, exempt materials from those other systems may become a part of the case records in this system. To the extent that copies of exempt records from those other systems have been recompiled and/or entered into these FOIA/PA case records, the Department claims the same exemptions for the records as they have in the original primary systems of records of which they are a part.

TREASURY .005

SYSTEM NAME:

Public Transportation Incentive Program Records—Treasury.

SYSTEM LOCATION:

Department of the Treasury, 1500 Pennsylvania Avenue, NW., Washington, DC 20220. The locations at which the system is maintained by Treasury bureaus and their associated field offices are:

(1) a. Departmental Offices (DO): 1500 Pennsylvania Ave., NW., Washington, DC 20220.

b. The Office of Inspector General (OIG): 740 15th Street, NW., Washington, DC 20220.

c. Treasury Inspector General for Tax Administration (TIGTA): 1125 15th Street, NW., Suite 700A, Washington, DC 20005.

d. Special Inspector General for the Troubled Asset Relief Program (SIGTARP), 1801 L Street, NW., Washington, DC 20036.

(2) Alcohol and Tobacco Tax and Trade Bureau (TTB): 1310 G St., NW., Washington, DC 20220.

(3) Office of the Comptroller of the Currency (OCC): 250 E Street, SW., Washington, DC 20219–0001.

(4) Bureau of Engraving and Printing (BEP): 14th & C Streets, SW., Washington, DC 20228.

(5) Financial Management Service (FMS): 401 14th Street, SW., Washington, DC 20227.

(6) Internal Revenue Service (IRS): 1111 Constitution Avenue, NW., Washington, DC 20224.

(7) United States Mint (MINT): 801 9th St. NW., Washington, DC 20220.

(8) Bureau of the Public Debt (BPD): Avery Street Building, 320 Avery Street, Parkersburg, WV 26101.

(9) Office of Thrift Supervision (OTS): 1700 G Street, NW., Washington, DC 20552.

(10) Financial Crimes Enforcement Network (FinCEN), Vienna, VA 22182.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees who have applied for or who participate in the Public Transportation Incentive Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Public Transportation Incentive Program application form containing the participant's name, last four digits of the social security number, or for IRS employees the Standard Employee Identifier (SEID) issued by the IRS, place of residence, office address, office telephone, grade level, duty hours, previous method of transportation, costs of transportation, and the type of fare incentive requested. Incentives authorized under the Federal Workforce Transportation Program may be included in this program.

(2) Reports submitted to the Department of the Treasury in accordance with Treasury Directive 74–10.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 26 U.S.C. 132(f), and Public Law 101–509.

PURPOSE(S):

The records are used to administer the public transportation incentive or subsidy programs provided by Treasury bureaus for eligible employees. The system also enables the Department to compare these records with other Federal agencies to ensure that employee transportation programs benefits are not abused.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be used to disclose information to:

(1) Appropriate Federal, state, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order or license;

(2) A court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a court-ordered subpoena where relevant or potentially relevant to a proceeding, or in connection with criminal law proceedings;

(3) A congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(4) Unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and/or 7114;

(5) Agencies, contractors, and others to administer Federal personnel or payroll systems, and for debt collection and employment or security investigations;

(6) Other Federal agencies for matching to ensure that employees receiving PTI Program benefits are not listed as a carpool or vanpool participant, the holder of a parking

permit; and to prevent the program from being abused;

(7) The Department of Justice when seeking legal advice, or when (a) the Department of the Treasury (agency) or (b) any component thereof, or (c) any employee of the agency in his or her official capacity, or (d) any employee of the agency in his or her individual capacity where the Department of Justice has agreed to represent the employee, or (e) the United States, where the agency determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice is deemed by the agency to be relevant and necessary to the litigation;

(8) The Office of Personnel Management, the Merit Systems Protection Board, the Equal Employment Opportunity Commission, and the Federal Labor Relations Authority or other third parties when mandated or authorized by statute; and

(9) A contractor for the purpose of compiling, organizing, analyzing, programming, or otherwise refining records to accomplish an agency function subject to the same limitations applicable to U.S. Department of Treasury officers and employees under the Privacy Act;

(10) To appropriate agencies, entities, and persons when (a) the Department suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (b) the Department has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the Department or another agency or entity) that rely upon the compromised information; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records, file folders and/or electronic media.

RETRIEVABILITY:

By name of individual, badge number or office.

SAFEGUARDS:

Access is limited to authorized employees. Files are maintained in locked safes and/or file cabinets. Electronic records are password-protected. During non-work hours, records are stored in locked safes and/or cabinets in locked room.

RETENTION AND DISPOSAL:

Active records are retained indefinitely. Inactive records are held for three years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

The system managers for the Treasury bureaus are:

(1) Departmental Offices:

a. Director, Occupational Safety and Health Office, Room 6204 Annex, 1500 Pennsylvania Ave., NW., Washington, DC 20220.

b. Office of Inspector General: Office of Assistant Inspector for Management Services, Office of Administrative Services, Suite 510, 740 15th St., NW., Washington, DC 20220.

c. TIGTA: Director, Human Capital and Support Services, 1125 15th Street, NW., Suite 700A, Washington, DC 20005.

(2) TTB: Alcohol and Tobacco Tax and Trade Bureau: 1310 G St., NW., Washington, DC 20220.

(3) BEP: Chief, Office of Human Resources, Bureau of Engraving and Printing, 14th and C Streets, SW., Washington, DC 20228.

(4) OCC: Building Manager, Building Services, Office of the Comptroller of the Currency, 250 E Street, SW., Washington, DC 20219–0001.

(5) FMS: Director, Administrative Programs Division, Financial Management Service, 3700 East West Hwy., Room 144, Hyattsville, MD 20782.

(6) IRS: Official prescribing policies and practices—Chief, National Office, Protective Program Staff, Director, Personnel Policy Division, 2221 S. Clark Street-CP6, Arlington, VA 20224. Officials maintaining the system—Supervisor of local offices where the records reside. (See IRS Appendix A for addresses.)

(7) Mint: Office of Management Services (OMS), 801 9th St., NW., 2nd Floor, Washington, DC 20220.

(8) BPD: Director, Division of Administrative Services, Avery Street Building, 320 Avery Street, Parkersburg, WV 26101.

(9) OTS: Deputy Chief Financial Officer, Department of the Treasury, 1700 G Street, NW., Washington, DC 20552.

(10) FinCEN: Director, P.O. Box 39, Vienna, VA 22183–0039.

NOTIFICATION PROCEDURE:

Individuals seeking notification and access to any record contained in the system of records, or seeking to contest its content, may inquire in accordance with instructions pertaining to individual Treasury components appearing at 31 CFR part 1, subpart C, appendices A–M.

RECORD ACCESS PROCEDURES:

See "Notification procedure" above.

CONTESTING RECORD PROCEDURES:

See "Notification procedure" above.

RECORD SOURCE CATEGORIES:

The source of the data are employees who have applied for the transportation incentive, the incentive program managers and other appropriate agency officials, or other Federal agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY .006

SYSTEM NAME:

Parking and Carpool Program Records—Treasury.

SYSTEM LOCATION:

Department of the Treasury, 1500 Pennsylvania Avenue, NW., Washington, DC 20220. The locations at which the system is maintained by Treasury bureaus and their associated field offices are:

(1) a. Departmental Offices (DO): 1500 Pennsylvania Ave., NW., Washington, DC 20220.

b. The Office of Inspector General (OIG): 740 15th Street, NW., Washington, DC 20220.

c. Treasury Inspector General for Tax Administration (TIGTA): 1125 15th Street, NW., Suite 700A, Washington, DC 20005.

d. Special Inspector General for the Troubled Asset Relief Program (SIGTARP), 1801 L Street, NW., Washington, DC 20036.

(2) Alcohol and Tobacco Tax and Trade Bureau (TTB): 1310 G St., NW., Washington, DC 20220.

(3) Office of the Comptroller of the Currency (OCC): 250 E Street, SW., Washington, DC 20219–0001.

(4) Bureau of Engraving and Printing (BEP): 14th & C Streets, SW., Washington, DC 20228.

(5) Financial Management Service (FMS): 401 14th Street, SW., Washington, DC 20227.

(6) Internal Revenue Service (IRS): 1111 Constitution Avenue, NW., Washington, DC 20224.

(7) United States Mint (MINT): 801 9th Street, NW., Washington, DC 20220.

(8) Bureau of the Public Debt (BPD): 799 E Street, NW., Washington, DC 20239.

(9) Office of Thrift Supervision (OTS): 1700 G Street, NW., Washington, DC 20552.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current employees of the Department and individuals from other Government agencies or private sector organizations who may use, or apply to use, parking facilities or spaces controlled by the Department. Individuals utilizing handicapped or temporary guest parking controlled by the Department.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records may include the name, position title, manager's name, organization, vehicle identification, arrival and departure time, home addresses, office telephone numbers, social security numbers, badge number, and service computation date or length of service with a component of an individual or principal carpool applicant. Contains name, place of employment, duty telephone, vehicle license number and service computation date of applicants, individuals or carpool members. For parking spaces, permit number, priority group (handicapped, job requirements/executive officials (SES) or carpool/vanpool). Medical information may also be included when necessary to determine disability of applicant when applying for handicapped parking spaces.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 44 U.S.C. 3101; Treasury Department Order No. 165, revised as amended. Federal Property and Administrative Services Act of 1949, as amended.

PURPOSE(S):

The records are used to administer parking, carpool and vanpool programs within the Department. The system enables the Department to allocate and check parking spaces assigned to government or privately-owned vehicles operated by visitors, handicapped personnel, key personnel, employees eligible to participate in a parking program and carpools or vanpools. The Department is also able to compare these records with other Federal agencies to ensure parking privileges or other employee transportation benefits are not abused.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be used to disclose information to:

(1) Appropriate Federal, State, local, or foreign agencies, or other public authority responsible for investigating or prosecuting the violations of or for enforcing or implementing a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation;

(2) A Congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(3) A physician for making a determination on a person's eligibility for handicapped parking;

(4) A contractor who needs to have access to this system of records to perform an assigned activity;

(5) Parking coordinators of Government agencies and private sector organizations for verification of employment and participation of pool members;

(6) Unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114;

(7) Department of Justice when seeking legal advice, or when (a) the Department of the Treasury (agency) or (b) any component thereof, or (c) any employee of the agency in his or her official capacity, or (d) any employee of the agency in his or her individual capacity where the Department of Justice has agreed to represent the employee, or (e) the United States, where the agency determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice is deemed by the agency to be relevant and necessary to the litigation;

(8) Third parties when mandated or authorized by statute or when necessary to obtain information that is relevant to an inquiry concerned with the possible abuse of parking privileges or other employee transportation benefits;

(9) A court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings or in response to a court order where relevant or potentially relevant to a proceeding, and

(10) Officials of the Merit Systems Protection Board, the Federal Labor Relations Authority, the Equal Employment Opportunity Commission or the Office of Personnel Management when requested in the performance of their authorized duties.

