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Presidential Documents

Title 3—

The President

Presidential Determination No. 2011–6 of November 29, 2010

Suspension of Limitations Under the Jerusalem Embassy Act

Memorandum for the Secretary of State

Pursuant to the authority vested in me as President by the Constitution and the laws of the United States, including section 7(a) of the Jerusalem Embassy Act of 1995 (Public Law 104–45) (the "Act"), I hereby determine that it is necessary, in order to protect the national security interests of the United States, to suspend for a period of 6 months the limitations set forth in sections 3(b) and 7(b) of the Act.

You are hereby authorized and directed to transmit this determination to the Congress, accompanied by a report in accordance with section 7(a) of the Act, and to publish the determination in the *Federal Register*.

This suspension shall take effect after transmission of this determination and report to the Congress.



THE WHITE HOUSE,
Washington, November 29, 2010

[FR Doc. 2011–380
Filed 1–7–11; 8:45 am]
Billing code 4710–10–P

Rules and Regulations

Federal Register
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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.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

5 CFR Part 3401

[Docket No. RM11–3–000; Order No. 744]

Supplemental Standards of Ethical Conduct for Employees of the Federal Energy Regulatory Commission

January 4, 2011.

AGENCY: Federal Energy Regulatory Commission, Energy.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission (FERC or Commission), with the concurrence of the Office of Government Ethics (OGE), is amending the Supplemental Standards of Ethical Conduct for Employees of the Federal Energy Regulatory Commission (FERC Supplemental Standards). The final rule expands existing FERC Supplemental Standards involving prohibited financial interests and clarifies an exception to the general prohibition. The rule codifies existing reporting, divestiture, and disqualification requirements related to prohibited financial interests and clarifies that an employee may be eligible to defer the tax consequences of divestiture under subpart J of 5 CFR part 2634. The amendments codify the current agency practice regarding disqualification and waivers. *See* 5 CFR 2635.403(a). Additionally, the amendment makes minor revisions to the definitions.

DATES: Effective January 10, 2011.

FOR FURTHER INFORMATION CONTACT: Jeffrey Kaplan, Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502–8788, *Jeffrey.kaplan@ferc.gov.*

SUPPLEMENTARY INFORMATION:

Before Commissioners: Jon Wellinghoff, Chairman; Marc Spitzer, Philip D. Moeller, John R. Norris, and Cheryl A. LaFleur.

I. Background

1. The Office of Government Ethics (OGE) has issued rules setting out the Standards of Ethical Conduct for Employees of the Executive Branch at 5 CFR part 2635 (Standards). The FERC Supplemental Standards at 5 CFR part 3401 were issued to provide an additional degree of assurance that agency decisions are not influenced by non-merit considerations and to protect the integrity of the Commission's programs and processes. These rules were designed to prevent Commission employees from taking actions that violate, or may appear to violate, conflict of interest laws or certain criminal statutes, or may create an appearance of a loss of impartiality.

2. The Commission has reexamined its prohibition on ownership of securities and is making several revisions to the FERC Supplemental Standards pursuant to its rulemaking authority under 5 CFR Part 2635. The Commission has determined, with OGE's concurrence, that certain amendments to its existing regulations are needed.

II. Analysis of the Rule Changes

Section 3401.102—Prohibited financial interests

Section 3401.102(a)—Prohibited Financial Interests; General Prohibition

3. The FERC Supplemental Standards generally prohibit employees from acquiring or holding securities of entities regulated by the Commission. 5 CFR 3401.102(a). The Commission has determined that the general prohibition does not cover all entities that may be affected by Commission regulation. The Energy Policy Act of 2005 (EPAct 2005), Public Law 109–58, 119 Stat. 594 (2005), which amended section 3 of the Natural Gas Act (NGA),[1] gives the Commission exclusive authority to approve an application for siting, construction, expansion, or operation of a liquefied natural gas (LNG) terminal under section 3 of the NGA. EPAct 2005 defines an LNG terminal as including "all natural gas facilities located onshore or in State waters that are used to receive, unload, store, transport, gasify, liquefy, or process natural gas that is imported to the United States from a foreign country, exported to a foreign country from the United States, or transported in interstate commerce by waterborne vessel." 15 U.S.C. 717a(11). The acquisition or ownership of securities in an LNG terminal is not prohibited, however, by existing FERC Supplemental Standards.

4. Also, the Commission's Supplemental Standards currently prohibit only the acquisition or holding of any securities of "any electric utility engaged in the wholesale sale or transmission of electricity or having obtained an interconnection or wheeling order under Part II of the Federal Power Act." However, the Supplemental Standards do not expressly apply to ownership of securities of a "transmitting utility," an entity redefined in EPAct to mean "an entity (including an entity described in section 201 (f)) that owns, operates, or controls facilities used for the transmission of electric energy—(A) in interstate commerce; (B) for the sale of electric energy at wholesale." 16 U.S.C. 796(23).

5. The Commission recognizes that the existing general prohibition is not broad enough to expressly give the Commission the flexibility to prohibit the acquisition or holding of securities in all FERC regulated entities. To close the gap and to protect the integrity of the Commission's programs and processes, the Commission amends the general prohibition by prohibiting an employee, and the spouse or minor children of an employee, from owning securities of a "transmitting utility" and a liquefied natural gas terminal as defined by section 3 of the Natural Gas Act.

6. The amendment also provides flexibility to the Designated Agency Ethics Official (DAEO) to amend the list of entities whose securities an employee, or spouse or minor child of an employee, may not acquire or hold due to changes in legislation or regulation. The regulation codifies the Office of General Counsel's practice of maintaining a prohibited securities list that bars Commission employees from acquiring or holding securities of a company found on the list.

[1] 15 U.S.C. 717b.

Section 3401.102(b)—Prohibited Financial Interests; Prohibited Securities List

7. The Final Rule codifies current practice that a prohibited securities list shall be maintained by the Office of General Counsel's General and Administrative Law section, updated annually or on a more frequent basis, and published and distributed on the Commission's Intranet Web site. The regulation also gives the DAEO discretion to determine whether the securities of an entity otherwise prohibited by paragraph (a) may be omitted from the prohibited securities list because the entity does not present concerns of impartiality and further allows the DAEO to determine whether the securities of an entity not included in paragraph (a) should, nevertheless, be deemed prohibited because the acquisition or holding of securities of such a particular entity presents concerns of impartiality. The discretion is appropriate because the types of entities currently prohibited may change over time due to corporate restructuring, mergers, legislation and regulation.

Section 3401.102(c)—Prohibited Financial Interests; Exception

8. The amendment clarifies the Commission's longstanding exception to the general prohibition of paragraph 3401.102(a) for interests in mutual funds that do not have a stated objective of concentrating their investments in prohibited securities. The exception was previously included in the definition of the term "securities," but caused confusion. The rule continues to prohibit holdings in a mutual fund if the stated objective is to concentrate the fund's investments in securities prohibited by paragraph 3401.102(a).

Section 3401.102(d)—Prohibited Financial Interests; Reporting and Divestiture

9. The amendment codifies the current reporting and disqualification requirements for interests in prohibited securities.

10. Paragraph 3401.102(d)(1), *Reporting of prohibited securities,* requires written notification to the DAEO of any interest prohibited under paragraph 3401.102(a). A new employee must report a prohibited financial interest within 30 days of the commencement of employment. If a prohibited security is acquired without specific intent after employment begins, such as through gift, inheritance, or marriage, the acquisition must be reported within 30 days of the acquisition of such interest.

11. Paragraph 3401.102(d)(2), *Divestiture of prohibited securities,* requires that, except in the case where a waiver has been granted pursuant to paragraph 3401.102(e), prohibited financial interests must be divested within 90 days from the date divestiture is directed by the DAEO. This provision is consistent with 5 CFR 2635.403(d).

12. Paragraph 3401.102(d)(3), *Disqualification pending divestiture,* codifies the current agency practice of requiring that an employee disqualify himself or herself pending the divestiture discussed above from participating in particular matters which, as a result of continued ownership of prohibited securities, would affect the financial interests of the employee, or those of the spouse or minor child of the employee. The amendment continues to allow waiver from the disqualification rule where 5 CFR 2635.402(d) (pertaining to waiver of or exemptions from disqualification under 18 U.S.C. 208) applies.

13. Finally, paragraph 3401.102(d)(4), *Special tax treatment of gain on divested securities,* clarifies that an employee may be eligible to defer paying capital gains tax on investments sold to comply with the conflict of interest requirements under 26 U.S.C. 1043 and subpart J of 5 CFR part 2634.

Section 3401.102(e)—Prohibited Financial Interests; Waiver

14. The waiver section is substantially the same as the existing waiver provision. The rule adds a minor revision by explicitly requiring that waivers granted by the DAEO be in writing. The writing requirement is consistent with 5 CFR 2635.402(d)(2)(ii).

Section 3401.102(f)—Prohibited Financial Interests; Definitions

15. The term *securities* is revised to eliminate the portion of the definition related to mutual funds.

III. Regulatory Findings

A. Administrative Procedure Act

16. Pursuant to 5 U.S.C. 553(a)(2), notice of proposed rulemaking, opportunity for public comment, and a 30-day delayed effective date are not applicable to this final rule because this rule is limited to agency organization, management, or personnel matters and is exempt from the provisions of Executive Order Nos. 12866 and 12988.

B. Regulatory Flexibility Act Analysis

17. Because no notice of proposed rulemaking is required, the provisions of the Regulatory Flexibility Act (5 U.S.C. chapter 6) do not apply.

C. Paperwork Reduction Act

18. The Paperwork Reduction Act, 44 U.S.C. chapter 35, does not apply because this rulemaking does not contain information collection requirements subject to the approval of the Office of Management and Budget.

Effective Date

This regulation includes rules relating to agency management or personnel; it also includes rules of agency organization, procedure or practice that do not substantially affect the rights or obligations of nonagency parties. As such, pursuant to 5 U.S.C. 804, this regulation is effective January 10, 2011.

List of Subjects in 5 CFR Part 3401

Conflicts of interest, Government employees.

Submitted: October 18, 2010.

By the Commission.

Kimberly Bose,

Secretary, Federal Energy Regulatory Commission.

Approved: October 21, 2010.

Robert I. Cusick,

Director, Office of Government Ethics.

For the reasons set forth in the preamble, the Commission, with the concurrence of OGE, amends Part 3401 of Title 5, Code of Federal Regulations, as follows:

PART 3401—SUPPLEMENTAL STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE FEDERAL ENERGY REGULATORY COMMISSION

■ 1. The authority citation for part 3401 continues to read as follows:

Authority: 5 U.S.C. 7301; 5 U.S.C. App. (Ethics in Government Act of 1978); 42 U.S.C. 7171, 7172; E.O. 12674, 54 FR 15159, 3 CFR, 1989 Comp., p. 215, as modified by E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306; 5 CFR 2635.105, 2635.402(c), 2635.403, 2635.502(e), 2635.604, 2635.803.

■ 2. Section 3401.102 is revised to read as follows:

§ 3401.102 Prohibited financial interests.

(a) *General prohibition.* No employee, and no spouse or minor child of an employee, shall acquire or hold any securities issued by an entity on the prohibited securities list described in paragraph (b) of this section. The list shall include, but not be limited to the following:

(1) Natural gas companies;

(2) Interstate oil pipelines;

(3) Hydroelectric licensees or exemptees;

(4) Public utilities;

(5) Transmitting utilities or electric utilities engaged in the wholesale sale or transmission of electricity or having obtained an interconnection or wheeling order under part II of the Federal Power Act;

(6) Liquefied natural gas terminals as defined by section 3 of the Natural Gas Act; or

(7) Parent companies of an entity identified in paragraphs (a)(1) through (a)(6) of this section.

(b) *Prohibited securities list.* A prohibited securities list shall be maintained, published, and distributed by the Office of the General Counsel's General and Administrative Law section, updated annually or on a more frequent basis to include entities that meet the criteria in paragraph (a) or are otherwise subject to the Commission's jurisdiction and to remove entities that do not raise impartiality concerns after considering the above criteria.

(c) *Exception.* Nothing in this section prohibits an employee, or the spouse or minor child of an employee, from acquiring or holding an interest in a publicly traded or publicly available mutual fund or other collective investment fund, or in a widely held pension or mutual fund, provided: (1) That the employee neither exercises control nor has the ability to exercise control over the financial interests held in the fund; or (2) that the fund's prospectus or practice does not indicate the stated objective of concentrating its investments in entities identified in paragraphs (a)(1) through (a)(7) of this section.

(d) *Reporting and divestiture*—(1) *Reporting of prohibited securities.* An employee must promptly report in writing to the DAEO any acquired interest prohibited under paragraphs (a) and (b) of this section. New employees must report in writing to the DAEO prohibited financial interests within 30 days of commencement of employment. Prohibited financial interests acquired after employment commences and without specific intent, such as through gift, inheritance, or marriage, must be reported in writing to the DAEO within 30 days of acquisition of such interest.

(2) *Divestiture of prohibited securities.* A prohibited financial interest must be divested within 90 days from the date divestiture is ordered by the DAEO unless the employee obtains a written waiver from the DAEO in accordance with this section.

(3) *Disqualification pending divestiture.* Pending divestiture of prohibited securities, an employee must disqualify himself or herself, in accordance with 5 CFR 2635.402 and 3401.103, from participating in particular matters which, as a result of continued ownership of prohibited securities, could affect the financial interests of the employee or those of the spouse or minor child of the employee. Disqualification is not required where a waiver described in § 2635.402(d) applies.

(4) *Tax treatment of gain on divested securities.* Where divestiture is required by this section, the employee or the spouse or minor child of an employee may be eligible to defer the tax consequences of divestiture by obtaining a Certificate of Divestiture from the Director of the Office of Government Ethics before selling the securities in accordance with subpart J of 5 CFR part 2634.

(e) *Waiver.* The DAEO may grant a written waiver from this section based on a determination that the waiver is not inconsistent with 5 CFR part 2635 of this title or otherwise prohibited by law and that, under the particular circumstances, application of the prohibition is not necessary to avoid the appearance of an employee's misuse of position or loss of impartiality, or to otherwise ensure confidence in the impartiality and objectivity with which the Commission's programs are administered, or in the case of a special Government employee, divestiture would result in substantial financial hardship. A waiver under this paragraph must be in writing and may impose appropriate conditions, such as requiring execution of a written disqualification.

(f) *Definitions.* For the purposes of this section:

(1) The term *securities* includes an interest in debt or equity instruments. The term includes, without limitation, secured and unsecured bonds, debentures, notes, securitized assets, and commercial paper, as well as all types of preferred and common stock. The term encompasses both current and contingent ownership interests, including any beneficial or legal interest derived from a trust. It extends to any right to acquire or dispose of any long or short position in such securities and includes, without limitation, interests convertible into such securities, as well as options, rights, warrants, puts, calls, and straddles with respect thereto.

(2) The term *parent* means a company that possesses, directly or indirectly, the power to direct or cause the direction of the management and policies of an entity identified in paragraphs (a)(1) through (a)(6) of this section.

[FR Doc. 2011–267 Filed 1–7–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. APHIS–2009–0014]

Asian Longhorned Beetle; Additions to Quarantined Areas in Massachusetts and New York

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule as final rule.

SUMMARY: We are adopting as a final rule, without change, an interim rule that amended the Asian longhorned beetle (ALB) regulations by adding a portion of Worcester County, MA, to the list of quarantined areas and updating the description of the quarantined area in the Borough of Staten Island in the City of New York, NY. The interim rule, which restricted the interstate movement of regulated articles from these areas, was necessary to prevent the artificial spread of ALB to noninfested areas of the United States.

DATES: Effective on January 10, 2011, we are adopting as a final rule the interim rule published at 74 FR 57243–57245 on November 5, 2009.

FOR FURTHER INFORMATION CONTACT: Dr. Brendon Reardon, National Program Manager, Emergency and Domestic Programs, PPQ, APHIS, 4700 River Road Unit 26, Riverdale, MD 20737–1231; (301) 734–5705.

SUPPLEMENTARY INFORMATION:

Background

The Asian longhorned beetle (ALB, *Anoplophora glabripennis*), an insect native to China, Japan, Korea, and the Isle of Hainan, is a destructive pest of hardwood trees. It attacks many healthy hardwood trees, including maple, horse chestnut, birch, poplar, willow, and elm. In addition, nursery stock, logs, green lumber, firewood, stumps, roots, branches, and wood debris of half an inch or more in diameter are subject to infestation. The beetle bores into the heartwood of a host tree, eventually killing the tree. Immature beetles bore into tree trunks and branches, causing heavy sap flow from wounds and sawdust accumulating at tree bases.

The regulations in 7 CFR 301.51–1 through 301.51–9 restrict the interstate movement of regulated articles from quarantined areas to prevent the artificial spread of ALB to noninfested areas of the United States.

In an interim rule [1] effective and published in the **Federal Register** on November 5, 2009 (74 FR 57243–57245, Docket No. APHIS–2009–0014), we amended the regulations by adding a portion of Worcester County, MA, to the list of quarantined areas in § 301.51–3(c) and by updating the description of the quarantined area in the Borough of Staten Island in the City of New York, NY.

Comments on the interim rule were required to be received on or before January 4, 2010. We did not receive any comments. Therefore, for the reasons given in the interim rule, we are adopting the interim rule as a final rule without change.

This action also affirms the information contained in the interim rule concerning Executive Order 12866 and the Regulatory Flexibility Act, Executive Orders 12372 and 12988, and the Paperwork Reduction Act.

Further, for this action, the Office of Management and Budget has waived its review under Executive Order 12866.

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

PART 301—DOMESTIC QUARANTINE NOTICES

■ Accordingly, we are adopting as a final rule, without change, the interim rule that amended 7 CFR part 301 and that was published at 74 FR 57243–57245 on November 5, 2009.

Done in Washington, DC, this 4th day of January 2011.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2011–238 Filed 1–7–11; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. APHIS–2008–0072]

Emerald Ash Borer; Quarantined Areas; Maryland, Michigan, Minnesota, Missouri, Pennsylvania, Virginia, West Virginia, and Wisconsin

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule as final rule.

SUMMARY: We are adopting as a final rule, without change, an interim rule that amended the regulations to add areas in Maryland, Michigan, Minnesota, Missouri, Pennsylvania, Virginia, West Virginia, and Wisconsin to the list of areas quarantined because of emerald ash borer (EAB). The interim rule was necessary to prevent the artificial spread of EAB into noninfested areas of the United States. As a result of the interim rule, the interstate movement of regulated articles from those areas is restricted.

DATES: Effective on January 10, 2011, we are adopting as a final rule the interim rule published at 74 FR 47999–48001 on September 21, 2009.

FOR FURTHER INFORMATION CONTACT: Mr. Paul Chaloux, National Program Coordinator, Emerald Ash Borer Program, Emergency and Domestic Programs, PPQ, APHIS, 4700 River Road Unit 137, Riverdale, MD 20737–1231; (301) 734–0917.

SUPPLEMENTARY INFORMATION:

Background

The emerald ash borer (EAB) (*Agrilus planipennis*) is a destructive woodboring insect that attacks ash trees (*Fraxinus* spp., including green ash, white ash, black ash, and several horticultural varieties of ash). The insect, which is indigenous to Asia and known to occur in China, Korea, Japan, Mongolia, the Russian Far East, Taiwan, and Canada, eventually kills healthy ash trees after it bores beneath their bark and disrupts their vascular tissues.

The EAB regulations in 7 CFR 301.53–1 through 301.53–9 (referred to below as the regulations) restrict the interstate movement of regulated articles from quarantined areas to prevent the artificial spread of EAB to noninfested areas of the United States.

In an interim rule [1] effective and published in the **Federal Register** on September 21, 2009 (74 FR 47999–48001, Docket No. APHIS–2008–0072), we amended § 301.53–3(c) to add portions of Maryland, Michigan, Minnesota, Missouri, Pennsylvania, Virginia, West Virginia, and Wisconsin to the list of areas quarantined for EAB.

Comments on the interim rule were required to be received on or before November 20, 2009. We did not receive any comments. Therefore, for the reasons given in the interim rule, we are adopting the interim rule as a final rule without change.

This action also affirms the information contained in the interim rule concerning Executive Orders 12866, 12372, and 12988, and the Paperwork Reduction Act.

Further, for this action, the Office of Management and Budget has waived its review under Executive Order 12866.

Regulatory Flexibility Act

This rule affirms an interim rule that amended the EAB regulations by adding areas in Maryland, Michigan, Minnesota, Missouri, Pennsylvania, Virginia, West Virginia, and Wisconsin to the list of areas quarantined because of EAB.

In accordance with 5 U.S.C. 604, we have performed a final regulatory flexibility analysis, which is summarized below, regarding the economic effects of this rule on small entities. Copies of the full analysis are available on the Regulations.gov Web site (*see* footnote 1 in this document for a link to Regulations.gov) or by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

If left unregulated, the spread of EAB could negatively impact several industries including nurseries, timber operations, and landscaping. These potential economic impacts would likely be much greater than government program costs and any additional costs incurred from the expansion of the quarantine area. While some firms may have been negatively affected by the interim rule, those effects will be limited to those firms that ship regulated products interstate or from quarantined areas to areas that are not under quarantine. Such firms will be required to obtain a certificate or limited permit from an APHIS inspector in order to comply with the regulation or enter into a compliance agreement with APHIS for the inspection and certification of the articles to be moved. Additional restrictions on movement during adult fly season (roughly May through September) may result in additional impacts on entities in some quarantined counties. Limited information was available on the extent to which firms in the potentially affected industries deal in ash products.

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

[1] To view the interim rule, go to *http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS-2009-0014.*

[1] To view the interim rule, go to *http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS-2008-0072.*

PART 301—DOMESTIC QUARANTINE NOTICES

■ Accordingly, we are adopting as a final rule, without change, the interim rule that amended 7 CFR part 301 and that was published at 74 FR 47999–48001 on September 21, 2009.

Done in Washington, DC, this 4th day of January 2011.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2011–227 Filed 1–7–11; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. APHIS–2008–0111]

Pine Shoot Beetle; Additions to Quarantined Areas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule as final rule.

SUMMARY: We are adopting as a final rule, without change, an interim rule that amended the pine shoot beetle (PSB) regulations by adding the entire State of Ohio and counties in Maine and Indiana to the list of quarantined areas following the detection of PSB in those areas. The interim rule was necessary to prevent the spread of PSB, a pest of pine trees, into noninfested areas of the United States.

DATES: Effective on January 10, 2011, we are adopting as a final rule the interim rule published at 74 FR 48003–48005 on September 21, 2009.

FOR FURTHER INFORMATION CONTACT: Dr. Brendon Reardon, National Program Manager, Emergency and Domestic Programs, PPQ, APHIS, 4700 River Road Unit 26, Riverdale, MD 20737–1231; (301) 734–5705.

SUPPLEMENTARY INFORMATION:

Background

Pine shoot beetle (PSB) is a destructive forest pest that attacks both managed and natural stands of pine and especially affects weak and dying trees. The beetle has been found in a variety of pine species (*Pinus* spp.) in the United States. Scotch pine (*P. sylvestris*) is the pest's preferred host. PSB has been reported to also occasionally attack other conifers such as fir (*Abies* spp.) and spruce (*Picea* spp.) at low levels. During "shoot feeding," young beetles tunnel into the center of pine shoots (usually those from the current year's growth), causing stunted and distorted growth in host trees. Large infestations of PSB typically kill most of the lateral shoots near the tops of trees. In addition, PSB is a vector of several diseases of pine trees.

The regulations in 7 CFR 301.50 through 301.50–10 (referred to below as the regulations) restrict the interstate movement of certain regulated articles from quarantined areas in order to prevent the spread of PSB into noninfested areas of the United States.

In an interim rule [1] effective and published in the **Federal Register** on September 21, 2009 (74 FR 48003–48005, Docket No. APHIS–2008–0111), we amended the regulations by adding the entire State of Ohio and counties in Maine and Indiana to the list of quarantined areas in § 301.50–3(c).

Comments on the interim rule were required to be received on or before November 20, 2009. We did not receive any comments. Therefore, for the reasons given in the interim rule, we are adopting the interim rule as a final rule without change.

This action also affirms the information contained in the interim rule concerning Executive Order 12866 and the Regulatory Flexibility Act, Executive Orders 12372 and 12988, and the Paperwork Reduction Act.

Further, for this action, the Office of Management and Budget has waived its review under Executive Order 12866.

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

PART 301—DOMESTIC QUARANTINE NOTICES

■ Accordingly, we are adopting as a final rule, without change, the interim rule that amended 7 CFR part 301 and that was published at 74 FR 48003–48005, on September 21, 2009.

Done in Washington, DC, this 4th day of January 2011.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2011–230 Filed 1–7–11; 8:45 am]

BILLING CODE 3410–34–P

[1] To view the interim rule, go to *http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS-2008-0111.*

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2010–0646; Directorate Identifier 2009–NM–223–AD; Amendment 39–16558; AD 2011–01–05]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Model 727, 727C, 727–100, 727–100C, 727–200, and 727–200F Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for the products listed above. This AD requires repetitive detailed inspections of the aft pressure bulkhead web for cracking, and repair if necessary. For certain airplanes, this AD also provides for an optional preventative modification of the aft pressure bulkhead web, which would terminate certain repetitive detailed inspections. This AD was prompted by reports of cracks in the aft pressure bulkhead web. We are issuing this AD to detect and correct cracking in the aft pressure bulkhead web, which could adversely affect the structural integrity of the airplane, resulting in difficulty maintaining cabin pressurization or rapid decompression of the airplane.

DATES: This AD is effective February 14, 2011.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD as of February 14, 2011.

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

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov;* or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through

Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is Document Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Berhane Alazar, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 917–6577; fax (425) 917–6590.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an airworthiness directive (AD) that would apply to the specified products. That NPRM was published in the **Federal Register** on July 1, 2010 (75 FR 38066). That NPRM proposed to require repetitive detailed inspections of the aft pressure bulkhead web for cracking, and repair if necessary. For certain airplanes, that NPRM also proposed an optional preventative modification of the aft pressure bulkhead web, which would terminate certain repetitive detailed inspections.

Comments

We gave the public the opportunity to participate in developing this AD. The following paragraphs present the comments received on the proposal and the FAA's response to each comment.

Request To Rephrase Unsafe Condition Statement in the AD

Boeing requested that we change the second sentence of paragraph (e) of the AD to state that the FAA "is issuing this AD to detect and repair cracking, or to modify structure to prevent cracking, in the aft pressure bulkhead web * * *" The commenter stated that the original paragraph specified that the AD is being issued "to prevent cracking," whereas the AD provides modification instructions to prevent cracking, as well as instructions to repair cracking, and the requested language is more correct.

We partially agree with the commenter's request. We agree to change the AD to say "detect and correct cracking" because the AD provides those instructions, and we have changed paragraph (e) accordingly. We disagree with including "modify structure to prevent cracking" because the AD does not mandate the preventive modification. The modification to prevent cracking is available as an option in the AD and in Boeing Special Attention Service Bulletin 727–53–0232, dated September 23, 2009, the service information referenced in the NPRM; we have made no further change to the AD in this regard.

Request To Remove Description From Paragraph (g) of the AD

Boeing requested that we remove "* * * in the area around the hydraulic line support bracket on the left side * * *" from paragraph (g) of the AD. The commenter stated that airplanes in Group 1, Configuration 2, do not have that hydraulic bracket installed, and therefore cannot be inspected "around the bracket." Boeing stated further that the service bulletin specifies an inspection in the entire bay of the web, and the requested change would cover all the subject airplanes and prevent confusion.

We agree with the commenter's request, for the reasons given, and we have changed paragraph (g) of the AD accordingly.

Request To Correct Table Reference in Paragraph (g)(2) of the AD

Boeing requested that in paragraph (g)(2) of the NPRM we refer only to Table 2 of paragraph 1.E., "Compliance," in Boeing Special Attention Service Bulletin 727–53–0232, dated September 23, 2009, for the applicable compliance time. The commenter stated that paragraph (g)(2) of the AD covers only airplanes of Group 1, Configuration 2, which are addressed only in Table 2 of paragraph 1.E. of that service bulletin.

We agree with the commenter's request, for the reasons given, and we have changed paragraph (g)(2) of the AD accordingly. We have also changed paragraph (g)(1)(ii) of this AD to only refer to Table 1 of paragraph 1.E., "Compliance," of Boeing Special Attention Service Bulletin 727–53–0232, dated September 23, 2009.

Clarification of Terminating Action

We have clarified that for Group 1, Configuration 1 airplanes, and Group 2 airplanes, as identified in Boeing Special Attention Service Bulletin 727–53–0232, dated September 23, 2009, doing the repair specified in paragraph (h) of the AD terminates the repetitive inspections required by paragraph (g)(1)(ii) of the AD.

Conclusion

We reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting the AD with the changes described previously.

We also determined that these changes will not increase the economic burden on any operator or increase the scope of the AD.

Costs of Compliance

We estimate that this AD affects 243 airplanes of U.S. registry. The following table provides the estimated costs for U.S. operators to comply with this AD.

TABLE—ESTIMATED COSTS

Action	Work hours	Average labor rate per hour	Parts	Cost per product	Number of U.S.-registered airplanes	Fleet cost
Detailed inspection, per inspection cycle.	1	$85	None	$85, per inspection cycle.	243	$20,655, per inspection cycle.
Preventative modification	4	85	Negligible [1]	$340	Up to 243	Up to $82,620.

[1] The cost of material for the modification would depend on the size and location of the repair; the materials necessary for the modification are standard shop materials that would be provided out of the operator's stock.

Authority for This Rulemaking

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

We are issuing this rulemaking under the authority described in subtitle VII, part A, subpart III, section 44701: "General requirements." Under that section, Congress charges the FAA with

promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

2011–01–05 The Boeing Company: Amendment 39–16558; Docket No. FAA–2010–0646; Directorate Identifier 2009–NM–223–AD.

Effective Date

(a) This AD is effective February 14, 2011.

Affected ADs

(b) None.

Applicability

(c) This AD applies to all The Boeing Company Model 727, 727C, 727–100, 727–100C, 727–200, and 727–200F series airplanes, certificated in any category.

Subject

(d) Air Transport Association (ATA) of America Code 53: Fuselage.

Unsafe Condition

(e) This AD results from reports of cracks in the aft pressure bulkhead web. The Federal Aviation Administration is issuing this AD to detect and correct cracking in the aft pressure bulkhead web, which could adversely affect the structural integrity of the airplane, resulting in difficulty maintaining cabin pressurization or rapid decompression of the airplane.

Compliance

(f) You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

Repetitive Inspections and Corrective Actions

(g) At the applicable initial compliance time specified in Tables 1 and 2 of paragraph 1.E., "Compliance," of Boeing Special Attention Service Bulletin 727–53–0232, dated September 23, 2009; except as provided by paragraph (j) of this AD: Perform a detailed inspection for cracking on the aft side of the aft pressure bulkhead web between water line (WL) 217 to WL 230, and buttock line (BL) 48 left to BL 66 left. Do the inspection in accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 727–53–0232, dated September 23, 2009.

(1) For Group 1, Configuration 1 airplanes, and Group 2 airplanes, as identified in Boeing Special Attention Service Bulletin 727–53–0232, dated September 23, 2009: If no cracking is found during the inspection required by paragraph (g) of this AD, do the actions specified in paragraph (g)(1)(i) or (g)(1)(ii) of this AD in accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 727–53–0232, dated September 23, 2009.

(i) Accomplish the preventative modification specified in Part 3 of the Accomplishment Instructions of Boeing Special Attention Service Bulletin 727–53–0232, dated September 23, 2009, before further flight.

(ii) Repeat the detailed inspection at the applicable interval specified in Table 1 of paragraph 1.E., "Compliance," of Boeing Special Attention Service Bulletin 727–53–0232, dated September 23, 2009. Accomplishing the preventative modification specified in paragraph (g)(1)(i) of this AD terminates the repetitive inspections required by this paragraph.

(2) For Group 1, Configuration 2 airplanes, as identified in Boeing Special Attention Service Bulletin 727–53–0232, dated September 23, 2009: If no cracking is found during the inspection required by paragraph (g) of this AD, repeat the detailed inspection at the applicable interval specified in Table 2 of paragraph 1.E., "Compliance," of Boeing Special Attention Service Bulletin 727–53–0232, dated September 23, 2009.

Note 1: The damage tolerance inspections specified in Table 3 of paragraph 1.E., "Compliance," of Boeing Special Attention Service Bulletin 727–53–0232, dated September 23, 2009, may be used in support of compliance with section 121.1109(c)(2) or 129.109(c)(2) of the Federal Aviation Regulations (14 CFR 121.1109(c)(2) or 14 CFR 129.109(c)(2)).