(11) To appropriate agencies, entities, and persons when (a) the Department suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (b) the Department has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the Department or another agency or entity) that rely upon the compromised information; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Hard copy and/or electronic media.

RETRIEVABILITY:

Name, address, social security number, badge number, permit number, vehicle tag number, and agency name or organization code on either the applicant or pool members as needed by a bureau. Records are filed alphabetically by location.

SAFEGUARDS:

Paper records are maintained in locked file cabinets. Access is limited to personnel whose official duties require such access and who have a need to know the information in a record for a job-related purpose. Access to computerized records is limited, through use of a password, to those whose official duties require access. Protection and control of sensitive but unclassified (SBU) records are in accordance with TD P 71–10, Department of the Treasury Security Manual, and any supplemental guidance issued by individual bureaus. The IRS access controls will not be less than those provided by the Automated Information System Security Handbook, IRM 2(10)00, and the Manager's Security Handbook, IRM 1(16)12.

RETENTION AND DISPOSAL:

Generally, record maintenance and disposal is in accordance with NARA General Retention Schedule 11, and any

supplemental guidance issued by individual components. Disposal of manual records is by shredding or burning; electronic data is erased. Destroyed upon change in, or revocation of, parking assignment. For the IRS, records are maintained in accordance with Records Control Schedule 301—General Records Schedule 11, Space and Maintenance Records, Item 4(a), IRM 1(15)59.31.

SYSTEM MANAGER(S) AND ADDRESS:

The system managers for the Treasury components are:

(1) DO:

a. Director, Occupational Safety and Health Office, Room 6204 Annex, 1500 Pennsylvania Ave., NW., Washington, DC 20220.

b. OIG: Director, Administrative Services Division, Office of Management Services, Room 510, 740 15th Street, NW., Washington, DC 20220.

c. TIGTA: Director, Human Capital and Support Services, 1125 15th Street, NW., Suite 700A, Washington, DC 20005.

(2) TTB: Alcohol and Tobacco Tax and Trade Bureau: 1310 G St., NW., Washington, DC 20220.

(3) OCC: Building Manager, Building Services, Office of the Comptroller of the Currency, 250 E Street, SW., Washington, DC 20219;

(4) BEP: Chief, Office of Security, Bureau of Engraving and Printing, 14th and C Streets, SW., Washington, DC 20228.

(5) FMS: Director, Administrative Programs Division, 3700 East West Highway, Hyattsville, MD 20782.

(6) IRS: Chief, Security and Safety Branch; Regional Commissioners, District Directors, Internal Revenue Service Center Directors, and Computing Center Directors. (See IRS Appendix A for addresses.)

(7) MINT: Office of Management Services (OMS), 801 9th St., NW., 2nd Floor, Washington, DC 20220.

(8) BPD: Director, Washington Support Services, Bureau of the Public Debt, 799 E Street, NW., Washington, DC 20239.

(9) OTS: Director, Facilities Management, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

NOTIFICATION PROCEDURE:

Individuals seeking notification and access to any record contained in the system of records, or seeking to contest its content, may inquire in accordance with instructions pertaining to individual Treasury components appearing at 31 CFR part 1, subpart C, appendices A–M.

RECORD ACCESS PROCEDURES:

See "Notification procedure" above.

CONTESTING RECORD PROCEDURES:

See "Notification procedure" above.

RECORD SOURCE CATEGORIES:

Parking permit applicants, members of carpools or vanpools, other Federal agencies, medical doctor if disability determination is requested.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY .007

SYSTEM NAME:

Personnel Security System—Treasury.

SYSTEM LOCATION:

Department of the Treasury, 1500 Pennsylvania Avenue, NW., Room 3180 Annex, Washington, DC 20220. Other locations at which the system is maintained by Treasury bureaus and their associated offices are:

(1) Departmental Offices (DO):

a. 1500 Pennsylvania Ave., NW., Washington, DC 20220.

b. The Office of Inspector General (OIG): 740 15th Street, NW., Washington, DC 20220.

c. Treasury Inspector General for Tax Administration (TIGTA): 1125 15th Street, NW., Suite 700A, Washington, DC 20005.

d. Special Inspector General for the Troubled Asset Relief Program (SIGTARP): 1801 L Street, NW., Washington, DC 20036.

(2) Alcohol and Tobacco Tax and Trade Bureau (TTB): 1310 G St., NW., Washington, DC 20220.

(3) Office of the Comptroller of the Currency (OCC): 250 E Street, SW., Washington, DC 20219–0001.

(4) Bureau of Engraving and Printing (BEP): 14th & C Streets, SW., Washington, DC 20228.

(5) Financial Management Service (FMS): 401 14th Street, SW., Washington, DC 20227.

(6) United States Mint (MINT): 801 9th Street, NW., Washington, DC 20220.

(7) Bureau of the Public Debt (BPD): Avery Street Building, 320 Avery Street, Parkersburg, WV 26101.

(8) Office of Thrift Supervision (OTS): 1700 G Street, NW., Washington, DC 20552.

(9) Financial Crimes Enforcement Network (FinCEN), Vienna, VA 22183–0039.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Current and former government employees, applicants and contractor employees occupying or applying for sensitive positions in the Department, (2) current and former senior officials of the Department and Treasury bureaus, and those within the Department who are involved in personnel security matters, (3) current employees, applicants and contractor employees who are appealing a denial or a revocation of a security clearance, and (4) applicants, employees and contractor employees who have applied for the Personal Identity Verification (PIV) Card.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Background investigations, (2) FBI and other agency name checks, (3) investigative information relating to personnel investigations conducted by the Department of the Treasury and other Federal agencies and departments on a pre-placement and post-placement basis to make suitability and employability determinations and for granting security clearances, (4) card records comprised of Notice of Personnel Security Investigation (TD F 67–32.2) or similar previously used card indexes, and (5) an automated data system reflecting identification data on applicants, incumbents and former employees, disclosure and authorization forms, and record of investigations, level and date of security clearance, if any, as well as status of investigations, and (6) records pertaining to the appeal of a denial or a revocation of a security clearance, and (7) records pertaining to the personal identification verification process mandated by HSPD–12 and the issuance, denial or revocation of a PIV card.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 10450, Sections 2 and 3, Executive Order 12958, Executive Order 12968, and Homeland Security Presidential Directive 12.

PURPOSE(S):

This system is used to maintain records that assure the Department is upholding the highest standards of integrity, loyalty, conduct, and security among its personnel and contract employees.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be used to disclose information to:

(1) Appropriate Federal, state, local and foreign agencies for the purpose of enforcing and investigating administrative, civil or criminal law relating to the hiring or retention of an employee; issuance of a security clearance, license, contract, grant or other benefit;

(2) A court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of or in preparation for civil discovery, litigation, or settlement negotiations, in response to a court order where relevant or potentially relevant to a proceeding, or in connection with criminal law proceedings;

(3) The Department of Justice, or in a proceeding before a court, adjudicative body, or other administrative body before which the Department of the Treasury is authorized to appear, when: (a) The Department of the Treasury, or any component thereof; or (b) any employee of the Department of the Treasury in his or her official capacity; or (c) any employee of the Department of the Treasury in his or her individual capacity where the Department of Justice or the Department of the Treasury has agreed to represent the employee; or (d) the United States, when the Department of the Treasury determines that litigation is likely to affect the Department of the Treasury or any of its components; is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice or the Department of the Treasury is deemed by the Department of the Treasury to be relevant and necessary to the litigation; provided, however, that the disclosure is compatible with the purpose for which records were collected;

(4) A congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(5) Third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation;

(6) The Office of Personnel Management, Merit Systems Protection Board, Equal Employment Opportunity Commission, Federal Labor Relations Authority, and the Office of Special Counsel for the purpose of properly administering Federal personnel systems or other agencies' systems in accordance with applicable laws, Executive Orders, and regulations; and

(7) Unions recognized as exclusive bargaining representatives under 5 U.S.C. chapter 71, and other parties responsible for the administration of the Federal labor-management program if needed in the performance of their authorized duties.

(8) To appropriate agencies, entities, and persons when (a) the Department suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (b) the Department has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the Department or another agency or entity) that rely upon the compromised information; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, index cards, and magnetic media.

RETRIEVABILITY:

Records are retrieved by name.

SAFEGUARDS:

Paper records are stored in locked metal containers and in locked rooms. Electronic records are password protected. Access is limited to officials who have a need to know in the performance of their official duties and whose background investigations have been favorably adjudicated.

RETENTION AND DISPOSAL:

The records on government employees and contractor employees are retained for the duration of their employment at the Treasury Department. The records on applicants not selected and separated employees are destroyed or sent to the Federal Records Center in accordance with General Records Schedule 18.

SYSTEM MANAGER(S) AND ADDRESS:

Department of the Treasury: Official prescribing policies and practices: Director of Security, 1500 Pennsylvania Avenue, NW., Room 3180 Annex, Washington, DC 20220.

The system managers for the Treasury components are:

(1) DO:

a. Director of Security, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

b. OIG: Personnel Officer, 740 15th St., NW., Suite 510, Washington, DC 20220.

c. TIGTA: Personnel Security Officer, 1125 15th Street, NW., Suite 700A, Washington, DC 20005.

d. SIGTARP: Director, Human Resources, 1801 L Street, NW., Washington, DC 20036.

(2) TTB: Alcohol and Tobacco Tax and Trade Bureau: Director of Security and Emergency Preparedness 1310 G St., NW., Washington, DC 20220.

(3) BPD: Director, Division of Security and Emergency Preparedness, Director, Division of Human Resources Operations Division, Avery Street Building, 320 Avery Street, Parkersburg, WV 26101.

(4) OCC: Director, Administrative Services Division, 250 E Street, SW., Washington, DC 20219.

(5) BEP: Chief, Office of Security, 14th & C Streets, NW., Room 113M, Washington, DC 20228.

(6) FMS: Director, Administrative Programs Division, 3700 East West Highway, Hyattsville, MD 20782.

(7) Mint: Associate Director for Protection, 801 9th Street, NW., 8th Floor, Washington, DC 20220.

(8) OTS: Director of Security, 1700 G Street, NW., Washington, DC 20552.

(9) FinCEN: Director, P.O. Box 39, Vienna, VA 22183–0039.

NOTIFICATION PROCEDURE:

Individuals seeking notification and access to any record contained in the system of records, or seeking to contest its content, may inquire in accordance with instructions pertaining to individual Treasury components appearing at 31 CFR part 1, subpart C, appendices A–M.