(h) If any crack is found during any inspection required by paragraph (g) of this AD, before further flight, repair in accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 727–53–0232, dated September 23, 2009; except as provided by paragraph (i) of this AD. For Group 1, Configuration 1 airplanes, and Group 2 airplanes, as identified in Boeing Special Attention Service Bulletin 727–53–0232, dated September 23, 2009: Accomplishing this repair terminates the repetitive inspections required by paragraph (g)(1)(ii) of this AD.

(i) If any cracking is found during any inspection required by this AD, and Boeing Special Attention Service Bulletin 727–53–0232, dated September 23, 2009, specifies to contact Boeing for appropriate action: Before further flight, repair the cracking using a method approved in accordance with the procedures specified in paragraph (k) of this AD.

(j) Where Boeing Special Attention Service Bulletin 727–53–0232, dated September 23, 2009, specifies a compliance time after the date on that service bulletin, this AD requires compliance within the specified compliance time after the effective date of this AD.

Alternative Methods of Compliance (AMOCs)

(k)(1) The Manager, Seattle Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Berhane Alazar, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 917–6577; fax (425) 917–6590. Information may be e-mailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov.*

(2) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. Before using any approved AMOC on any airplane to which the AMOC applies, notify your principal maintenance inspector (PMI) or principal avionics inspector (PAI), as appropriate, or lacking a principal inspector, your local Flight Standards District Office. The AMOC approval letter must specifically reference this AD.

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

Related Information

(l) For more information about this AD, contact Berhane Alazar, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 917–6577; fax (425) 917–6590.

Material Incorporated by Reference

(m) You must use Boeing Special Attention Service Bulletin 727–53–0232, dated September 23, 2009, to do the actions required by this AD, unless the AD specifies otherwise.

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

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

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

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

Issued in Renton, Washington, on December 17, 2010.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2011–188 Filed 1–7–11; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–28435 Directorate Identifier 2007–CE–054–AD; Amendment 39–16556; AD 2011–01–03]

RIN 2120–AA64

Airworthiness Directives; GROB–WERKE GMBH & CO KG Models G102 ASTIR CS, G102 CLUB ASTIR III, G102 CLUB ASTIR IIIb, and G102 STANDARD ASTIR III Gliders

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for the products listed above. This AD results from mandatory continuing airworthiness information (MCAI) issued by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as:

As a result of the replacement action of the G 103 TWIN ASTIR spar spigot assemblies, the Gliding Federation of Australia issued a directive to inspect the similar main spigots of single-seater sailplanes.

We are issuing this AD to require actions to correct the unsafe condition on these products.

DATES: This AD becomes effective February 14, 2011.

On February 14, 2011, the Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD.

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

For service information identified in this AD, contact Grob Aircraft; Lettenbachstr. 9; Tussenhausen-Mattsies; Head of Customer Service & Support, Germany; telephone: +49 (0) 8268 998 139; fax: +49 (0) 8268 998 200; E-mail: *productsupport@grob-aircraft.com;* Web site: *http://www.grob-aircraft.com.* You may review copies of the referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call 816–329–4148.

FOR FURTHER INFORMATION CONTACT ONE OF THE FOLLOWING:

- Jim Rutherford, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4165; fax: (816) 329–4090.
- Greg Davison, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4130; fax: (816) 329–4090.

SUPPLEMENTARY INFORMATION:

Discussion

History of AD Actions

When the State of Design issues MCAI against a product that is certificated for operation in the United States, the FAA evaluates this information and either issues a corresponding U.S. AD or completes a no action required (NAR) form. In 1988, the FAA's Brussels, Belgium office evaluated MCAIs. When the Brussels office determined an AD was necessary, the corresponding Directorate issued an AD for the product. NAR forms were completed by the Brussels office. When a NAR form was completed, the Directorates did not always receive a copy since they were not required to take action.

The Luftfahrt-Bundesamt (LBA), which is the airworthiness authority for Germany, issued AD 88–176 Grob, dated August 15, 1988, to apply to the GROB–WERKE GMBH & CO KG G103 twin-seat gliders. That AD required inspection and replacement of the spar spigot assembly to prevent fatigue failure of the spigot. The FAA issued AD 90–02–09 (55 FR 269, January 4, 1990), effective February 5, 1990, to mandate replacement of the spigot assembly for the G103 twin-seat versions of the glider.

The LBA issued 91–5/2 Grob, dated February 1, 1991, to apply to the GROB–WERKE GMBH & CO KG G102 single-seat gliders. The MCAI states:

As a result of the replacement action of the G 103 TWIN ASTIR spar spigot assemblies, the Gliding Federation of Australia issued a directive to inspect the similar main spigots of single-seater sailplanes.

The MCAI requires you to inspect the wing main spigot assembly before the next flight and replace it on the G102 single-seat gliders. You may obtain further information by examining the MCAI in the AD docket.

The FAA inadvertently did not issue an AD on the single-seat versions at the time the LBA issued AD 91–5/2 Grob. The FAA finds no AD or NAR information to correspond with German AD 91–5/2 Grob from that time period.

In 1997/1998, the responsibility to evaluate MCAIs transferred from Brussels to the Directorates. The Directorates assimilated all of the Brussels information into the Directorate information, identifying if ADs were issued, if NAR forms were completed, or if neither action was taken. During this time, the Small Airplane Directorate issued a total of 310 AD actions in fiscal year (FY) 1998. This was an increase of 79 percent over the 173 total actions issued in FY–97, and a 121 percent increase over the 140 total actions issued in FY–96. This workload increase contributed to the FAA not identifying the German AD 91–5/2 Grob as an item without a U.S. AD or NAR correspondence associated with it.

In early 2005, through discussions with Grob representatives, we determined that we needed to address the unsafe condition for the G102 single-seat versions of the glider in the United States.

After further review of the data, we determined AD action is necessary to correct an unsafe condition on the G102 versions of the glider for the following reasons:

- Cracks have been found on the wing spigot assemblies installed on the G102 single-seat gliders. Several of these cracks were internal to the spigot and were not visually detectable until the component failed.
- Cracks in the wing spigot assembly pin-to-plate interface could cause the spar spigot to fail with little or no warning.
- The manufacturer has maintained their position that the original wing spigot assembly design is inadequate to sustain the structure for the operational service life of the aircraft.

Consequently, we issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to the specified products. The NPRM was published in the **Federal Register** on July 30, 2007 (72 FR 41466). That NPRM proposed to correct an unsafe condition for the specified products.

The public responded to this published notice, and the FAA appreciates the numerous comments submitted for consideration in addressing this important airworthiness issue. Our comment disposition took a considerable amount of time researching and organizing data to adequately address those comments. Through the comment disposition process, we found that the material required for the repair was not available in the United States and an undue cost burden would have been placed on operators to get the repair material from Germany. We coordinated the use of an alternate resin/hardener for the repair that is available in the United States.

History of the Unsafe Condition

The original design of the spar spigot utilizes a steel pin with a welded steel plate adjacently attached. The welded interface between the pin and the plate is the critical area subjected to structural fatigue. This mode of failure has resulted in a redesign (design enhancement) of the spar spigot assembly that uses no welds and has additional filleting to increase part strength, durability, and enhances reliability. Therefore, based on the potential severity of failure, the FAA determined that the originally designed spar spigots should be replaced.

When Grob Luft- und Raumfahrt (Grob) issued Service Bulletin TM 306–29; TM 320–5, issue date: October 11, 1990, there were no reports of crack occurrences in Germany. However, Grob implemented this measure to ensure the safety of their gliders.

The Gliding Federation of Australia's Airworthiness Directive number 370, Issue 2, dated January 10, 1991, stated a large percentage of their single-seat G102 series gliders, at that time, were found to contain cracks. The exact figure for the number of occurrences is not known. The results of one repair shop in Australia revealed that of 12 spigot assemblies replaced on the single-seat models, 7 were found to have cracks. Several of these cracks were internal to the spigot. Internal cracks located in this area would not be visually detectable until the component failed.

The LBA issued AD 91–5/2 Grob to mandate the action from Grob's service bulletin; this action was later adopted in Europe, New Zealand, Canada, and Brazil.

After evaluating the crack findings from the Gliding Federation of Australia, the position of Grob's technical advisors, and the actions of the German airworthiness authority, we determined it necessary to issue this AD action.

Comments

We gave the public the opportunity to participate in developing this AD. We considered the comments received.

Comment Issue No. 1: Proposed AD Lacks Supporting Evidence

Cindy Brickner, John H. Campbell, David Forrest, Hartley L. Falbaum, Philippe C. Marchal, Bruce Stobbe, and the Soaring Society of America (SSA) cite lack of rationale to mandate the unconditional replacement of the wing main spigot assembly. The spar spigot assembly is serviceable, and there is no evidence or history of problems for the G102 series gliders. We infer the commenters want us to withdraw the NPRM.

We disagree with the comment. Because a failure has not occurred is no justification that imminent failure to this critical structure could not happen. The Grob Luft- und Raumfahrt Service Bulletin TM 306–29; TM 320–5, issue date: October 11, 1990, states that inspection and replacement of the spar spigot assembly was due to an increased occurrence of cracks found on Grob's single-seat Astir series that operated in Australia. The Gliding Federation of Australia has identified at least nine occurrences of cracks found during the inspection of the single-seat gliders. Consequently, the occurrences of cracked pins resulted in Australia issuing AD 370, Issue 2, dated January 10, 1991.

Although a critical failure of the spar spigot assembly has not been documented in the United States, Grob maintains that the original design of the wing spar spigot assembly is inadequate to meet the airframe life limits and can not be repaired as a long-term corrective action.

We are not changing the final rule AD action as a result of this comment.

Comment Issue No. 2: Request Repetitive Inspections Instead of a Calendar-Based Replacement

Cindy Brickner, Robert DeFabio, David M. Forrest, Philippe C. Marchal, Bruce Stobbe, and the SSA, request allowing frequent or annual inspections in lieu of the required wing main spigot replacement citing that inspections would provide adequate warning before spigot failure.

We disagree with the comment. Based on information from the manufacturer, the original design of the wing main spigot assembly uses materials and/or a configuration deemed inadequate to sustain the structure for the operation and service life of the aircraft.

The critical failure mode of the wing spar spigot assembly is at the weld of the steel pin-to-plate interface. Cracks in these welds could cause the spar spigot to fail with little or no warning. If this joint fails, then failure of the wing spar could occur. Considering this situation, using an inspection to determine airworthiness is not a comprehensive method for ensuring the safety of the airframe.

The spar spigot assembly is based on a safe-life design philosophy. A safe-life design structure must be able to sustain a certain number of events such as flights, landings, and/or flight hours with a low probability that the strength will degrade below its design ultimate value due to fatigue cracking. In this type of structural design, there is no redundant or backup structural element to retain the structure's residual strength after the failure or partial failure of the principle structural element: the pin-to-plate interface.

From the FAA's perspective, in a safe-life designed structure, the development of a detectable crack is considered fatigue failure. Since a safe-life evaluation usually does not include demonstration of crack growth rates or residual strength capability, we assume that the development of a detectable

crack may result in a catastrophic failure of the structure. The replacement spar spigot assembly has been redesigned to be more robust due to the manufacturing process used along with additional filleting which enhances fatigue resistance.

The new design also removes the critical failure mode and the requirements for weld inspections. Therefore, at Grob's discretion, a design enhancement, not a work-around solution, was implemented in order to increase the safety of this structural interface.

We are not changing the final rule AD action as a result of this comment.

Comment Issue No. 3: The German MCAI Is Less Severe Than the Proposed AD

Hartley L. Falbaum and Bruce Stobbe interpret that the German AD allows cracks to be blended out and the parts to remain in service. Consequently, there is adequate warning prior to failure. They request an alternative method of compliance (AMOC) to the requirements of the proposed AD.

We disagree with the comment and the interpretation. The MCAI clearly states the requirements to inspect and replace the wing main spigot assembly. The Grob Luft- und Raumfahrt Service Bulletin TM 306–29; TM 320–5, issue date: October 11, 1990, authorizes crack removal by blending based on specific, detailed criteria. Regardless, if the criterion is or is not met, the wing main spigot assembly must be replaced within a given time. Finally, cracks in the welds of the pin-to-plate interface could cause the spar spigot to fail with little or no warning.

We are not changing this final rule AD action as a result of this comment.

Comment Issue No. 4: Limited Number of Repair Facilities

Cindy Brickner, John H. Campbell, Robert DeFabio, David Forrest, Hartley L. Falbaum, Bruce Stobbe, and the SSA express concerns that an adequate repair facility may not be available to do the repair.

We partially agree with this comment. The closing of Grob's repair facility in Bluffton, Ohio, leaves few repair facilities with direct experience in doing this work. However, 14 CFR part 65 provides that an appropriately rated mechanic with an inspection authorization or an appropriately rated mechanic under the oversight of a mechanic with an inspection authorization is approved for this level of repair. We are aware of the cost and travel impacts of this AD on the gliding community. However, this does not diminish the need to do the repair, and a glider that has not had the replacement of the wing main spigot assembly has a corresponding reduction in its value.

We are not changing the final rule AD action as a result of this comment.

Comment Issue No. 5: Risk With the Proposed Repair

Robert DeFabio, Hartley L. Falbaum, Philippe C. Marchal, and Bruce Stobbe express concerns that fewer repair stations with less experienced personnel to do the repair will create a greater risk than the one the glider is currently exposed to.

We disagree with the comment. We issued AD 90–02–09, effective February 5, 1990, for the twin-seat version of the glider, which mandated replacement of the spigot assembly. Approximately 120 of the repairs have been made for this AD, all without incident or failure attributed to this rework. Further, the mandatory repair implemented worldwide has had no known failure.

We are not changing the final rule AD action as a result of this comment.

Comment Issue No. 6: Parts, Tools, and Repair Skills Needed May Not Be Available

Cindy Brickner and David Forrest express concern that since the closing of Grob's repair facility in Ohio, the parts, tools, and repair skills needed may not be available to do the proposed AD.

We disagree with the comment. Parts are available for the replacement of the wing main spigot assembly from Fiberglas-technik, Rudolph Linder GmbH & Co. KG; Steige 3, 88487 Walpertshofen; telephone: +49 7353 2243; fax: +49 7353 3096; e-mail: *H.Lindner@t-online.de;* Internet: *http://www.LTB-Lindner.com.* There is also a limited supply of parts from Composite Aircraft Repair, P.O. Box 2010, Moriarty, New Mexico 87035; telephone (505) 269-8234; e-mail: *Robertmudd1u@aol.com.* An appropriately rated mechanic with an inspection authorization or an appropriately rated mechanic under the oversight of a mechanic with an inspection authorization is approved to do this repair. Also, approximately 120 of the repairs have been made for a similar AD, all without incident or failure attributed to this rework. Further, the mandatory repair implemented worldwide has had no known failure.

After the NPRM was issued, we found that the material required for the repair was not available in the United States and an undue cost burden would have been placed on operators to get the repair material from Germany. This final rule AD action adds Grob Aircraft Repair Instructions No. RI–GROB–001, dated May 14, 2009, that lists an alternate resin/hardener available in the United States.

We are not changing the final rule AD action as a result of this comment.

Comment Issue No. 7: Extend All Compliance Times To Allow Time To Get Parts and Schedule Spar Spigot Assembly Replacement

The SSA requests FAA extend all compliance times to allow time to procure parts and schedule replacement of the wing main spigot assembly with a qualified repair facility.

The FAA agrees with the SSA's proposal to extend the compliance time for the initial inspection from 10 to 25 hours time-in-service after the effective date of the AD and, if no cracks are found, increase the replacement time for the wing main spigot assembly from 12 to 15 months after the effective date of the AD.

Comment Issue No. 8: The Design Defect Found on the Twin-Seat Glider Is Not Applicable to the Single-Seat Glider

John H. Campbell writes that the perceived defect is centered on the twin-seat version of the glider. This perceived defect should not include the single-seat version of this glider. He also writes that the twin-seat glider is certificated under the aerobatic category; the single-seat glider is certificated under the utility category. We infer that, based on the design and operation of the affected single-seat glider, the commenter wants the proposed AD withdrawn.

We disagree with this comment. The fact that the single-seat glider is lighter and certificated in the utility category is not relevant. The original design of the wing spar spigot assembly of the single-seat and twin-seat gliders is insufficient to meet the airframe life limits. The type design of the G102 series gliders is similar to the type design of the G103 series gliders. As a result, the German airworthiness authority issued its ADs. We concur with Grob and the German airworthiness authority that this is a required AD action.

We are not changing the final rule AD action as a result of this comment.

Comment Issue No. 9: Withdraw the Proposed AD

John Campbell writes that this issue was addressed more than 20 years ago and that many Grob sailplanes now have thousands of flight hours. The MCAI statement from the manufacturer

in the NPRM is based on a decision made in Australia. Campbell asks why the FAA is addressing this now and what prompted action on this issue. He notes that the gliders made in the 1980s are bargain investments. The cost to repair is a large part of the total value of the glider. Although no specific change is requested, based on the comment, we infer that the commenter wants the NPRM withdrawn.

For unknown reasons, the FAA did not issue an AD on the single-seat versions of these gliders at the time the German airworthiness authority issued its AD. Further, a review of our records finds no explanation for the delay in addressing this issue. Nevertheless, a safety issue exists that must be addressed.

The Gliding Federation of Australia noted that in Australia, the single-seat G102 series gliders, which have a similar type design to the twin-seat versions, had reports of cracking in the welds of the pins. Consequently, the occurrences of cracked pins in several gliders resulted in Australia issuing AD 370, Issue: 2, dated January 10, 1991.

We recognize that doing this AD to maintain the glider's airworthiness is a financial burden. However, a glider that has not had the replacement of the wing main spigot assembly has a corresponding reduction in its value.

We are not changing the final rule AD action as a result of this comment.

Conclusion

We reviewed the available data, including the comments received, and determined that air safety and the public interest require adopting the AD with the changes described previously. We determined that these changes will not increase the economic burden on any operator or increase the scope of the AD.

Differences Between This AD and the MCAI or Service Information

We have reviewed the MCAI and related service information and, in general, agree with their substance. But we might have found it necessary to use different words from those in the MCAI to ensure the AD is clear for U.S. operators and is enforceable. In making these changes, we do not intend to differ substantively from the information provided in the MCAI and related service information.

We might also have required different actions in this AD from those in the MCAI in order to follow FAA policies. Any such differences are highlighted in a Note within the AD.

Costs of Compliance

We estimate that this AD will affect 79 products of U.S. registry. We also estimate that it will take about 25 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Required parts will cost about $840 per product.

Based on these figures, we estimate the cost of this AD to the U.S. operators to be $234,235 or $2,965 per product.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this AD:

(1) Is not a "significant regulatory action" under Executive Order 12866;

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

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

We prepared a regulatory evaluation of the estimated costs to comply with this AD and placed it in the AD Docket.

Examining the AD Docket

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2011–01–03 GROB–WERKE GMBH & CO KG: Amendment 39–16556; Docket No. FAA–2007–28435; Directorate Identifier 2007–CE–054–AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective February 14, 2011.

Affected ADs

(b) None.

Applicability

(c) This AD applies to the GROB–WERKE GMBH & CO KG gliders Model G102 ASTIR CS, serial numbers (SNs) 1001 through 1536; Model G102 CLUB ASTIR III, SNs 5501 (suffix C) through 5652 (suffix C); Model G102 CLUB ASTIR IIIb, SNs 5501 (suffix Cb) through 5652 (suffix Cb); and Model G102 STANDARD ASTIR III, SNs 5501 (suffix S) through 5652 (suffix S), that are:

(1) Equipped with any wing spar spigot assembly that has not been replaced following Grob Luft-und Raumfahrt Service Bulletin TM 306–29; TM 320–5, issue date: October 11, 1990; and

(2) Are certificated in any category.

Subject

(d) Air Transport Association of America (ATA) Code 57: Wings.

Reason

(e) The mandatory continuing airworthiness information (MCAI) states:

As a result of the replacement action of the G 103 TWIN ASTIR spar spigot assemblies, the Gliding Federation of Australia issued a directive to inspect the similar main spigots of single-seater sailplanes.

The MCAI requires you to inspect the wing main spigot assembly before the next flight and replace it.

Actions and Compliance

(f) Unless already done, do the following actions:

(1) Within the next 25 hours time-in-service (TIS) after February 14, 2011 (the effective date of this AD), inspect both wing spar spigot assemblies for cracks using a dye-penetrant or magnetic-particle method following Grob Luft- und Raumfahrt Service Bulletin TM 306–29; TM 320–5, issue date: October 11, 1990. The use of the magnification method is prohibited.

Note 1: If dye-penetrant method is used, great care should be exercised when cleaning and/or etching the surfaces and interpreting surface faults.

(2) Replace the wing main spigot assembly following Grob Luft- und Raumfahrt Service Bulletin TM 306–29; TM 320–5, issue date: October 11, 1990; and Grob Aircraft Repair Instructions No. RI–GROB–001, dated May 14, 2009, using whichever of the following compliance times that apply:

(i) If cracks are found during the inspection required in paragraph (f)(1) of this AD, before further flight; or

(ii) If no cracks are found during the inspection required in paragraph (f)(1) of this AD, within the next 15 months after February 14, 2011 (the effective date of this AD).

FAA AD Differences

Note 2: This AD differs from the MCAI and/or service information as follows:

(1) The MCAI compliance time required the wing main spigot assembly to be inspected before the next flight and replacement of the wing spar spigot assembly no later than December 31, 1992. This AD requires inspection within the next 25 hours TIS after February 14, 2011 (the effective date of this AD), and replacement prior to further flight after the inspection where cracks are found or 15 months after February 14, 2011 (the effective date of this AD), if no cracks are found.

(2) In lieu of authorizing a 10x magnifier for inspection as specified in the MCAI, this AD requires you use either a dye-penetrant or magnetic-particle inspection method.

(3) After the notice of proposed rulemaking (NPRM) was issued, we found that the material required for the repair was not available in the United States and an undue cost burden would have been placed on operators to get the repair material from Germany. This AD adds Grob Aircraft Repair Instructions No. RI–GROB–001, dated May 14, 2009. This repair instruction lists an alternate resin/hardener that is available in the United States.

Other FAA AD Provisions

(g) The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Staff, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO. Send information to ATTN of one of the following individuals:

(i) Jim Rutherford, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4165; fax: (816) 329–4090; or

(ii) Greg Davison, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4130; fax: (816) 329–4090.

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

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

Related Information

(h) Refer to MCAI Federal Republic of Germany Luftfahrt-Bundesamt AD 91–5/2 Grob, dated February 1, 1991; Grob Luft- und Raumfahrt Service Bulletin TM 306–29; TM 320–5, issue date: October 11, 1990; and Grob Aircraft Repair Instructions No. RI–GROB–001, dated May 14, 2009, for related information.

Material Incorporated by Reference

(i) You must use Grob Luft-und Raumfahrt Service Bulletin TM 306–29; TM 320–5, issue date: October 11, 1990; and Grob Aircraft Repair Instructions No. RI–GROB–001, dated May 14, 2009, to do the actions required by this AD, unless the AD specifies otherwise.

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

(2) For service information identified in this AD, contact Grob Aircraft; Lettenbachstr. 9; Tussenhausen-Mattsies; Head of Customer Service & Support, Germany; telephone: +49 (0) 8268 998 139; fax: +49 (0) 8268 998 200; E-mail: *productsupport@grob-aircraft.com;* Web site: *http://www.grob-aircraft.com.*

(3) You may review copies of the service information incorporated by reference for this AD at the FAA, Central Region, Office of the Regional Counsel, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the Central Region, call (816) 329–3768.

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

Issued in Kansas City, Missouri, on December 21, 2010.

Earl Lawrence,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2010–32753 Filed 1–7–11; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2010–1279; Directorate Identifier 2009–NM–258–AD; Amendment 39–16568; AD 2010–02–05]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A300, A300–600, A310, A318, A319, A320, A321, A330–300, A340–200, A340–300, A340–500, A340–600, and A380–800 Series Airplanes; and Model A330–201, A330–202, A330–203, A330–223, A330–243 Airplanes

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

ACTION: Final rule; request for comments.

SUMMARY: This document publishes in the **Federal Register** an amendment adopting airworthiness directive (AD) 2010–02–05 that was sent previously by individual notices to the known U.S. owners and operators of affected airplanes identified above. This AD requires modifying the flight deck door. This AD was prompted by a report indicating that certain equipment of the flight deck door is defective. We are issuing this AD to prevent failure of this equipment, which could jeopardize flight safety.

DATES: This AD becomes effective January 18, 2011 to all persons except those persons to whom it was made immediately effective by AD 2010–02–05, which contained the requirements of this amendment.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the AD as of January 18, 2011.

We must receive comments on this AD by February 24, 2011.

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

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

For service information identified in this AD for Model A300, A300–600, and A310 series airplanes, contact Airbus SAS—EAW (Airworthiness Office), 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; e-mail *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.*

For service information identified in this AD for Model A318, A319, A320, and A321 series airplanes, contact Airbus, Airworthiness Office—EAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; e-mail *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.*

For service information identified in this AD for Model A330–300, A340–200, A340–300, A340–500, A340–600 series airplanes, and Model A330–201, A330–202, A330–203, A330–223, A330–243 airplanes, contact Airbus SAS—Airworthiness Office—EAL, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; e-mail *airworthiness.A330-A340@airbus.com;* Internet *http://www.airbus.com.*

For service information identified in this AD for Model A380–800 series airplanes, contact Airbus SAS—EANA (Airworthiness Office); 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 562 110 253; Fax +33 562 110 307; e-mail *account.airworth-A380@airbus.com;* Internet *http://www.airbus.com.*

Examining the AD Docket

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

FOR FURTHER INFORMATION CONTACT: Tim Dulin, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–2141; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: On January 8, 2010, we issued AD 2010–02–05, which applies to certain Airbus Model A300, A300–600, A310, A318, A319, A320, A321, A330–300, A340–200, A340–300, A340–500, A340–600, and A380–800 series airplanes; and Model A330–201, A330–202, A330–203, A330–223, A330–243 airplanes.

Background

We have received a report indicating that certain equipment of the flight deck door is defective. This condition, if not corrected, could jeopardize flight safety.

Relevant Service Information

We reviewed the Airbus service bulletins identified in the following table.

AIRBUS SERVICE BULLETINS

Airbus Service Bulletin—	Dated—
A300–25–0486, including Appendix	September 21, 2009.
A300–25–6218, including Appendix	September 21, 2009.
A310–25–2206, including Appendix	September 21, 2009.
A320–25–1666, including Appendix	September 21, 2009.
A330–25–3424, including Appendix	September 21, 2009.
A340–25–4326, including Appendix	September 21, 2009.
A340–25–5169, including Appendix	September 18, 2009.
A380–25–8058, including Appendix	September 21, 2009.

The service bulletins describe procedures for modifying the flight deck door.

FAA's Determination and Requirements of this AD

Since the unsafe condition described is likely to exist or develop on other airplanes of the same type design, we issued AD 2010–02–05 to prevent failure of certain equipment of the flight deck door, which could jeopardize flight safety. The AD requires modifying the flight deck door.

We have determined that notice and opportunity for prior public comment on AD 2010–02–05 were contrary to the public interest, and good cause existed to make the AD effective immediately by individual notices issued on January 8, 2010, to the known U.S. owners and operators of affected Airbus Model A300, A300–600, A310, A318, A319, A320, A321, A330–300, A340–200, A340–300, A340–500, A340–600, and A380–800 series airplanes; and Model A330–201, A330–202, A330–203, A330–223, A330–243 airplanes. These conditions still exist, and the AD is hereby published in the **Federal Register** as an amendment to section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) to make it effective to all persons.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not provide you with notice and an opportunity to provide your comments before it becomes effective. However, we invite you to send any written data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA–2010–1279; Directorate Identifier 2009–NM–258–AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this AD because of those comments.

We will post all comments we receive, without change, to *http://*

www.regulations.gov, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this AD.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

You can find our regulatory evaluation and the estimated costs of compliance in the AD Docket.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

2010–02–05 Airbus: Amendment 39–16568. Docket No. FAA–2010–1279; Directorate Identifier 2009–NM–258–AD.

Effective Date

(a) This AD becomes effective January 18, 2011, to all persons except those persons to whom it was made immediately effective by AD 2010–02–05, issued on January 8, 2010, which contained the requirements of this amendment.

Affected ADs

(b) None.

Applicability

(c) This AD applies to the Airbus airplanes, certificated in any category, identified in paragraphs (c)(1), (c)(2), (c)(3), (c)(4), and (c)(5) of this AD.

(1) Model A300 B2–1A, B2–1C, B4–2C, B2K–3C, B4–103, B2–203, B4–203, B4–601, B4–603, B4–620, B4–622, B4–605R, B4–622R, F4–605R, F4–622R, and C4–605R Variant F airplanes; and A310–203, –204, –221, –222, –304, –322, –324, and –325 airplanes; all manufacturer serial numbers on which Airbus modification 12558, 12640, or 12715 has been embodied in production, or on which Airbus Service Bulletin A310–25–2143, A300–25–6169, A310–25–2147, A300–25–0472, or A300–25–6173 has been embodied in service.

(2) Model A318–111, A318–112, A318–121, A318–122, A319–111, A319–112, A319–113, A319–114, A319–115, A319–131, A319–132, A319–133, A320–111, A320–211, A320–212, A320–214, A320–231, A320–232, A320–233, A321–111, A321–112, A321–131, A321–211, A321–212, A321–213, A321–231 and A32–232 airplanes; all manufacturer serial numbers on which Airbus modification 32088 has been embodied in production, or on which Airbus Service Bulletin A320–25–1287, A320–25–1305, or A320–25–1282 has been embodied in service; except those on which Airbus modification 150816 has been embodied in production.

(3) Model A330–201, A330–202, A330–203, A330–223, A330–243, A330–301, A330–302, A330–303, A330–321, A330–322, A330–323, A330–341, A330–342, and A330–343 airplanes; all manufacturer serial numbers on which Airbus modification 50014 has been embodied in production, or on which Airbus Service Bulletin A330–25–3161 or A330–25–3159 has been embodied in service; except those on which Airbus modification 200446 has been embodied in production.

(4) Model 340–211, A340–212, A340–213, A340–311, A340–312, A340–313, A340–541, and A340–642 airplanes; all manufacturer serial numbers on which Airbus modification 50014 has been embodied in production, or on which Airbus Service Bulletin A340–25–4181 or A340–25–4178 has been embodied in service; except those on which Airbus modification 200446 has been embodied in production.

(5) Model A380–841, A380–842, and A380–861 airplanes, all manufacturer serial numbers except those on which Airbus modification 69512 has been embodied in production.

Subject

(d) Air Transport Association (ATA) of America Code 25: Equipment/furnishings.

Unsafe Condition

(e) This AD was prompted by a report indicating that certain equipment on the flight deck door is defective. We are issuing this AD to prevent failure of this equipment, which could jeopardize flight safety.

Compliance

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

Modification

(g) Within 3 months after the effective date of this AD, modify the cockpit door, in accordance with the applicable service bulletin identified in Table 1 of this AD.

TABLE 1—SERVICE BULLETINS

For model—	Use Airbus Service Bulletin—	Dated—
A300 series airplanes	A300–25–0486, including Appendix	September 21, 2009.
A300–600 series airplanes	A300–25–6218, including Appendix	September 21, 2009.
A310 series airplanes	A310–25–2206, including Appendix	September 21, 2009.
A318, A319, A320, and A321 series airplanes	A320–25–1666, including Appendix	September 21, 2009.
A330–200 and –300 series airplanes	A330–25–3424, including Appendix	September 21, 2009.
A340–200 and –300 series airplanes	A340–25–4326, including Appendix	September 21, 2009.
A340–500 and –600 series airplanes	A340–25–5169, including Appendix	September 18, 2009.
A380–800 series airplanes	A380–25–8058, including Appendix	September 21, 2009.

Alternative Methods of Compliance (AMOCs)

(h)(1) The Manager, International Branch, ANM–116, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Tim Dulin, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–2141; fax (425) 227–1149.

(2) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. Before using any approved AMOC on any airplane to which the AMOC applies, notify your principal maintenance inspector (PMI) or principal avionics inspector (PAI), as appropriate, or lacking a principal inspector, your local Flight Standards District Office. The AMOC approval letter must specifically refer to this AD.

Material Incorporated by Reference

(i) You must use the service information contained in Table 2 of this AD, as applicable, to do the actions required by this AD, unless the AD specifies otherwise.