RECORD ACCESS PROCEDURES:

See "Notification procedure" above.

CONTESTING RECORD PROCEDURES:

See "Notification procedure" above.

RECORD SOURCE CATEGORIES:

The information provided or verified by applicants or employees whose files are on record as authorized by those concerned, information obtained from current and former employers, co-workers, neighbors, acquaintances, educational records and instructors, and police and credit record checks.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a(c)(3), (d)(1), (2), (3), and (4), (e)(1), (e)(4)(G), (H), and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(5). (See 31 CFR 1.36.)

TREASURY .008

SYSTEM NAME:

Treasury Emergency Management System.

SYSTEM LOCATION:

Department of the Treasury, Annex Building, Room 3180, 1500 Pennsylvania Avenue, NW.,

Washington, DC 20220. Other locations at which the system is maintained by Treasury components and their associated field offices are:

(1) Departmental Offices (DO):

a. 1500 Pennsylvania Ave., NW., Washington, DC 20220.

b. The Office of Inspector General (OIG): 740 15th Street, NW., Washington, DC 20220.

c. Treasury Inspector General for Tax Administration (TIGTA): 1125 15th Street, NW., Suite 700A, Washington, DC 20005.

d. Special Inspector General for the Troubled Asset Relief Program (SIGTARP), 1801 L Street, NW., Washington, DC 20036.

(2) Alcohol and Tobacco Tax and Trade Bureau (TTB): 1310 G St., NW., Washington, DC 20220.

(3) Office of the Comptroller of the Currency (OCC): 250 E Street, SW., Washington, DC 20219–0001.

(4) Bureau of Engraving and Printing (BEP): 14th & C Streets, SW. Washington, DC 20228.

(5) Financial Management Service (FMS): 401 14th Street, SW., Washington, DC 20227.

(6) Internal Revenue Service (IRS): 1111 Constitution Avenue, NW., Washington, DC 20224.

(7) United States Mint (MINT): 801 9th Street, NW., Washington, DC 20220.

(8) Bureau of the Public Debt (BPD): Avery Street Building, 320 Avery Street, Parkersburg, WV 26101.

(9) Office of Thrift Supervision (OTS): 1700 G Street, NW., Washington, DC 20552.

(10) Financial Crimes Enforcement Network (FinCEN), Vienna, VA 22183–0039.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current Treasury employees, contractors, and Treasury Emergency Executive Reservists.

CATEGORIES OF RECORDS IN THE SYSTEM:

Treasury employees, contractors, or Treasury Emergency Executive Reservists identification number, social security number, first name and middle initial, last name, job title, government and home addresses (city, state, zip code, zip code extension), home telephone number, work telephone number, alternate telephone number (e.g., pager, cellular phone), work shift, email addresses, office code, office name, gender and other employee attributes, date of birth, place of birth, and related personnel security clearance information, emergency team assignment and emergency team location.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Executive Order 12656, section 201 and part 15, Executive Order 12472, Presidential Decision Directive 67.

PURPOSES(S):

The purpose of this system of records is to support the development of and maintain a continuity of operations plans (COOP) for the Department and its component bureaus. COOP activities involve ensuring the continuity of minimum essential Department of the Treasury functions through plans and procedures governing succession to office and the emergency delegation of authority (where permissible). Vital records and critical information pertaining to all current employees, contractors, and Treasury Emergency Executive Reservists will be gathered and stored in an emergency employee locator system. This data will be used for alert and notification purposes, determining team and task assignments, developing and maintaining an emergency contact system for general emergency preparedness programs and specific situations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be used to:

(1) Disclose pertinent information to appropriate Federal, State, local, or foreign agencies, or other public authority responsible for investigating or prosecuting the violations of, or for enforcing or implementing a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation;

(2) Disclose pertinent information to the Department of Justice for the purpose of litigating an action or seeking legal advice;

(3) Disclose information to the Federal Emergency Management Agency (FEMA) or other agency with national security and emergency preparedness responsibilities in order to carry out continuity of government activities;

(4) Disclose information to a Federal, State, local, or other public authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's, bureau's, or authority's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit;

(5) Disclose information in a proceeding before a court, adjudicative body, or other administrative body before which the Department of the Treasury (agency) is authorized to appear when: (a) The agency, or (b) any employee of the agency in his or her official capacity, or (c) any employee of the agency in his or her individual capacity where the Department of Justice or the agency has agreed to represent the employee; or (d) the United States, when the agency determines that litigation is likely to affect the agency, is a party to litigation or has an interest in such litigation, and the use of such records by the agency is deemed to be relevant and necessary to the litigation or administrative proceeding and not otherwise privileged;

(6) Disclose information to a Congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(7) Disclose information to a contractor for the purpose of processing administrative records and/or compiling, organizing, analyzing, programming, or otherwise refining records subject to the same limitations applicable to U.S. Department of the Treasury officers and employees under the Privacy Act;

(8) Disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings or in response to a court order where relevant or potentially relevant to a proceeding;

(9) Disclose information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114, the Merit Systems Protection Board, arbitrators, the Federal Labor Relations Authority, and other parties responsible for the administration of the Federal labor management program for the purpose of processing any corrective actions or grievances, or conducting administrative hearings or appeals, or if needed in the performance of other authorized duties;

(10) Disclose information to a telecommunications company providing telecommunications support to permit servicing the account;

(11) Disclose information to representatives of the General Services Administration (GSA) or the National Archives and Records Administration (NARA) who are conducting records management inspections under authority of 44 U.S.C. 2904 and 2906; and

(12) To appropriate agencies, entities, and persons when (a) the Department suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (b) the Department has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the Department or another agency or entity) that rely upon the compromised information; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in hardcopy and electronic media.

RETRIEVABILITY:

Records can be retrieved by name, or by the categories listed above under "Categories of records in the system."

SAFEGUARDS:

Protection and control of any sensitive but unclassified (SBU) records are in accordance with TD P 71–10, Department of the Treasury Security Manual. The files and magnetic media are secured in locked rooms. Access to the records is available only to employees responsible for the management of the system and/or employees of program offices who have a need for such information and have been subject to a background check and/or have a security clearance.

RETENTION AND DISPOSAL:

Records are retained and disposed of in accordance with the appropriate National Archives and Records Administration General Records Schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Department of the Treasury: Official prescribing policies and practices: Director, Office of Security, Department of the Treasury, Washington, DC 20220.

The system managers for the Treasury components are:

(1) a. DO: Director of Security, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

b. OIG: Personnel Officer, 740 15th St., NW., Suite 510, Washington, DC 20220.

c. TIGTA: Special Agent in Charge (Internal Affairs Division), 1125 15th Street, NW., Suite 700A, Washington, DC 20005.

(2) TTB: Alcohol and Tobacco Tax and Trade Bureau: Director of Security and Emergency Preparedness 1310 G St., NW., Washington, DC 20220.

(3) OCC: Director, Administrative Services Division, 250 E Street, SW., Washington, DC 20219.

(4) BEP: Director of Security, 14th & C Streets, NW., Room 510A, Washington, DC 20228.

(5) FMS: Director, Administrative Programs Division, 3700 East West Highway, Hyattsville, MD 20782.

(6) IRS: Director, Security Standards and Evaluation, 5000 Ellin Road, Lanham, MD 20706.

(7) BPD: Director, Division of Security and Emergency Preparedness, Avery Street Building, 320 Avery Street, Parkersburg, WV 26101.

(8) Mint: Associate Director for Protection, 801 9th Street, NW., 8th Floor, Washington, DC 20220.

(9) OTS: Director of Security, 1700 G Street, NW., Washington, DC 20552.

(10) FinCEN: Director, P. O. Box 39, Vienna, VA 22183–0039.

NOTIFICATION PROCEDURE:

Individuals seeking notification and access to any record contained in the system of records, or seeking to contest its content, may inquire in accordance with instructions pertaining to individual Treasury components appearing at 31 CFR part 1, subpart C, appendices A–M.

RECORD ACCESS PROCEDURES:

See "Notification procedures" above.

CONTESTING RECORD PROCEDURES:

See "Notification procedures" above.

RECORD SOURCE CATEGORIES:

Information is obtained from current Treasury employees, contractors, Treasury Emergency Executive Reservists, and Management.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY .009

SYSTEM NAME:

Treasury Financial Management Systems—Treasury.

SYSTEM LOCATION:

Department of the Treasury, 1500 Pennsylvania Ave., NW., Washington, DC 20220. The locations at which the system is maintained by Treasury components and their associated field offices are:

(1) Departmental Offices (DO):

a. Office of Financial Management, Attn: Met Sq. Bldg., 6th Fl., 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

b. The Office of Inspector General (OIG): 740 15th Street, NW., Washington, DC 20220.

c. Treasury Inspector General for Tax Administration (TIGTA): 1125 15th Street, NW., Suite 700A, Washington, DC 20005.

d. Special Inspector General for the Troubled Asset Relief Program (SIGTARP), 1801 L. Street, NW., Washington, DC 20036.

e. Community Development Financial Institutions Fund (CDFI): 601 13th Street, NW., Suite 200 South, Washington, DC 20005.

f. Federal Financing Bank (FFB): 1500 Pennsylvania Avenue, NW., South Court One, Washington, DC 20220.

g. Office of International Affairs (IA): 1500 Pennsylvania Avenue, NW., Room 5441D, Washington, DC 20220.

h. Treasury Forfeiture Fund: 740 15th Street, NW., Suite 700, Washington, DC 20220.

i. Treasury Franchise Fund: Avery Street Building, 320 Avery Street, Parkersburg, WV 26101.

(2) Alcohol and Tobacco Tax and Trade Bureau (TTB): 1310 G St., NW., Washington, DC 20220.

(3) Office of the Comptroller of the Currency (OCC): 250 E Street, NW., Washington, DC 20219–0001.

(4) Bureau of Engraving and Printing (BEP): 14th & C Streets, SW., Washington, DC 20228.

(5) Financial Management Service (FMS): 401 14th Street, SW., Washington, DC 20227.

(6) Internal Revenue Service (IRS): 1111 Constitution Avenue, NW., Washington, DC 20224.

(7) United States Mint (MINT): 801 9th Street, NW., Washington, DC 20220.

(8) Bureau of the Public Debt (BPD): Avery Street Building, 320 Avery Street, Parkersburg, WV 26101.