TABLE 2—MATERIAL INCORPORATED BY REFERENCE

Airbus Service Bulletin—	Dated—
A300–25–0486, including Appendix	September 21, 2009.
A300–25–6218, including Appendix	September 21, 2009.
A310–25–2206, including Appendix	September 21, 2009.
A320–25–1666, including Appendix	September 21, 2009.
A330–25–3424, including Appendix	September 21, 2009.
A340–25–4326, including Appendix	September 21, 2009.
A340–25–5169, including Appendix	September 18, 2009.
A380–25–8058, including Appendix	September 21, 2009.

(1) The Director of the Federal Register approved the incorporation by reference of the service information contained in Table 2 of this AD under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) Use the contact information specified in paragraphs (i)(2)(i), (i)(2)(ii), (i)(2)(iii), and (i)(2)(iv), as applicable, for service information identified in this AD.

(i) For Model A300, A300–600, and A310 series airplanes, contact Airbus SAS—EAW (Airworthiness Office), 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; e-mail *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.*

(ii) For Model A318, A319, A320, and A321 series airplanes, contact Airbus, Airworthiness Office—EAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; e-mail *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.*

(iii) For Model A330–300, A340–200, A340–300, A340–500, A340–600 series airplanes, and Model A330–201, A330–202, A330–203, A330–223, A330–243 airplanes, contact Airbus SAS—Airworthiness Office—EAL, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; e-mail *airworthiness.A330-A340@airbus.com;* Internet *http://www.airbus.com.*

(iv) For Model A380–800 series airplanes, contact Airbus SAS—EANA (Airworthiness Office); 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 562 110 253; Fax +33 562 110 307; e-mail *account.airworth-A380@airbus.com;* Internet *http://www.airbus.com.*

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

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

Issued in Renton, Washington, on December 14, 2010.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2010–33318 Filed 1–7–11; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2010–1297; Directorate Identifier 2010–CE–068–AD; Amendment 39–16569; AD 2010–26–54]

RIN 2120–AA64

Airworthiness Directives; Cessna Aircraft Company (Cessna) (Type Certificate A00003SE Previously Held by Columbia Aircraft Manufacturing (Previously The Lancair Company)) Models LC41–550FG and LC42–550FG Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for the products listed above. This emergency AD was sent previously to all known U.S. owners and operators of these airplanes. This AD requires obtaining written approval from the Manager, Wichita Aircraft Certification Office (ACO), to operate the airplane. This written approval must clearly state that operation is approved per Emergency AD 2010–26–54. This AD was prompted by a Cessna Model LC41–550FG airplane that suffered a significant structural failure in the wing during a production acceptance flight test. We are issuing this AD to prevent catastrophic failure of the wing due to disbonding of the wing skin from the wing spar.

DATES: This AD is effective January 10, 2011 to all persons except those persons to whom it was made immediately effective by Emergency AD 2010–26–54, issued on December 17, 2010, which contained the requirements of this amendment.

We must receive comments on this AD by February 24, 2011.

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

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

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov;* or in person at the Docket Operations Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for

the Docket Operations Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Gary Park, Aerospace Engineer, Wichita ACO, FAA, 1801 Airport Road, Wichita, KS 67209; phone: (316) 946–4123; fax: (316) 946–4107; e-mail: *gary.park@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

On December 10, 2010, we issued Emergency AD 2010–26–53, which requires obtaining written approval from the Manager, Wichita ACO, to operate the airplane. The written approval must clearly state that operation is approved per Emergency AD 2010–26–53. This action was prompted by a Cessna Model LC41–550FG airplane that suffered a significant structural failure in the wing during a production acceptance flight test. The wing skin disbonded from the upper forward wing spar. The length of the disbond was approximately 7 feet.

Since issuing AD 2010–26–53, we determined the need to increase the serial numbers in the Applicability section and to correct a serial number in the Applicability section. We issued Emergency AD 2010–26–54, dated December 17, 2010, which retains the actions of the previous AD, adds serial numbers to the Applicability section, and corrects a serial number in the Applicability section.

This condition, if not corrected, could result in catastrophic failure of the wing due to disbonding of the wing skin from the wing spar.

FAA's Determination

We are issuing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

AD Requirements

This AD requires obtaining written approval from the Manager, Wichita ACO, to operate the airplane. The written approval must clearly state that operation is approved per Emergency AD 2010–26–54.

Interim Action

We consider this AD interim action.

FAA's Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because disbonding of the wing skin from the wing spar could result in catastrophic failure of the wing. Therefore, we find that notice and opportunity for prior public comment are impracticable and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety and was not preceded by notice and an opportunity for public comment. However, we invite you to send any written data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include the docket number FAA–2010–1297 and Directorate Identifier 2010–CE–068–AD at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this AD because of those comments.

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

Costs of Compliance

We estimate that this AD affects 13 airplanes of U.S. registry.

There are no labor or parts costs associated with this AD action.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

2010–26–54 Cessna Aircraft Company (Type Certificate A00003SE previously held by Columbia Aircraft Manufacturing (previously The Lancair Company)): Amendment 39–16569; Docket No. FAA–2010–1297; Directorate Identifier 2010–CE–068–AD.

Effective Date

(a) This AD is effective January 10, 2011 to all persons except those persons to whom it was made immediately effective by Emergency AD 2010–26–54, issued on December 17, 2010, which contained the requirements of this amendment.

Affected ADs

(b) None.

Applicability

(c) This AD applies to the following Cessna Aircraft Company (Cessna) (Type Certificate A00003SE previously held by Columbia Aircraft Manufacturing (previously The Lancair Company)) airplanes certified in any category, as identified in table 1 of this AD:

TABLE 1—APPLICABILITY

Model	Serial Nos.
LC41–550FG	41028, 41705, 411114, 411160, 411161, 411162, 411163, 411164, 411165, 411167, 411170, and 411171.
LC42–550FG	42517.

Subject

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

Unsafe Condition

(e) This AD was prompted by a Cessna Model LC41–550FG airplane that suffered a significant structural failure in the wing during a production acceptance flight test. The wing skin disbonded from the upper forward wing spar. The length of the disbond was approximately 7 feet. We are issuing this AD to prevent catastrophic failure of the wing due to disbonding of the wing skin from the wing spar.

Compliance

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

Operation Restriction

(g) As of the effective date of this AD, do not operate the airplane without written approval from the Manager, Wichita Aircraft Certification Office (ACO). This written approval must clearly state that operation is approved per AD 2010–26–54.

Special Flight Permit

(h) A special flight permit requires written approval from the Manager, Wichita ACO. This written approval must clearly state that operation is approved per AD 2010–26–54.

Alternative Methods of Compliance (AMOCs)

(i)(1) The Manager, Wichita ACO, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in the Related Information section of this AD.

(2) Before using any approved AMOC, notify your Principal Maintenance Inspector or Principal Avionics Inspector, as appropriate, or lacking a principal inspector, your local Flight Standards District Office.

Related Information

(j) For further information about this AD, contact: Gary Park, Aerospace Engineer, Wichita ACO, FAA, 1801 Airport Road, Wichita, KS 67209; phone: (316) 946–4123; fax: (316) 946–4107; e-mail: *gary.park@faa.gov.*

Issued in Kansas City, Missouri, on December 27, 2010.

Earl Lawrence,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2010–33336 Filed 1–7–11; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2010–1280; Directorate Identifier 2010–NM–270–AD; Amendment 39–16572; AD 2011–01–15]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Model 757–200, –200CB, and –300 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for the products listed above. This AD requires repetitive inspections for cracking of the fuselage skin of the crown skin panel along the chem-milled step at stringers S–4 left and S–4 right, from stations (STA) 297 through 439, and repair if necessary. This AD also includes terminating action for the repetitive inspections of the repaired areas only. This AD was prompted by reports of cracking in the fuselage skin of the crown skin panel. We are issuing this AD to detect and correct fatigue cracking of the fuselage skin of the crown skin panel, which could result in pressure venting and consequent rapid decompression of the airplane.

DATES: This AD is effective January 25, 2011.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD as of January 25, 2011.

We must receive comments on this AD by February 24, 2011.

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

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

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

Examining the AD Docket

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

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

SUPPLEMENTARY INFORMATION:

Discussion

We have received reports of cracking in the fuselage skin of the crown skin panel. On one airplane, the crack was 10.75 inches long, midway between stations (STA) 420 and 439, just above the lap joint at stringer 4L (left) of the chem-milled step. The airplane had accumulated 24,631 total flight cycles. On another airplane, there was an opening from a crack in the fuselage above and aft of the passenger entry doorway. One edge of the opening ran approximately 18 inches in the forward-to-aft direction; the other edge ran approximately 12 inches along the chem-milled pocket edge above stringer 4L. Additionally, a 1.3-inch crack was found in the skin forward of the opening in the adjacent skin bay also in the chem-milled step above stringer 4L. The airplane had accumulated 22,450 total

flight cycles. The subject cracking is attributed to fatigue. Such cracking could initiate at multiple locations on the interior surface along the chem-milled step edges above the stringer 4L or 4R (right) lap splices of the skin. This condition, if not corrected, could result in pressure venting and consequent rapid decompression of the airplane.

Relevant Service Information

We reviewed Boeing Special Attention Service Bulletin 757–53–0097, dated November 22, 2010. The service information describes procedures for repetitive inspections for cracking of the fuselage skin of the crown skin panel along the chem-milled step at stringers S–4L and S–4R, from STA 297 through 439, as specified in the options below. If any crack is found, the service bulletin recommends contacting Boeing for damage removal and repair instructions.

- Option A Inspection: An external detailed inspection of the STA 297 through 439 crown skin panel at stringers S–4L and S–4R lap joints.
- Option B Inspection: An external sliding probe eddy current inspection of the STA 297 through 439 crown skin panel at stringers S–4L and S–4R lap joints.
- Option C Inspection: An external spot probe medium frequency eddy current inspection of the STA 297 through 439 crown skin panel at stringers S–4L and S–4R lap joints.

The compliance time for all of the initial inspections is before the accumulation of 15,000 total flight cycles, or within 30 days after the original issue date of the service bulletin, whichever occurs later. The repetitive interval is specified below.

- Option A: At intervals not to exceed 30 flight cycles.
- Option B: At intervals not to exceed 300 flight cycles.
- Option C: At intervals not to exceed 200 flight cycles.

The initial external detailed inspection specified in Option A, if done, is repeated until either the Option B or Option C inspection is accomplished within 90 days after the original date of the service bulletin, and thereafter, either the Option B or Option C inspection is repeated. Accomplishing the Option B or Option C inspection would eliminate the need for the Option A inspection.

A detailed external inspection may be applied no more than once for each repeat interval of 300 flight cycles to extend the Option B repeat inspection up to 330 flight cycles, and for each repeat interval of 200 flight cycles to extend the Option C inspection up to 230 flight cycles—not to exceed 30 flight cycles after accomplishing the inspection.

Boeing Special Attention Service Bulletin 757–53–0097, dated November 22, 2010, also includes certain exceptions to the inspection of the edge of the chem-milled pocket under an existing external repair doubler.

FAA's Determination

We are issuing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

AD Requirements

This AD requires accomplishing the actions specified in the service information described previously, except as discussed under "Difference Between the AD and the Service Information."

Difference Between the AD and the Service Information

Boeing Special Attention Service Bulletin 757–53–0097, dated November 22, 2010, specifies to contact the manufacturer for instructions on how to repair certain conditions, but this AD would require repairing those conditions in one of the following ways:

- In accordance with a method that we approve; or
- Using data that meet the certification basis of the airplane, and that have been approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) whom we have authorized to make those findings.

Interim Action

We consider this AD interim action. An investigation is ongoing and no terminating action has been developed yet.

FAA's Justification and Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because fatigue cracking of the fuselage skin of the crown skin panel could result in pressure venting and consequent rapid decompression of the airplane. Therefore, we find that notice and opportunity for prior public comment are impracticable and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety and was not preceded by notice and an opportunity for public comment. However, we invite you to send any written data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA-2010–1280; Directorate Identifier 2010–NM–270–AD;" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this AD because of those comments.

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

Costs of Compliance

We estimate that this AD affects 683 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection	1 work-hour × $85 per hour = $85 per inspection cycle.	None	$85 per inspection cycle.	$58,055 per inspection cycle.

We have received no definitive data that would enable us to provide a cost estimate for the on-condition actions specified in this AD.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue

rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. "Subtitle VII: Aviation Programs" describes in more detail the scope of the Agency's authority.

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

2011–01–15 The Boeing Company: Amendment 39–16572; Docket No. FAA–2010–1280; Directorate Identifier 2010–NM–270–AD.

Effective Date

(a) This AD is effective January 25, 2011.

Affected ADs

(b) None.

Applicability

(c) This AD applies to The Boeing Company Model 757–200, –200CB, and –300 series airplanes, certificated in any category, as identified in Boeing Special Attention Service Bulletin 757–53–0097, dated November 22, 2010.

Subject

(d) Joint Aircraft System Component (JASC)/Air Transport Association (ATA) of America Code 53: Fuselage.

Unsafe Condition

(e) This AD was prompted by reports of cracking in the fuselage skin of the crown skin panel. We are issuing this AD to detect and correct fatigue cracking of the fuselage skin, which could result in pressure venting and consequent rapid decompression of the airplane.

Compliance

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

Repetitive Inspections/Repair

(g) At the applicable time specified in paragraph 1.E., "Compliance," of Boeing Special Attention Service Bulletin 757–53–0097, dated November 22, 2010, except as required by paragraph (i) of this AD: Do an external detailed, sliding probe eddy current, or spot-probe-medium-frequency eddy current inspection for cracking of the fuselage skin of the crown skin panel along the chem-milled step at stringers S–4L (left) and S–4R (right), stations (STA) 297 through 439, in accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 757–53–0097, dated November 22, 2010. Repeat the applicable inspection thereafter at the interval specified in paragraph 1.E., "Compliance," of Boeing Special Attention Service Bulletin 757–53–0097, dated November 22, 2010.

Repair

(h) If any crack is found during any inspection required by paragraph (g) of this AD: Before further flight, repair using a method approved in accordance with the procedures specified in paragraph (j) of this AD. Doing the repair ends the repetitive inspections for the repaired area only.

Exception to Service Bulletin Specification

(i) Where Boeing Special Attention Service Bulletin 757–53–0097, dated November 22, 2010, specifies a compliance time after the date on that service bulletin, this AD requires compliance within the specified compliance time after the effective date of this AD.

Alternative Methods of Compliance (AMOCs)

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

(2) Before using any approved AMOC, notify your Principal Maintenance Inspector or Principal Avionics Inspector, as appropriate, or lacking a principal inspector, your local Flight Standards District Office.

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

Related Information

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

Material Incorporated by Reference

(l) You must use Boeing Special Attention Service Bulletin 757–53–0097, dated November 22, 2010, to do the actions required by this AD, unless the AD specifies otherwise.

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

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

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

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

Issued in Renton, Washington, on December 28, 2010.

Jeffrey E. Duven,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2011–51 Filed 1–7–11; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30761; Amdt. No. 3406]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective January 10, 2011. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 10, 2011.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which the affected airport is located;

3. The National Flight Procedures Office, 6500 South MacArthur Blvd., Oklahoma City, OK 73169, or

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

Availability—All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit *http://www.nfdc.faa.gov* to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT: Harry J. Hodges, Flight Procedure Standards Branch (AFS–420), Flight Technologies and Programs Divisions, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082, Oklahoma City, OK 73125); Telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This rule amends Title 14 of the Code of Federal Regulations, Part 97 (14 CFR part 97), by establishing, amending, suspending, or revoking SIAPS, Takeoff Minimums and/or ODPS. The complete regulators description of each SIAP and its associated Takeoff Minimums or ODP for an identified airport is listed on FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR part 97.20. The applicable FAA Forms are FAA Forms 8260–3, 8260–4, 8260–5, 8260–15A, and 8260–15B when required by an entry on 8260–15A.

The large number of SIAPs, Takeoff Minimums and ODPs, in addition to their complex nature and the need for a special format make publication in the **Federal Register** expensive and impractical. Furthermore, airmen do not use the regulatory text of the SIAPs, Takeoff Minimums or ODPs, but instead refer to their depiction on charts printed by publishers of aeronautical materials. The advantages of incorporation by reference are realized and publication of the complete description of each SIAP, Takeoff Minimums and ODP listed on FAA forms is unnecessary. This amendment provides the affected CFR sections and specifies the types of SIAPs and the effective dates of the associated Takeoff Minimums and ODPs. This amendment also identifies the airport and its location, the procedure, and the amendment number.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP, Takeoff Minimums and ODP as contained in the transmittal. Some SIAP and Takeoff Minimums and textual ODP amendments may have been issued previously by the FAA in a Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP and Takeoff Minimums and ODP amendments may require making them effective in less than 30 days. For the remaining SIAPS and Takeoff Minimums and ODPS, an effective date at least 30 days after publication is provided.

Further, the SIAPs and Takeoff Minimums and ODPS contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPS and Takeoff Minimums and ODPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedures before adopting these SIAPS, Takeoff Minimums and ODPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26,1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Incorporation by reference, and Navigation (air).

Issued in Washington, DC, on December 24, 2010.

Ray Towles,

Deputy Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures and/or Takeoff Minimums and/or Obstacle Departure Procedures effective at 0902 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

Effective 10 FEB 2011

Searcy, AR, Searcy Muni, RNAV (GPS) RWY 1, Amdt 1A
Clifton-Morenci, AZ, Greenlee County, RNAV (GPS)–A, Orig
Red Bluff, CA, Red Bluff Muni, Takeoff Minimums and Obstacle DP, Amdt 4
Independence, IA, Independence Muni, NDB RWY 17, Amdt 2A
Perkin, IL, Perkin Muni, RNAV (GPS) RWY 9, Orig–A
Perkin, IL, Perkin Muni, RNAV (GPS) RWY 27, Orig–A
Perkin, IL, Perkin Muni, VOR–A, Amdt 7A
Lincoln, NE, Lincoln, ILS OR LOC RWY 36, Amdt 11E
Lincoln, NE, Lincoln, RNAV (GPS) RWY 18, Amdt 1A
Lincoln, NE, Lincoln, RNAV (GPS) RWY 36, Amdt 1B
Pittsburgh, PA, Pittsburgh Intl, ILS OR LOC RWY 32, Amdt 13
Pittsburgh, PA, Pittsburgh Intl, RNAV (GPS) Y RWY 32, Amdt 5
Pittsburgh, PA, Pittsburgh Intl, RNAV (RNP) Z RWY 32, Amdt 1
Mineral Point, WI, Iowa County, RNAV (GPS) RWY 4, Orig–A
Mineral Point, WI, Iowa County, RNAV (GPS) RWY 22, Orig–A
Prairie Du Chien, WI, Prairie Du Chien Muni, RNAV (GPS) RWY 14, Orig–A
Prairie Du Chien, WI, Prairie Du Chien Muni, RNAV (GPS) RWY 29, Orig–A
Prairie Du Chien, WI, Prairie Du Chien Muni, RNAV (GPS) RWY 32, Orig–A
Prairie Du Chien, WI, Prairie Du Chien Muni, VOR/DME RWY 29, Amdt 8A
Wisconsin Rapids, WI, Alexander Field South Wood County, GPS RWY 20, Orig-B
Wisconsin Rapids, WI, Alexander Field South Wood County, NDB OR GPS RWY 29, Amdt 8B

Effective 10 MAR 2011

Monticello, AR, Monticello Muni/Ellis Field, RNAV (GPS) RWY 3, Amdt 1
El Dorado, KS, Captain Jack Thomas/El Dorado, Takeoff Minimums and Obstacle DP, Orig
Goodland, KS, Renner Fld/Goodland Muni, ILS OR LOC RWY 30, Amdt 2
Goodland, KS, Renner Fld/Goodland Muni, RNAV (GPS) RWY 12, Amdt 1
Goodland, KS, Renner Fld/Goodland Muni, RNAV (GPS) RWY 23, Amdt 1
Goodland, KS, Renner Fld/Goodland Muni, RNAV (GPS) RWY 30, Amdt 1
Goodland, KS, Renner Fld/Goodland Muni, Takeoff Minimums and Obstacle DP, Amdt 5
Goodland, KS, Renner Fld/Goodland Muni, VOR RWY 30, Amdt 9
Goodland, KS, Renner Fld/Goodland Muni, VOR/DME RWY 30, Amdt 8
Winfield/Arkansas City, KS, Strother Field, Takeoff Minimums and Obstacle DP, Orig
New Bern, NC, Coastal Carolina Rgnl, RADAR–1, Amdt 2B, CANCELLED
New York, NY, John F Kennedy Intl, RNAV (GPS) X RWY 31L, Amdt 1B
New York, NY, John F Kennedy Intl, RNAV (GPS) Y RWY 4L, Amdt 1B
New York, NY, John F Kennedy Intl, RNAV (GPS) Y RWY 4R, Amdt 1B
New York, NY, John F Kennedy Intl, RNAV (GPS) Y RWY 31L, Amdt 1B
New York, NY, John F Kennedy Intl, RNAV (GPS) Y RWY 31R, Amdt 1B
Dayton, OH, James M Cox Dayton Intl, Takeoff Minimums and Obstacle DP, Amdt 3
Defiance, OH, Defiance Memorial, GPS RWY 12, Orig, CANCELLED
Defiance, OH, Defiance Memorial, NDB RWY 12, Amdt 10, CANCELLED
Defiance, OH, Defiance Memorial, RNAV (GPS) RWY 12, Orig
Defiance, OH, Defiance Memorial, Takeoff Minimums and Obstacle DP, Orig
Sandusky, OH, Griffing Sandusky, Takeoff Minimums and Obstacle DP, Amdt 2
Allentown, PA, Allentown Queen City Muni, Takeoff Minimums and Obstacle DP, Amdt 3

[FR Doc. 2010–33224 Filed 1–7–11; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

14 CFR Part 97

[Docket No. 30762; Amdt. No. 3407]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective January 10, 2011. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 10, 2011.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which the affected airport is located;

3. The National Flight Procedures Office, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or

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

Availability—All SIAPs are available online free of charge. Visit *http://nfdc.faa.gov* to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or

2.The FAA Regional Office of the region in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT: Harry J. Hodges, Flight Procedure Standards Branch (AFS–420) Flight

Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082 Oklahoma City, OK 73125) telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This rule amends Title 14, Code of Federal Regulations, part 97 (14 CFR part 97) by amending the referenced SIAPs. The complete regulatory description of each SIAP is listed on the appropriate FAA Form 8260, as modified by the National Flight Data Center (FDC)/Permanent Notice to Airmen (P–NOTAM), and is incorporated by reference in the amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of Title 14 of the Code of Federal Regulations.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. This amendment provides the affected CFR sections and specifies the types of SIAP and the corresponding effective dates. This amendment also identifies the airport and its location, the procedure and the amendment number.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP as amended in the transmittal. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained for each SIAP as modified by FDC/P–NOTAMs.

The SIAPs, as modified by FDC P–NOTAM, and contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these changes to SIAPs, the TERPS criteria were applied only to specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a FDC NOTAM as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for all these SIAP amendments requires making them effective in less than 30 days.

Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making these SIAPs effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Incorporation by reference, and Navigation (air).

Issued in Washington, DC, on December 24, 2010.

Ray Towles,

Deputy Director, Flight Standards Service.

Adoption of the Amendment

■ Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal regulations, part 97, 14 CFR part 97, is amended by amending Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, Identified as follows:

** * * Effective Upon Publication*

Airac date	State	City	Airport	FDC No.	FDC date	Subject
10–Feb–11 ...	NJ	Caldwell	Essex County	0/0198	12/17/10	LOC RWY 22, Amdt 2
10–Feb–11 ...	NC	Louisburg	Triangle North Executive	0/0259	12/8/10	VOR/DME A, Amdt 2
10–Feb–11 ...	NY	Batavia	Genesee County	0/0359	12/6/10	ILS OR LOC RWY 28, Amdt 6A
10–Feb–11 ...	WI	Hartford	Hartford Muni	0/0487	12/6/10	NDB OR GPS RWY 11, Amdt 4
10–Feb–11 ...	WI	Hartford	Hartford Muni	0/0491	12/6/10	VOR OR GPS A, Amdt 5
10–Feb–11 ...	NV	Reno	Reno/Tahoe Intl	0/0775	12/17/10	ILS RWY 16R, Amdt 10E
10–Feb–11 ...	IL	Kewanee	Kewanee Muni	0/1244	12/17/10	RNAV (GPS) RWY 1, Orig
10–Feb–11 ...	MT	Lewistown	Lewistown Muni	0/1707	10/18/10	Takeoff Minimums and (Obstacle) DP, Amdt 3
10–Feb–11 ...	ID	Idaho Falls	Idaho Falls Rgnl	0/1809	12/17/10	ILS OR LOC RWY 20, Amdt 11E
10–Feb–11 ...	ID	Idaho Falls	Idaho Falls Rgnl	0/1810	12/17/10	NDB RWY 20, Amdt 10C
10–Feb–11 ...	NC	Manteo	Dare County Rgnl	0/2144	12/17/10	NDB RWY 17, Amdt 5
10–Feb–11 ...	MN	Duluth	Duluth Intl	0/2159	12/20/10	ILS OR LOC RWY 27, Amdt 9
10–Feb–11 ...	KS	Iola	Allen County	0/2219	12/17/10	RNAV (GPS) RWY 1, Orig
10–Feb–11 ...	KS	Iola	Allen County	0/2221	12/17/10	NDB RWY 1, Amdt 2
10–Feb–11 ...	IA	Decorah	Decorah Muni	0/2275	12/17/10	VOR RWY 29, Amdt 3B
10–Feb–11 ...	KS	Olathe	Johnson County Executive	0/2282	12/17/10	NDB B, Amdt 3
10–Feb–11 ...	MN	Duluth	Duluth Intl	0/2283	12/20/10	RNAV (GPS) RWY 9, Amdt 1
10–Feb–11 ...	KS	Olathe	Johnson County Executive	0/2284	12/17/10	LOC RWY 18, Amdt 7B
10–Feb–11 ...	MO	Cabool	Cabool Memorial	0/2286	12/17/10	VOR/DME RWY 21, Amdt 2
10–Feb–11 ...	MO	Cabool	Cabool Memorial	0/2287	12/17/10	RNAV (GPS) RWY 21, Orig

Airac date	State	City	Airport	FDC No.	FDC date	Subject
10–Feb–11 ...	MN	Duluth	Duluth Intl	0/2291	12/20/10	RNAV (GPS) RWY 27, Orig
10–Feb–11 ...	MN	Duluth	Duluth Intl	0/2299	12/20/10	RADAR–1, Amdt 20
10–Feb–11 ...	MN	Duluth	Duluth Intl	0/2300	12/20/10	VOR/DME OR TACAN RWY 21, Amdt 14
10–Feb–11 ...	MN	Rochester	Rochester Intl	0/2894	12/20/10	COPTER ILS RWY 31, Amdt 2
10–Feb–11 ...	IA	Denison	Denison Muni	0/4186	12/6/10	NDB RWY 30, Amdt 6
10–Feb–11 ...	NY	White Plains	Westchester County	0/8922	12/6/10	VOR/DME A, Amdt 4A

[FR Doc. 2010–33219 Filed 1–7–11; 8:45 am]

BILLING CODE 4910–13–P

POSTAL REGULATORY COMMISSION

30 CFR Part 3020

[Docket Nos. CP2011–33, et al.]

Product List Update

AGENCY: Postal Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Commission is updating the postal product lists. This action reflects the disposition of recent dockets, as reflected in Commission orders, and a publication policy adopted in a recent Commission order. The referenced policy assumes periodic updates. The updates are identified in the body of this document. The product lists, which are re-published in their entirety, include these updates.

DATES: *Effective Date:* January 10, 2011.

Applicability Dates: November 22, 2010 (Global Expedited Package Services—Non-published Rates 1 (MC2010–29 and CP2010–72)); December 2, 2010 (Parcel Return Service Contract 2 (MC2011–6 and CP2011–33)); December 23, 2010 (Global Plus 1B Contracts (MC2011–7, CP2011–39 and CP2011–40) and Global Plus 2B Contracts (MC2011–8, CP2011–41 and CP2011–42)); and December 30, 2010 (Global Expedited Package Services—Non-published Rates 1 (MC2010–29 and CP2010–72) and Global Expedited Package Services—Non-published Rates 2 (MC2010–29 and CP2011–45)).

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, General Counsel, at *stephen.sharfman@prc.gov* or 202–789–6820.

SUPPLEMENTARY INFORMATION: This document identifies recent updates to the product lists, which appear as 39 CFR Appendix A to Subpart A of Part 3020—Mail Classification Schedule.[1] Publication of updated product lists in the **Federal Register** is consistent with the Postal Accountability and Enhancement Act (PAEA) of 2006.

Authorization. The Commission process for periodic publication of updates was established in Order No. 445, April 22, 2010.

Changes. Since publication of the product lists in the **Federal Register** on November 17, 2010 (75 FR 70124), the following changes to the competitive product list have been made:

1. Global Expedited Package Services—Non-published Rates 1 (MC2010–29 and CP2010–72), added November 22, 2010 (Order No. 593);
2. Parcel Return Service Contract 2 (MC2011–6 and CP2011–33), added December 2, 2010 (Order No. 602);
3. Global Plus 1B Contracts (MC2011–7, CP2011–39 and CP2011–40) and Global Plus 2B Contracts (MC2011–8, CP2011–41 and CP2011–42) added December 23, 2010 (Order Nos. 622 and 623);
4. Global Expedited Package Services—Non-published Rates 2 (MC2010–29 and CP2011–45), added December 30, 2010 (Order No. 630); and
5. Global Expedited Package Services—Non-published Rates 1 (MC2010–29 and CP2010–72), deleted December 30, 2010 (Order No. 630).

Updated product lists. The referenced changes to the competitive product list are included in the product lists following the Secretary's signature.

List of Subjects in 39 CFR Part 3020

Administrative practice and procedure; Postal Service.

By the Commission.

Shoshana M. Grove,

Secretary.

For the reasons discussed in the preamble, the Postal Regulatory Commission amends chapter III of title 39 of the Code of Federal Regulations as follows:

PART 3020—PRODUCT LISTS

■ 1. The authority citation for part 3020 continues to read as follows:

Authority: 39 U.S.C. 503; 3622; 3631; 3642; 3682.

■ 2. Revise Appendix A to Subpart A of Part 3020—Mail Classification Schedule to read as follows:

Appendix A to Subpart A of Part 3020—Mail Classification Schedule

Part A—Market Dominant Products

1000 Market Dominant Product List
First-Class Mail
- Single-Piece Letters/Postcards
- Bulk Letters/Postcards
- Flats
- Parcels
- Outbound Single-Piece First-Class Mail International
- Inbound Single-Piece First-Class Mail International

Standard Mail (Regular and Nonprofit)
- High Density and Saturation Letters
- High Density and Saturation Flats/Parcels
- Carrier Route
- Letters
- Flats
- Not Flat-Machinables (NFMs)/Parcels

Periodicals
- Within County Periodicals
- Outside County Periodicals

Package Services
- Single-Piece Parcel Post
- Inbound Surface Parcel Post (at UPU rates)
- Bound Printed Matter Flats
- Bound Printed Matter Parcels
- Media Mail/Library Mail

Special Services
- Ancillary Services
- International Ancillary Services
- Address Management Services
- Caller Service
- Change-of-Address Credit Card Authentication
- Confirm
- Customized Postage
- International Reply Coupon Service
- International Business Reply Mail Service
- Money Orders
- Post Office Box Service
- Stamp Fulfillment Services

Negotiated Service Agreements
- HSBC North America Holdings Inc. Negotiated Service Agreement
- Bookspan Negotiated Service Agreement
- Bank of America Corporation Negotiated Service Agreement
- The Bradford Group Negotiated Service Agreement
- Inbound International
- Canada Post—United States Postal Service Contractual Bilateral Agreement for Inbound Market Dominant Services (MC2010–12 and R2010–2)
- The Strategic Bilateral Agreement Between United States Postal Service and Koninklijke TNT Post BV and TNT Postl pakketservice Benelux BV, collectively "TNT Post" and China Post Group—United States Postal Service Letter Post Bilateral Agreement (MC2010–35, R2010–5 and R2010–6)

[1] Docket Nos. CP2011–33; MC2010–29 and CP2010–72; MC2011–6; MC2011–7, CP2011–39 and CP2011–40; MC2011–8, CP2011–41 and CP2011–42; and CP2011–45.