(10) Financial Crimes Enforcement Network (FinCEN), Vienna, VA 22183–0039.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Current and former Treasury employees, non-Treasury personnel on detail to the Department, current and former vendors, all debtors including employees or former employees; (2) persons paying for goods or services, returning overpayment or otherwise delivering cash; (3) individuals, private institutions and business entities who are currently doing business with, or who have previously conducted

business with the Department of the Treasury to provide various goods and services; (4) individuals who are now or were previously involved in tort claims with Treasury; (5) individuals who are now or have previously been involved in payments (accounts receivable/revenue) with Treasury; and (6) individuals who have been recipients of awards. Only records reflecting personal information are subject to the Privacy Act. The system also contains records concerning corporations, other business entities, and organizations whose records are not subject to the Privacy Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

The financial systems used by the Treasury components to collect, maintain and disseminate information include the following types of records: Routine billing, payment, property accountability, and travel information used in accounting and financial processing; administrative claims by employees for lost or damaged property; administrative accounting documents, such as relocation documents, purchase orders, vendor invoices, checks, reimbursement documents, transaction amounts, goods and services descriptions, returned overpayments, or otherwise delivering cash, reasons for payment and debt, travel-related documents, training records, uniform allowances, payroll information, etc., which reflect amount owed by or to an individual for payments to or receipt from business firms, private citizens and or institutions. Typically, these documents include the individual's name, social security number, address, and taxpayer identification number. Records in the system also include employment data, payroll data, position and pay data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 3512, 31 U.S.C. 3711, 31 U.S.C. 3721, 5 U.S.C. 5701 et seq., 5 U.S.C. 4111(b), Pub. L. 97–365, 26 U.S.C. 6103(m)(2), 5 U.S.C. 5514, 31 U.S.C. 3716, 31 U.S.C. 321, 5 U.S.C. 301, 5 U.S.C. 4101 et seq., 41 CFR parts 301–304, EO 11348, and Treasury Order 140–01.

PURPOSE(S):

The Treasury Integrated Financial Management and Revenue System is to account for and control appropriated resources; maintain accounting and financial information associated with the normal operations of government organizations such as billing and follow-up, for paying creditors, to account for goods and services provided and received, to account for monies paid and received, process travel authorizations and claims, process training claims, and process employee claims for lost or damaged property. The records management and statistical analysis subsystems provide a data source for the production of reports, statistical surveys, documentation and studies required for integrated internal management reporting of costs associated with the Department's operation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be used to disclose information:

(1) To appropriate Federal, State, local, or foreign agencies, or other public authority responsible for investigating or prosecuting the violations of or for enforcing or implementing a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation;

(2) To the Department of Justice when seeking legal advice, or when (a) the agency or (b) any component thereof, or (c) any employee of the agency in his or her official capacity, or (d) any employee of the agency in his or her individual capacity where the Department of Justice has agreed to represent the employee, or (e) the United States, where the agency determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice is deemed by the agency to be relevant and necessary to the litigation and the use of such records by the Department of Justice is therefore deemed by the agency to be for a purpose that is compatible with the purpose for which the agency collected the records;

(3) To a Federal, State, local, or other public authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's, bureau's, or authority's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit;

(4) In a proceeding before a court, adjudicative body, or other administrative body before which the agency is authorized to appear when: (a) The agency, or (b) or any component thereof, or (c) any employee of the agency in his or her official capacity, or (d) any employee of the agency in his or her individual capacity where the Department of Justice or the agency has agreed to represent the employee; or (e) the United States, when the agency determines that litigation is likely to affect the agency, is a party to litigation or has an interest in such litigation, and the use of such records by the agency is deemed to be relevant and necessary to the litigation or administrative proceeding and not otherwise privileged;

(5) To a Congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(6) To the news media in accordance with guidelines contained in 28 CFR 50.2 which pertain to an agency's functions relating to civil and criminal proceedings;

(7) To third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation;

(8) To a public or professional licensing organization when such information indicates, either by itself or in combination with other information, a violation or potential violation of professional standards, or reflects on the moral, educational, or professional qualifications of an individual who is licensed or who is seeking to become licensed;

(9) To a contractor for the purpose of compiling, organizing, analyzing, programming, processing, or otherwise refining records subject to the same limitations applicable to U.S. Department of the Treasury officers and employees under the Privacy Act;

(10) To a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings or in response to a court order;

(11) Through a computer matching program, information on individuals owing debts to the Department of the Treasury, or any of its components, to other Federal agencies for the purpose of determining whether the debtor is a Federal employee or retiree receiving payments which may be used to collect the debt through administrative or salary offset;

(12) To other Federal agencies to effect salary or administrative offset for the purpose of collecting debts, except that addresses obtained from the IRS shall not be disclosed to other agencies;

(13) To disclose information to a consumer reporting agency, including

mailing addresses obtained from the Internal Revenue Service, to obtain credit reports;

(14) To a debt collection agency, including mailing addresses obtained from the Internal Revenue Service, for debt collection services;

(15) To unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114, the Merit Systems Protection Board, arbitrators, the Federal Labor Relations Authority, and other parties responsible for the administration of the Federal labor-management program for the purpose of processing any corrective actions, or grievances, or conducting administrative hearings or appeals, or if needed in the performance of other authorized duties;

(16) To a public or professional auditing organization for the purpose of conducting financial audit and/or compliance audits;

(17) To a student participating in a Treasury student volunteer program, where such disclosure is necessary to support program functions of Treasury, and

(18) To insurance companies or other appropriate third parties, including common carriers and warehousemen, in the course of settling an employee's claim for lost or damaged property filed with the Department.

(19) To appropriate agencies, entities, and persons when (a) the Department suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (b) the Department has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the Department or another agency or entity) that rely upon the compromised information; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures made pursuant to 5 U.S.C. 552a(b)(12): Debt information concerning a government claim against an individual may be furnished in accordance with 5 U.S.C. 552a(b)(12) and section 3 of the Debt Collection Act of 1982 (Pub. L. 97–365) to consumer reporting agencies to encourage repayment of an overdue debt.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper, microform and electronic media.

RETRIEVABILITY:

Name, social security number, vendor ID number, and document number (travel form, training form, purchase order, check, invoice, etc.).

SAFEGUARDS:

Protection and control of sensitive but unclassified (SBU) records in this system is in accordance with TD P 71–10, Department of the Treasury Security Manual, and any supplemental guidance issued by individual components.

RETENTION AND DISPOSAL:

Record maintenance and disposal is in accordance with National Archives and Records Administration retention schedules, and any supplemental guidance issued by individual components.

SYSTEM MANAGER(S) AND ADDRESS:

(1) DO: a. Director, Financial Management Division, 1500 Pennsylvania Avenue, NW., Attn: 1310 G Street, 2nd floor, Washington, DC 20220.

b. OIG: Assistant Inspector General for Management, 740 15th St., NW., Suite 510, Washington, DC 20220.

c. TIGTA: Director, Finance and Accountability, 1125 15th Street, NW., Suite 700A, Washington, DC 20005.

d. SIGTARP: Chief Financial Officer, 1801 L Street, NW., Washington, DC 20036.

e. CDFI Fund: Deputy Director for Management/CFO, 601 13th Street, NW., Suite 200 South, Washington, DC 20005.

f. FFB: Chief Financial Officer, 1500 Pennsylvania Avenue, NW., South Court One, Washington, DC 20220.

g. IA: Deputy Senior Director, Business Operations, 1500 Pennsylvania Avenue, NW., Room 5127A, Washington, DC 20220.

h. Treasury Forfeiture Fund: Assistant Director for Financial Management/CFO, 740 15th Street, NW., Suite 700, Washington, DC 20220.

i. Treasury Franchise Fund: Director, Division of Franchise Services, Bureau of the Public Debt, 320 Avery Street, Parkersburg, WV 26101.

(2) TTB: Alcohol and Tobacco Tax and Trade Bureau: 1310 G St., NW., Washington, DC 20220.

(3) IRS: Chief Financial Officer, Internal Revenue Service, 1111 Constitution Avenue, NW., Room 3013, Washington, DC 20224.

(4) BPD: Director, Division of Financial Management, Bureau of Public Debt, Avery Street Building, 320 Avery Street, Parkersburg, WV.

(5) OCC: Chief Financial Officer, Comptroller of the Currency, 250 E Street, SW., Washington, DC 20219.

(6) BEP: Chief Financial Officer, Bureau of Engraving and Printing, 14th and C Streets, NW., Room 113M, Washington, DC 20228.

(7) FMS: Chief Financial Officer, Financial Management Service, 3700 East West Highway, Room 106A, Hyattsville, MD 20782.

(8) Mint: Chief Financial Officer, United States Mint, 801 9th Street, NW., 7th Floor, Washington, DC 20220.

(9) OTS: Deputy Chief Financial Officer, 1700 G Street, NW., Third Floor, Washington, DC 20552.

(10) FinCEN: Director, P. O. Box 39, Vienna, VA 22183–0039.

NOTIFICATION PROCEDURE:

Individuals seeking notification and access to any record contained in the system of records, or seeking to contest its content, may inquire in accordance with instructions pertaining to individual Treasury components appearing at 31 CFR part 1, subpart C, appendices A–M.

RECORD ACCESS PROCEDURES:

See "Notification procedure" above.

CONTESTING RECORD PROCEDURES:

See "Notification procedure" above.

RECORD SOURCE CATEGORIES: ≤INDIVIDUALS, PRIVATE FIRMS, OTHER GOVERNMENT AGENCIES, CONTRACTORS, DOCUMENTS SUBMITTED TO OR RECEIVED FROM A BUDGET, ACCOUNTING, TRAVEL, TRAINING OR OTHER OFFICE MAINTAINING THE RECORDS IN THE PERFORMANCE OF THEIR DUTIES.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY .010

SYSTEM NAME:

Telephone Call Detail Records-Treasury.

SYSTEM LOCATION:

Department of the Treasury, 1500 Pennsylvania Ave., NW., Washington, DC 20220. The locations at which the system is maintained by Treasury components and their associated field offices are:

(1) Departmental Offices (DO):

a. 1500 Pennsylvania Ave., NW., Washington, DC 20220.

b. Treasury Inspector General for Tax Administration (TIGTA): 1125 15th St., NW., Suite 700A, Washington, DC 20005.

(2) Alcohol and Tobacco Tax and Trade Bureau (TTB): 1310 G St., NW., Washington, DC 20220.

(3) Office of the Comptroller of the Currency (OCC): 250 E Street, NW., Washington, DC 20219–0001.

(4) Bureau of Engraving and Printing (BEP): 14th & C Streets, SW., Washington, DC 20228.

(5) Financial Crimes Enforcement Network (FinCEN): Vienna, Virginia 22182.

(6) Financial Management Service (FMS): 401 14th Street, SW., Washington, DC 20227.

(7) Internal Revenue Service (IRS): 1111 Constitution Avenue, NW., Washington, DC 20224.

(8) United States Mint (MINT): 801 9th Street, NW., Washington, DC 20220.

(9) Bureau of the Public Debt (BPD): 200 Third Street, Parkersburg, WV 26101.