Market Dominant Product Descriptions
First-Class Mail
Single-Piece Letters/Postcards
Bulk Letters/Postcards
Flats
Parcels
Outbound Single-Piece First-Class Mail International
Inbound Single-Piece First-Class Mail International
Standard Mail (Regular and Nonprofit)
High Density and Saturation Letters
High Density and Saturation Flats/Parcels
Carrier Route
Letters
[Reserved for Product Description]
Flats
Not Flat-Machinables (NFMs)/Parcels
Periodicals
Within County Periodicals
Outside County Periodicals
Package Services
Single-Piece Parcel Post
Inbound Surface Parcel Post (at UPU rates)
Bound Printed Matter Flats
Bound Printed Matter Parcels
Media Mail/Library Mail
Special Services
Ancillary Services
Address Correction Service
Applications and Mailing Permits
Business Reply Mail
Bulk Parcel Return Service
Certified Mail
Certificate of Mailing
Collect on Delivery
Delivery Confirmation
Insurance
Merchandise Return Service
Parcel Airlift (PAL)
Registered Mail
Return Receipt
Return Receipt for Merchandise
Restricted Delivery
Shipper-Paid Forwarding
Signature Confirmation
Special Handling
Stamped Envelopes
Stamped Cards
Premium Stamped Stationery
Premium Stamped Cards
International Ancillary Services
International Certificate of Mailing
International Registered Mail
International Return Receipt
International Restricted Delivery
Address List Services
Caller Service
Change-of-Address Credit Card Authentication
Confirm
International Reply Coupon Service
International Business Reply Mail Service
Money Orders
Post Office Box Service
[Reserved for Product Description]
Negotiated Service Agreements
HSBC North America Holdings Inc. Negotiated Service Agreement
Bookspan Negotiated Service Agreement
Bank of America Corporation Negotiated Service Agreement
The Bradford Group Negotiated Service Agreement

Part B—Competitive Products

2000 Competitive Product List
Express Mail
Express Mail
Outbound International Expedited Services
Inbound International Expedited Services
Inbound International Expedited Services 1 (CP2008–7)
Inbound International Expedited Services 2 (MC2009–10 and CP2009–12)
Inbound International Expedited Services 3 (MC2010–13 and CP2010–12)
Inbound International Expedited Services 4 (MC2010–37 and CP2010–126)
Priority Mail
Priority Mail
Outbound Priority Mail International
Inbound Air Parcel Post (at non-UPU rates)
Royal Mail Group Inbound Air Parcel Post Agreement
Inbound Air Parcel Post (at UPU rates)
Parcel Return Service
Parcel Select
International
International Priority Airlift (IPA)
International Surface Airlift (ISAL)
International Direct Sacks—M–Bags
Global Customized Shipping Services
Inbound Surface Parcel Post (at non-UPU rates)
Canada Post—United States Postal Service Contractual Bilateral Agreement for Inbound Competitive Services (MC2010–14 and CP2010–13—Inbound Surface Parcel Post at Non-UPU Rates and Xpresspost-USA)
International Money Transfer Service—Outbound
International Money Transfer Service—Inbound
International Ancillary Services
Special Services
Address Enhancement Service
Greeting Cards and Stationery
Premium Forwarding Service
Shipping and Mailing Supplies
Negotiated Service Agreements
Domestic
Express Mail Contract 1 (MC2008–5)
Express Mail Contract 2 (MC2009–3 and CP2009–4)
Express Mail Contract 3 (MC2009–15 and CP2009–21)
Express Mail Contract 4 (MC2009–34 and CP2009–45)
Express Mail Contract 5 (MC2010–5 and CP2010–5)
Express Mail Contract 6 (MC2010–6 and CP2010–6)
Express Mail Contract 7 (MC2010–7 and CP2010–7)
Express Mail Contract 8 (MC2010–16 and CP2010–16)
Express Mail Contract 9 (MC2011–1 and CP2011–2)
Express Mail & Priority Mail Contract 1 (MC2009–6 and CP2009–7)
Express Mail & Priority Mail Contract 2 (MC2009–12 and CP2009–14)
Express Mail & Priority Mail Contract 3 (MC2009–13 and CP2009–17)
Express Mail & Priority Mail Contract 4 (MC2009–17 and CP2009–24)
Express Mail & Priority Mail Contract 5 (MC2009–18 and CP2009–25)
Express Mail & Priority Mail Contract 6 (MC2009–31 and CP2009–42)
Express Mail & Priority Mail Contract 7 (MC2009–32 and CP2009–43)
Express Mail & Priority Mail Contract 8 (MC2009–33 and CP2009–44)
Parcel Select & Parcel Return Service Contract 1 (MC2009–11 and CP2009–13)
Parcel Return Service Contract 1 (MC2009–1 and CP2009–2)
Parcel Return Service Contract 2 (MC2011–6 and CP2011–33)
Parcel Select & Parcel Return Service Contract 2 (MC2009–40 and CP2009–61)
Priority Mail Contract 1 (MC2008–8 and CP2008–26)
Priority Mail Contract 2 (MC2009–2 and CP2009–3)
Priority Mail Contract 3 (MC2009–4 and CP2009–5)
Priority Mail Contract 4 (MC2009–5 and CP2009–6)
Priority Mail Contract 5 (MC2009–21 and CP2009–26)
Priority Mail Contract 6 (MC2009–25 and CP2009–30)
Priority Mail Contract 7 (MC2009–25 and CP2009–31)
Priority Mail Contract 8 (MC2009–25 and CP2009–32)
Priority Mail Contract 9 (MC2009–25 and CP2009–33)
Priority Mail Contract 10 (MC2009–25 and CP2009–34)
Priority Mail Contract 11 (MC2009–27 and CP2009–37)
Priority Mail Contract 12 (MC2009–28 and CP2009–38)
Priority Mail Contract 13 (MC2009–29 and CP2009–39)
Priority Mail Contract 14 (MC2009–30 and CP2009–40)
Priority Mail Contract 15 (MC2009–35 and CP2009–54)
Priority Mail Contract 16 (MC2009–36 and CP2009–55)
Priority Mail Contract 17 (MC2009–37 and CP2009–56)
Priority Mail Contract 18 (MC2009–42 and CP2009–63)
Priority Mail Contract 19 (MC2010–1 and CP2010–1)
Priority Mail Contract 20 (MC2010–2 and CP2010–2)
Priority Mail Contract 21 (MC2010–3 and CP2010–3)
Priority Mail Contract 22 (MC2010–4 and CP2010–4)
Priority Mail Contract 23 (MC2010–9 and CP2010–9)
Priority Mail Contract 24 (MC2010–15 and CP2010–15)
Priority Mail Contract 25 (MC2010–30 and CP2010–75)
Priority Mail Contract 26 (MC2010–31 and CP2010–76)
Priority Mail Contract 27 (MC2010–32 and CP2010–77)
Priority Mail Contract 28 (MC2011–2 and CP2011–3)
Priority Mail Contract 29 (MC2011–3 and CP2011–4)
Outbound International
Direct Entry Parcels Contracts
Direct Entry Parcels 1 (MC2009–26 and CP2009–36)
Global Direct Contracts (MC2009–9, CP2009–10, and CP2009–11)
Global Expedited Package Services (GEPS) Contracts

GEPS 1 (CP2008–5, CP2008–11, CP2008–12, CP2008–13, CP2008–18, CP2008–19, CP2008–20, CP2008–21, CP2008–22, CP2008–23 and CP2008–24)
Global Expedited Package Services 2 (CP2009–50)
Global Expedited Package Services 3 (MC2010–28 and CP2010–71)
Global Expedited Package Services—Non-published Rates 2 (MC2010–29 and CP2011–45)
Global Plus Contracts
Global Plus 1 (CP2008–8, CP2008–46 and CP2009–47)
Global Plus 1A (MC2010–26, CP2010–67 and CP2010–68)
Global Plus 1B (MC2011–7, CP2011–39 and CP2011–40)
Global Plus 2 (MC2008–7, CP2008–48 and CP2008–49)
Global Plus 2A (MC2010–27, CP2010–69 and CP2010–70)
Global Plus 2B (MC2011–8, CP2011–41 and CP2011–42)
Inbound International
Inbound Competitive Multi-Service Agreements with Foreign Postal Operators 1 (MC2010–34 and CP2010–95)
Inbound Direct Entry Contracts with Foreign Postal Administrations
Inbound Direct Entry Contracts with Foreign Postal Administrations (MC2008–6, CP2008–14 and MC2008–15)
Inbound Direct Entry Contracts with Foreign Postal Administrations 1 (MC2008–6 and CP2009–62)
International Business Reply Service Competitive Contract 1 (MC2009–14 and CP2009–20)
International Business Reply Service Competitive Contract 2 (MC2010–18, CP2010–21 and CP2010–22)
Competitive Product Descriptions
Express Mail
Express Mail
Outbound International Expedited Services
Inbound International Expedited Services
Priority
Priority Mail
Outbound Priority Mail International
Inbound Air Parcel Post
Parcel Select
Parcel Return Service
International
International Priority Airlift (IPA)
International Surface Airlift (ISAL)
International Direct Sacks—M–Bags
Global Customized Shipping Services
International Money Transfer Service
Inbound Surface Parcel Post (at non-UPU rates)
International Ancillary Services
International Certificate of Mailing
International Registered Mail
International Return Receipt
International Restricted Delivery
International Insurance
Negotiated Service Agreements
Domestic
Outbound International

Part C—Glossary of Terms and Conditions [Reserved]

Part D—Country Price Lists for International Mail [Reserved]

[FR Doc. 2011–248 Filed 1–7–11; 8:45 am]

BILLING CODE 7710–FW–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2010–1074]

Drawbridge Operation Regulation; Atlantic Intracoastal Waterway, Wrightsville Beach, NC

AGENCY: Coast Guard, DHS.

ACTION: Notice of Temporary Deviation from regulations.

SUMMARY: The Commander, Fifth Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the S.R. 74 Bridge, across the Atlantic Intracoastal Waterway, mile 283.1, at Wrightsville Beach, NC. The deviation is necessary because participants in the 2011 Wrightsville Beach/Quintiles Marathon will be transiting across the bridge during the race. This deviation allows the bridge to remain in the closed position for two hours to accommodate the 2011 Wrightsville Beach/Quintiles Marathon.

DATES: This deviation is effective from 6 a.m. through 8 a.m. on March 20, 2011.

ADDRESSES: Documents mentioned in this preamble as being available in the docket are part of docket USCG–2010–1074 and are available online by going to *http://www.regulations.gov,* inserting USCG–2010–1074 in the "Keyword" box and then clicking "Search". They are also available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or e-mail Lindsey Middleton, Coast Guard; telephone 757–398–6629, e-mail *Lindsey.R.Middleton@uscg.mil.* If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: The Wrightsville Beach/Quintiles Marathon Committee on behalf of the North Carolina Department of Transportation (NCDOT) requested a temporary deviation from the current operating regulations of the S.R. 74 Bridge across the Atlantic Intracoastal Waterway (AIWW), mile 283.1, at Wrightsville Beach, NC. The current operating schedule for the bridge is set out in 33 CFR 117.821(a)(4). The regulation requires the bridge to open on signal for vessels during all times except from 7 a.m. and 7 p.m. it will open on the hour and every third and fourth Saturday in September it will remain in the closed position from 7 a.m. until 11 a.m. The requested deviation is to accommodate the 2011 Wrightsville Beach/Quintiles Marathon scheduled for Sunday, March 20, 2011. To facilitate this event, the draw of the bridge will be maintained in the closed-to-navigation position from 6 a.m. until 8 a.m.

The bridge is a lift drawbridge with a vertical clearance of 20 feet above mean high water (MHW) in the closed position. Vessels that can pass through the bridge in the closed position may do so. The Coast Guard will inform the users of the waterways through our Local and Broadcast Notices to Mariners of the bridge closure so that vessels can arrange their transits to minimize any impact caused by the temporary deviation. There are no alternate routes available to the vessel. Most of the vessel traffic consists of recreational vessels with a few barges and tugs in the daytime. There is an average of one bridge opening a year for the time covered by the deviation in the past three years. The bridge will not be able to open for emergencies.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the designated time period. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: December 21, 2010.

Waverly W. Gregory, Jr.,

Chief, Bridge Administration Branch, Fifth Coast Guard District.

[FR Doc. 2011–167 Filed 1–7–11; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2010–1063]

Drawbridge Operation Regulation; Vermillion River, Lafayette Parish, LA

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, Eighth Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the Milton (LA 92) bridge across the Vermillion River, mile 37.6, in Milton, Lafayette Parish, Louisiana. This deviation is necessary to allow timely bridge rehabilitation to improve overall traffic, boat and pedestrian safety. This deviation allows the bridge to remain closed.

DATES: This deviation is effective from 12:01 a.m. on January 10, 2011 through 11:59 p.m. on February 18, 2011.

ADDRESSES: Documents mentioned in this preamble as being available in the docket are part of docket USCG–2010–1063 and are available online by going to *http://www.regulations.gov,* inserting USCG–2010–1063 in the "Keyword" box and then clicking "Search". They are also available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or e-mail Mr. Jim Wetherington, Bridge Management Specialist, District 8 Bridge Branch, U.S. Coast Guard; telephone 504–671–2132; e-mail *james.r.wetherington@uscg.mil.* If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: The Louisiana Department of Transportation and Development requests a temporary deviation from the published regulation for the Milton (LA 92) bridge (4 feet vertical clearance when closed at mean High water) across the Vermillion River as required by 33 CFR 117.5: Except as otherwise authorized or required by this part, drawbridges must open promptly and fully for the passage of vessels when a request or signal to open is given in accordance with this subpart. Currently, according to 33 CFR 117.509(b)(4), the draw of the Milton (LA 92) bridge shall open on signal; except that from 6 p.m. to 10 a.m. the draw shall open on signal if at least four hours notice is given.

The Louisiana Department of Transportation and Development requests a deviation to allow the bridge to remain closed to marine traffic from 12:01 a.m. on January 10, 2011 through 11:59 p.m. on February 18, 2011. This time period has been coordinated through the waterway users and the responsible Coast Guard Units. There is no alternative route around the project.

This deviation will allow the rehabilitation of the bridge to be completed in a timely fashion. This rehab is necessary to extend the bridge life and optimize traffic and boat operations. It will also improve overall traffic, boat and pedestrian safety.

The deviation dates and schedule were chosen to minimize significant effect on vessel traffic. Any vessel that does not require an opening of the drawspan may pass at any time; the vertical clearance is four feet mean high water when closed.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the designated time period. This deviation from the operating regulations is authorized under 33 CFR 117.35. This deviation may be terminated/cancelled at anytime via Broadcast Notice to Mariners.

Dated: December 21, 2010.

David M. Frank,

Bridge Administrator.

[FR Doc. 2011–168 Filed 1–7–11; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[USCG–2010–1115]

RIN 1625–AA11

Regulated Navigation Area; Reporting Requirements for Barges Loaded With Certain Dangerous Cargoes, Inland Rivers, Eighth Coast Guard District; Stay (Suspension)

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Commander, Eighth Coast Guard District is temporarily staying (suspending) reporting requirements under the Regulated Navigation Area (RNA) established by 33 CFR 165.830 for barges loaded with certain dangerous cargoes (CDC barges) in the inland rivers area, Eighth Coast Guard District. During this suspension, the Coast Guard will analyze future reporting needs and evaluate possible changes in CDC reporting requirements. A final rule will either lift the suspension and restore the obligation of the affected public to comply with the existing reporting requirements, modify those requirements, or repeal the RNA. This suspension of the CDC reporting requirements in no way relieves towing vessel operators and fleeting area managers responsible for CDC barges in the RNA from their dangerous cargo or vessel arrival and movement reporting obligations currently in effect under other regulations or placed into effect under appropriate Coast Guard authority.

DATES: Effective midnight January 15, 2011, 33 CFR 165.830(d), (e), (f), (g), and (h) are stayed until midnight January 15, 2013.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket USCG–2010–1115 and are available online by going to *http://www.regulations.gov,* inserting USCG–2010–1115 in the "Keyword" box, and then clicking "Search." They are also available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions about this temporary rule, call or e-mail LT Jennifer S. Makowski, Coast Guard; telephone 504–671–2266, e-mail: *Jennifer.S.Makowski@uscg.mil.* If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Regulatory Information

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are "impracticable, unnecessary, or contrary to the public interest." Under 5 U.S.C. 553(b)(3)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it would be impracticable, unnecessary, and contrary to the public interest. The contract for the current CDC barge reporting system at the Inland River Vessel Movement Center (IRVMC) was extended to January 2011. In late December 2010 it was determined that the IRVMC reporting requirements

would be suspended for a two-year period beginning at midnight January 15, 2011. As of January 16, 2011, the Coast Guard will have no way to receive and process reports. The short time span between late December and January 15 makes it impracticable to issue a notice of proposed rulemaking (NPRM) about suspension of the reporting requirements of 33 CFR 165.830 or to take public comments on the same. We believe prior notice and comment is unnecessary because we expect the affected public will have no objection to the temporary suspension of regulatory requirements. Prior notice and comment is also contrary to the public interest because there is no public purpose served by continuing to require reports when there is no mechanism for receiving or processing those reports.

Under 5 U.S.C. 553(d)(1), a substantive rule that relieves a restriction may be made effective less than 30 days after publication. This temporary final rule, suspending the reporting requirements and thereby relieving the regulatory restriction on towing vessel operators and fleeting area managers provided by 33 CFR 165.830, takes effect at midnight on January 15, 2011, less than 30 days after publication.

Background and Purpose

The legal basis for this rulemaking is the Coast Guard's authority to establish regulated navigation areas, under 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, 160.5; Public Law 107–295, 116 Stat. 2064; and Department of Homeland Security Delegation No. 0170.1. A RNA is a water area within a defined boundary for which regulations for vessels navigating within the area have been established, to control vessel traffic in a place determined to have hazardous conditions. 33 CFR 165.10; Commandant Instruction Manual M16704.3A, 1–6.

The purpose of this temporary final rule is to suspend the reporting requirements for CDC barges imposed by the RNA created in 33 CFR 165.830. This temporary rule relieves the towing vessel operators and fleeting area managers responsible for CDC barges from the reporting requirements for a two-year period.

Discussion of Rule

During the suspension of reporting requirements, towing vessel operators and fleeting area managers responsible for CDC barges will be relieved of their obligation to report their CDCs under 33 CFR 165.830(d), (f), (g), and (h). This suspension in no way relieves towing vessel operators and fleeting area managers responsible for CDC barges from their dangerous cargo or vessel arrival and movement reporting obligations currently in effect under other regulations or placed into effect under appropriate Coast Guard authority.

Regulatory Analyses

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

Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. This rule is temporary and limited in nature by suspending CDC barge reporting requirements during a two-year period, creating no undue delay to vessel traffic in the regulated area.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule will affect the following entities, some which may be small entities: owners or operators of CDC barges intending to transit the Inland Rivers in the Eighth Coast Guard District during this two-year period. This rule will not have a significant economic impact on those entities or a substantial number of any small entities for the following reason. This rule suspends reporting requirements for two years.

Assistance for Small Entities

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

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

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

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

Technical Standards

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

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

Environment

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

This temporary rule suspends the reporting requirements established for CDC barges transiting the inland rivers, Eighth Coast Guard District. Under figure 2–1, paragraph (34)(g), of the Instruction, an environmental analysis checklist and a categorical exclusion determination are not required for this rule.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191, 195; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Amend 33 CFR 165.830 by staying paragraphs (d), (e), (f), (g), and (h) from midnight January 15, 2011 to midnight January 15, 2013.

Dated: December 22, 2010.

Mary E. Landry,

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

[FR Doc. 2011–185 Filed 1–7–11; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2010–1136]

RIN 1625–AA00

Safety Zone; Ice Conditions for the Baltimore Captain of Port Zone

AGENCY: Coast Guard, DHS.

ACTION: Temporary interim rule with request for comments.

SUMMARY: The Coast Guard is establishing a temporary safety zone in all navigable waters of the Captain of the Port Baltimore zone. The temporary safety zone restricts vessels from transiting the zone during the effective period, unless authorized by the Captain of the Port Baltimore, or his designated representative. This safety zone is necessary to protect mariners from the hazards associated with ice in the navigable waterways.

DATES: This rule is effective in the CFR on January 10, 2011 through April 15, 2011. This rule is effective with actual notice for purposes of enforcement on December 22, 2010. Comments and related material must reach the Coast Guard on or before February 9, 2011.

ADDRESSES: You may submit comments identified by docket number USCG–2010–1136 using any one of the following methods:

(1) *Federal eRulemaking Portal: http://www.regulations.gov.*

(2) *Fax:* 202–493–2251.

(3) *Mail:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001.

(4) *Hand Delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

To avoid duplication, please use only one of these four methods. *See* the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary interim rule, call or e-mail Ronald L. Houck, Sector Baltimore Waterways Management Division, Coast Guard; telephone 410–576–2674, e-mail *Ronald.L.Houck@uscg.mil.* If you have

questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted, without change, to *http://www.regulations.gov* and will include any personal information you have provided.

Submitting Comments

If you submit a comment, please include the docket number for this rulemaking (USCG–2010–1136), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online (via *http://www.regulations.gov*) or by fax, mail or hand delivery, but please use only one of these means. If you submit a comment online via *http://www.regulations.gov,* it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an e-mail address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* click on the "submit a comment" box, which will then become highlighted in blue. In the "Document Type" drop down menu select "Proposed Rule" and insert "USCG–2010–1136" in the "Keyword" box. Click "Search" then click on the balloon shape in the "Actions" column. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may change this rule based on your comments.

Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* click on the "read comments" box, which will then become highlighted in blue. In the "Keyword" box insert "USCG–2010–1136" and click "Search." Click the "Open Docket Folder" in the "Actions" column. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. We have an agreement with the Department of Transportation to use the Docket Management Facility.

Privacy Act

Anyone can search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, *etc.*). You may review a Privacy Act notice regarding our public dockets in the January 17, 2008 issue of the **Federal Register** (73 FR 3316).

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for one using one of the four methods specified under **ADDRESSES**. Please explain why you believe a public meeting would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Regulatory Information

The Coast Guard is issuing this temporary interim rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are "impracticable, unnecessary, or contrary to the public interest." Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is contrary to public interest to delay the effective date of this rule. Delaying the effective date by first publishing an NPRM would be contrary to the safety zone's intended objectives since immediate action is necessary to protect persons and vessels against the hazards associated with ice on navigable waters. Such hazards include vessels becoming beset or dragged off course, sinking or grounding, and creating hazards to navigation.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Due to the need for immediate action, the restriction of vessel traffic is necessary to protect life, property and the environment. Therefore, a 30-day notice is impracticable. Delaying the effective date would be contrary to the safety zone's intended objectives of protecting persons and vessels from becoming beset or dragged off course, sinking or grounding, and creating hazards to navigation.

Basis and Purpose

During a moderate or severe winter, frozen waterways present numerous hazards to vessels. Ice in a waterway may hamper a vessel's ability to maneuver, and could cause visual aids to navigation to be submerged, destroyed or moved off station. Ice abrasions and ice pressure could also compromise a vessel's watertight integrity, and non-steel hulled vessels would be exposed to a greater risk of hull breach.

When ice conditions develop to a point where vessel operations become unsafe, it becomes necessary to impose operating restrictions to ensure the safe navigation of vessels. A safety zone is a tool available to the Captain of the Port (COTP) to restrict and manage vessel movement when hazardous conditions exist. The COTP Baltimore is establishing a safety zone within all navigable waters of the COTP Baltimore zone. This safety zone will restrict certain vessels meeting certain conditions specified from entering the navigable waters included within the COTP Baltimore zone. Those vessels prohibited from entering the safety zone will be specified via broadcast notice to mariners and marine safety information bulletins.

Ice generally begins to form in the Upper Chesapeake Bay and its tributaries, including the C & D Canal, in late December or early January. During a moderate or severe winter, ice in navigable waters can become a serious problem, requiring the use of Federal, State and private ice breaking resources. The Commander, Coast Guard Sector Baltimore will use his COTP authority to promote vessel safety in ice-congested waters and the continuation of waterborne commerce throughout the cold weather months.

Ice fields in the Upper Chesapeake Bay and its tributaries move with prevailing winds and currents. Heavy ice buildups can occur in the C & D Canal, from Town Point Wharf to Reedy Point. Other areas that are commonly affected by high volumes of ice are: The Elk River, Susquehanna River, Patapsco River, Nanticoke River, Wicomico River, Tangier Sound, Pocomoke River and Sound, and the Potomac River. Once ice buildup begins it can affect the transit of large ocean-going vessels. This regulation is intended to mitigate the threat ice in the COTP Baltimore zone poses to the maritime public.

Discussion of Rule

A safety zone is being established encompassing the COTP Baltimore Zone, as described in 33 CFR 3.25–15. The Captain of the Port Baltimore anticipates only having to enforce certain parts of the regulated area at certain times. The purpose of this regulation is to promote maritime safety and to protect mariners transiting the area from the potential hazards due to ice conditions that become a threat to navigation. The COTP will notify the maritime community, via marine broadcasts, of the location and thickness of the ice as well as the ability of vessels to transit through the safety zone depending on the prevailing ice conditions. Prevailing ice conditions will be categorized as Condition One, Condition Two, or Condition Three.

Ice Condition One is an emergency condition in which ice has largely covered the regulated area. Under these conditions, convoys may be required and restrictions based on shaft horsepower and a vessel's planned transit may be imposed by the COTP on certain vessels seeking to enter the safety zone.

Ice Condition Two is an alert condition in which at least 2 inches of ice begins to form in the regulated area. The COTP Baltimore may impose restrictions, including but not limited to, those based on shaft horsepower and hull type restrictions for certain vessels seeking to enter the safety zone.

Ice Condition Three is a readiness condition in which weather conditions are favorable for the formation of ice in the regulated area. Daily reports for the Coast Guard Stations and commercial vessels are monitored, and no limitations for vessels seeking to enter the zone based on vessel traffic, hull type or shaft horsepower are anticipated.

Regulatory Analyses

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

Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. Although this regulation could hinder or prevent traffic from transiting the COTP Baltimore Zone, the effect of this regulation will not be significant because there is little vessel traffic associated with recreational boating and commercial fishing during the effective period.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule will affect the following entities, some of which may be small entities: The owners or operators of vessels intending to operate, transit or anchor in the regulated area, from December 22, 2010 until April 15, 2010. This safety zone will not have a significant economic impact on a substantial number of small entities due to a lack of seasonal vessel traffic associated with recreational boating and commercial fishing during the effective period. Although the safety zone will apply to the entire COTP Baltimore Zone, the Captain of the Port Baltimore anticipates only having to enforce certain parts of the regulated area at certain times. Traffic will be allowed to pass through the zone with the permission of the COTP Baltimore. Also, the COTP Baltimore will notify the maritime community, via marine broadcasts, of the location and thickness of the ice, as well as the ability of vessels to transit through the safety zone.

Assistance for Small Entities

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

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

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

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

Technical Standards

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

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

Environment

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

An environmental analysis checklist and a categorical exclusion determination are available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T05–1136 to read as follows:

§ 165.T05–1136 Safety Zone; Baltimore Captain of the Port Zone.

(a) *Regulated Area.* The following area is a safety zone: The navigable waters of the Captain of the Port Baltimore Zone, as described in 33 CFR 3.25–15.

(b) *Regulations.* All persons are required to comply with the general regulations governing safety zones in 33 CFR 165.23(d) of this part.

(1) Vessels are prohibited from entering into or moving within the safety zone unless they meet the requirements set forth by the Captain of the Port (COTP) Baltimore for the prevailing ice conditions. Requirements for entry during periods when the safety zone is enforced will be described via Marine Safety Radio Broadcast on VHF–FM marine band radio, channel 22A (157.1 MHZ). Requirements may include, but are not limited to, the use of convoys, restrictions on shaft horsepower, and hull type restrictions, dependent on the prevailing ice conditions and vessel type.

(2) Persons desiring to transit in the safety zone not meeting the requirements established by the COTP Baltimore must contact the COTP Baltimore or his designated representative at telephone number 410–576–2693 or on VHF–FM channel 16 (156.8 MHZ) to seek permission prior to transiting the area. If permission is granted, all persons and vessels shall comply with the instructions of the COTP Baltimore or his designated representative.

(3) The Coast Guard vessels enforcing this safety zone can be contacted on VHF–FM marine band radio channel 16 (156.8 MHZ). Upon being hailed by a U.S. Coast Guard vessel, or other Federal, State, or local agency vessel operating under the authority of the COTP Baltimore, by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed. The COTP Baltimore and his designated representatives can be contacted at telephone number 410–576–2693.

(4) The COTP Baltimore or his designated representative will notify the public of any changes in the status of this safety zone by Marine Safety Radio Broadcast on VHF–FM marine band radio channel 22A (157.1 MHZ).

(d) *Definitions.* As used in this section:

Captain of the Port Baltimore means the Commander, U.S. Coast Guard Sector Baltimore, Maryland.

Designated representative means any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Captain of the Port Baltimore to assist in enforcing the safety zone described in paragraph (b) of this section.

(e) *Enforcement.* The U.S. Coast Guard may be assisted in the patrol and enforcement of the zones by Federal, State and local agencies.

(f) *Enforcement period.* This section will be enforced from December 22, 2010 until April 15, 2010.

Dated: December 22, 2010.

Mark P. O'Malley,

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

[FR Doc. 2011–171 Filed 1–7–11; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Part 410

[CMS–1503–F2]

RIN 0938–AP79

Medicare Program; Amendment to Payment Policies Under the Physician Fee Schedule and Other Revisions to Part B for CY 2011

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Final rule.

SUMMARY: This amendment rescinds the addition and definition of voluntary advance care planning as a specified element of the annual wellness visit that was finalized in the "Medicare Program; Payment Policies Under the Physician Fee Schedule and Other Revisions to Part B for CY 2011" that appeared in the November 29, 2010 **Federal Register**.

DATES: *Effective Date:* This amendment is effective on January 10, 2011.

FOR FURTHER INFORMATION CONTACT: Dennis Wagoner, (410) 786–6841.

SUPPLEMENTARY INFORMATION:

I. Background

The final rule with comment period entitled "Medicare Program; Payment Policies Under the Physician Fee Schedule and Other Revisions to Part B for CY 2011" appeared in the November 29, 2010 **Federal Register** (75 FR 73170). The November 29, 2010 final rule with comment period included the agency's responses to comments made by the public in response to its Notice of Proposed Rulemaking (NPRM) published on July 13, 2010. In that NPRM, CMS sought to define the new annual wellness visit providing personalized prevention plan services as provided by the Patient Protection and Affordable Care Act (the Affordable Care Act or the Act). CMS proposed that the specified elements of the "first annual wellness visit" and the "subsequent annual wellness visit" be only those identified in the Act. In response, a number of commenters urged CMS to include voluntary advance care planning as an additional specified element of the annual wellness visit in the final rule. As described more fully below, we are rescinding this part of the final rule.

II. Provisions of the Amendment

In the July 13, 2010 **Federal Register** (75 FR 40039), we published the proposed rule entitled "Medicare Program; Payment Policies Under the Physician Fee Schedule and Other Revisions to Part B for CY 2011." In response to this publication, we received comments from health care providers, and others urging us to add voluntary advance care planning as a specified element of the definitions of both the "first annual wellness visit" and the "subsequent annual wellness visit." The commenters stated that their recommendations were based upon a number of recent research studies, and the inclusion by the Medicare initial preventive physical examination (IPPE) provisions of a similar element in the existing IPPE benefit.

CMS agreed with the commenters that voluntary advance care planning should be added as a specified element in the definitions of both the "first annual wellness visit" and the "subsequent annual wellness visit" based on the evidence provided and the inclusion of a similar element in the IPPE benefit (also referred to as the Welcome to Medicare exam) since January 1, 2009, and incorporated it into the final rule.

It has since become apparent that we did not have an opportunity to consider prior to the issuance of the final rule the wide range of views on this subject held by a broad range of stakeholders (including members of Congress and those who were involved with this provision during the debate on the Affordable Care Act). Therefore, we are rescinding the provision of the final rule that includes voluntary advance care planning as a specified element of the annual wellness visits providing personalized prevention plan services, and returning to the policy that was proposed, which was limited to the elements specified in the Act. We are revising our regulation at § 410.15(a) to remove voluntary advance care planning as a specified element from the definitions of "first annual wellness visit providing personalized prevention plan services" and "subsequent annual wellness visit providing personalized prevention plan services" and to remove the definition of "voluntary advance care planning."