(10) Office of Thrift Supervision (OTS): 1700 G Street, NW., Washington, DC 20552.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals (generally agency employees and contractor personnel) who make local and/or long distance calls, individuals who received telephone calls placed from or charged to agency telephones.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records relating to the use of Department telephones to place local and/or long distance calls, whether through the Federal Telecommunications System (FTS), commercial systems, or similar systems; including voice, data, and videoconference usage; telephone calling card numbers assigned to employees; records of any charges billed to Department telephones; records relating to location of Department telephones; and the results of administrative inquiries to determine responsibility for the placement of specific local or long distance calls. Telephone calls made to any Treasury Office of Inspector General Hotline numbers are excluded from the records maintained in this system pursuant to the provisions of 5 U.S.C., Appendix 3, Section 7(b) (Inspector General Act of 1978).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. 1, 12 U.S.C. 93a, 12 U.S.C. 481, 5 U.S.C. 301 and 41 CFR 201–21.6.

PURPOSE(S):

The Department, in accordance with 41 CFR 201–21.6, Use of Government Telephone Systems, established the Telephone Call Detail program to enable it to analyze call detail information for verifying call usage, to determine responsibility for placement of specific long distance calls, and for detecting possible abuse of the government-provided long distance network.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information from these records may be disclosed:

(1) To representatives of the General Services Administration or the National Archives and Records Administration who are conducting records management inspections under authority of 44 U.S.C. 2904 and 2906;

(2) To employees or contractors of the agency to determine individual responsibility for telephone calls;

(3) To appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing a statute, rule, regulation, order, or license, or where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation;

(4) To a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a court order, or in connection with criminal law proceedings where relevant and necessary;

(5) To a telecommunications company providing telecommunication support to permit servicing the account;

(6) To another Federal agency to effect an interagency salary offset, or an interagency administrative offset, or to a debt collection agency for debt collection services. Mailing addresses acquired from the Internal Revenue Service may be released to debt collection agencies for collection services, but shall not be disclosed to other government agencies;

(7) To the Department of Justice for the purpose of litigating an action or seeking legal advice;

(8) In a proceeding before a court, adjudicative body, or other administrative body, before which the agency is authorized to appear when: (a) The agency, or (b) any employee of the agency in his or her official capacity, or (c) any employee of the agency in his or her individual capacity where the Department of Justice has agreed to represent the employee; or (d) the United States, when the agency determines that litigation is likely to affect the agency, is a party to the litigation or has an interest in such litigation, and the use of such records by the agency is deemed relevant and necessary to the litigation or administrative proceeding and not otherwise privileged;

(9) To a congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(10) To unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114, the Merit Systems Protection Board, arbitrators, the Federal Labor Relations Authority, and other parties responsible for the administration of the Federal labor-management program for the purpose of processing any corrective actions or grievances or conducting administrative hearings or appeals or if needed in the performance of other authorized duties;

(11) To the Defense Manpower Data Center (DMDC), Department of Defense, the U.S. Postal Service, and other Federal agencies through authorized computer matching programs to identify and locate individuals who are delinquent in their repayment of debts owed to the Department, or one of its components, in order to collect a debt through salary or administrative offsets;

(12) In response to a Federal agency's request made in connection with the hiring or retention of an individual, issuance of a security clearance, license, contract, grant, or other benefit by the requesting agency, but only to the extent that the information disclosed is relevant and necessary to the requesting agency's decision on the matter.

(13) To appropriate agencies, entities, and persons when (a) the Department suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (b) the Department has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the Department or another agency or entity) that rely upon the compromised information; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or

confirmed compromise and prevent, minimize, or remedy such harm.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 522a(b)(12): Disclosures may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681(f)) or the Federal Claims Collections Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Microform, electronic media, and/or hard copy media.

RETRIEVABILITY:

Records may be retrieved by: Individual name; component headquarters and field offices; by originating or terminating telephone number; telephone calling card numbers; time of day; identification number, or assigned telephone number.

SAFEGUARDS:

Protection and control of any sensitive but unclassified (SBU) records are in accordance with TD P 71–10, Department of the Treasury Security Manual, and any supplemental guidance issued by individual components.

RETENTION AND DISPOSAL:

Records are maintained in accordance with National Archives and Records Administration General Records Schedule 3. Hard copy and microform media disposed by shredding or incineration. Electronic media erased electronically.

SYSTEM MANAGER(S) AND ADDRESS:

Department of the Treasury: Official prescribing policies and practices—Director, Customer Services Infrastructure and Operations, Department of the Treasury, Room 2150, 1425 New York Avenue, NW., Washington, DC 20220. The system managers for the Treasury components are:

(1) a. DO: Chief, Telecommunications Branch, Automated Systems Division, Room 1121, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

b. TIGTA: Director, Human Capital and Support Services, 1125 15th St., NW., Suite 700A, Washington, DC 20005.

(2) TTB: Alcohol and Tobacco Tax and Trade Bureau: 1310 G St., NW., Washington, DC 20220.

(3) OCC: Associate Director, Telecommunications, Systems Support Division, Office of the Comptroller of the Currency, 835 Brightseat Road, Landover, MD 20785.

(4) BEP: Deputy Associate Director (Chief Information Officer), Office of Information Systems, Bureau of Engraving and Printing, Room 104–24M, 14th and C Street, SW., Washington, DC 20228.

(5) FMS: Director, Platform Engineering Division, 3700 East West Highway, Hyattsville, MD 20782.

(6) IRS: Official prescribing policies and practices: National Director, Operations and Customer Support, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224. Office maintaining the system: Director, Detroit Computing Center, (DCC), 1300 John C. Lodge Drive, Detroit, MI 48226.

(7) Mint: Assistant Director for Information Technology, 801 9th Street, NW., Washington, DC 20220.

(8) BPD: Official prescribing policies and practices: Assistant Commissioner (Office of Information Technology), 200 Third Street, Parkersburg, WV 26106–1328. Office maintaining the system: Division of Communication, 200 Third Street, Parkersburg, WV 26106–1328.

(9) OTS: Director, Network/Telecommunications Operations, 1700 G Street, NW., 2nd Floor, Washington, DC 20552.

(10) FinCEN: Director, P.O. Box 39, Vienna, VA 22183–0039.

NOTIFICATION PROCEDURE:

Individuals seeking notification and access to any record contained in the system of records, or seeking to contest its content, may inquire in accordance with instructions pertaining to individual Treasury components appearing at 31 CFR part 1, subpart C, appendices A–M.

RECORD ACCESS PROCEDURES:

Individuals seeking notification and access to any record contained in this system of records, or seeking to contest its content, may inquire in accordance with instructions pertaining to individual Treasury components appearing at 31 CFR part 1, subpart C, appendices A–M.

CONTESTING RECORD PROCEDURES:

See "Notification procedure" above.

RECORD SOURCE CATEGORIES:

Telephone assignment records, call detail listings, results of administrative inquiries to individual employees, contractors or offices relating to assignment of responsibility for placement of specific long distance or local calls.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY .011

SYSTEM NAME:

Treasury Safety and Health Information Management System (SHIMS)—Treasury.

SYSTEM LOCATION:

Department of the Treasury, 1500 Pennsylvania Ave., NW., Washington, DC 20220. Other locations at which the system is maintained by Treasury components and their associated field offices are:

(1) Departmental Offices (DO):

a. 1500 Pennsylvania Ave., NW., Washington, DC 20220.

b. The Office of Inspector General (OIG): 740 15th Street, NW., Washington, DC 20220.

c. Treasury Inspector General for Tax Administration (TIGTA): 1125 15th Street, NW., Suite 700A, Washington, DC 20005.

d. Special Inspector General for the Troubled Asset Relief Program (SIGTARP), 1801 L Street, NW., Washington, DC 20036.

e. Community Development Financial Institutions Fund (CDFI): 601 13th Street, NW., Washington, DC 20005.

(2) Alcohol and Tobacco Tax and Trade Bureau (TTB): 1310 G St., NW., Washington, DC 20220.

(3) Office of the Comptroller of the currency (OCC): 250 E Street, SW., Washington, DC 20219–0001.

(4) Bureau of Engraving and Printing (BEP): 14th & C Streets, SW., Washington, DC 20228.

(5) Financial Management Service (FMS): 401 14th Street, SW., Washington, DC 20227.

(6) Internal Revenue Service (IRS): 1111 Constitution Avenue, NW., Washington, DC 20224.

(7) United States Mint (MINT): 801 9th Street, NW., Washington, DC 20220.

(8) Bureau of the Public Debt (BPD): 200 Third Street, Parkersburg, WV 26101, and Avery Street Building, 320 Avery Street, Parkersburg, WV 26101.

(9) Office of Thrift Supervision (OTS): 1700 G Street, NW., Washington, DC 20552.

(10) Financial Crimes Enforcement Network (FinCEN), Vienna, VA 22183–0039.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and past Treasury employees and contractors who are injured on Department of the Treasury property or while in the performance of their duties offsite. Members of the public who are injured on Department of the Treasury

property are also included in the system.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in this system pertain to medical injuries and occupational illnesses of employees which include social security numbers, full names, job titles, government and home addresses (city, state, zip code), home telephone numbers, work telephone numbers, work shifts, location codes, and gender. Mishap information on environmental incidents, vehicle accidents, property losses and tort claims will be included also. In addition, there will be records such as results of investigations, corrective actions, supervisory information, safety representatives names, data as to chemicals used, processes affected, causes of losses, etc. Records relating to contractors include full name, job title, work addresses (city, state, zip code), work telephone number, location codes, and gender. Records pertaining to a member of the public include full name, home address (city, state, zip code), home telephone number, location codes and gender. (Official compensation claim file, maintained by the Department of Labor's Office of Workers' Compensation Programs (OWCP) is part of that agency's system of records and not covered by this notice.)

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Executive Order 12196, section 1–2.

PURPOSE(S):

This system of records supports the development and maintenance of a Treasury-wide incident tracking and reporting system and will make it possible to streamline a cumbersome paper process. Current web technology will be employed and facilitate obtaining real-time data and reports related to injuries and illnesses. As an enterprise system for the Department and its component bureaus, incidents analyses can be performed instantly to affect a more immediate implementation of corrective actions and to prevent future occurrences. Information pertaining to past and all current employees and contractors injured on Treasury property or while in the performance of their duties offsite, as well as members of the public injured while on Federal property, will be gathered and stored in SIMIS. This data will be used for analytical purposes such as trend analysis, and the forecasting/projecting of incidents. The data will be used to generate graphical reports resulting from the analyses.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be used to:

(1) Disclose pertinent information to appropriate Federal, State, local, or foreign agencies, or other public authority responsible for investigating or prosecuting the violations of, or for enforcing or implementing a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation;

(2) Disclose pertinent information to the Department of Justice for the purpose of litigating an action or seeking legal advice;

(3) Disclose information to the Office of Workers' Compensation Programs, Department of Labor, which is responsible for the administration of the Federal Employees' Worker Compensation Act (FECA);

(4) Disclose information to a Federal, State, local, or other public authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's, bureau's, or authority's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit;

(5) Disclose information in a proceeding before a court, adjudicative body, or other administrative body before which the Department of the Treasury (agency) is authorized to appear when: (a) The agency, or (b) any employee of the agency in his or her official capacity, or (c) any employee of the agency in his or her individual capacity where the Department of Justice or the agency has agreed to represent the employee; or (d) the United States, when the agency determines that litigation is likely to affect the agency, is a party to litigation or has an interest in such litigation, and the use of such records by the agency is deemed to be relevant and necessary to the litigation or administrative proceeding and not otherwise privileged;

(6) Disclose information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(7) Disclose information to a contractor for the purpose of processing administrative records and/or compiling, organizing, analyzing, programming, or otherwise refining records subject to the same limitations applicable to U.S. Department of the Treasury officers and employees under the Privacy Act;

(8) Disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings or in response to a court order where relevant or potentially relevant to a proceeding;

(9) Disclose information to unions recognized as exclusive bargaining representatives under 5 U.S.C. chapter 71, arbitrators, and other parties responsible for the administration of the Federal labor-management program if needed in the performance of their authorized duties;

(10) Disclose information to the Equal Employment Opportunity Commission, Merit Systems Protection Board, arbitrators, the Federal Labor Relations Authority, and other parties responsible for the administration of the Federal labor management program for the purpose of processing any corrective actions or grievances or conducting administrative hearings or appeals, or if needed in the performance of other authorized duties;

(11) Disclose information to a Federal, State, or local public health service agency as required by applicable law, concerning individuals who have contracted or who have been exposed to certain communicable diseases or conditions. Such information is used to prevent further outbreak of the disease or condition;

(12) Disclose information to representatives of the General Services Administration (GSA) or the National Archives and Records Administration (NARA) who are conducting records management inspections under authority of 44 U.S.C. 2904 and 2906.

(13) To appropriate agencies, entities, and persons when (a) the Department suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (b) the Department has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the Department or another agency or entity) that rely upon the compromised information; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or

confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in hardcopy and electronic media.

RETRIEVABILITY:

Records can be retrieved by name, or by categories listed above under "Categories of records in the system."

SAFEGUARDS:

Protection and control of any sensitive but unclassified (SBU) records are in accordance with TD P 7110, Department of the Treasury Security Manual. The hardcopy files and electronic media are secured in locked rooms. Access to the records is available only to employees responsible for the management of the system and/or employees of program offices who have a need for such information and have been subject to a background check and/or security clearance.

RETENTION AND DISPOSAL:

Records are retained and disposed of in accordance with the appropriate National Archives and Records Administration General Records Schedule No. 1.

SYSTEM MANAGER(S) AND ADDRESS:

Department of the Treasury official prescribing policies and practices: SHIMS Program Manager, Office of Environment, Safety, and Health, Department of the Treasury, Washington, DC 20220. The system managers for the Treasury components are:

(1) DO: a. Program Manager, Office of Environment, Safety, and Health, Room 6000 Annex, 1500 Pennsylvania Ave., NW., Washington, DC 20220.

b. OIG: Safety and Occupational Health Manager, 740 15th Street, NW., Washington, DC 20220.

c. TIGTA: Director, Human Capital and Support Services, 1125 15th Street, NW., Suite 700A, Washington, DC 20005.

d. CDFI: Safety and Occupational Health Manager, 601 13th Street, NW., Washington, DC 20005.

(2) TTB: Alcohol and Tobacco Tax and Trade Bureau: 1310 G St., NW., Washington, DC 20220.

(3) OCC: Safety and Occupational Health Manager, 250 E Street, SW., Washington, DC 20219–0001.

(4) BEP: Safety and Occupational Health Manager, 14th & C Streets, SW., Washington, DC 20228.

(5) FMS: Safety and Occupational Health Manager, PG 3700 East-West Highway, Hyattsville, MD 20782.

(6) IRS: Safety and Occupational Health Manager, 1111 Constitution Avenue, NW., Washington, DC 20224.

(7) MINT: Safety and Occupational Health Manager, 801 9th Street, NW., Washington, DC 20220.

(8) BPD: Administrative Support Branch Manager, 200 Third Street, Parkersburg, WV 26101, and Avery Street Building, 320 Avery Street, Parkersburg, WV 26101.

(9) OTS: Director, Facilities Management, 1700 G Street, NW., Washington, DC 20552.

(10) FinCEN: Safety and Occupational Health Manager, P.O. Box 39, Vienna, VA 22183–0039.

NOTIFICATION PROCEDURE:

Individuals seeking notification and access to any record contained in the system of records, or seeking to contest its content, may inquire in accordance with instructions pertaining to individual Treasury components appearing at 31 CFR part 1, subpart C, appendices, A–L.

RECORD ACCESS PROCEDURES:

See "Notification procedures" above.

CONTESTING RECORD PROCEDURES:

See "Notification procedures" above.

RECORD SOURCE CATEGORIES:

Information is obtained from current Treasury employees, contractors, members of the public, witnesses, medical providers, and relevant industry experts.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY .012

SYSTEM NAME:

Fiscal Service Public Key Infrastructure—Treasury.

SYSTEM LOCATION:

The system of records is located at:

(1) The Bureau of the Public Debt (BPD), U.S. Department of the Treasury, in Parkersburg, WV, and,

(2) The Financial Management Service (FMS), U.S. Department of the Treasury, Washington, DC, and Hyattsville, MD. The system managers maintain the system location of these records.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Digital certificates may be issued to any of the following individuals: A Federal agency certifying officer who authorizes vouchers for payment; Federal employees who approve the grantees' accounts; an individual authorized by a state or grantee organization to conduct business with the Fiscal Service; employees of the Fiscal Service; fiscal agents; and contractors.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains information needed to establish accountability and audit control of digital certificates. It also contains records that are needed to authorize an individual's access to a Treasury network. Depending on the service(s) requested by the customer, information may also include:

Personal identifiers—name, including previous name used, and aliases; organization, employer name and address; Social Security number, Tax Identification Number; physical and electronic addresses; telephone, fax, and pager numbers; bank account information (name, type, account number, routing/transit number); Federal-issued photograph ID; driver's license information or state ID information (number, state, and expiration date); military ID information (number, branch, expiration date); or passport/visa information (number, expiration date, and issuing country).

Authentication aids—personal identification number, password, account number, shared-secret identifier, digitized signature, other unique identifier.

The system contains records on public key data related to the customer, including the creation, renewal, replacement or revocation of digital certificates, including evidence provided by applicants for proof of identity and authority, sources used to verify an applicant's identity and authority, and the certificates issued, denied and revoked, including reasons for denial and revocation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 31 U.S.C. 321, and the Government Paperwork Elimination Act, Pub. L. 105–277.

PURPOSES:

We are establishing the Fiscal Service Public Key Infrastructure System to:

(1) Use electronic transactions and authentication techniques in accordance with the Government Paperwork Elimination Act;

(2) Facilitate transactions involving the transfer of information, the transfer of funds, or where parties commit to actions or contracts that may give rise to financial or legal liability, where the information is protected under the Privacy Act of 1974, as amended;

(3) Maintain an electronic system to facilitate secure, on-line communication between Federal automated systems, and between Federal employees or contractors, by using digital signature technologies to authenticate and verify identity;

(4) Provide mechanisms for non-repudiation of personal identification and access to Treasury systems including, but not limited to SPS and ASAP; and

(5) Maintain records relating to the issuance of digital certificates utilizing public key cryptography to employees and contractors for purpose of the transmission of sensitive electronic material that requires protection.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be disclosed to:

(1) Congressional offices in response to an inquiry made at the request of the individual to whom the record pertains;

(2) Appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of a potential violation of civil or criminal law or regulation;

(3) A court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings or in response to a court order;

(4) A Federal, State, local or other public authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's, bureau's, or authority's, hiring or retention of an individual, or issuance of a security clearance, license, contract, grant or other benefit;

(5) Agents or contractors who have been engaged to assist the Department in the performance of a service related to this system of records and who need to have access to the records in order to perform the activity;

(6) The Department of Justice when seeking legal advice or when (a) the Department of the Treasury or (b) the disclosing agency, or (c) any employee of the disclosing agency in his or her official capacity, or (d) any employee of the agency in his or her individual capacity where the Department of Justice has agreed to represent the employee, or (e) the United States, where the disclosing agency determines that litigation is likely to affect the disclosing agency, is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice is deemed by the agency to be relevant and necessary to the litigation; and

(7) Representatives of the National Archives and Records Administration (NARA) who are conducting records management inspections under authority of 44 U.S.C. 2904 and 2906.

(8) To appropriate agencies, entities, and persons when (a) the Department suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (b) the Department has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the Department or another agency or entity) that rely upon the compromised information; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on electronic media, multiple client-server platforms that are backed-up to magnetic tape or other storage media, and/or hard copy.

RETRIEVABILITY:

Records may be retrieved by name, alias name, Social Security number, Tax Identification Number, account number, or other unique identifier.

SAFEGUARDS:

These records are maintained in controlled access areas. Identification cards are verified to ensure that only authorized personnel are present. Electronic records are protected by restricted access procedures, including the use of passwords and sign-on protocols which are periodically changed. Only employees whose official duties require access are allowed to view, administer, and control these records. Copies of records maintained on computer have the same limited access as paper records.

RETENTION AND DISPOSAL:

Records are maintained in accordance with National Archives and Records Administration retention schedules. Paper and microform records ready for disposal are destroyed by shredding or maceration. Records in electronic media are electronically erased using accepted techniques.

SYSTEM MANAGERS AND ADDRESSES:

(1) Assistant Commissioner, Office of Information Technology, Bureau of the Public Debt, 200 Third Street, Parkersburg, WV 26101, and,

(2) Assistant Commissioner, Information Resources, and Chief Information Officer, Financial Management Service, 3700 East West Highway, Hyattsville, MD 20782.

NOTIFICATION PROCEDURE:

Individuals seeking notification and access to any record contained in the system of records, or seeking to contest its content, may inquire in accordance with instructions pertaining to individual Treasury components appearing at 31 CFR part 1, subpart C:

Appendix I for records within the custody of the Bureau of the Public Debt, and,

Appendix G for records within the custody of the Financial Management Service.

RECORD ACCESS PROCEDURES:

See "Notification procedure" above.

CONTESTING RECORD PROCEDURES:

See "Notification procedure" above.