III. Waiver of Proposed Rulemaking and Delay in Effective Date

We ordinarily publish a notice of proposed rulemaking in the **Federal Register** and invite public comment on the proposed rule before the provisions of the rule take effect in accordance with section 553(b) of the Administrative Procedure Act (5 U.S.C. 553(b)). The Physician Fee Schedule notice of proposed rulemaking includes a reference to the legal authority under which the rule is proposed, and the terms and substance of the proposed rule or a description of the subjects and issues involved. This notice and comment procedure can be waived, however, if an agency finds good cause that the procedure is impracticable, unnecessary, or contrary to the public interest, and incorporates a statement of the finding and its reasons for it in the rule. Section 553(d) of the APA ordinarily requires a 30-day delay in the effective date of final rules after the date of their publication. This 30-day delay in effective date can be waived, however, if an agency finds for good cause that the delay is impracticable, unnecessary, or contrary to the public interest, and the agency incorporates a statement of the findings and its reasons in the rule issued.

As noted earlier, a number of commenters suggested in response to the NPRM that we should include voluntary advance care planning as an additional specified element of the new annual wellness visit. While we believe that we acted within our authority in including voluntary advance care planning as an additional specified element of the new annual wellness visit in the final rule, it has become apparent that we did not have an opportunity to consider prior to the issuance of the final rule the wide range of views on this subject held by a broad range of stakeholders (including members of Congress and those who were involved with this provision during the debate on the Affordable Care Act). Because we believe it is in the public interest to specify contemporaneous with the January 1, 2011 effective date the scope of the new "annual wellness visit for personalized prevention plan services" benefit, we believe it would be contrary to the public interest to provide for a 30-day delay in effective date. Therefore, we find good cause, based on the public interest, both to waive the notice of proposed rulemaking and the 30-day delay in effective date, and to issue this amendment effective January 1, 2011.

IV. Collection of Information Requirements

This document does not impose information collection and recordkeeping requirements. Consequently, it need not be reviewed by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995.

V. Regulatory Impact Statement

We have examined the impact of this amendment as required by Executive Order 12866 on Regulatory Planning

and Review (September 30, 1993), the Regulatory Flexibility Act (RFA) (September 19, 1980, Pub. L. 96–354), section 1102(b) of the Social Security Act, section 202 of the Unfunded Mandates Reform Act of 1995 (March 22, 1995; Pub. L. 104–4), Executive Order 13132 on Federalism (August 4, 1999) and the Congressional Review Act (5 U.S.C. 804(2)).

Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). A regulatory impact analysis (RIA) must be prepared for major rules with economically significant effects ($100 million or more in any 1 year). This amendment does not reach the economic threshold and thus is not considered a major rule.

The RFA requires agencies to analyze options for regulatory relief of small businesses. For purposes of the RFA, small entities include small businesses, nonprofit organizations, and small governmental jurisdictions. Most hospitals and most other providers and suppliers are small entities, either by nonprofit status or by having revenues of $7.0 million to $34.5 million in any 1 year. Individuals and States are not included in the definition of a small entity. We are not preparing an analysis for the RFA because we have determined, and the Secretary certifies, that this amendment will not have a significant economic impact on a substantial number of small entities.

In addition, section 1102(b) of the Act requires us to prepare a regulatory impact analysis if a rule may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 604 for final rules of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside of a Metropolitan Statistical Area for Medicare payment regulations and has fewer than 100 beds. We are not preparing an analysis for section 1102(b) of the Act because we have determined, and the Secretary certifies, that this amendment will not have a significant impact on the operations of a substantial number of small rural hospitals.

Section 202 of the Unfunded Mandates Reform Act of 1995 also requires that agencies assess anticipated costs and benefits before issuing any rule whose mandates require spending in any 1 year of $100 million in 1995 dollars, updated annually for inflation. In 2010, that threshold is approximately $135 million. This amendment will have no consequential effect on State, local, or Tribal governments or on the private sector.

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a proposed rule (and subsequent final rule) that imposes substantial direct requirement costs on State and local governments, preempts State law, or otherwise has Federalism implications. Because this amendment does not impose any costs on State or local governments, the requirements of Executive Order 13132 are not applicable.

In accordance with the provisions of Executive Order 12866, this amendment was reviewed by the Office of Management and Budget.

List of Subjects in 42 CFR Part 410

Health facilities, Health professions, Kidney diseases, Laboratories, Medicare, Reporting and recordkeeping requirements, Rural areas, X-rays.

For the reasons set forth in the preamble, the Centers for Medicare & Medicaid Services amends 42 CFR part 410 as set forth below:

PART 410—SUPPLEMENTARY MEDICAL INSURANCE (SMI) BENEFITS

■ 1. The authority citation for part 410 continues to read as follows:

Authority: Secs. 1102, 1834, 1871, and 1893 of the Social Security Act (42 U.S.C. 1302, 1395m, 1395hh, and 1395ddd).

Subpart B—Medical and Other Health Services

§ 410.15 [Amended]

■ 2. Section 410.15 is amended as follows:

■ A. In paragraph (a), in the definition of "First annual wellness visit providing personalized prevention plan services" removing paragraph (ix) and redesignating paragraph (x) as paragraph (ix).

■ B. In paragraph (a), in the definition of "Subsequent annual wellness visit providing personalized prevention plan services" removing paragraph (vii) and redesignating paragraph (viii) as paragraph (vii).

■ C. In paragraph (a), removing the definition of "voluntary advance care planning".

CMS–1503–F2.

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: January 3, 2011.

Donald M. Berwick,

Administrator, Centers for Medicare & Medicaid Services.

Approved: January 4, 2011.

Kathleen Sebelius,

Secretary, Department of Health and Human Services.

[FR Doc. 2011–164 Filed 1–5–11; 4:15 pm]

BILLING CODE 4120–01–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 580

[Docket No. NHTSA–2010–0046; Notice 2]

Petition for Approval of Alternate Odometer Disclosure Requirements

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Final Determination.

SUMMARY: The State of Wisconsin has petitioned for approval of alternate requirements to certain requirements under Federal odometer law. NHTSA is issuing this final determination granting Wisconsin's petition as it pertains to vehicle transfers. This determination does not include vehicles covered by a lease agreement.

DATES: *Effective Date:* February 9, 2011.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* or the street address listed above. Follow the online instructions for accessing the dockets. Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, *etc.*). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78) or you may visit *http://DocketInfo.dot.gov.*

FOR FURTHER INFORMATION CONTACT: David Case, Office of the Chief Counsel, National Highway Traffic Safety Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590 (Telephone: 202–366–2239) (Fax: 202–366–3820).

SUPPLEMENTARY INFORMATION:

I. Introduction

Federal odometer law, which is largely based on the Motor Vehicle

Information and Cost Savings Act (Cost Savings Act) [1] and the Truth in Mileage Act of 1986 [2], as amended (TIMA), contains a number of provisions to limit odometer fraud and assure that the purchaser of a motor vehicle knows the true mileage of the vehicle. The Cost Savings Act requires the Secretary of Transportation to promulgate regulations requiring the transferor (seller) of a motor vehicle to provide a written statement of the vehicle's mileage registered on the odometer to the transferee (buyer) in connection with the transfer of ownership. This written statement is generally referred to as the odometer disclosure statement. Further, under TIMA, vehicle titles themselves must have a space for the odometer disclosure statement, and States are prohibited from licensing vehicles unless a valid odometer disclosure statement on the title is signed and dated by the transferor. Titles must also be printed by a secure printing process or other secure process. TIMA also contains specific disclosure provisions on transfers of leased vehicles. Federal law also contains document retention requirements for motor vehicle dealers and lessors.

TIMA's motor vehicle mileage disclosure requirements apply in a State unless the State has alternative requirements approved by the Secretary. The Secretary has delegated administration of the odometer program to NHTSA. A State may petition NHTSA for approval of such alternate odometer disclosure requirements.

The State of Wisconsin has petitioned NHTSA for approval of alternate odometer disclosure requirements under TIMA. The Wisconsin Department of Transportation (WisDOT) proposes a paperless electronic title transfer scheme, described more fully in section IV, similar to the Commonwealth of Virginia's alternate odometer disclosure program, approved by NHTSA on January 2, 2009. 74 FR 643, 650 (January 7, 2009). Wisconsin's program will not apply to, or in lieu, of the provisions of Federal odometer law related to, transactions involving at least one out-of-State party.[3]

With limited exceptions, NHTSA initially determined that Wisconsin's proposal satisfied Federal odometer law, and proposed granting Wisconsin's petition on the condition that it amend its program or demonstrate that it meets the requirements of Federal law. *See* 75 FR 20965 (April 22, 2010). To gain final approval, Wisconsin was required to demonstrate that its program conforms to Federal odometer law disclosure requirements specifying that an odometer disclosure statement, including the brand, be made at the time of transfer when the seller is unavailable.[4] NHTSA's Initial Determination also asked Wisconsin to address aspects of its e-Odometer program relating to transfer of leased vehicles. As addressed below, Wisconsin will submit a separate petition regarding transfer of leased vehicles. After careful consideration of comments, and the entire record, NHTSA is granting Wisconsin's petition for title transfers other than those involving a lease agreement. NHTSA's analysis is set forth below in Section VI.

II. Statutory Background

NHTSA reviewed the statutory background of Federal odometer law in its consideration and approval of Virginia's petition for alternate odometer disclosure requirements. *See* 73 FR 35617 (June 24, 2008) and 74 FR 643 (January 7, 2009). The statutory background of the Cost Savings Act and TIMA, and the purposes behind TIMA, are discussed at length in NHTSA's Final Determination granting Virginia's petition. 74 FR 643, 647–48. A brief summary of the statutory background of Federal odometer law and the purposes of TIMA follows.

In 1972, Congress enacted the Cost Savings Act, among other things, to prohibit tampering of odometers on motor vehicles and to establish certain safeguards for the protection of purchasers with respect to the sale of motor vehicles having altered or reset odometers. *See* Public Law 92–513, section 401, 86 Stat. 947, 961–63 (1972). The Cost Savings Act required that, under regulations to be published by the Secretary, the transferor of a motor vehicle provide a written vehicle mileage disclosure to the transferee, prohibited odometer tampering and provided for enforcement. *See Id.* at section 408, 86 Stat. at 947. Section 408 states that the Secretary shall prescribe rules requiring any transferor of a motor vehicle to provide a written disclosure to the transferee that includes the cumulative mileage on the odometer and if the odometer reading is known to be different than the miles the vehicle has actually traveled, a statement that the actual mileage is unknown. In general, the purpose for the disclosure was to assist purchasers to know the true mileage of a motor vehicle.

A major shortcoming of the odometer provisions of the Cost Savings Act was that they did not require that the odometer disclosure statement be on the title. In a number of States, they were on separate documents that could be altered easily or discarded and did not travel with the title. *See* 74 FR 644. Consequently, the disclosure statements did not necessarily deter odometer fraud employing altered documents, discarded titles, and title washing. *Id.*

Congress enacted TIMA in 1986 to address the Cost Savings Act's shortcomings. It amended the Cost Savings Act to prohibit States from licensing vehicles after transfers of ownership unless the new owner (transferee) submitted a title from the seller (transferor) containing the seller's signed and dated statement of the vehicle's mileage, as previously required by the Cost Savings Act. *See* Public Law 99–579, 100 Stat. 3309 (1986); 74 FR 644 (Jan. 7, 2009). TIMA also prohibits the licensing of vehicles for use in any State unless the title issued to the transferee is printed using a secure printing process or other secure process, indicates the vehicle mileage at the time of transfer, and contains additional space for a subsequent mileage disclosure by the transferee when it is sold again. *Id.* Other provisions created similar safeguards for leased vehicles.

TIMA added a provision to the Cost Savings Act that, with the approval of the Secretary of Transportation, allows States to have alternate requirements to those required under TIMA respecting the disclosure of mileage. It amended Section 408 of the Cost Savings Act to add a new subsection (f), which provided that the requirements of subsections (d) and (e)(1) respecting the disclosure of motor vehicle mileage when motor vehicles are transferred or leased shall apply in a State unless the State has in effect alternate motor vehicle mileage disclosure requirements approved by the Secretary. Subsection (f) provided further that the Secretary shall approve alternate motor vehicle mileage disclosure requirements submitted by a State unless the Secretary determines that such requirements are not consistent with the purpose of the disclosure required by subsection (d) or (e), as the case may be.

In 1988, Congress amended section 408(d) of the Cost Savings Act to permit the use of a secure power of attorney in circumstances where the title was held by a lienholder. The Secretary was required to publish a rule to implement the provision. *See* Public Law 100–561

[1] Public Law 92–513, 86 Stat. 947, 961 (1972).

[2] Public Law 99–579, 100 Stat. 3309 (1986).

[3] It also does not apply to disclosures by power of attorney where the title is held by a lien holder because, in Wisconsin, lienholders do not hold the vehicle title.

[4] *See* Section 408 of the Cost Savings Act, recodified at 49 U.S.C. 32705, and 49 CFR 580.5(c).

section 40, 102 Stat. 2805, 2817 (1988), which added Section 408(d)(2)(C). In 1990, Congress amended section 408(d)(2)(C) of the Cost Savings Act. The amendment addressed retention of powers of attorneys by States and provided that the rule adopted by the Secretary not require that a vehicle be titled in the State in which the power of attorney was issued. *See* Public Law 101–641 section 7(a), 104 Stat. 4654, 4657 (1990).

In 1994, in the course of the recodification of various laws pertaining to the Department of Transportation, the Cost Savings Act, as amended, was repealed, reenacted, and recodified without substantive change. *See* Public Law 103–272, 108 Stat. 745, 1048–1056, 1379, 1387 (1994). The odometer statute is now codified at 49 U.S.C. 32701 *et seq.* In particular, Section 408(a) of the Cost Savings Act was recodified at 49 U.S.C. 32705(a). Sections 408(d) and (e), which were added by TIMA (and later amended), were recodified at 49 U.S.C. 32705(b) and (c). The provisions pertaining to approval of State alternate motor vehicle mileage disclosure requirements were recodified at 49 U.S.C. 32705(d).

III. Statutory Purposes

As discussed above, the Cost Savings Act, as amended by TIMA in 1986, states that NHTSA "shall approve alternate motor vehicle mileage disclosure requirements submitted by a State unless the [NHTSA] determines that such requirements are not consistent with the purpose of the disclosure required by subsection (d) or (e) as the case may be." (Subsections 408(d), (e) of the Cost Savings Act were recodified to 49 U.S.C. 32705(b) and (c)). In light of this provision, we now turn to our interpretation of the purposes of these subsections as germane to Wisconsin's petition.

Our Final Determination granting Virginia's petition for alternate odometer disclosure requirements identified the purposes of TIMA germane to petitions for approval of odometer disclosure requirements that did not include disclosures involving leased vehicles or disclosures by power of attorney.[5] 74 FR 643, 647–48 (January 7, 2009). A brief summary of the purposes identified in the Virginia Final Determination follows. In the Initial Determination of Wisconsin's petition, the Agency identified the purposes of TIMA relevant to odometer disclosures for transfer of leased vehicles. 75 FR 20972–73. Since, as explained below, Wisconsin has indicated that it will submit a separate petition regarding transfer of leased vehicles, the purposes of TIMA relevant to leased vehicles are not discussed here.

One purpose of TIMA is to assure that the form of the odometer disclosure precludes odometer fraud. 74 FR 647. To prevent odometer fraud facilitated by disclosure statements that were separate from titles, TIMA required mileage disclosures to be on a secure vehicle title instead of a separate document. These titles also had to contain space for the seller's attested mileage disclosure and a new disclosure by the purchaser when the vehicle was sold again. This discouraged mileage alterations on titles and limited opportunities for obtaining new titles with lower mileage than the actual mileage. *Id.*

A second purpose of TIMA is to prevent odometer fraud by processes and mechanisms making odometer mileage disclosures on the title a condition of any application for a title and a requirement for any title issued by a State. 74 FR 647. This provision was intended to eliminate or significantly reduce abuses associated with lack of control of the titling process. *Id.*

Third, TIMA sought to prevent alterations of disclosures on titles and to preclude counterfeit titles through secure processes. 74 FR 648. In furtherance of these purposes, paper titles (incorporating the disclosure statement) must be produced using a secure printing process or protected by "other secure process."[6] *Id.*

A fourth purpose is to create a record of vehicle mileage and a paper trail. 74 FR 648. The underlying purposes of this record and paper trail were to better inform consumers and provide mechanisms for tracing odometer tampering and prosecuting violators. TIMA's requirement that new applications for titles include signed mileage disclosure statements on the titles from the prior owners creates a permanent record that is easily checked by subsequent owners or law enforcement officials. This record provides critical snapshots of vehicle mileage at every transfer, which are the fundamental links of this paper trail.

Finally, the general purpose of TIMA is to protect consumers by assuring that they receive valid representations of the vehicle's actual mileage at the time of transfer based on odometer disclosures. 74 FR 648.

IV. The Wisconsin Program

As explained in NHTSA's Initial Determination, Wisconsin petitions for approval of alternate odometer disclosure requirements. 75 FR 20965, 20967 (Apr. 22, 2010). Wisconsin requests alternate disclosure requirements for motor vehicle private party (including motor vehicle dealers) transfers, including transactions involving a lienholder.[7] Wisconsin's petition included a request for alternate odometer disclosure requirements for transactions involving leased vehicles but, as explained below, Wisconsin states that it will submit a separate petition addressing electronic odometer disclosure for leased vehicle transfers.

Recent Wisconsin legislation establishes that the title, title application, and other specified information maintained by the DMV in its database are the original and controlling title records for a vehicle. *See* Wis. Stat. Ann. § 342.01(2)(ac) *and* § 342.09(4) (2009). Wisconsin proposes creating an electronic odometer statement (e-Odometer) residing in the WisDOT Department of Motor Vehicles (DMV) database as the official odometer statement. Under the proposal, a distinct e-Odometer system will be created to accept and maintain e-Odometer statements as stand-alone electronic records, separate from an electronic title. E-Odometer statements will be linked to, and become part of the title record in the DMV database. The DMV's titling system will automatically link the e-Odometer statements to a vehicle's title whenever an electronic title transaction occurs, and a title transfer could not be completed unless proper odometer disclosure is entered in the e-Odometer record. According to Wisconsin's petition, if a paper title is needed, the DMV will print it on secure paper with the odometer disclosure

[5] Since Virginia's program did not cover disclosures involving leased vehicles or disclosures by power of attorney, the purposes of Sections 408(d)(2)(C) and 408(e) of the Cost Savings Act, as amended, were not germane and were not addressed in the notice approving the Virginia program. *See* 74 FR 647 n. 12.

[6] Congress intended to encourage new technologies by including the language "other secure process." The House Report accompanying TIMA noted that "'other secure process' is intended to describe means other than printing which could securely provide for the storage and transmittal of title and mileage information." H.R. Rep. No. 99–833, at 33 (1986). "In adopting this language, the Committee intends to encourage new technologies which will provide increased levels of security for titles." *Id. See also* Cost Savings Act, as amended by TIMA, section 408(d), recodified at 49 U.S.C. 32705(b).

[7] Under Wisconsin law, a lienholder does not physically possess the title to the vehicle; the title remains with the vehicle owner. Thus, Wisconsin does not permit odometer disclosure by power of attorney when title is held by a lienholder and does not petition for alternate requirements regarding odometer disclosure by power of attorney. Wisconsin does accept a written odometer disclosure by power of attorney from an out-of-state party that registers the vehicle in Wisconsin.

statement in the proper location and format.

Wisconsin's original petition encompassed transfers of leased vehicles. In the Initial Determination, NHTSA raised questions about this aspect of Wisconsin's program. In its comments on that Determination, Wisconsin stated that lessee odometer disclosure would be addressed in the second implementation phase, and that the State would consult with NHTSA. Wisconsin asked that NHTSA approve its petition with the understanding that Wisconsin would consult with NHTSA to satisfy all requirements. If NHTSA is unable to approve the State's petition with that provision, the State requested approval of the petition except for the lessor/lessee transaction process. The State would expect to file a separate petition for approval of the lessor/lessee transaction in the future. NHTSA cannot approve a petition or part of a petition on the basis of future consultations. As a result, NHTSA is unable to grant Wisconsin's petition as it pertains to transfers of vehicles involving a lease agreement. This is without prejudice for Wisconsin to develop e-Odometer provisions for the transfer of leased vehicles in a future phase of its implementation plan and to petition NHTSA for approval of electronic leased vehicle odometer disclosure in the future. We will not discuss Wisconsin's proposal for leased vehicles below.

A. Overview of Wisconsin's Electronic Titling System

Wisconsin has implemented a titling system that permits individuals, organizations and businesses (collectively, DMV Customers) to process vehicle title transactions electronically through its automated processing partnership system (APPS) program. *See* Wis. Admin. Code § Trans 1565.01. Under APPS, a vendor [8] approved by the DMV [9] creates a computer system to link or interface DMV customers with the DMV database. The link permits the DMV customer to access the DMV database and conduct authorized title transactions.

In order to gain direct access to the DMV's database under the vendor system, a DMV customer must enter into an agreement with an approved vendor, obtain DMV approval to process title transactions, and enter into a contract with the DMV. To maintain system security and integrity, employees of DMV customers using the interface will have to submit a signed affidavit to the DMV before accessing the system. Once the DMV customer complies with these requirements, the DMV customer will be able to perform authorized title transactions directly within the DMV's system.

Currently, Wisconsin requires motor vehicle dealers to electronically process title transactions for vehicles that they sell. *See* Wis. Stat. Ann. § 342.16(1)(a) and (am) (2009); Wis. Admin. Code § Trans 141.01. Motor vehicle dealers can perform electronic titling transactions through APPS or through an Internet-based interface with the DMV, known as e-MV11. In order to process title transactions using the e-MV11, a DMV customer must apply to the DMV by submitting an application setting forth the name, address and contact of the entity and providing the names and access authority of employees performing title transactions. After setting up the required security protocols, the DMV customer can enter the appropriate title transaction.[10] Also, under Wisconsin's electronic titling program, motor vehicle dealers are required to maintain and keep their title transactions records, including odometer disclosure statements, for five years. *See* Wis. Admin. Code § Trans 141.08(2).

According to Wisconsin's petition, the electronic titling program will be expanded to include other persons, businesses, and organizations. These businesses and organizations, such as lienholders or auction companies, will conduct electronic title transactions through APPS. Individuals conducting private sales of unencumbered vehicles will eventually have the ability to perform title transfer and odometer disclosure through an Internet-based application called e-MVPublic.

B. Wisconsin's e-Odometer Program

Wisconsin asserts that e-Odometer entries will provide a virtual replacement of existing secure paper odometer disclosure statements for vehicle transactions. Under Wisconsin's proposal, the e-Odometer system will be a unique electronic application within Wisconsin's electronic title transfer system. Although the e-Odometer entry will be a stand-alone secure electronic record, it will be safely and securely electronically linked to the electronic title record of the vehicle by the vehicle identification number (VIN) and become part of the vehicle title. Title transfer could not occur unless the transferor and transferee, or other authorized persons such as dealer employees, perform the required disclosure and acceptance through the e-Odometer system. Once the odometer disclosure and acceptance is completed, the statement is stored in the e-Odometer system and linked to the electronic title record by the VIN.

The petition states that the following information will be stored in the secure e-Odometer record:

1. VIN;
2. Description of the vehicle by make, model, model year and body type;
3. Odometer reading and date of the reading;
4. The Brand (actual, not actual or exceeds limits of odometer);
5. Name, address of person disclosing odometer reading (must match the transferor);
6. Name, address of person accepting odometer reading (must match the transferee); and
7. Statement reference to Federal law requirement and potential penalties.

Some of the e-Odometer information and other vehicle information will be available to DMV personnel through a DMV vehicle inquiry function, while limited information will be available to the public through a public inquiry function. The information available to DMV personnel includes:

1. Vehicle description;
2. Title owner information;
3. Brands, if any;
4. Most current odometer reading, status and date recorded;
5. Odometer reading, status and record date history;
6. Lien information; and

[8] According to Wisconsin's petition, a "vendor" is a person, business or organization that contracts with the DMV to provide a host computer system by which agents may obtain access to specified information services. Wis. Admin. Code § Trans 156.02(8). An approved vendor must work with Wisconsin's DMV to develop an automated interface software application that meets the automated interface specifications prescribed by DMV. Wis. Admin. Code § Trans 156.03(4).

[9] In order to become an approved vendor, an entity must submit an application with certain information to DMV, submit an approved implementation plan, work with DMV to meet the automated interface specifications prescribed by DMV and execute a contract with DMV.

[10] According to Wisconsin's petition, authorized transactions for amending an electronic odometer record are or will be:

1. Dealer sales to private buyers, including purchases and trade-ins from private buyers;
2. Dealer reassignments to other dealers;
3. Consignor statement when consigning a vehicle for sale;
4. Dealer or auction purchase of out-of-state vehicle and subsequent sale of vehicle with Wisconsin title (Wisconsin could produce a secure paper title for use by the other State.);
5. DMV odometer corrections on title;
6. Involuntary liens from towing/storage, landlord, or mechanic;
7. Repossessions;
8. Private sales where title is processed by DMV agent or financial institution;
9. Lessee to lessor statement upon relinquishing a leased vehicle; and
10. Private sales using e-MVPublic.

7. Owner in possession of the vehicle.

The publicly available information includes:

1. Vehicle description;

2. Most current odometer reading, status and date recorded;

3. Brands, if any; and

4. Lien information.

Wisconsin's petition states that creation of or amendments to e-Odometer records will be possible only when titles are transferred in the course of authorized transactions by authorized persons.

C. Wisconsin e-Odometer Implementation Schedule

Wisconsin plans to implement its e-Odometer program in three phases. Because motor vehicle dealers are already required to complete title transactions electronically, Wisconsin intends to begin the e-Odometer program with these dealers. *See* Wis. Stat. Ann. § 342.16(1)(a) and (am) (2009); Wis. Admin. Code § Trans 141.01. The second phase will implement e-Odometer in title transfers involving lienholders, motor vehicle auctions, and vehicle repossessions. The final phase will implement e-Odometer in transfers of unencumbered motor vehicles between private individuals. Phase two and three are still under development and Wisconsin has not provided an estimated implementation schedule. According to the petition, during phase-in, some odometer disclosure transactions will be electronic but some will continue to be on the secure paper title and secure paper odometer statement.

1. Phase One: e-Odometer in Dealer Transactions

Wisconsin's petition states e-Odometer will apply first to motor vehicle transfers through motor vehicle dealers. During this phase, eligible title transactions include reassignments among dealers, consignments, and retail sales. In order to complete a transaction, there must be an odometer disclosure and acceptance of the odometer statement. The odometer disclosure and acceptance will be permitted between the following persons: (1) Authorized dealer personnel and an individual buyer; (2) an individual seller trading in a vehicle and authorized dealer personnel; (3) authorized dealer personnel in the case of dealer reassignments; and (4) an individual vehicle owner and an authorized person on behalf of a consignee in the case of vehicle consignment. According to Wisconsin, the identities of all persons involved will be verified and authenticated through the DMV's processes.

Under Wisconsin's plan, dealer title transfer transactions will be completed through an APPS's vendor interface application or the e-MV11 Internet-based application. During these title transfer transactions, e-Odometer forms will be imported into the transaction and completed by the authorized persons.

2. Phase 2: e-Odometer in Title Transactions between Private Parties Involving Lienholders and Other Commercial Entities

Wisconsin's petition states that the second phase will incorporate e-Odometer procedures into title transfers in a number of circumstances, including between private parties when there is a lien on the vehicle. These title transactions will be processed by the financial institution holding the lien. During this phase, e-Odometer will be available to the financial institution through the APPS application or an application WisDOT develops for these lenders. Because lienholders do not possess titles under Wisconsin law, a satisfied lienholder will access e-Odometer to electronically release the lien to allow production of a clear title. To facilitate this process, e-Odometer forms will be available to buyers and sellers through an Internet application allowing completion of the required odometer disclosures and acceptances.

During this second phase, Wisconsin also plans to incorporate use of the e-Odometer system into title transfers involving motor vehicle auctions, involuntary vehicle transfers (*i.e.* involuntary liens and repossessions), corrections to odometer information on titles, and other transactions involving secure odometer statements.

3. Phase 3: e-Odometer in Private Sales

The last phase of Wisconsin's program will incorporate e-Odometer entries into private sales of unencumbered vehicles. The title transfer will be conducted through an on-line application called e-MVPublic.[11] For private transfers of motor vehicles, odometer disclosure and acceptance will be accomplished by the seller and buyer through e-MVPublic once their identities are verified by DMV processes.

[11] For individuals without Internet access, Wisconsin is considering providing access to e-MVPublic at its DMV service centers. At a minimum, Wisconsin states that public libraries offer public access to computers and the Internet, which will enable individuals without Internet to use e-Odometer.

D. Identity Verification Under Wisconsin e-Odometer

Wisconsin's petition describes two verification processes whose operation differs depending on whether the user is a DMV partner or regular customer (such as a dealer or financial institution) or an intermittent user. For a DMV partner or regular customer, the first step is being approved by the DMV to access its database. As part of the approval process, the entity must provide the legal business name and address of the business. After approval, identity verification procedures will require these users to enter into an agreement with the DMV that includes security procedures—including establishing an account and secure logon ID. The users are identified and authenticated through a unique "user ID" and password that are traced to a particular person on the account.

Vendors will manage the verification process. The Wisconsin APPS program requires approved vendors to design precise electronic security and audit trail procedures into its interface, which DMV will then verify. This interface requires three administrative steps to identify, authenticate, and authorize users of the DMV's database. First, vendors must create an audit journal to identify the individual responsible for each transaction. Vendors assign each user a "user ID" that can be traced to the individual user. Next, to authenticate the user, a password known only to the user that is associated with the "user ID" is entered before a transaction is allowed. If an individual user is not authorized by the vendor for the type of transaction requested, the system will immediately terminate the transaction. Last, vendors must authorize the user to access the appropriate information. In addition to the identification protocols, vendors must create and maintain access logs that can be used for auditing and recording keeping, which include, among other things, a history of each customer transaction.

Under Wisconsin's plan, DMV partners and regular customers must submit the identity of each employee who will conduct title transactions and specify each employee's authority to perform transactions in the DMV's database. Prior to obtaining authorization from the DMV to conduct title transfer transactions, each employee must submit a signed affidavit acknowledging security procedures and safeguards. The DMV must confirm each user's authorization before the user can process title transactions.

For individuals who are not DMV partners or regular customers,

Wisconsin will require individuals to establish an electronic signature that can uniquely identify the person. Identity verification begins with the customer entering a minimum of three personal identifiers for the correct customer record in the DMV database. Personal identifiers include name, address, date of birth, product number, Driver License/ID number, and a Federal Employer Identification Number or partial Social Security Number (possibly the last four or five digits).[12] After the user inputs the personal identifiers into the system, the system will check DMV customer records and verify that the user is the correct individual or business, and will authorize the customer to update the odometer statement. Once the user is verified, the user can begin the title transaction.

E. Odometer Disclosure Under Wisconsin e-Odometer

Wisconsin's petition states that two parties must engage in an authorized e-Odometer transaction to effectuate the odometer disclosure. In order to conduct the e-Odometer disclosure, each party will access the DMV database by providing information to satisfy the identity verification requirements of the system and the VIN of the vehicle. Under Wisconsin's proposal, a transferor must disclose the odometer reading and brand (actual/not actual/exceeding odometer limits) and the transferee must accept the odometer reading to allow the transaction to go forward.[13] The e-Odometer transaction will remain in a pending status between the transferor and transferee until each party completes the required actions, *e.g.,* disclosure by the seller and acceptance by the buyer. Once both actions have been accomplished, the e-Odometer record will be secured within DMV's database and become part of the electronic title through the VIN.

To clarify the e-Odometer procedure, Wisconsin provides an exemplar title transaction involving a dealer trade-in. In a vehicle trade-in transaction, the customer (transferor) must bring the paper title to the dealer (transferee) at the time of the transfer. After entering all the required data in the Wisconsin electronic title system and initiating the e-Odometer process, the dealer will then destroy the paper title.[14] Under the e-Odometer process, the customer discloses the odometer reading (and brand) and the dealer accepts the odometer reading. The vehicle's odometer reading is then stored in the DMV database and linked virtually to the vehicle's title through the VIN. Upon later sale of the trade-in vehicle, the dealer (as the transferor) must disclose the odometer reading (and brand) and the vehicle buyer (as the transferee) must accept the odometer reading. The dealer and buyer will access e-Odometer at the time of the sale to complete the disclosure and acceptance of the odometer statement, which upon acceptance by the buyer secures the odometer statement in the DMV's database. After the sale of the vehicle is completed, the dealer completes title processing in APPS or e-MV11 by titling the vehicle in the consumer's name, verifying that secure odometer disclosure has been completed. After titling is complete, the updated e-Odometer entry becomes part of the title record. For in-State transactions, a paper title is issued only upon request.

F. Wisconsin's Position on Meeting the Purposes of TIMA

Wisconsin has maintained that its e-Odometer program meets the purposes of TIMA, as described by NHTSA in its Final Determination on the Commonwealth of Virginia's petition for alternate odometer disclosure requirements. *See* 74 FR 643, 647–48 (January 7, 2009).

Wisconsin's petition states that e-Odometer is part of the vehicle's title. Under e-Odometer, the VIN links the odometer statement to the title record. The system automatically imports e-Odometer into the title transfer transaction process conducted by the transferor and transferee. A title transaction cannot occur unless the odometer disclosure statement is made and accepted. The e-Odometer information is then secured, stored, and becomes visible through the vehicle's electronic title record.

According to the petition, other system requirements provide a significant level of security for the e-Odometer system. First, title transfer cannot occur unless the authorized persons update e-Odometer entries. Second, only those persons authorized to make title transfer transactions (*e.g.,* authorized dealer personnel or authenticated private owners) are able to make e-Odometer statements. Third, odometer disclosure under the e-Odometer system is only permitted when a title is transferred.[15] If a title is required to be printed on a secure title paper, the DMV system will automatically include the odometer disclosure information on the printed title. If a title on secure title paper is used in a vehicle transfer, the odometer information shown on the secure paper title will be entered into the e-Odometer electronic record during the title transfer transaction process and the paper title will be destroyed.

Wisconsin's petition also states that odometer disclosure is a required data input for application for a title and a required output on the title. According to the petition, the odometer disclosure and acceptance is a required input to an electronic title transaction, whether performed through APPS or e-MV11. Although APPS permits odometer disclosure and acceptance at different times, e-Odometer secures the disclosure and acceptance and stores it electronically until the odometer disclosure is imported during title processing.

Wisconsin's petition asserts that e-Odometer provides a level of security against altering, tampering, and counterfeiting equivalent to the odometer statement on a secure paper title. According to Wisconsin, the e-Odometer statement is secured in the DMV database as soon as the transferor electronically discloses and the transferee accepts the odometer reading. After the transferee accepts the odometer disclosure, e-Odometer stores that mileage disclosure, the date, and the names and addresses of the

[12] Wisconsin prohibits nonresidents from applying for a Wisconsin title, except in certain limited exceptions. *See* Wis. Admin. Code § Trans 154.13(2). A nonresident who is eligible to apply for a Wisconsin title will not be considered a DMV partner or regular customer. These nonresidents will be subject to the e-Odometer requirements as long as the vehicle is titled and transferred within Wisconsin.

[13] Wisconsin states that there are a limited number of exceptions under Wisconsin law and e-Odometer to the requirement for two parties to engage in a transaction to update a title. One exception is involuntary transfer of the vehicle through repossession by a financial institution in which the title is issued to the financial institution. This exception is permissible under Federal odometer law because repossession is not a transfer of ownership and does not require an odometer disclosure statement. *See* 49 CFR 580.3. Another exception is when the seller is not available. If the seller is not available, the DMV database permits the transferee to state the odometer reading with a brand of "not actual." If the transferor becomes available to make the disclosure, DMV will change the recorded status to "actual." This exception does not conform to Federal odometer law, which requires an odometer disclosure statement, including the brand, at the time of transfer of ownership. 49 U.S.C. 32705(a)(1); 49 CFR 580.5(a). Federal odometer law does not permit subsequent alterations to the brand as contemplated by Wisconsin. NHTSA believes that permitting such an exception could create a loophole that will be abused.

[14] According to Wisconsin, the dealer's failure to destroy the title subjects the dealer to civil penalties and other sanctions, such as license suspension or removal.

[15] As noted above, there are some exceptions under Wisconsin law.

transferor and transferee, and will not allow any changes to that entry.

Finally, Wisconsin's petition contends that the authentication and verification of the transferor's and transferee's electronic signatures are readily detectable and reliably traced to the particular individual. Wisconsin states that the DMV has established extensive security procedures for vendors who process vehicle transactions on behalf of the DMV and regularly interact with the DMV, and for individuals and intermittent business customers who wish to make entries in DMV records. Wisconsin's security procedures are governed under Wisconsin statutes, administrative rules, contracts, DMV policy and procedure, and electronic security protocols. DMV Partners and regular business customers will access the e-Odometer system through secure applications that are already in use for vehicle title transactions. Individuals and intermittent business customers will access the e-Odometer system through a secure Internet application. Both applications require information, such as electronic signatures, that can authenticate and verify the users' identity.

V. Summary of Public Comments

NHTSA received comments from two entities: (1) WisDOT; and (2) the American Automotive Leasing Association (AALA). The AALA comments are discussed in section VI below.

WisDOT's comments responded to NHTSA requirements in the Agency's Initial Determination that Wisconsin (1) conform its program to the requirements of Federal odometer law by not permitting the alteration of the brand on an electronic odometer statement when the seller of the vehicle is unavailable at the time of the transfer, or fully explains how this exception complies with the law and its purposes; (2) permit lessors to retain each odometer disclosure statement they give and receive; and (3) clarify the system's ability to allow lessors to place a different brand on the disclosure statement in those instances where the lessor believes, or has reason to believe, that the statement provided by the lessee is inaccurate. WisDOT submitted comments indicating that it will manage e-odometer disclosure when a seller is unavailable by requiring the buyer to give the odometer reading with a brand of "not actual," and specifying that the "not actual" brand cannot be changed, even if the seller appears later.

While Wisconsin will seek approval of alternate odometer disclosure requirements for leased vehicle transfers at a later date, its comments addressed NHTSA's concerns about these transfers. Wisconsin indicated that it will create a mandatory system for lessors to retain all odometer statements they receive for the five-year period required by Federal regulations, 49 CFR 580.8(b). Wisconsin also indicated that it will build e-Odometer to facilitate odometer statements by lessors if the lessor believes, or has reason to believe, that the lessee's disclosure does not reflect the actual mileage of the vehicle.

VI. NHTSA's Final Determination

In this part, NHTSA considers the Wisconsin program in light of the purposes of the disclosure required by subsection (d) of section 408 of the Cost Savings Act.[16] We also respond to comments.

Under the Cost Savings Act, as amended by TIMA, the standard is that NHTSA "shall" approve alternate motor vehicle mileage disclosure requirements submitted by a State unless NHTSA determines that such requirements are not consistent with the purpose of the disclosure required by subsection (d) or (e) as the case may be. The purposes are discussed above, as is the Wisconsin alternate program.

As explained above, one purpose of the disclosures under section 408(d) and (e) of the Cost Savings Act is to assure that the form of the odometer disclosure precludes odometer fraud. NHTSA has determined that Wisconsin's alternate electronic odometer disclosure requirements satisfy this purpose. Under Wisconsin's program, the vehicle's odometer reading must be entered in the course of the title transfer transaction for transfer of title to occur. The reading is disclosed by the transferor and, if valid, accepted by the transferee. Thereafter the odometer disclosure statement will reside as an electronic record in the DMV database and will be linked to the vehicle's title by the VIN. This electronic odometer disclosure is a required element of the transfer and part of the title record in the DMV database. If a hard copy of the title is needed, Wisconsin generates a title with the odometer disclosure statement on the title using a secure printing process. Wisconsin's system will, therefore, have the odometer disclosure as part of the vehicle title as required by TIMA. Also, Wisconsin's electronic title and odometer system provides an electronic equivalent to TIMA's requirement that the title contain a space for the transferor to disclose the vehicle's mileage. For conventional paper transactions in Wisconsin, hard copies of electronic titles will continue to provide a separate space for owners to execute a proper odometer disclosure in keeping with TIMA and current practice.[17]

Another purpose of TIMA is to prevent odometer fraud by processes and mechanisms making the disclosure of an odometer mileage on the title a condition for the application for a title and a requirement for the title issued by the State. NHTSA has determined that Wisconsin's title transfer process satisfies this purpose by requiring disclosure and acceptance of odometer information before the transaction can be completed. If the transaction is successful, the DMV's system will create or amend an electronic title and store the linked electronic odometer statement. A new title will not be issued without entry and acceptance of the odometer disclosure. Our Initial Determination raised a question about alteration of the brand. Wisconsin indicated in its petition that, if the seller is not available at the time of transfer of ownership, the DMV database permits the transferee to state the odometer reading with a brand of "not actual." If the transferor later becomes available to make the disclosure and does so, DMV would change the recorded status to "actual." In the Initial Determination, NHTSA stated that a change to the title subsequent to transfer of the vehicle does not conform to Federal odometer law, which requires an odometer disclosure statement, including the brand, to be made at the time of transfer. 75 FR 20965, 20971 (April 22, 2010) (*citing* 49 U.S.C. 32705(a)(1); 49 CFR 580.5(a)). Wisconsin's comments to our Initial Determination indicate that Wisconsin's program will not permit a post-transfer change of the brand. Wisconsin allows the buyer to give the odometer reading a brand of "not actual" where not properly completed by the seller, and this brand cannot be changed, even if the seller appears later. The Agency notes that a transferor and/or transferee cannot incorporate a "not actual" brand to the odometer disclosure statement as a matter of course or convenience, but only if the mileage

[16] Since Wisconsin's program does not cover disclosures by power of attorney or transfers involving leased vehicles, the purposes of sections 408(d)(1)(c) and (e) of the Cost Savings Act as amended by TIMA are not germane. Thus, Wisconsin continues to be subject to all Federal requirements that are not based on sections 408(d)(1)(A), (B), and (2).

[17] Wisconsin notes that paper titles will be produced for title transfer transactions that involve out-of-state parties, such as a vehicle sale to an out-of-state dealer or retail purchaser, an auction sale to an out-of-state dealer or a retail consumer in Wisconsin that requests a paper title.

indicated on the odometer and on the odometer disclosure statement is inaccurate. 49 U.S.C. 32705(a)(3); 49 CFR 580.5(e)(3). 49 U.S.C. 32705(a)(3).

Another purpose of TIMA is to prevent alterations of disclosures on titles and to preclude counterfeit titles through secure processes. The agency has determined that Wisconsin's electronic disclosure requirements are as secure as current paper titles. Wisconsin's electronic odometer statement is disclosed by the transferor and accepted by the transferee, and thereafter stored in a secure DMV database system. When the State maintains the e-Odometer database with appropriate levels of security, electronic recording of odometer readings and disclosures will be maintained in a way in which alteration is unlikely. The odometer reading, which will be linked to the electronic title record by the VIN, cannot be altered except when it is updated during the title transfer process by authorized users. On subsequent title transfers, the transferor and transferee will have to complete the odometer disclosure and acceptance for the transaction to be completed.

When fully implemented, all subsequent title transfers will be performed through the APPS or e-MV11, or other secure on-line process. Each time an on-line title transfer occurs, the DMV database system stores the electronic version of the odometer statement. The DMV will issue a paper title only when necessary, *e.g.,* title transfer transactions that involve out-of-State parties. Since the title and odometer statement remain in electronic form under State care and custody, the likelihood of an individual altering, tampering or counterfeiting the title or odometer statement is significantly decreased. These electronic records will be maintained in a secure environment and any unauthorized access will be detected by the system. Moreover, under Wisconsin law, the electronic title record is the official and controlling title. If a conflict exists between the electronic title and a paper title, the paper title is void.

Another purpose of TIMA is to create a record of the mileage on vehicles and a paper trail. The underlying purposes of this record trail are to enable consumers to be better informed and provide a mechanism through which odometer tampering can be traced and violators prosecuted. In NHTSA's view, the proposed Wisconsin's electronic title transfer system will create a scheme of records, equivalent to the current "paper trail," that assists law enforcement in identifying and prosecuting odometer fraud. Under the Wisconsin program, creation of a paper trail starts with the requirement for certain DMV customers to process title transactions through the APPS program. Under APPS, a DMV customer must sign a written agreement with the DMV that includes security procedures, an account, and a secure logon ID. DMV customers also must provide the DMV with the names of the individuals authorized to conduct transactions in APPS. These individuals are issued a secure logon ID and password that can be traced by the DMV to their transactions. In addition, APPS vendors must create security protocols that include an audit journal that can identify each person responsible for each title transaction. Vendors must also provide the DMV with a daily report detailing all security violations. Furthermore, Wisconsin requires motor vehicle dealers to retain copies of electronic titles for motor vehicles owned and offered for sale and odometer statements received and given for a period of 5 years.[18]

For individuals not using APPS, the identity verification procedures require the establishment of electronic signatures of the parties. Due to the system's procedures for validating and authenticating the electronic signature of each individual through DMV's database, the electronic signatures of the transferor and transferee are reliable, readily detectable and can easily be linked to particular individuals.[19] Because the electronic signature consists of data elements such as the name, address, date of birth, product number, driver license or identification card number, and a Federal Employer Identification Number or the last four or five digits of the individual's Social Security number, Wisconsin's e-Odometer system can validate and authenticate individual electronic signatures. This authentication process also allows Wisconsin to trace the individuals involved in the transaction. This capacity maintains the purposes of creating a paper trail since the Wisconsin system will have a history of each vehicle's title transfer and odometer disclosure. These electronic records will create the electronic equivalent to a paper based system that will be readily available to law enforcement.

TIMA's overall purpose is to protect consumers by assuring that they receive valid odometer disclosures representing a vehicle's actual mileage at the time of transfer. Here, the alternate disclosure requirements of Wisconsin's program include characteristics that will assure that representations of a vehicle's actual mileage will be as valid as those found in current paper title transfers. Identity authentication, maintenance in a secure electronic environment, and transferee verification of the mileage data reported by the transferor all help to ensure valid disclosures. In addition, by providing rapid access to records of past transfers and by maintaining audit logs of each and every title transfer transaction, the Wisconsin program could potentially provide a superior deterrent to odometer fraud. Furthermore, Wisconsin's program offers the public the opportunity to view the most recent odometer reading and date of that reading through an Internet application. A prospective purchaser can access the public e-Odometer information to assess a vehicle's true value by comparing the vehicle's current odometer reading to the electronic record stored with the DMV.

As discussed above, NHTSA has not approved Wisconsin's plan insofar as it concerns leased vehicles. That program is under development. We recognize that while, in general, the AALA supported the Wisconsin petition, in its comments to the Initial Determination the AALA raised several concerns. The organization stated that Wisconsin's program should address interstate transactions. The AALA's comments also contended that requiring lessors to retain lessee odometer statements is unnecessary since these statements will be retained in Wisconsin's e-Odometer system. The AALA further contended that lessees should be allowed to fill out odometer statements electronically and that the Secretary should make clear that this practice is allowed. In the AALA's view, lessors should also be able to electronically submit their own odometer value when a lessee does not submit an odometer statement and the lessor is confident that it can provide a valid odometer reading. The AALA also requested that Wisconsin's system allow lessors to issue odometer statements that will be verified by purchasers to account for any miles accrued during the resale process. The organization added that lessors should be allowed to issue disclosure statements where

[18] Wisconsin indicates that its e-Odometer system will permit motor vehicle dealers the ability to retain copies of all odometer disclosure statements received or given by the dealers.

[19] Electronic signatures are generally valid under applicable law. Congress recognized the growing importance of electronic signatures in interstate commerce when it enacted the Electronic Signatures in Global and National Commerce Act (E-Sign). *See* Public Law 106–229, 114 Stat. 464 (2000). E-Sign established a general rule of validity for electronic records and electronic signatures. 15 U.S.C. 7001. It also encourages the use of electronic signatures in commerce, both in private transactions and transactions involving the Federal government. 15 U.S.C. 7031(a).

multiple or amended statements are needed to ensure accurate reporting when leased vehicles are purchased by lessees or a lessee's employee but no third-party reseller is involved. Finally, the AALA stated that Wisconsin's proposal should state clearly that the lessee odometer disclosure statement may be provided by the driver. Since this notice does not resolve the leased vehicle part of Wisconsin's program, we are not addressing AALA's comments. If Wisconsin resubmits a petition regarding leased vehicles, the AALA will have an opportunity to comment on it.

For the foregoing reasons, and upon review of the entire record, NHTSA hereby issues a final determination granting Wisconsin's petition for requirements that apply in lieu of the Federal requirements adopted under section 408(d) of the Cost Savings Act, other than the portions of the petition addressing transfer of leased vehicles, which Wisconsin indicates in its comments will be addressed in a separate petition. Other requirements of the Cost Savings Act continue to apply in Wisconsin. NHTSA reserves the right to rescind this determination in the event that future information indicates that the operation of Wisconsin's alternative disclosure system does not satisfy one or more applicable requirements.

Issued on: January 4, 2011.

David L. Strickland,

Administrator.

[FR Doc. 2011–148 Filed 1–7–11; 8:45 am]

BILLING CODE 4910–59–P

Proposed Rules

Federal Register
Vol. 76, No. 6
Monday, January 10, 2011

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.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 73

[NRC–2009–0163]

RIN 3150–AI64

Physical Protection of Irradiated Reactor Fuel in Transit Extension of Comment Period

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule: Extension of comment period.

SUMMARY: On October 13, 2010 (75 FR 62695), the U.S. Nuclear Regulatory Commission (NRC or the Commission) published for public comment a proposed rule to amend its security regulations in title 10 of the Code of Federal Regulations (10 CFR) part 73 pertaining to the transport of irradiated reactor fuel (for purposes of this rulemaking, the terms "irradiated reactor fuel" and "spent nuclear fuel" (SNF) are used interchangeably). This proposed rule would establish generically applicable security requirements similar to those previously imposed by Commission orders issued after the terrorist attacks of September 11, 2001. The proposed rule would establish the acceptable performance standards and objectives for the protection of spent nuclear fuel shipments from theft, diversion, or radiological sabotage. The proposed amendments would apply to those licensees authorized to possess or transport spent nuclear fuel. The proposed security requirements would also address, in part, a petition for rulemaking from the State of Nevada (PRM–73–10) that requests that NRC strengthen the regulations governing the security of spent nuclear fuel shipments against malevolent acts. The public comment period for this proposed rule was scheduled to expire on January 11, 2011. The NRC has determined that additional time is needed for public review of the potential impacts of the proposed requirements. In order to allow the public sufficient time to review and comment on the proposed rule, the NRC has decided to extend the comment period until April 11, 2011.

DATES: The comment period has been extended and expires on April 11, 2011. Comments received after this date will be considered if it is practical to do so. The NRC is only able to assure consideration of comments received on or before this date.

ADDRESSES: Please include Docket ID: NRC–2009–0163 in the subject line of your comments. For instructions on accessing documents related to this action, *see* "Submitting Comments and Accessing Information" in the **SUPPLEMENTARY INFORMATION** section of this document. You may submit comments by any one of the following methods.

Federal Rulemaking Web site: Go to *http://www.regulations.gov* and search for documents filed under Docket ID: NRC–2009–0163. Address questions about NRC dockets to Carol Gallagher, telephone: 301–492–3668, e-mail: *Carol.Gallagher@nrc.gov.*

Mail comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Rulemakings and Adjudications Staff.

E-mail comments to: Rulemaking.Comments@nrc.gov. If you do not receive a reply e-mail confirming that we have received your comments, contact us directly at 301–415–1677.

Hand-deliver comments to: 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. Federal workdays. (Telephone 301–415–1677).

Fax comments to: Secretary, U.S. Nuclear Regulatory Commission at 301–415–1101.

FOR FURTHER INFORMATION CONTACT: Cardelia Maupin, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–2312, e-mail: *Cardelia.Maupin@nrc.gov.*

SUPPLEMENTARY INFORMATION:

Submitting Comments and Accessing Information

Comments submitted in writing or in electronic form will be posted on the NRC Web site and on the Federal rulemaking Web site *http://www.regulations.gov.* Because your comments will not be edited to remove any identifying or contact information, the NRC cautions you against including any information in your submission that you do not want to be publicly disclosed. The NRC requests that any party soliciting or aggregating comments received from other persons for submission to the NRC inform those persons that the NRC will not edit their comments to remove any identifying or contact information, and therefore, they should not include any information in their comments that they do not want publicly disclosed.

You can access publicly available documents related to this document using the following methods:

NRC's Public Document Room (PDR): The public may examine and have copied for a fee publicly available documents at the NRC's PDR, Room O–1 F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland.

NRC's Agency-wide Document Access and Management System (ADAMS): Publicly available documents created or received at NRC are available electronically at the NRC's Electronic Reading Room at *http://www.nrc.gov/reading-rm/adams.html.* From this page, the public can gain entry into ADAMS, which provides text and image files of the NRC's public documents. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC's PDR reference staff at 1–800–397–4209, or 301–415–4737, or by e-mail to *PDR.Resource@nrc.gov.*

Federal Rulemaking Web site: Public comments and supporting materials related to this proposed rule can be found at *http://www.regulations.gov* by searching on Docket ID: NRC–2009–0163.

Document	PDR	ADAMS	Web
Environmental Assessment	X	ML092710448	X
Regulatory Analysis	X	ML102710278	X
PRM–73–10	X	ML092540603	X

Discussion

The NRC published a proposed rule that would amend its regulations in 10 CFR part 73 to enhance the security requirements that apply to the transportation of spent nuclear fuel. The proposed rule would establish generically applicable security requirements similar to those previously imposed by Commission orders issued after the terrorist attacks of September 11, 2001. The proposed rule would also add several new requirements not derived directly from the security order requirements, but developed as a result of insights gained by performing security assessments of potential security vulnerabilities associated with spent nuclear fuel in transit. The proposed rule would establish the acceptable performance standards and objectives for the protection of spent nuclear fuel shipments from theft, diversion, or radiological sabotage. The proposed amendments would apply to those licensees authorized to possess or transport spent nuclear fuel. The proposed security requirements would also address, in part, a petition for rulemaking from the State of Nevada (PRM–73–10) that requests that NRC strengthen the regulations governing the security of spent nuclear fuel shipments against malevolent acts.

The proposed rule was published on October 13, 2010 (75 FR 62695) and the public comment period was scheduled to expire on January 11, 2011. The NRC has determined that additional time is needed for public review of the potential impacts of the proposed requirements. In order to allow the public sufficient time to review and comment on the proposed rule, the NRC has decided to extend the comment period until April 11, 2011.

Dated at Rockville, Maryland, this 4th day of January 2011.

For the Nuclear Regulatory Commission.

Andrew L. Bates,

Acting Secretary of the Commission.

[FR Doc. 2011–214 Filed 1–7–11; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2010–0608; Airspace Docket No. 10–ACE–6]

Proposed Amendment of Class E Airspace; Mosby, MO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Class E airspace at Mosby, MO. Decommissioning of the Mosby non-directional beacon (NDB) at Midwest National Air Center Airport, Mosby, MO, has made this action necessary for the safety and management of Instrument Flight Rules (IFR) operations at Midwest National Air Center Airport.

DATES: 0901 UTC. Comments must be received on or before February 24, 2011.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001. You must identify the docket number FAA–2010–0608/Airspace Docket No. 10–ACE–6, at the beginning of your comments. You may also submit comments through the Internet at *http://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1–800–647–5527), is on the ground floor of the building at the above address.

FOR FURTHER INFORMATION CONTACT: Scott Enander, Central Service Center, Operations Support Group, Federal Aviation Administration, Southwest Region, 2601 Meacham Blvd., Fort Worth, TX 76137; telephone: (817) 321–7716.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. FAA–2010–0608/Airspace Docket No. 10–ACE–6." The postcard will be date/time stamped and returned to the commenter.

Availability of NPRMs

An electronic copy of this document may be downloaded through the Internet at *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's Web page at *http://www.faa.gov/airports_airtraffic/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (*see* **ADDRESSES** section for address and phone number) between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the office of the Central Service Center, 2601 Meacham Blvd, Fort Worth, TX 76137.

Persons interested in being placed on a mailing list for future NPRMs should contact the FAA's Office of Rulemaking (202) 267–9677, to request a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

The Proposal

This action proposes to amend Title 14, Code of Federal Regulations (14 CFR), part 71 by modifying Class E airspace extending upward from 700 feet above the surface for standard instrument approach procedures at Midwest National Air Center Airport,

Mosby, MO. Airspace reconfiguration is necessary due to the decommissioning of the Mosby NDB and the cancellation of the NDB approach. Controlled airspace is necessary for the safety and management of IFR operations at the airport.

Class E airspace areas are published in Paragraph 6005 of FAA Order 7400.9U, dated August 18, 2010, and effective September 15, 2010, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the U.S. Code. Subtitle 1, section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in subtitle VII, part A, subpart I, section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would modify controlled airspace at Midwest National Air Center Airport, Mosby, MO.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.9U, Airspace Designations and Reporting Points, dated August 18, 2010, and effective September 15, 2010, is amended as follows:

Paragraph 6005 Class E Airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

ACE MO E5 Mosby, MO [Amended]

Mosby, Midwest National Air Center Airport, MO
(Lat. 39°19′57″ N., long. 94°18′35″ W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Midwest National Air Center Airport.

Issued in Fort Worth, TX, on December 29, 2010.

Roger M. Trevino,

Acting Manager, Operations Support Group, AJV–C2, ATO Central Service Center.

[FR Doc. 2011–212 Filed 1–7–11; 8:45 am]

BILLING CODE 4901–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2010–0605; Airspace Docket No. 10–AGL–10]

Proposed Amendment of Class E Airspace; Kokomo, IN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Supplemental notice of proposed rulemaking (SNPRM).

SUMMARY: This supplemental notice of proposed rulemaking would expand Class E airspace to include the Regional Health System Heliport, Kokomo, IN. In an NPRM published in the **Federal Register** August 18, 2010, the FAA proposed to amend controlled airspace at Kokomo Municipal Airport, Kokomo, IN. The FAA has reassessed the proposal to include controlled Class E airspace for new standard instrument approach procedures (SIAP) at the heliport. This action is necessary to further the safety and management of Instrument Flight Rules (IFR) operations in the Kokomo, IN area.

DATES: Comments must be received on or before February 24, 2011.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590; telephone (202) 366–9826. You must identify FAA Docket No. FAA–2010–0605; Airspace Docket No. 10–AGL–10, at the beginning of your comments. You may also submit comments through the Internet at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Scott Enander, Federal Aviation Administration, Operations Support Group, Central Service Center, 2601 Meacham Blvd., Fort Worth, TX 76137; telephone (817) 321–7716.

SUPPLEMENTARY INFORMATION:

History

On August 18, 2010, the FAA published a NPRM to amend Class E airspace extending upward from 700 feet or more above the surface, at Kokomo Municipal Airport, Kokomo, IN (75 FR 50947). The comment period closed October 4, 2010. No comments were received. Subsequent to publication, the FAA reassessed the proposal so that it would include controlled airspace for new Copter RNAV SIAPs at Regional Health System Heliport, Kokomo, IN. The FAA seeks comments on this SNPRM.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA 2010–0529 and Airspace Docket No. 10–AGL–10) and be submitted in triplicate to the Docket Management System (*see* **ADDRESSES** section for address and phone number). You may also submit comments through the Internet at *http://www.regulations.gov.*

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed stamped postcard on which the following

statement is made: "Comments to FAA Docket No. FAA–2010–0605 and Airspace Docket No. 10–AGL–10". The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the public docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of SNPRMs

An electronic copy of this document may be downloaded through the Internet at *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's Web page at *http://www.faa.gov/airports_airtraffic/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the offices of the Central Service Center, Operations Support Group, 2601 Meacham Blvd., Fort Worth, TX 76137.

Persons interested in being placed on a mailing list for future NPRMs should contact the FAA's Office of Rulemaking, (202) 267–9677, for a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

The Supplemental Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by amending Class E airspace extending upward from 700 feet above the surface at Kokomo Municipal Airport, Kokomo, IN. Controlled airspace extending upward from 700 feet above the surface also would be added to accommodate aircraft using the new COPTER RNAV (POINT IN SPACE) standard instrument approach procedures at Regional Health System Heliport, Adjustments to some geographic coordinates in the description, as well as the name change of Logansport Municipal Airport to Logansport/Cass County Airport also would be made and would enhance the safety and management of IFR operations.

Class E airspace designations are published in paragraph 6005, of FAA Order 7400.9U, dated August 18, 2010, and effective September 15, 2010, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in this Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the U.S. Code. Subtitle 1, section 106, describes the authority for the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in subtitle VII, part A, subpart I, section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend controlled airspace in the Kokomo, IN area.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR Part 71.1 of the FAA Order 7400.9U, Airspace Designations and Reporting Points, dated August 18, 2010, and effective September 15, 2010 is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AGL IN E5 Kokomo, IN [Amended]

Kokomo Municipal Airport, IN
(Lat. 40°31′41″ N., long. 86°03′32″ W.)
Grissom Air Reserve Base, IN
(Lat. 40°38′53″ N., long. 86°09′08″ W.)
Grissom Air Reserve Base ILS Localizer Northeast
(Lat. 40°37′59″ N., long. 86°10′18″ W.)
Grissom Air Reserve Base ILS Localizer Southwest
(Lat. 40°39′56″ N., long. 86°07′47″ W.)
Logansport/Cass County Airport, IN
(Lat. 40°42′41″ N., long. 86°22′22″ W.)
Peru Municipal Airport, IN
(Lat. 40°47′09″ N., long. 86°08′47″ W.)
Regional Health System Heliport, IN
Point-In-Space Coordinates
(Lat. 40°26′47″ N., long. 86°08′23″ W.)

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Kokomo Municipal Airport, and within 4 miles each side of the 045° bearing from the airport extending from the 7-mile radius to 10.7 miles northeast of the airport, and within 4 miles each side of the 225° bearing from the airport extending from the 7-mile radius to 10.9 miles southwest of the airport, and within a 7-mile radius of Grissom Air Reserve Base, and within 3.8 miles each side of the Grissom Air Reserve Base ILS Localizer Northeast course extending from the 7-mile radius to 14.5 miles northeast of the airport, and within 2 miles each side of the Grissom Air Reserve Base ILS Localizer Southwest course extending from the 7-mile radius to 14.5 miles southwest of the airport, and within a 7.7-mile radius of Logansport/Cass County Airport, and within a 6.3-mile radius of Peru Municipal Airport, and within a 6-mile radius of the Regional Health System Heliport Point-In-Space coordinates at lat. 40°26′47″ N., long. 86°08′23″ W.

Issued in Fort Worth, Texas, on December 29, 2010.

Roger M. Trevino,

Acting Manager, Operations Support Group, AJV–C2, ATO Central Service Center.

[FR Doc. 2011–210 Filed 1–7–11; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2010–1170; Airspace Docket No. 10–ACE–13]

Proposed Establishment of Class E Airspace; Creighton, NE

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish Class E airspace at Creighton, NE. Controlled airspace is necessary to accommodate new Standard Instrument Approach Procedures (SIAP) at Creighton Municipal Airport. The FAA is taking this action to enhance the safety and management of Instrument Flight Rules (IFR) operations for SIAPs at the airport.

DATES: 0901 UTC. Comments must be received on or before February 24, 2011.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001. You must identify the docket number FAA–2010–1170/Airspace Docket No. 10–ACE–13, at the beginning of your comments. You may also submit comments through the Internet at *http://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1–800–647–5527), is on the ground floor of the building at the above address.

FOR FURTHER INFORMATION CONTACT: Scott Enander, Central Service Center, Operations Support Group, Federal Aviation Administration, Southwest Region, 2601 Meacham Blvd., Fort Worth, TX 76137; telephone: (817) 321–7716.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. FAA–2010–1170/Airspace Docket No. 10–ACE–13." The postcard will be date/time stamped and returned to the commenter.

Availability of NPRMs

An electronic copy of this document may be downloaded through the Internet at *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's Web page at *http://www.faa.gov/airports_airtraffic/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (*see* **ADDRESSES** section for address and phone number) between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the office of the Central Service Center, 2601 Meacham Blvd., Fort Worth, TX 76137.

Persons interested in being placed on a mailing list for future NPRMs should contact the FAA's Office of Rulemaking (202) 267–9677, to request a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

The Proposal

This action proposes to amend Title 14, Code of Federal Regulations (14 CFR), part 71 by establishing Class E airspace extending upward from 700 feet above the surface for new standard instrument approach procedures at Creighton Municipal Airport, Creighton, NE. Controlled airspace is needed for the safety and management of IFR operations at the airport.

Class E airspace areas are published in Paragraph 6005 of FAA Order 7400.9U, dated August 18, 2010 and effective September 15, 2010, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the U.S. Code. Subtitle 1, section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, part A, subpart I, section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would establish controlled airspace at Creighton Municipal Airport, Creighton, NE.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.9U, Airspace Designations and Reporting Points, dated August 18, 2010, and effective September 15, 2010, is amended as follows:

Paragraph 6005 Class E Airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

ACE NE E5 Creighton, NE [New]

Creighton Municipal Airport, NE
(Lat. 42°28′18″ N., long. 97°53′06″ W.)