RECORD SOURCE CATEGORIES:

The information contained in this system is provided by or verified by the subject individual of the record, as well as Federal and non-Federal sources such as private employers.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 2010–22140 Filed 9–3–10; 8:45 am]

BILLING CODE 4811–33–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Art Advisory Panel—Notice of Closed Meeting

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of Closed Meeting of Art Advisory Panel for Fine Art.

SUMMARY: Closed meeting of the Art Advisory Panel will be held in Washington, DC.

DATES: The meeting will be September 29, 2010.

ADDRESSES: The closed meeting of the Art Advisory Panel for Fine Art will be held on September 29, 2010, in the Appeals Media Center beginning at 9:30 a.m., Franklin Court Building, 1099 14th Street, NW., Washington, DC 20005.

FOR FURTHER INFORMATION CONTACT: Joseph E. Bothwell, C:AP:PV:ART, 1099 14th Street, NW., Washington, DC 20005. Telephone (202) 435–5611 (not a toll free number).

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App., that a closed meeting of the Art Advisory Panel for Fine Art will be held on September 29, 2010, in room 4112 Appeals Large Conference Room beginning at 9:30 a.m., Franklin Court Building, 1099 14th Street, NW., Washington, DC 20005.

The agenda will consist of the review and evaluation of the acceptability of fair market value appraisals of works of art involved in Federal income, estate, or gift tax returns. This will involve the discussion of material in individual tax returns made confidential by the provisions of 26 U.S.C. 6103.

A determination as required by section 10(d) of the Federal Advisory Committee Act has been made that this meeting is concerned with matters listed in section 552b(c)(3), (4), (6), and (7), and that the meeting will not be open to the public.

Diane S. Ryan,

Chief, Appeals.

[FR Doc. 2010–22118 Filed 9–3–10; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Fiscal Service

Senior Executive Service; Financial Management Service Performance Review Board (PRB)

AGENCY: Financial Management Service, Fiscal Service, Treasury.

ACTION: Notice.

SUMMARY: This notice announces the appointment of members to the Financial Management Service (FMS) Performance Review Board (PRB).

DATES: This notice is effective on September 7, 2010.

FOR FURTHER INFORMATION CONTACT: Wanda J. Rogers, Deputy Commissioner, Financial Management Service, 401 14th Street, SW., Washington, DC; telephone (202) 874–7000.

SUPPLEMENTARY INFORMATION: Pursuant to 5 U.S.C. 4314(c)(4), this notice is given of the appointment of individuals to serve as members of the FMS PRB. This Board reviews the performance appraisals of career senior executives below the Assistant Commissioner level and makes recommendations regarding ratings, bonuses, and other personnel actions. Four voting members constitute a quorum. The names and titles of the FMS PRB members are as follows:

Primary Members

Wanda J. Rogers, Deputy Commissioner.
Kristine S. Conrath, Assistant Commissioner, Federal Finance.
Scott H. Johnson, Assistant Commissioner, Debt Management Services.
Linda S. Kimberling, Assistant Commissioner, Management (Chief Financial Officer).
Alfred J. Kopec, Assistant Commissioner, Business Architecture.
Sheryl R. Morrow, Assistant Commissioner, Payment Management.
David Rebich, Assistant Commissioner, Govermentwide Accounting.
Charles R. Simpson, Assistant Commissioner, Information Resources.

Dated: August 30, 2010.

Wanda J. Rogers,

Deputy Commissioner.

[FR Doc. 2010–21995 Filed 9–3–10; 8:45 am]

BILLING CODE 4810–35–M

UNITED STATES INSTITUTE OF PEACE

Meetings; Board of United States Institute of Peace

Date/Time: Wednesday, September 15, 2010; 9:15 am.–3 p.m.

Location: 1200 17th Street, NW., Suite 200, Washington, DC 20036–3011.

Status: Open Session—Portions may be closed pursuant to Subsection (c) of Section 552(b) of Title 5, United States Code, as provided in subsection 1706(h)(3) of the United States Institute of Peace Act, Public Law 98–525.

Agenda: September 15, 2010 Board Meeting; Approval of Minutes of the One Hundred Thirty-Seventh Meeting (April 29, 2010) of the Board of Directors; Chairman's Report; President's Report; Executive Vice President Report on GPC Launch; Discussion on the Academy re Merger ETC/D and ETC/I; 2011–2012 National Peace Essay Contest Topics; Report on Gender and Peacebuilding; Presentation by Visiting Grantees; Other General Issues.

Contact: Tessie F. Higgs, Executive Office, Telephone: (202) 429–3836.

Dated: August 25, 2010.

Michael Graham,

Vice President for Management and CFO, United States Institute of Peace.

[FR Doc. 2010–21755 Filed 9–3–10; 8:45 am]

BILLING CODE 6820–AR–M

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–New (VA Form 10–0488)]

Proposed Information Collection (Follow-Up Study of a National Cohort of Gulf War and Gulf Era Veterans) 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 new collection and allow 60 days for public comment in response to the notice. This notice solicits comments on information needed to assist in VA's efforts to address the health concerns and problems of Gulf War Veterans.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before November 8, 2010.

ADDRESSES: Submit written comments on the collection of information through the Federal Docket Management System (FDMS) at *http://www.Regulations.gov;* or to Mary Stout, Veterans Health Administration (193E1), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail: *mary.stout@va.gov*. Please refer to "OMB Control No. 2900–New (VA Form 10–0488)" in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Mary Stout (202) 461–5867 or FAX (202) 273–9387.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from 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: Follow-Up Study of a National Cohort of Gulf War and Gulf Era Veterans, VA Form 10–0488, and Consent Form for Release of Medical Records, VA Form 10–0488a.

OMB Control Number: OMB Control No. 2900–New.

Type of Review: New Collection.

Abstracts:

a. The data collected on VA Form 10–0488, will help VA to assess the health of Gulf War veterans who were exposed to a variety of environmental factors potentially linked to chronic condition including Chronic Fatigue Syndrome and unexplained multi-system illnesses. VA will use the data to better understand the long-term consequences of military deployment and to provide better health care for Gulf War veterans.

b. VA Form 10–0488a is completed by claimants to request release of medical records from their health care provider.

Affected Public: Individuals or households.

Estimated Annual Burden:

a. Follow-Up Study of a National Cohort of Gulf War and Gulf Era Veterans, VA Form 10–0488—9,000.

b. Consent Form for Release of Medical Records, VA Form 10–0488a—117.

Frequency of Response: Annually.

Estimated Average Burden per Respondents:

a. Follow-Up Study of a National Cohort of Gulf War and Gulf Era Veterans, VA Form 10–0488—30 minutes.

b. Consent Form for Release of Medical Records, VA Form 10–0488a—10 minutes.

Estimated Annual Responses:

a. Follow-Up Study of a National Cohort of Gulf War and Gulf Era Veterans, VA Form 10–0488—18,000.

b. Consent Form for Release of Medical Records, VA Form 10–0488a—700.

Dated: August 26, 2010.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Enterprise Records Service.

[FR Doc. 2010–21633 Filed 9–3–10; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Voluntary Service National Advisory Committee; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under Public Law 92–463 (Federal Advisory Committee Act) that the Executive Committee of the Department of Veterans Affairs Voluntary Service (VAVS) National Advisory Committee (NAC) will meet October 8–9, 2010, at Hyatt Regency Cincinnati, 151 West 5th Street, Cincinnati, Ohio. The sessions will begin at 8 a.m. each day and end at 4:30 p.m. on October 8, and at noon on October 9, 2010. The meeting is open to the public.

The Committee, comprised of sixty-four national voluntary organizations, advises the Secretary, through the Under Secretary for Health, on the coordination and promotion of volunteer activities within VA health care facilities. The Executive Committee consists of twenty representatives from the NAC member organizations.

On October 8, agenda topics will include: NAC goals and objectives; review of minutes from the May 2010 NAC annual meeting; VAVS update on the Voluntary Service program's activities; Parke Board update; evaluations of the 2010 NAC annual meeting; and plans for 2011 NAC annual meeting (to include workshops and plenary sessions).

On October 9, agenda topics will include: Recommendations from the 2009 and 2010 NAC annual meetings; subcommittee reports; review of standard operating procedure revisions; 2012 NAC annual meeting plans; and any new business.

No time will be allocated at this meeting for receiving oral presentations from the public. However, interested persons may either attend or file statements with the Committee. Written statements may be filed either before the meeting or within 10 days after the meeting and addressed to: Ms. Laura Balun, Designated Federal Officer, Voluntary Service Office (10C2), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, or e-mail to *laura.balum@va.gov.* Any member of the public seeking additional information should contact Ms. Balum at (202) 461–7300.

Dated: August 31, 2010.

By Direction of the Secretary.

Vivian Drake,

Acting Committee Management Officer.

[FR Doc. 2010–22148 Filed 9–3–10; 8:45 am]

BILLING CODE P

Federal Register

Tuesday,
September 7, 2010

Part II

The President

Proclamation 8550—National Alcohol and Drug Addiction Recovery Month, 2010

Proclamation 8551—National Ovarian Cancer Awareness Month, 2010

Proclamation 8552—National Prostate Cancer Awareness Month, 2010

Proclamation 8553—National Wilderness Month, 2010

Federal Register
Vol. 75, No. 172
Tuesday, September 7, 2010

Presidential Documents

Title 3—

The President

Proclamation 8550 of August 31, 2010

National Alcohol and Drug Addiction Recovery Month, 2010

By the President of the United States of America

A Proclamation

Each day brings new opportunities for personal growth, renewal, and transformation to millions of Americans who have chosen to forge a path toward recovery from addiction to drugs or alcohol. While addiction can destroy self-confidence, family ties, and friendships, recovery can restore the promise of a brighter tomorrow. During National Alcohol and Drug Addiction Recovery Month, we express support for those living healthy and productive lives in long-term recovery, we applaud those working to help struggling Americans break the cycle of abuse, and we encourage those in need to seek help.

This year's theme, "Join the Voices for Recovery: Now More Than Ever!," calls us to an urgent mission—to save lives from the hazards of addiction. As we make quality and affordable health care more accessible to all Americans, we also resolve to build a healthier Nation by increasing access to treatment and recovery programs in our health care system. To help achieve this goal, the Affordable Care Act supports services available to address addiction. Together, we can reduce the harmful consequences of untreated addiction, such as violence, failure in school, job loss, child abuse, crimes, and death. I encourage all Americans to visit RecoveryMonth.gov for more resources and information.