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Creighton Municipal Airport, and within 2 miles each side of the 130° bearing from the airport extending from the 7-mile radius to 13.2 miles southeast of the airport.

Issued in Fort Worth, TX, on December 21, 2010.

Roger M. Trevino,

Acting Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2011–213 Filed 1–7–11; 8:45 am]

BILLING CODE 4901–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2010–1113]

RIN 1625–AA08

Special Local Regulations for Marine Events; Potomac River, Charles County, MD

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish special local regulations during the "Potomac River Sharkfest Swim" amateur swim, a marine event to be held on the waters of the Potomac River on May 22, 2011. These special local regulations are necessary to provide for the safety of life on navigable waters during the event. This action is intended to temporarily restrict vessel traffic in a portion of the Potomac River during the event.

DATES: Comments and related material must be received by the Coast Guard on or before February 9, 2011. Requests for public meetings must be received by the Coast Guard on or before the end of the comment period. The Coast Guard anticipates that this proposed rule will be effective and enforced on May 22, 2011.

ADDRESSES: You may submit comments identified by docket number USCG–2010–1113 using any one of the following methods:

(1) *Federal eRulemaking Portal: http://www.regulations.gov*.

(2) *Fax:* 202–493–2251.

(3) *Mail:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001.

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

To avoid duplication, please use only one of these four methods. See the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call or e-mail Mr. Ronald Houck, U.S. Coast Guard Sector Baltimore, MD; telephone 410–576–2674, e-mail *Ronald.L.Houck@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided.

Submitting Comments

If you submit a comment, please include the docket number for this rulemaking (USCG–2010–1113), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online (via *http://www.regulations.gov*) or by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online via *http://www.regulations.gov,* it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an e-mail address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* click on the "submit a comment" box, which will then become highlighted in blue. In the "Document Type" drop down menu select "Proposed Rule" and insert "USCG–2010–1113" in the "Keyword" box. Click "Search" then click on the balloon shape in the "Actions" column. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may change the rule based on your comments.

Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* click on the "read comments" box, which will then become highlighted in blue. In the "Keyword" box insert "USCG–2010–1113" and click "Search." Click the "Open Docket Folder" in the "Actions" column. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. We have an agreement with the Department of Transportation to use the Docket Management Facility.

Privacy Act

Anyone can search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, *etc.*). You may review a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for one on or before the end of the comment period, using one of the four methods specified under **ADDRESSES**. Please explain why you believe a public meeting would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Basis and Purpose

On May 22, 2011, Enviro-Sports Productions, Inc. of Stinson Beach, California, will sponsor an amateur swim across the Potomac River between Newburg, Maryland and King George, VA. The event consists of up to 500 swimmers on a course located upriver and parallel to the Governor Harry W. Nice Memorial (US–301) Bridge. The swimmers will be supported by sponsor-provided watercraft. The start will be located along the shore at the Aqua-Land Marina and the finish will be located along the shore at Dahlgren Wayside Park. A portion of the swim course will cross the Federal navigation channel. Due to the need for vessel control during the event, the Coast Guard will temporarily restrict vessel traffic in the event area to provide for the safety of participants, spectators and other transiting vessels.

Discussion of Proposed Rule

The Coast Guard proposes to establish temporary special local regulations on specified waters of the Potomac River. The regulations will be in effect from 7 a.m. to 12:30 p.m. on May 22, 2011. The regulated area, approximately 3,800 yards in length and 900 yards in width, extends across the entire width of the Potomac River between the Maryland and Virginia shorelines and includes all waters of the Potomac River, within lines connecting the following positions: from latitude 38°22′05″ N, longitude 076°59′03″; W, thence to latitude 38°21′50″ N, longitude 077°00′54″ W, and from latitude 38°21′29″ N, longitude 077°00′54″ W to latitude 38°21′45″ N, longitude 076°58′59″ W. The effect of this proposed rule will be to restrict general navigation in the regulated area during the event. Vessels intending to transit the Potomac River through the regulated area will only be allowed to safely transit the regulated area when the Coast Guard Patrol Commander has deemed it safe to do so. These regulations are needed to control vessel traffic during the event to enhance the safety of participants, spectators and transiting vessels.

Regulatory Analyses

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

Regulatory Planning and Review

This proposed rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary. Although this regulation will prevent traffic from transiting a portion of the Potomac River during the event, the effect of this regulation will not be significant due to the limited duration that the regulated area will be in effect and the extensive advance notifications that will be made to the maritime community via the Local Notice to Mariners and marine information broadcasts, so mariners can adjust their plans accordingly. Additionally, the regulated area has been narrowly tailored to impose the least impact on general navigation yet provide the level of safety deemed necessary. Vessel traffic will be able to transit safely through a portion of the regulated area, but only after the last participant has cleared that portion of the regulated area and when the Coast Guard Patrol Commander deems it safe to do so.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. This proposed rule would affect the following entities, some of which might be small entities: the owners or operators of vessels intending to transit or anchor in the effected portions of the Potomac River during the event.

Although this regulation prevents traffic from transiting a portion of the Potomac River near the Governor Harry W. Nice Memorial (US–301) Bridge during the event, this proposed rule will not have a significant economic impact on a substantial number of small entities for the following reasons. This proposed rule would be in effect for only a limited period. Though the regulated area extends across the entire width of the river, vessel traffic may be permitted to safely transit a portion of the regulated area, but only after all participants have safely cleared that portion of the regulated area and when the Coast Guard Patrol Commander deems it safe for vessel traffic to do so. All Coast Guard vessels enforcing this regulated area can be contacted on marine band radio VHF–FM channel 16 (156.8 MHz). Before the enforcement period, we will issue maritime advisories so mariners can adjust their plans accordingly.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (*see* **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Coast Guard Sector Baltimore, MD. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or Tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this

proposed rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

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

Technical Standards

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

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

Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment, in accordance with paragraph 34(h) of the Instruction. This proposed rule involves implementation of regulations within 33 CFR part 100 applicable to organized marine events on the navigable waters of the United States that could negatively impact the safety of waterway users and shore side activities in the event area. The category of water activities includes but is not limited to sail boat regattas, boat parades, power boat racing, swimming events, crew racing, canoe and sail board racing. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

List of Subjects in 33 CFR Part 100

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

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233.

2. Add a temporary section, § 100.35–T05–1113 to read as follows:

§ 100.35–T05–1113 Special Local Regulations for Marine Events; Potomac River, Charles County, MD.

(a) *Regulated area.* The following location is a regulated area: All waters of the Potomac River within lines connecting the following positions: From latitude 38°22′05″ N, longitude 076°59′03″ W, thence to latitude 38°21′50″ N, longitude 077°00′54″ W, and from latitude 38°21′29″ N, longitude 077°00′54″ W to latitude 38°21′45″ N, longitude 076°58′59″ W. All coordinates reference NAD 1983.

(b) *Definitions:* (1) *Coast Guard Patrol Commander* means a commissioned, warrant, or petty officer of the U.S. Coast Guard who has been designated by the Commander, Coast Guard Sector Baltimore.

(2) *Official Patrol* means any vessel assigned or approved by Commander, Coast Guard Sector Baltimore with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

(c) *Special local regulations:* (1) The Coast Guard Patrol Commander may forbid and control the movement of all vessels and persons in the regulated area. When hailed or signaled by an official patrol vessel, a vessel or person in the regulated area shall immediately comply with the directions given. Failure to do so may result in expulsion from the area, citation for failure to comply, or both.

(2) All Coast Guard vessels enforcing this regulated area can be contacted on marine band radio VHF–FM channel 16 (156.8 MHz).

(3) The Coast Guard will publish a notice in the Fifth Coast Guard District Local Notice to Mariners and issue a marine information broadcast on VHF–FM marine band radio announcing specific event-related information.

(d) *Enforcement period:* This section will be enforced from 7 a.m. until 12:30 p.m. on May 22, 2011.

Dated: December 17, 2010.

Mark P. O'Malley,

Captain, U.S. Coast Guard, Captain of the Port Baltimore, Maryland.

[FR Doc. 2011–174 Filed 1–7–11; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2010–1024]

RIN 1625–AA08

Special Local Regulation; Olympia Harbor Days Tug Boat Races, Budd Inlet, WA

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a special local regulation to enable vessel movement restrictions within the navigation channel and an area extending north of the channel in Budd Inlet, WA during the annual Olympia Harbor Days tug boat races. This action is necessary to restrict vessel movement within the specified race area immediately prior to, during, and immediately after racing activity in order to ensure the safety of participants, spectators and the maritime public. Entry into, transit through, mooring or anchoring within the specified race area is prohibited unless authorized by the Captain of the Port, Puget Sound or Designated Representatives.

DATES: Comments and related material must be received by the Coast Guard on or before April 11, 2011. Requests for public meetings must be received by the Coast Guard on or before February 9, 2011.

ADDRESSES: You may submit comments identified by docket number USCG–2010–1024 using any one of the following methods:

(1) *Federal eRulemaking Portal: http://www.regulations.gov.*

(2) *Fax:* 202–493–2251.

(3) *Mail:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001.

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

To avoid duplication, please use only one of these four methods. *See* the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call or e-mail LTJG Ashley M. Wanzer, Sector Puget Sound, Waterways Management Division, Coast Guard; telephone 206–217–6175, e-mail *SectorSeattleWWM@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided.

Submitting Comments

If you submit a comment, please include the docket number for this rulemaking (USCG–2010–1024), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online (via *http://www.regulations.gov*) or by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online via *http://www.regulations.gov,* it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an e-mail address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* click on the "submit a comment" box, which will then become highlighted in blue. In the "Document Type" drop down menu select "Proposed Rule" and insert "USCG–2010–1024" in the "Keyword" box. Click "Search" then click on the balloon shape in the "Actions" column. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may change the rule based on your comments.

Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* click on the "read comments" box, which will then become highlighted in blue. In the "Keyword" box insert "USCG–2010–1024" and click "Search." Click the "Open Docket Folder" in the "Actions" column. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. We have an agreement with the Department of Transportation to use the Docket Management Facility.

Privacy Act

Anyone can search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, *etc.*). You may review a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for one on or before February 9, 2011 using one of the four methods specified under **ADDRESSES**. Please explain why you believe a public meeting would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

For information on facilities or services for individuals with disabilities or to request special assistance at the public meeting, contact LTJG Ashley M. Wanzer at the telephone number or e-mail address indicated under the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Background and Purpose

Tug boat races typically result in vessel and spectator congestion in the proximity of the race course. The draft of these vessels creates a large wake when accelerating at fast speeds such as during races. Vessel movement restrictions are necessary to ensure spectators remain an adequate distance from the specified race area thereby providing unencumbered access for emergency response craft in the event of

a race-related emergency. This proposed rule will establish a specified race area and ensure the safety of this marine event by prohibiting persons and vessel operators from entering, transiting or remaining within the designated race zone during times of enforcement.

Discussion of Proposed Rule

Olympia Harbor Days is an annual tug boat race in Budd Inlet, WA involving different classes of tug boat races. Each class of vessel will compete in a heat which will take place within the navigation channel. This proposed rule would create a special local regulation to restrict vessel movement within the race area to include the navigational channel and an area extending north of the channel in Budd Inlet, WA during each heat of racing. The event sponsor and event sponsor patrol craft located at the extremities of this race area will delineate the boundaries of the specified race area. Although the event sponsor will lack official enforcement abilities, the event sponsor will be the primary mechanism for informing the maritime public of vessel movement restrictions in the specified race area during this annual event.

Regulatory Analyses

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

Regulatory Planning and Review

This proposed rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. This rule is not a significant regulatory action because it is located in an isolated area, short in duration and vessels will be able to transit the navigation channel between heats of racing.

Small Entities

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

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

This proposed rule will affect the following entities, some of which may be small entities: The owners or operators of vessels intending to transit this zone during periods of enforcement. This proposed rule will not have a significant economic impact on a substantial number of small entities for the following reasons. This proposed rule will be enforced for a short duration and vessels will be able to navigate the channel between heats with the permission of the on-scene patrol commander (the event sponsor).

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (*see* **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact LTJG Ashley M. Wanzer. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

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

energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Technical Standards

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

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

Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination, under paragraph 34(h) of the Instruction, that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves the establishment of a special local regulation designating a course for recurring tug boat racing by various classes of tugboats in Budd Inlet, WA. Because marine events which seek to use these area will be required to conduct an environmental analysis as part of the permit process, this proposed rule is excluded from further environmental analysis. A preliminary Categorical Exclusion Determination and checklist supporting this determination is available in the Docket, described under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

List of Subjects in 33 CFR Part 100

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

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233.

2. Add 33 CFR 100.1308 to read as follows:

§ 100.1308 Special Local Regulation; Olympia Harbor Days Tug Boat Races, Budd Inlet, WA.

(a) *Regulated Area.* The following area is specified as a race area: All waters of Budd Inlet, WA the width of the navigation channel south of a line connecting the following points: 47°05.530′ N 122°55.844′ W and 47°05.528′ N 122°55.680′ W until reaching the northernmost end of the navigation channel at a line connecting the following points: 47°05.108′ N 122°55.799′ W and 47°05.131′ N 122°55.659′ W then southeasterly until reaching the southernmost entrance of the navigation channel at a line connecting the following points: 47°03.946′ N 122°54.577′ W, 47°04.004′ N 122°54.471′ W.

(b) *Regulations.* In accordance with the general regulations in 33 CFR part 100, the regulated area shall be closed immediately prior to, during and immediately after the event to all persons and vessels not participating in the event and authorized by the event sponsor.

(c) *Authorization.* All persons or vessels who desire to enter the designated race area created in this section while it is enforced must obtain permission from the on-scene patrol craft on VHF Ch 13.

(d) *Notice of Enforcement or Suspension of Enforcement.* The Captain of the Port will provide notice of the enforcement of this special local regulation by all appropriate means to ensure the widest dissemination among the affected segments of the public, as practicable; such means of notification may include but are not limited to, Broadcast Notice to Mariners and Local Notice to Mariners.

Dated: November 24, 2010.

G.T. Blore,

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

[FR Doc. 2011–184 Filed 1–7–11; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2010–1092]

RIN 1625–AA00

Safety Zone; Centennial of Naval Aviation Kickoff, San Diego Bay, San Diego, CA

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes a temporary safety zone on the navigable waters of San Diego Bay in San Diego, CA in support of the Centennial of Naval Aviation Kickoff. This temporary safety zone is necessary to provide for the safety of the participants, crew, spectators, participating vessels, and other vessels and users of the waterway. Persons and vessels would be prohibited from entering into, transiting through, or anchoring within this temporary safety zone unless authorized by the Captain of the Port or his designated representative.

DATES: Comments and related material must be received by the Coast Guard on or before January 25, 2011.

ADDRESSES: You may submit comments identified by docket number USCG–2010–1092 using any one of the following methods:

(1) *Federal eRulemaking Portal: http://www.regulations.gov.*

(2) *Fax:* 202–493–2251.

(3) *Mail:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001.

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

To avoid duplication, please use only one of these four methods. See the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call or e-mail Petty Officer Shane Jackson, Waterways Management, U.S. Coast Guard Sector San Diego; Coast Guard; telephone 619–278–7267, e-mail *Shane.E.Jackson@uscg.mil.* If you have questions on viewing or submitting

material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided.

Submitting Comments

If you submit a comment, please include the docket number for this rulemaking (USCG–2010–1092), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online (via *http://www.regulations.gov*) or by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online via *http://www.regulations.gov,* it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an e-mail address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* click on the "submit a comment" box, which will then become highlighted in blue. In the "Document Type" drop down menu select "Proposed Rule" and insert "USCG–2010–1092" in the "Keyword" box. Click "Search" then click on the balloon shape in the "Actions" column. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may change the rule based on your comments.

Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* click on the "read comments" box, which will then become highlighted in blue. In the "Keyword" box insert "USCG–2010–1092" and click "Search." Click the "Open Docket Folder" in the "Actions" column. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. We have an agreement with the Department of Transportation to use the Docket Management Facility.

Privacy Act

Anyone can search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for one using one of the four methods specified under **ADDRESSES**. Please explain why you believe a public meeting would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

On February 12, 2010, the Centennial of Naval Aviation Kickoff will take place in San Diego Bay. In support of this event, the Coast Guard believes that a safety zone is necessary to provide for the safety of the crew, spectators, participants, and other users and vessels of the waterway.

Discussion of Proposed Rule

The Coast Guard proposes establishing a temporary safety zone in the San Diego Bay that would be enforced from 12 p.m. to 4 p.m. on February 12, 2010. This safety zone is necessary to provide for the safety of the crew, spectators, participants, and other users and vessels of the waterway. Persons and vessels would be prohibited from entering into, transiting through, or anchoring within the safety zone unless authorized to do so by the Captain of the Port or his designated representative. The limits of the safety zone include all navigable waters within the following coordinates:
32°43.26′ N, 117°12.49′ W;
32°43.26′ N, 117°11.17′ W;
32°42.41′ N, 117°10.32′ W;
thence east along the shoreline to
32°42.19′ N, 117°10.03′ W;
32°41.59′ N, 117°10.17′ W;
thence west along the shoreline to
32°42.41′ N, 117°12.55′ W;
32°43.26′ N, 117°12.49′ W.

Coast Guard personnel will enforce this safety zone. The Coast Guard may be assisted by other Federal, State, or local agencies, including the Coast Guard Auxiliary. Vessels or persons violating this section would be subject to both criminal and civil penalties.

Regulatory Analyses

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

Regulatory Planning and Review

This proposed rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation is unnecessary. This determination is based on the size, location, and duration of the Safety Zone. Commercial vessels would not be hindered by this Safety Zone. Recreational Vessels would not be allowed to transit through the designated Safety Zone during the specified times.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. The proposed rule would affect the following entities, some of which might be small entities: The owners or

operators of vessels intending to transit or anchor in the portion of the San Diego Bay from 12 p.m. to 4 p.m. on February 12, 2011.

This safety zone would not have a significant economic impact on a substantial number of small entities for the following reasons. This rule would be in effect for only four hours in the afternoon when vessel traffic is low. Before the effective period, the Coast Guard will publish a local notice to mariners (LNM) and will issue broadcast notice to mariners (BNM) alerts via marine channel 16 VHF before the temporary safety zone is enforced.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (*see* **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Petty Officer Shane Jackson, Waterways Management, U.S. Coast Guard Sector San Diego, U.S. Coast Guard at (619) 278–7267. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

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

Technical Standards

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

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

Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. A preliminary environmental analysis checklist supporting this determination is available in the docket where indicated under **ADDRESSES**. This proposed rule involves the establishment of a temporary safety zone. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 1226, 1231; 46 U.S.C. chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, 160.5; Pub. L.

107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

2. Add § 165.T11–383 to read as follows:

§ 165.T11–383 Safety Zone; Centennial of Naval Aviation Kickoff; San Diego Bay, San Diego, CA.

(a) *Location.* The limits of the safety zone are encompassed by the following coordinates:

32°43.26′ N, 117°12.49′ W;
32°43.26′ N, 117°11.17′ W;
32°42.41′ N, 117°10.32′ W;
thence east along the shoreline to
32°42.19′ N, 117°10.03′ W;
32°41.59′ N, 117°10.17′ W;
thence west along the shoreline to
32°42.41′ N, 117°12.55′ W;
32°43.26′ N, 117°12.49′ W.

(b) *Enforcement Period.* This section will be enforced from 12 p.m. to 4 p.m. on February 12, 2011. If the event concludes prior to the scheduled termination time, the Captain of the Port will cease enforcement of this safety zone and will announce that fact via Broadcast Notice to Mariners.

(c) *Definitions.* The following definition applies to this section: *Designated representative* means any commissioned, warrant, and petty officers of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, and local, State, and Federal law enforcement vessels who have been authorized to act on the behalf of the Captain of the Port.

(d) *Regulations.* (1) Entry into, transit through or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port of San Diego or his designated on-scene representative.

(2) Mariners requesting permission to transit through the safety zone may request authorization to do so from the Patrol Commander (PATCOM). The PATCOM may be contacted on VHF–FM Channel 16.

(3) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated representative.

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

(5) The Coast Guard may be assisted by other Federal, State, or local agencies.

Dated: December 23, 2010.

P.J. Hill,

Commander, U.S. Coast Guard, Acting Captain of the Port San Diego.

[FR Doc. 2011–175 Filed 1–7–11; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 55

[OAR–2004–0091; FRL–9249–8]

Outer Continental Shelf Air Regulations Consistency Update for California

AGENCY: Environmental Protection Agency (“EPA”).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to update a portion of the Outer Continental Shelf (“OCS”) Air Regulations. Requirements applying to OCS sources located within 25 miles of States’ seaward boundaries must be updated periodically to remain consistent with the requirements of the corresponding onshore area (“COA”), as mandated by section 328(a)(1) of the Clean Air Act, as amended in 1990 (“the Act”). The portion of the OCS air regulations that is being updated pertains to the requirements for OCS sources for which the Santa Barbara County Air Pollution Control District (“Santa Barbara APCD” or “District”) is the designated COA. The intended effect of approving the OCS requirements for the Santa Barbara APCD is to regulate emissions from OCS sources in accordance with the requirements onshore. The changes to the existing requirements discussed below are proposed to be incorporated by reference into the Code of Federal Regulations and listed in the appendix to the OCS air regulations.

DATES: Any comments must arrive by February 9, 2011.

ADDRESSES: Submit comments, identified by docket number OAR–2004–0091, by one of the following methods:

1. *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the on-line instructions.

2. *E-mail: steckel.andrew@epa.gov.*

3. *Mail or deliver:* Andrew Steckel (Air-4), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Instructions: All comments will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through *http://www.regulations.gov* or e-mail. *http://www.regulations.gov* is an “anonymous access” system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send e-mail directly to EPA, your e-mail address will be automatically captured and included as part of the public comment. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: The index to the docket for this action is available electronically at *http://www.regulations.gov* and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (*e.g.,* copyrighted material), and some may not be publicly available in either location (*e.g.,* CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Cynthia G. Allen, Air Division (Air-4), U.S. EPA Region 9, 75 Hawthorne Street, San Francisco, CA 94105, (415) 947–4120, *allen.cynthia@epa.gov.*

SUPPLEMENTARY INFORMATION:

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I. Background and Purpose
II. EPA’s Evaluation
III. Proposed Action
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I. Background and Purpose

On September 4, 1992, EPA promulgated 40 CFR part 55,[1] which established requirements to control air pollution from OCS sources in order to attain and maintain Federal and State ambient air quality standards and to comply with the provisions of part C of title I of the Act. Part 55 applies to all OCS sources offshore of the States except those located in the Gulf of Mexico west of 87.5 degrees longitude. Section 328 of the Act requires that for such sources located within 25 miles of a State’s seaward boundary, the requirements shall be the same as would be applicable if the sources were located in the COA. Because the OCS requirements are based on onshore requirements, and onshore requirements

[1] *See* Notice of Proposed Rulemaking, December 5, 1991 (56 FR 63774), and the preamble to the final rule promulgated September 4, 1992 (57 FR 40792) for further background and information on the OCS regulations.

may change, section 328(a)(1) requires that EPA update the OCS requirements as necessary to maintain consistency with onshore requirements.

Pursuant to section 55.12 of the OCS rule, consistency reviews will occur (1) at least annually; (2) upon receipt of a Notice of Intent under section 55.4; or (3) when a State or local agency submits a rule to EPA to be considered for incorporation by reference in part 55. This proposed action is being taken in response to the submittal of requirements by the Santa Barbara County APCD. Public comments received in writing within 30 days of publication of this document will be considered by EPA before publishing a final rule.

Section 328(a) of the Act requires that EPA establish requirements to control air pollution from OCS sources located within 25 miles of States' seaward boundaries that are the same as onshore requirements. To comply with this statutory mandate, EPA must incorporate applicable onshore rules into part 55 as they exist onshore. This limits EPA's flexibility in deciding which requirements will be incorporated into part 55 and prevents EPA from making substantive changes to the requirements it incorporates. As a result, EPA may be incorporating rules into part 55 that do not conform to all of EPA's State implementation plan (SIP) guidance or certain requirements of the Act. Consistency updates may result in the inclusion of State or local rules or regulations into part 55, even though the same rules may ultimately be disapproved for inclusion as part of the SIP. Inclusion in the OCS rule does not imply that a rule meets the requirements of the Act for SIP approval, nor does it imply that the rule will be approved by EPA for inclusion in the SIP.

II. EPA's Evaluation

In updating 40 CFR part 55, EPA reviewed the rules submitted for inclusion in part 55 to ensure that they are rationally related to the attainment or maintenance of Federal or State ambient air quality standards or part C of title I of the Act, that they are not designed expressly to prevent exploration and development of the OCS and that they are applicable to OCS sources. 40 CFR 55.1. EPA has also evaluated the rules to ensure they are not arbitrary or capricious. 40 CFR 55.12(e). EPA has excluded rules that regulate toxics, which are not related to the attainment and maintenance of Federal and State ambient air quality standards.

EPA is soliciting public comments on the issues discussed in this document or on other relevant matters. EPA will consider these comments before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to the EPA Region IX Office listed in the **ADDRESSES** section of this **Federal Register**.

III. Proposed Action

1. After review of the requirements submitted by the Santa Barbara County APCD against the criteria set forth above and in 40 CFR part 55, EPA is proposing to make the following District requirements applicable to OCS sources. Earlier versions of these District rules are currently implemented on the OCS:

Rule No.	Name	Adoption or amended date
102	Definitions	09/20/10
202	Exemptions to Rule 201	09/20/10
321	Solvent Cleaning Machines and Solvent Cleaning	09/20/10

IV. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review

Under the Clean Air Act, the Administrator is required to establish requirements to control air pollution from OCS sources located within 25 miles of States' seaward boundaries that are the same as onshore air control requirements. To comply with this statutory mandate, EPA must incorporate applicable onshore rules into part 55 as they exist onshore. 42 U.S.C. 7627(a)(1); 40 CFR 55.12. Thus, in promulgating OCS consistency updates, EPA's role is to maintain consistency between OCS regulations and the regulations of onshore areas, provided that they meet the criteria of the Clean Air Act. Accordingly, this action simply proposes to update the existing OCS requirements to make them consistent with requirements onshore, without the exercise of any policy discretion by EPA. For that reason, this proposed action:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this proposed rule does not have Tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because it does not have a substantial direct effect on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes, nor does it impose substantial direct compliance costs on Tribal governments, nor preempt Tribal law.

Under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.,* 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. OMB has approved the information collection requirements contained in 40 CFR part 55 and, by extension, this

update to the rules, and has assigned OMB control number 2060–0249. Notice of OMB's approval of EPA Information Collection Request ("ICR") No. 1601.07 was published in the **Federal Register** on February 17, 2009 (74 FR 7432). The approval expires January 31, 2012. As EPA previously indicated (70 FR 65897–65898 (November 1, 2005)), the annual public reporting and recordkeeping burden for collection of information under 40 CFR part 55 is estimated to average 549 hours per response, using the definition of burden provided in 44 U.S.C. 3502(2).

List of Subjects in 40 CFR Part 55

Environmental protection, Administrative practice and procedure, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Nitrogen oxides, Outer continental shelf, Ozone, Particulate matter, Permits, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: December 14, 2010.

Jared Blumenfeld,

Regional Administrator, Region IX.

Title 40 of the Code of Federal Regulations, Part 55, is proposed to be amended as follows:

PART 55—[AMENDED]

1. The authority citation for part 55 continues to read as follows:

Authority: Section 328 of the Clean Air Act (42 U.S.C. 7401 *et seq.*) as amended by Pub. L. 101–549.

2. Section 55.14 is amended by revising paragraph (e)(3)(ii)(F) to read as follows:

§ 55.14 Requirements that apply to OCS sources located within 25 miles of States seaward boundaries, by State.

* * * * *

(e) * * *

(3) * * *

(ii) * * *

(F) *Santa Barbara County Air Pollution Control District Requirements Applicable to OCS Sources.*

* * * * *

3. Appendix A to CFR Part 55 is amended by revising paragraph (b)(6) under the heading "California" to read as follows:

Appendix A to Part 55—Listing of State and Local Requirements Incorporated by Reference Into Part 55, by State

* * * * *

California

* * * * *

(b) * * *

(6) The following requirements are contained in *Santa Barbara County Air Pollution Control District Requirements Applicable to OCS Sources:*

Rule 102 Definitions (Adopted 09/20/10)
Rule 103 Severability (Adopted 10/23/78)
Rule 106 Notice to Comply for Minor Violations (Repealed 01/01/2001)
Rule 107 Emergencies (Adopted 04/19/01)
Rule 201 Permits Required (Adopted 06/19/08)
Rule 202 Exemptions to Rule 201 (Adopted 09/20/10)
Rule 203 Transfer (Adopted 04/17/97)
Rule 204 Applications (Adopted 04/17/97)
Rule 205 Standards for Granting Permits (Adopted 04/17/97)
Rule 206 Conditional Approval of Authority to Construct or Permit to Operate (Adopted 10/15/91)
Rule 207 Denial of Application (Adopted 10/23/78)
Rule 210 Fees (Adopted 03/17/05)
Rule 212 Emission Statements (Adopted 10/20/92)
Rule 301 Circumvention (Adopted 10/23/78)
Rule 302 Visible Emissions (Adopted 10/23/78)
Rule 304 Particulate Matter-Northern Zone (Adopted 10/23/78)
Rule 305 Particulate Matter Concentration-Southern Zone (Adopted 10/23/78)
Rule 306 Dust and Fumes-Northern Zone (Adopted 10/23/78)
Rule 307 Particulate Matter Emission Weight Rate-Southern Zone (Adopted 10/23/78)
Rule 308 Incinerator Burning (Adopted 10/23/78)
Rule 309 Specific Contaminants (Adopted 10/23/78)
Rule 310 Odorous Organic Sulfides (Adopted 10/23/78)
Rule 311 Sulfur Content of Fuels (Adopted 10/23/78)
Rule 312 Open Fires (Adopted 10/02/90)
Rule 316 Storage and Transfer of Gasoline (Adopted 01/15/09)
Rule 317 Organic Solvents (Adopted 10/23/78)
Rule 318 Vacuum Producing Devices or Systems-Southern Zone (Adopted 10/23/78)
Rule 321 Solvent Cleaning Operations (Adopted 09/20/10)
Rule 322 Metal Surface Coating Thinner and Reducer (Adopted 10/23/78)
Rule 323 Architectural Coatings (Adopted 11/15/01)
Rule 324 Disposal and Evaporation of Solvents (Adopted 10/23/78)
Rule 325 Crude Oil Production and Separation (Adopted 07/19/01)
Rule 326 Storage of Reactive Organic Compound Liquids (Adopted 01/18/01)
Rule 327 Organic Liquid Cargo Tank Vessel Loading (Adopted 12/16/85)
Rule 328 Continuous Emission Monitoring (Adopted 10/23/78)
Rule 330 Surface Coating of Metal Parts and Products (Adopted 01/20/00)
Rule 331 Fugitive Emissions Inspection and Maintenance (Adopted 12/10/91)
Rule 332 Petroleum Refinery Vacuum Producing Systems, Wastewater Separators and Process Turnarounds (Adopted 06/11/79)
Rule 333 Control of Emissions from Reciprocating Internal Combustion Engines (Adopted 06/19/08)
Rule 342 Control of Oxides of Nitrogen (NO_X) from Boilers, Steam Generators and Process Heaters) (Adopted 04/17/97)
Rule 343 Petroleum Storage Tank Degassing (Adopted 12/14/93)
Rule 344 Petroleum Sumps, Pits, and Well Cellars (Adopted 11/10/94)
Rule 346 Loading of Organic Liquid Cargo Vessels (Adopted 01/18/01)
Rule 352 Natural Gas-Fired Fan-Type Central Furnaces and Residential Water Heaters (Adopted 09/16/99)
Rule 353 Adhesives and Sealants (Adopted 08/19/99)
Rule 359 Flares and Thermal Oxidizers (Adopted 06/28/94)
Rule 360 Emissions of Oxides of Nitrogen from Large Water Heaters and Small Boilers (Adopted 10/17/02)
Rule 361 Small Boilers, Steam Generators, and Process Heaters (Adopted 01/17/08)
Rule 370 Potential to Emit—Limitations for Part 70 Sources (Adopted 06/15/95)
Rule 505 Breakdown Conditions Sections A.,B.1, and D. only (Adopted 10/23/78)
Rule 603 Emergency Episode Plans (Adopted 06/15/81)
Rule 702 General Conformity (Adopted 10/20/94)
Rule 801 New Source Review (Adopted 04/17/97)
Rule 802 Nonattainment Review (Adopted 04/17/97)
Rule 803 Prevention of Significant Deterioration (Adopted 04/17/97)
Rule 804 Emission Offsets (Adopted 04/17/97)
Rule 805 Air Quality Impact Analysis and Modeling (Adopted 04/17/97)
Rule 808 New Source Review for Major Sources of Hazardous Air Pollutants (Adopted 05/20/99)
Rule 1301 Part 70 Operating Permits—General Information (Adopted 06/19/03)
Rule 1302 Part 70 Operating Permits—Permit Application (Adopted 11/09/93)
Rule 1303 Part 70 Operating Permits—Permits (Adopted 11/09/93)
Rule 1304 Part 70 Operating Permits—Issuance, Renewal, Modification and Reopening (Adopted 11/09/93)
Rule 1305 Part 70 Operating Permits—Enforcement (Adopted 11/09/93)

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[FR Doc. 2011–242 Filed 1–7–11; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 226

[Docket No. 101220626–0626–01]

RIN 0648–XA083

Endangered and Threatened Species: Designation of Critical Habitat for Threatened Lower Columbia River Coho Salmon and Puget Sound Steelhead

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

ACTION: Advance Notice of Proposed Rulemaking; request for information.