The journey to recovery requires great fortitude and a supportive network. As we celebrate National Alcohol and Drug Addiction Recovery Month, we also express our appreciation for the family members, mutual aid groups, peer support programs, health professionals, and community leaders that provide compassion, care, and hope. Across America, we must spread the word that substance abuse is preventable, that addiction is treatable, and that recovery is possible.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 2010 as National Alcohol and Drug Addiction Recovery Month. I call upon all Americans to observe this month with appropriate programs, ceremonies, and activities, and to celebrate the lives freed from addiction to illicit drugs, alcohol, or prescription medications.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of August, in the year of our Lord two thousand ten, and of the Independence of the United States of America the two hundred and thirty-fifth.

[FR Doc. 2010–22426
Filed 9–3–10; 11:15 am]
Billing code 3195–W0–P

Presidential Documents

Proclamation 8551 of August 31, 2010

National Ovarian Cancer Awareness Month, 2010

By the President of the United States of America

A Proclamation

While we have made great strides in the battle against ovarian cancer, this disease continues to claim more lives than any other gynecologic cancer. During National Ovarian Cancer Awareness Month, we honor all those lost to and living with ovarian cancer, and we renew our commitment to developing effective screening methods, improving treatments, and ultimately defeating this disease.

Each year, thousands of women are diagnosed with, and go on to battle valiantly against, this disease. Yet, ovarian cancer remains difficult to detect, and women are often not diagnosed until the disease has reached an advanced stage. I encourage all women—especially those with a family history of ovarian cancer or breast cancer, and those over age 55—to protect their health by understanding risk factors and discussing possible symptoms, including abdominal pain, with their health care provider. Women and their loved ones may also visit Cancer.gov for more information about the symptoms, diagnosis, and treatment of ovarian and other cancers.

Across the Federal Government, we are working to promote awareness of ovarian cancer and advance its diagnosis and treatment. The National Cancer Institute, the Centers for Disease Control and Prevention, and the Department of Defense all play vital roles in reducing the burden of this illness through critical investments in research. Earlier this year, I was proud to sign into law the landmark Affordable Care Act (ACA), which includes provisions to help women living with ovarian cancer. The ACA eliminates annual and lifetime limits on benefits, creates a program for those who have been denied health insurance because of a pre-existing condition, and prohibits insurance companies from canceling coverage after individuals get sick. The ACA also requires that women enrolling in new insurance plans and those covered by Medicare or Medicaid receive free preventive care—including women's health services and counseling related to certain genetic screenings that identify increased risks for ovarian cancer. In addition, the ACA prohibits new health plans from dropping coverage if an individual chooses to participate in a potentially life-saving clinical trial, or from denying coverage for routine care simply because an individual is enrolled in such a trial.

During National Ovarian Cancer Awareness Month and throughout the year, I commend all the brave women fighting this disease, their families and friends, and the health care providers, researchers, and advocates working to reduce this disease's impact on our Nation. Together, we can improve the lives of all those affected and create a healthier future for all our citizens.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 2010 as National Ovarian Cancer Awareness Month. I call upon citizens, government agencies, organizations, health care providers, and research institutions to raise ovarian cancer awareness and continue helping Americans live longer, healthier lives.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of August, in the year of our Lord two thousand ten, and of the Independence of the United States of America the two hundred and thirty-fifth.

[FR Doc. 2010–22427
Filed 9–3–10; 11:15 am]
Billing code 3195–W0–P

Presidential Documents

Proclamation 8552 of August 31, 2010

National Prostate Cancer Awareness Month, 2010

By the President of the United States of America

A Proclamation

Although its mortality rate has steadily fallen in the last decade, prostate cancer is still the second leading cause of cancer deaths among men in the United States. This year alone, nearly 218,000 men will be diagnosed with prostate cancer, and more than 32,000 men will die from this disease. National Prostate Cancer Awareness Month gives us the opportunity to renew our commitment to fight this disease by finding better ways to prevent, detect, and treat it.

The exact causes of prostate cancer are not known, but awareness can help men make more informed choices about their health. Researchers have identified several factors that may increase a man's risk of developing prostate cancer, including age, race, and family history. According to the National Cancer Institute, avoiding smoking, losing weight, maintaining a healthy diet, and exercising may all help prevent certain cancers. We must ensure that more men are informed about all aspects of this disease, including early detection and possible treatment. I encourage men to talk with their doctors about risk factors, prevention, and preventative screenings. And I invite all Americans to visit Cancer.gov for more information and resources about the symptoms, diagnosis, and treatment of prostate and other cancers.

Until we find a cure for this disease, my Administration will continue promoting awareness of this illness and supporting prostate cancer research and treatment, including research to help determine why prostate cancer affects some racial and ethnic groups more than others. The National Cancer Institute, the Centers for Disease Control and Prevention, and the Department of Defense all play vital roles in reducing the burden of prostate cancer through critical investments in research. The health care reforms included in the landmark Affordable Care Act also address specific needs of individuals fighting cancer, including removing annual and lifetime caps on insurance coverage, prohibiting insurance companies from dropping coverage after an individual gets sick, and guaranteeing insurance coverage for individuals participating in clinical trials, the cornerstone of cancer research.

As we observe National Prostate Cancer Awareness Month, we stand by the fathers, brothers, husbands, and sons battling prostate cancer, as well as their families and the health care providers, researchers, and advocates who are working to combat this disease and save lives. By joining together to raise awareness of prostate cancer and supporting research, we can continue to make progress against this devastating disease.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 2010 as Prostate Cancer Awareness Month. I encourage all citizens, Government agencies, private businesses, nonprofit organizations, and other groups to join in activities that will increase awareness and prevention of prostate cancer.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of August, in the year of our Lord two thousand ten, and of the Independence of the United States of America the two hundred and thirty-fifth.

[FR Doc. 2010–22429
Filed 9–3–10; 11:15 am]
Billing code 3195–W0–P

Presidential Documents

Proclamation 8553 of August 31, 2010

National Wilderness Month, 2010

By the President of the United States of America

A Proclamation

For centuries, the American spirit of exploration and discovery has led us to experience the majesty of our Nation's wilderness. From raging rivers to serene prairies, from mountain peaks slicing the skyline to forests teeming with life, our Nation's landscapes have provided wonder, inspiration, and strength to all Americans. Many sites continue to hold historical, cultural, and religious significance for Indian tribes, the original stewards of this continent. We must continue to preserve and protect these scenic places and the life that inhabits them so they may be rediscovered and appreciated by generations to come.

As we celebrate America's abundance of diverse lands, remarkable wildlife, and untamed beauty during National Wilderness Month, we also look back on our rich history of conservation. It was over 100 years ago that President Theodore Roosevelt marveled at the stark grandeur of the Grand Canyon and declared, "the ages have been at work on it, and man can only mar it." Since that time, administrations have worked across party lines to defend America's breathtaking natural sites. President Lyndon B. Johnson signed the Wilderness Act in 1964, and many Presidents have since added new places to this great network of protected lands so that millions of acres of forests, monuments, and parks will be preserved for our children and grandchildren.

Following in the footsteps of my predecessors, I signed the Omnibus Public Land Management Act last year to restore and protect more of our cherished wild spaces. In April of this year, I established the America's Great Outdoors Initiative to develop a community-based 21st century conservation agenda that can also spur job creation in the tourism and recreation industries. My Administration will continue to work closely with our State, local, and tribal partners to connect Americans with the great outdoors.

This month, we renew our pledge to build upon the legacy of our forebears. Together, we must ensure that future generations can experience the tranquility and grandeur of America's natural places. As we resolve to meet this responsibility, let us also reflect on the ways in which our lives have been enriched by the gift of the American wilderness.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 2010 as National Wilderness Month. I invite all Americans to visit and enjoy our wilderness areas, to learn about their vast history, and to aid in the protection of our precious national treasures.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of August, in the year of our Lord two thousand ten, and of the Independence of the United States of America the two hundred and thirty-fifth.

[FR Doc. 2010–22430
Filed 9–3–10; 11:15 am]
Billing code 3195–W0–P

Federal Register

Tuesday,
September 7, 2010

Part III

The President

Presidential Determination No. 2010–13 of September 2, 2010—Continuation of the Exercise of Certain Authorities Under the Trading With the Enemy Act

Federal Register
Vol. 75, No. 172
Tuesday, September 7, 2010

Presidential Documents

Title 3—

The President

Presidential Determination No. 2010–13 of September 2, 2010

Continuation of the Exercise of Certain Authorities Under the Trading With the Enemy Act

Memorandum for the Secretary of State [and] the Secretary of the Treasury

Under section 101(b) of Public Law 95–223 (91 Stat. 1625; 50 U.S.C. App. 5(b) note), and a previous determination on September 11, 2009 (74 *FR* 47431, September 16, 2009), the exercise of certain authorities under the Trading With the Enemy Act is scheduled to terminate on September 14, 2010.

I hereby determine that the continuation for 1 year of the exercise of those authorities with respect to Cuba is in the national interest of the United States.

Therefore, consistent with the authority vested in me by section 101(b) of Public Law 95–223, I continue for 1 year, until September 14, 2011, the exercise of those authorities with respect to Cuba, as implemented by the Cuban Assets Control Regulations, 31 C.F.R. Part 515.

The Secretary of the Treasury is authorized and directed to publish this determination in the *Federal Register*.

THE WHITE HOUSE,
Washington, September 2, 2010

[FR Doc. 2010–22434
Filed 9–3–10; 11:15 am]
Billing code 4811–33–P

Reader Aids

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H.R. 511/P.L. 111–231
To authorize the Secretary of Agriculture to terminate certain easements held by the Secretary on land owned by the Village of Caseyville, Illinois, and to terminate associated contractual arrangements with the Village. (Aug. 16, 2010; 124 Stat. 2489)

H.R. 2097/P.L. 111–232
Star-Spangled Banner Commemorative Coin Act (Aug. 16, 2010; 124 Stat. 2490)

H.R. 3509/P.L. 111–233
Agricultural Credit Act of 2010 (Aug. 16, 2010; 124 Stat. 2493)

H.R. 4275/P.L. 111–234
To designate the annex building under construction for the Elbert P. Tuttle United States Court of Appeals Building in Atlanta, Georgia, as the ''John C. Godbold Federal Building''. (Aug. 16, 2010; 124 Stat. 2494)

H.R. 5278/P.L. 111–235
To designate the facility of the United States Postal Service located at 405 West Second Street in Dixon, Illinois, as the ''President Ronald W. Reagan Post Office Building''. (Aug. 16, 2010; 124 Stat. 2495)

H.R. 5395/P.L. 111–236
To designate the facility of the United States Postal Service located at 151 North Maitland Avenue in Maitland, Florida, as the ''Paula Hawkins Post Office Building''. (Aug. 16, 2010; 124 Stat. 2496)

H.R. 5552/P.L. 111–237
Firearms Excise Tax Improvement Act of 2010 (Aug. 16, 2010; 124 Stat. 2497)

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