SUMMARY: We, the National Marine Fisheries Service (NMFS), will prepare critical habitat designation proposals for lower Columbia River (LCR) coho salmon (*Oncorhynchus kisutch*) and Puget Sound steelhead (*O. mykiss*) currently listed as threatened species under the Endangered Species Act (ESA). The areas under consideration include watersheds in the lower Columbia River basin in southwest Washington and northwest Oregon, as well as watersheds in Puget Sound and the Strait of Juan de Fuca in Washington. This advance notice of proposed rulemaking (ANPR) identifies issues for consideration and evaluation, and solicits comments regarding them as well as information about the areas and species under consideration.

DATES: Comments and information regarding the designation process and areas being considered for designation as critical habitat may be sent to us (*See* **ADDRESSES**), no later than 5 p.m. Pacific Time on March 11, 2011.

We have already scheduled public meetings to discuss and seek input on the approach to designating critical habitat for these species. The meeting times and locations are as follows:

26 January 2011, from 1:30–3:30 p.m. at the Doubletree Hotel, 1000 NE. Multnomah Street, Portland, OR 97232; and

1 February 2011, from 10 a.m.–12:30 p.m. at the NOAA Campus, 7600 Sand Point Way NE, Building 9, Seattle, WA 98115. Please note—all attendees of the Seattle meeting will need to show photo identification in order to be permitted onto the NOAA campus.

Details regarding the meeting format and related information will be posted by January 25, 2011, on our Web site at *http://www.nwr.noaa.gov/1salmon/salmesa/crithab/CHsite.htm.*

ADDRESSES: Comments may be sent to Chief, Protected Resources Division, NMFS, 525 NE Oregon Street—Suite 500, Portland, OR 97232. Comments may also be sent via facsimile (fax) to 503 230–5441 or submitted on the Internet via the Federal Rulemaking portal at *http://www.regulations.gov.* Follow the instructions for submitting comments.

Instructions: Comments will be posted for public viewing after the comment period has closed. All comments received are a part of the public record and will generally be posted to *http://www.regulations.gov* without change. NMFS may elect not to post comments that contain obscene or threatening content. 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). You may submit attachments to electronic comments in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

FOR FURTHER INFORMATION CONTACT: Steve Stone, NMFS, Northwest Region, Portland, OR 503–231–2317; or Dwayne Meadows, NMFS, Office of Protected Resources, Silver Spring, MD 301–713–1401.

SUPPLEMENTARY INFORMATION:

Rulemaking Background

We are responsible for determining whether species, subspecies, or distinct population segments (DPSs) are threatened or endangered and which areas of their habitat constitute critical habitat for them under the ESA (16 U.S.C. 1531 *et seq.*). To be considered for listing under the ESA, a group of organisms must constitute a "species," which is defined in section 3 to include "any subspecies of fish or wildlife or plants, and any distinct population segment of any species of vertebrate fish or wildlife which interbreeds when mature." The agency has determined that a group of Pacific salmon populations (including lower Columbia coho salmon) occupying a specific geographic area qualifies as a DPSs if it is substantially reproductively isolated and represents an important component in the evolutionary legacy of the biological species (56 FR 58612, November 20, 1991). A group of Pacific steelhead populations qualifies as a DPS if it is markedly separate and significant to its taxon (61 FR 4722, February 7, 1996; 71 FR 834, January 5, 2006). In previous rulemaking we determined that LCR coho (70 FR 37160, June 28, 2005) and Puget Sound steelhead (72 FR 26722, May 11, 2007) are each distinct population segments that warrant protection as threatened species under the ESA. We also determined that critical habitat was not determinable at the time of those final listing decisions and announced that we would propose critical habitat in separate rulemaking. Since the time of listing, the recovery planning process has progressed for these two species, and additional new information is now available to better inform the designation process. In view of these developments, we consider it advisable to provide the public with an ANPR so that they are aware of the opportunity to provide us with comments and information that may be useful in making proposed critical habitat designations. Additional opportunities for public involvement include a comment period on any proposed designations and the opportunity for public hearings (*see* "Process and Schedule" below).

Critical Habitat

The ESA defines critical habitat under section 3(5)(A) as: "(i) The specific areas within the geographical area occupied by the species, at the time it is listed * * *, on which are found those physical or biological features (I) essential to the conservation of the species and (II) which may require special management considerations or protection; and (ii) specific areas outside the geographical area occupied by the species at the time it is listed * * * upon a determination by the Secretary [of Commerce] that such areas are essential for the conservation of the species."

Section 4(b)(2) of the ESA requires us to designate critical habitat for threatened and endangered species "on the basis of the best scientific data available and after taking into consideration the economic impact, the impact on national security, and any other relevant impact, of specifying any particular area as critical habitat." This section grants the Secretary of Commerce (Secretary) discretion to exclude any area from critical habitat if he determines "the benefits of such exclusion outweigh the benefits of specifying such area as part of the critical habitat." The Secretary's discretion is limited, as he may not exclude areas that "will result in the extinction of the species."

Once critical habitat is designated, section 7 of the ESA requires Federal agencies to ensure they do not fund, authorize, or carry out any actions that will destroy or adversely modify that habitat. This requirement is in addition to the section 7 requirement that Federal agencies ensure their actions do not jeopardize the continued existence of listed species.

Issues for Consideration and Evaluation

We are currently gathering information prior to proposing critical habitat for LCR coho and Puget Sound steelhead. As noted above, sections 3 and 4(b) of the ESA suggest a number of questions the agency should consider when designating critical habitat:

- What areas were occupied by the species at the time of listing?
- What physical and biological features are essential to the species' conservation?
- Are those essential features ones that may require special management considerations or protection?
- Are there any areas outside those currently occupied that are "essential for conservation?"
- What are the benefits to the species of critical habitat designation?
- What economic, national security and other relevant impacts would result from a critical habitat designation?
- What is the appropriate geographic scale for weighing the benefits of exclusion and benefits of designation?
- Will the failure to designate any particular area as critical habitat result in the extinction of the species?

Answering these questions involves a variety of biological, economic, and policy considerations. In 2005 we completed final critical habitat designations for 19 DPSs of Pacific salmon and steelhead in California, Oregon, Washington, and Idaho (70 FR 52488, September 2, 2005; 70 FR 52630, September 2, 2005). Key elements of the 2005 rulemaking included precise mapping (using latitude/longitude coordinates) of designated habitats, a predominantly watershed-based assessment of the benefits and economic costs, and consideration of the impacts of designation on national security, Tribal relations, and efforts to sustain and promote habitat conservation plans under the ESA. Detailed maps and documentation supporting those designations are available at *http://www.nwr.noaa.gov/Salmon-Habitat/Critical-Habitat/* and *http://swr.nmfs.noaa.gov/salmon.htm.* These elements, updated as necessary to reflect best available information, will inform this current effort to develop critical habitat proposals for LCR coho and Puget Sound steelhead.

Pacific Salmon and Steelhead Biology and Habitat Use

Pacific salmon and steelhead are anadromous fish, meaning adults migrate from the ocean to spawn in freshwater lakes and streams where their offspring hatch and rear prior to migrating back to the ocean to forage until maturity. The migration and spawning times vary considerably between and within species and populations (Groot and Margolis, 1991). At spawning, adults pair to lay and fertilize thousands of eggs in freshwater gravel nests or "redds" excavated by females. Depending on lake/stream temperatures, eggs incubate for several weeks to months before hatching as "alevins" (a larval life stage dependent on food stored in a yolk sac). Following yolk sac absorption, alevins emerge from the gravel as young juveniles called "fry" and begin actively feeding. Depending on the species and location, juveniles may spend from a few hours to several years in freshwater areas before migrating to the ocean. The physiological and behavioral changes required for the transition to salt water result in a distinct "smolt" stage in most species. On their journey, juveniles must migrate downstream through every riverine and estuarine corridor between their natal lake or stream and the ocean. For example, smolts from Idaho will travel as far as 900 miles (1,450 km) from their inland spawning grounds. En route to the ocean the juveniles may spend anywhere from a few days to several weeks in the estuary, depending on the species. The highly productive estuarine environment is an important feeding and acclimation area for juveniles preparing to enter marine waters.

Juveniles and subadults typically spend from one to five years foraging over thousands of miles in the North Pacific Ocean before returning to spawn. Some species, such as coho salmon, have precocious life history types (primarily male fish called "jacks") that mature and spawn after only several months in the ocean. Spawning migrations known as "runs" occur throughout the year, varying by species and location. Most adult fish return or "home" with great fidelity to spawn in their natal stream, although some do stray to non-natal streams. Salmon species die after spawning, while steelhead may return to the ocean and make repeat spawning migrations.

This complex life cycle gives rise to complex habitat needs, particularly during the freshwater phase (*see* review by Spence *et al.,* 1996). Spawning gravels must be of a certain size and free of sediment to allow successful incubation of the eggs. Eggs also require cool, clean, and well-oxygenated waters for proper development. Juveniles need abundant food sources, including insects, crustaceans, and other small fish. They need places to hide from predators (mostly birds and bigger fish), such as under logs, root wads and boulders in the stream, and beneath overhanging vegetation. They also need places to seek refuge from periodic high flows (side channels and off channel areas) and from warm summer water temperatures (coldwater springs and deep pools). Returning adults generally do not feed in fresh water but instead rely on limited energy stores to migrate, mature, and spawn. Like juveniles, they also require cool water and places to rest and hide from predators. During all life stages salmon and steelhead require cool water that is free of contaminants. They also require migratory corridors with adequate passage conditions (timing, water quality, and water quantity) to allow access to the various habitats required to complete their life cycle.

The homing fidelity of salmon and steelhead has created a meta-population structure with discrete populations distributed among watersheds (McElhany *et al.,* 2000). Low levels of straying from natal streams result in regular genetic exchange among populations, creating genetic similarities among populations in adjacent watersheds. Maintenance of the meta-population structure requires a distribution of populations among watersheds where environmental risks (*e.g.,* from landslides or floods) are likely to vary. It also requires migratory connections among the watersheds to allow for periodic genetic exchange and alternate spawning sites in the case that natal streams are inaccessible due to natural events such as a drought or landslide.

LCR Coho Salmon Life History and Conservation Status

The LCR coho DPS includes all naturally spawned populations of coho in the Columbia River and its tributaries in Washington and Oregon, from the mouth of the Columbia River upstream to and including the Big White Salmon and Hood Rivers, and including the lower Willamette River up to Willamette Falls, Oregon, as well as coho from twenty-five artificial propagation programs located in numerous watersheds throughout the range of the DPS (70 FR 37160; June 28, 2005).

Coho populations in this DPS display one of two major life history types based on when and where adults migrate from the Pacific Ocean to spawn in fresh water. Early returning coho (Type S) typically forage in marine waters south of the Columbia River and return beginning in mid-August, while late returning coho (Type N) generally forage to the north and return to the Columbia River from late September through December (Oregon Department of Fish and Wildlife (ODFW), 2010). It is thought that early returning coho migrate to headwater areas and late returning fish migrate to the lower reaches of larger rivers or into smaller streams and creeks along the Columbia River. Although there is some level of reproductive isolation and ecological specialization between early and late types, there is some uncertainty regarding the importance of these differences. Some tributaries historically supported spawning by both run types.

Mature coho of both types typically enter fresh water to spawn from late summer to late autumn. Spawning typically occurs between November and January. Migration and spawning timing of specific local populations may be mediated by factors such as latitude, migration distance, flows, water temperature, maturity, or migration obstacles. Coho generally occupy intermediate positions in tributaries, typically further upstream than chum salmon or fall-run Chinook salmon, but often downstream of steelhead or spring-run Chinook salmon (Beamesderfer *et al.,* 2010). Typical coho spawning habitat includes pea to orange-size spawning gravel in small, relatively low-gradient tributaries (ODFW, 2010). Egg incubation can take from 45 to 140 days, depending on water temperature, with longer incubation in colder water. Fry may thus emerge from early spring to early summer. Juveniles prefer complex instream structure (primarily large and small woody debris) and shaded streams with tree-lined banks for rearing; they often overwinter in off-channel alcoves and beaver ponds (where available) (ODFW, 2010). Freshwater rearing lasts until the following spring when the juveniles undergo physiological changes (smoltification) and migrate to salt water. Juvenile coho are present in the Columbia River estuary from March to August (Washington Lower Columbia Salmon Recovery and Fish and Wildlife Subbasin Plan, 2010). Coho grow relatively quickly in the ocean, reaching up to six kilograms after about 16 months of ocean rearing. Most coho are sexually mature at age three, except for a small percentage of males (jacks) who return to natal waters after only a few months of ocean residency. All coho die after spawning.

The LCR coho DPS is comprised of 24 populations distributed among three ecological zones or "strata"—the Coast, Cascade, and Gorge strata (Myers *et al.,* 2006). McElhany *et al.* (2007) assessed the viability of LCR coho populations and determined that only one —the Clackamas River—is approaching viability. They also observed that, with the exception of the Clackamas and Sandy populations, it is likely that most of the wild LCR coho populations were effectively extirpated in the 1990s and that no viable populations appear to exist in either the Coast or Gorge stratum. Although recently there is evidence of some natural production in this DPS, the majority of populations remain dominated by hatchery origin spawners, and there is little data to indicate they would naturally persist in the long term (NMFS, 2003). Approximately 40 percent of historical habitat is currently inaccessible, which restricts the number of areas that might support natural production, and further increases the DPS's vulnerability to environmental variability and catastrophic events (NMFS, 2003). The extreme loss of naturally spawning populations, the low abundance of extant populations, diminished diversity, and fragmentation and isolation of the remaining naturally produced fish confer considerable risks to LCR coho.

Major habitat factors limiting recovery in fresh water include floodplain connectivity and function, channel structure and complexity, riparian areas and large woody debris recruitment, stream substrate, stream flow, and water quality (Pacific Coast Salmon Restoration Funds, 2007). In addition to impacts of the Federal Columbia River Hydropower System (especially Bonneville Dam on the mainstem Columbia River), numerous other populations are affected by upstream and tributary dams in the White Salmon, Hood, Lewis, Cowlitz, Sandy, and Clackamas basins although many of those effects are being addressed as a result of recent Federal Energy Regulatory Commission re-licensing and associated ESA consultations. For example, the removal of Marmot and Little Sandy dams in the Sandy River basin has improved passage for the coho population into the upper watershed, and the removal of Condit Dam by 2011 is expected to support restoration of the White Salmon River portion of the Washington Upper Gorge coho population.

The ocean survival of juvenile LCR coho can be affected by estuary factors such as changes in food availability and the presence of contaminants. Characteristics of the Columbia River plume are also thought to be significant to LCR coho migrants during transition to the ocean phase of their lifecycle, because yearling migrants appear to use the plume as habitat, in contrast to other species whose sub-yearling juveniles stay closer to shore (Fresh *et al.,* 2005). Predation and growth during the first marine summer appear to be important components determining coho brood-year strength (Beamish *et al.,* 2001).

Recovery planning for coho and other ESA-listed salmon and steelhead in the Lower Columbia River is underway, and a proposed recovery plan is expected to be available for public comment by June 2011. Three "management unit" plans, or plans addressing geographic areas smaller than the entire range of the DPS, have been completed: (1) A Washington Lower Columbia management unit plan overseen and coordinated by the Lower Columbia Fish Recovery Board (LCFRB); (2) a White Salmon management unit plan overseen by us and addressing the White Salmon River basin in Washington; and (3) an Oregon Lower Columbia management unit plan led by the ODFW with participation by the Oregon Governor's Natural Resources Office, NMFS, and the Oregon Lower Columbia River Stakeholder Team. The LCFRB developed the Lower Columbia Salmon Recovery and Fish and Wildlife Subbasin Plan in 2004 (LCFRB, 2004), and we approved it as an interim regional recovery plan in February 2006; in 2010, LCFRB completed a revised plan (LCFRB, 2010). A plan for the Oregon management unit was completed in August 2010 (ODFW, 2010), and a draft plan has been completed for the White Salmon management unit (NMFS, 2010). These plans are all consistent with work by the Willamette/Lower Columbia Technical Recovery Team, which was formed by us to assess the population structure and develop viability criteria for listed LCR salmon and steelhead (*see* McElhany *et al.,* 2003; McElhany *et al.,* 2006; Myers *et al.,* 2006; and McElhany *et al.,* 2007). Because the ESA requires recovery plans to address the entire listed entity, we are currently synthesizing these management unit plans into a single plan that will also address interdependencies and issues of regional scope, and ensure that the entire salmon life cycle and all threats are addressed. We will review and incorporate information from all of

these plans in preparing a critical habitat designation for LCR coho.

Critical habitat is currently designated for three DPSs of salmon and steelhead that use lower Columbia watersheds for spawning and rearing: LCR Chinook salmon, LCR steelhead, and Columbia River chum salmon (70 FR 52630; September 2, 2005). In addition, several listed DPSs that spawn outside this range (*e.g.,* Snake River fall Chinook salmon) have rearing and migration areas designated as critical habitat in areas occupied by LCR coho in the Columbia River and estuary. These existing designations have extensive overlap with areas under consideration as critical habitat for LCR coho, and it is likely that the essential physical and biological features will likewise be similar. In the section below titled Physical and Biological Features Essential for Conservation we describe those features.

Puget Sound Steelhead Life History and Conservation Status

Steelhead populations can be divided into two basic reproductive ecotypes, based on the state of sexual maturity at the time of river entry (summer or winter) and duration of spawning migration (Burgner *et al.,* 1992). The Puget Sound DPS includes all naturally spawned anadromous winter-run and summer-run steelhead populations in streams in the river basins of the Strait of Juan de Fuca, Puget Sound, and Hood Canal, Washington, bounded to the west by the Elwha River (inclusive) and to the north by the Nooksack River and Dakota Creek (inclusive), as well as the Green River natural and Hamma Hamma winter-run steelhead hatchery stocks. Non-anadromous "resident" *O. mykiss* occur within the range of Puget Sound steelhead but are not part of the DPS due to marked differences in physical, physiological, ecological, and behavioral characteristics (71 FR 15666; March 29, 2006).

Stream-maturing steelhead, also called summer-run steelhead, enter fresh water at an early stage of maturation, usually from May to October. These summer-run fish migrate to headwater areas and hold for several months before spawning in the spring. Ocean-maturing steelhead, also called winter-run steelhead, enter fresh water from December to April at an advanced stage of maturation and spawn from March through June (Hard *et al.,* 2007). While there is some temporal overlap in spawn timing between these forms, in basins where both winter- and summer-run steelhead are present, summer-run steelhead spawn farther upstream, often above a partially impassable barrier. In many cases it appears that the summer migration timing evolved to access areas above falls or cascades that present velocity barriers to migration during high winter flow months, but are passable during low summer flows. Winter-run steelhead are predominant in Puget Sound, in part because there are relatively few basins in the Puget Sound DPS with the geomorphological and hydrological characteristics necessary to establish the summer-run life history. Summer-run steelhead stocks within this DPS are all small and occupy limited habitat.

Steelhead eggs incubate from one to four months (depending on water temperature) before hatching, generally between February and June. After emerging from the gravel, fry commonly occupy the margins of streams and side channels, seeking cover to make them less vulnerable to predation (Washington Department of Fish and Wildlife (WDFW), 2008). Juvenile steelhead forage for one to four years before emigrating to sea as smolts. Smoltification and seaward migration occur principally from April to mid-May. The nearshore migration pattern of Puget Sound steelhead is not well understood, but it is generally thought that smolts move quickly offshore, bypassing the extended estuary transition stage which many other salmonids need (Hartt and Dell, 1986).

Steelhead oceanic migration patterns are also poorly understood. Evidence from tagging and genetic studies indicates that Puget Sound steelhead travel to the central North Pacific Ocean (French *et al.,* 1975; Hartt and Dell, 1986; Burgner *et al.,* 1992). Puget Sound steelhead feed in the ocean for one to three years before returning to their natal stream to spawn. They typically spend two years in the ocean, although, notably, Deer Creek summer-run steelhead spend only a single year in the ocean before spawning. In contrast with other species of Pacific salmonids, steelhead are iteroparous, capable of repeat spawning. While winter steelhead spawn shortly after returning to fresh water, adult summer steelhead rely on "holding habitat"—typically cool, deep pools—for up to 10 months prior to spawning (WDFW, 2008). Adults tend to spawn in moderate to high-gradient sections of streams. In contrast to semelparous Pacific salmon, steelhead females do not guard their redds, or nests, but return to the ocean following spawning (Burgner *et al.,* 1992). Spawned-out fish that return to the sea are referred to as "kelts."

The Puget Sound steelhead DPS includes more than 50 stocks of summer- and winter-run fish (WDFW, 2002). Hatchery steelhead production in Puget Sound is widespread and focused primarily on the propagation of winter-run fish derived from a stock of domesticated, mixed-origin steelhead (the Chambers Creek Hatchery stock) originally native to a small Puget Sound stream that is now extirpated from the wild. Hatchery summer-run steelhead are also produced in Puget Sound; these fish are derived from the Skamania River in the Columbia River Basin.

Habitat utilization by steelhead in the Puget Sound area has been dramatically affected by large dams and other manmade barriers in a number of drainages, including the Nooksack, Skagit, White, Nisqually, Skokomish, and Elwha river basins. In addition to limiting habitat accessibility, dams affect habitat quality through changes in river hydrology, altered temperature profile, reduced downstream gravel recruitment, and the reduced recruitment of large woody debris. In some rivers, such as the Elwha River, increased water temperatures have decreased disease resistance in salmonids (NMFS, 2008). The Elwha River dams are scheduled to be removed beginning in September 2011, allowing steelhead and salmon to access dozens of miles of historical habitat upstream.

Many upper tributaries in the Puget Sound region have been affected by poor forestry practices, while many of the lower reaches of rivers and their tributaries have been altered by agriculture and urban development. Urbanization has caused direct loss of riparian vegetation and soils, significantly altered hydrologic and erosional rates and processes (*e.g.,* by creating impermeable surfaces such as roads, buildings, parking lots, sidewalks *etc.*), and polluted waterways with stormwater and point-source discharges. The loss of wetland and riparian habitat has dramatically changed the hydrology of many streams, with increases in flood frequency and peak flow during storm events and decreases in groundwater driven summer flows (Moscrip and Montgomery, 1997; Booth *et al.,* 2002; May *et al.,* 2003). River braiding and sinuosity have been reduced through the construction of dikes, hardening of banks with riprap, and channelization of the mainstem. Constriction of river flows, particularly during high flow events, increases the likelihood of gravel scour and the dislocation of rearing juveniles. The loss of side-channel habitats has also reduced important areas for spawning, juvenile rearing, and overwintering habitats. Estuarine areas have been dredged and filled, resulting in the loss of important juvenile rearing areas. In addition to being a factor that

contributed to the present decline of Puget Sound steelhead populations, the continued destruction and modification of steelhead habitat is the principal factor limiting the viability of the Puget Sound steelhead DPS into the foreseeable future. Because of their limited distribution in upper tributaries, summer-run steelhead may be at higher risk than winter-run steelhead from habitat degradation in larger, more complex watersheds.

Recovery planning in Puget Sound is proceeding as a collaborative effort between NMFS and numerous Tribal, State, and local governments and interested stakeholders. The Puget Sound Partnership is the entity responsible for working with us to recover the listed Puget Sound Chinook salmon DPS, and the Hood Canal Coordinating Council is the regional board implementing the recovery plan for the Hood Canal summer chum salmon DPS. There is a good deal of overlap between the geographical area occupied by Puget Sound steelhead and these two salmon DPSs, both of which had critical habitat designated on September 2, 2005 (70 FR 52630). A technical recovery team (TRT) was convened in 2008 to identify the historically independent spawning populations of steelhead within, and viability criteria for, the Puget Sound steelhead DPS. The TRT is nearing completion of the population identification work and expects to finalize viability criteria for this DPS by early 2011. Upon completion of the technical work from the TRT, we will develop a recovery plan for Puget Sound steelhead and will work directly with the two regional boards to augment implementation plans to include measures to recover Puget Sound steelhead. In preparing the critical habitat designation for Puget Sound steelhead, we will review and incorporate as appropriate the information from these regional recovery plans as well as the ongoing population work by the TRT and existing salmon critical habitat designations.

Areas Occupied by the Species at the Time of Listing

Due to their anadromous, highly migratory life cycle and the presence of multiple year classes or "cohorts," fish from each DPS were widely distributed at the time of listing and continue to be. For example, the eggs from one cohort were incubating in stream gravel while older cohorts were rearing in an estuary and still others were foraging in the North Pacific Ocean. Thus, the geographic area occupied is a vast and diverse array of habitats occupied simultaneously by various cohorts and life stages. Our ESA regulations relevant to describing a "geographical area" and "specific areas" state that "each critical habitat will be defined by specific limits using reference points and lines as found on standard topographic maps of the area" (50 CFR 424.12). These regulations require that we also identify the State(s), county(ies), or other local governmental units within which all or part of the critical habitat is located. However, the regulations note that such political units typically would not constitute the boundaries of critical habitat. In addition, the regulations state that ephemeral reference points (*e.g.,* trees, sand bars) shall not be used in defining critical habitat. Distribution information for Pacific salmon and steelhead is available in three general formats: (1) Maps and databases identifying specific river segments (*i.e.,* data mapped as line segments); (2) maps and databases identifying entire watersheds (*i.e.,* data mapped as polygons); and (3) textual descriptions. During the information-gathering phase, we are seeking information in all available formats.

We will seek the best scientific information available to make the designations as precise as practicable. The sources that we have reviewed to date indicate that fish distribution data is now generally available in an electronic format for geographic information systems (GIS) at a scale of 1 to 24,000 or greater resolution. At this scale we believe it is possible to discern most occupied stream reaches that may contain physical or biological features essential to the species' conservation. These GIS data allow us to accurately delineate the endpoints of designated stream reaches using latitude/longitude coordinates. These data are available from the fish and wildlife agencies of Oregon and Washington and are based on both empirical data (*i.e.,* fish observations) and the professional judgment of fishery biologists. Federal, State, and Tribal fisheries scientists have reviewed the resultant datasets and modified them from time to time as new fish distribution information becomes available. As in previous designations, we consider these electronic, GIS-based datasets to be the best available information to identify areas occupied by the species at the time of listing as well as determining what is currently occupied. We seek input as to the suitability of this information to identify areas, as well as the applicability of any other information sources suggested by commenters.

Offshore marine areas are occupied by salmon and steelhead, but it can be difficult to link essential physical or biological features (*e.g.,* prey) to any "specific areas" we might delineate. This notice seeks comments on approaches or information relevant to making this determination for LCR coho and Puget Sound steelhead.

Physical and Biological Features Essential for Conservation

Joint NMFS/U.S. Fish and Wildlife Service (FWS) regulations for listing endangered and threatened species and designating critical habitat at section 50 CFR 424.12(b) state that the agency "shall consider those physical and biological features that are essential to the conservation of a given species and that may require special management considerations or protection" (hereafter also referred to as "Essential Features"). Pursuant to the regulations, such requirements include, but are not limited to the following: (1) Space for individual and population growth, and for normal behavior; (2) Food, water, air, light, minerals, or other nutritional or physiological requirements; (3) Cover or shelter; (4) Sites for breeding, reproduction, rearing of offspring, germination, or seed dispersal; and generally; or (5) Habitats that are protected from disturbance or are representative of the historic geographical and ecological distributions of a species. These regulations go on to emphasize that the agency shall focus on essential features within the specific areas considered for designation. These features "may include, but are not limited to, the following: spawning sites, feeding sites, seasonal wetland or dryland, water quality or quantity, geological formation, vegetation type, tide, and specific soil types."

There is a robust body of scientific literature addressing salmonid life history and habitat characteristics (*e.g., see* Everest *et al.,* 1985; Bell, 1986; Groot and Margolis, 1991; Forest Ecosystem Management Assessment Team, 1993; Spence *et al.,* 1996). Also, we now have considerable knowledge gained from nearly two decades of experience with thousands of ESA section 7 consultations on listed salmonids to identify these essential features. In our 2005 designations for 19 DPSs of Pacific salmon and steelhead in California, Oregon, Washington, and Idaho (70 FR 52488, September 2, 2005; 70 FR 52630, September 2, 2005), we noted that essential features for salmon and steelhead include sites essential to support one or more life stages of a population necessary to the

conservation of the DPS. These sites in turn contain generic features that contribute to their conservation value for the DPS. Our long experience analyzing human actions that affect these sites and features supports our conclusion that they continue to be relevant to all populations of listed Pacific salmon and steelhead, including LCR coho and Puget Sound steelhead. The specific types of sites and their generic features include:

(1) Freshwater spawning sites with water quantity and quality conditions and substrate supporting spawning, incubation and larval development;

(2) Freshwater rearing sites with: (i) Water quantity and floodplain connectivity to form and maintain physical habitat conditions and support juvenile growth and mobility; (ii) Water quality and forage supporting juvenile development; and (iii) Natural cover such as shade, submerged and overhanging large wood, log jams and beaver dams, aquatic vegetation, large rocks and boulders, side channels, and undercut banks.

(3) Freshwater migration corridors free of obstruction and excessive predation with water quantity and quality conditions and natural cover such as submerged and overhanging large wood, aquatic vegetation, large rocks and boulders, side channels, and undercut banks supporting juvenile and adult mobility and survival;

(4) Estuarine areas free of obstruction and excessive predation with: (i) Water quality, water quantity, and salinity conditions supporting juvenile and adult physiological transitions between fresh- and saltwater; (ii) Natural cover such as submerged and overhanging large wood, aquatic vegetation, large rocks and boulders, side channels; and (iii) Juvenile and adult forage, including aquatic invertebrates and fishes, supporting growth and maturation.

(5) Nearshore marine areas free of obstruction and excessive predation with: (i) Water quality and quantity conditions and forage, including aquatic invertebrates and fishes, supporting growth and maturation; and (ii) Natural cover such as submerged and overhanging large wood, aquatic vegetation, large rocks and boulders, and side channels.

(6) Offshore marine areas with water quality conditions and forage, including aquatic invertebrates and fishes, supporting growth and maturation.

In our experience, the conservation value of a site depends on (1) the importance of the populations associated with a site to the DPS's conservation, and (2) the contribution of that site to the conservation of the population either through demonstrated or potential productivity of the area. We are seeking comments and information regarding these essential features and their applicability and location relative to LCR coho and Puget Sound steelhead, as well as how the essential features factor into determining the conservation value of a site.

Special Management Considerations or Protection

Coupled with the identification of essential features, during the information-gathering phase we seek input on whether the above essential features may require special management considerations or protection. For example, numerous special management considerations relate to fish passage conditions, including methods and procedures aimed at maintaining sufficient water flows and preventing or minimizing impacts from manmade barriers such as dams and culverts. Similarly, essential natural cover elements, such as shade and large wood, involve a variety of land management considerations. We seek comment on and will document the special management considerations and protection associated with the essential features and expect to relate these to the factors affecting the species and/or critical habitat during rulemaking.

Areas Outside the Geographical Area Occupied by the Species

Section 3(5)(A)(ii) of the ESA defines critical habitat to include specific areas outside the geographical area occupied by the species only if the Secretary determines them to be essential for the conservation of the species. Section 3(3) of the ESA defines conservation as "the use of all methods and procedures which are necessary to bring any endangered species or threatened species to the point at which the measures provided pursuant to this Act are no longer necessary." Our ESA regulations at 424.12(e) state that the agency "shall designate as critical habitat areas outside the geographical area presently occupied by a species only when a designation limited to its present range would be inadequate to ensure the conservation of the species." We are seeking information on the adequacy of the occupied habitat to support conservation of LCR coho and Puget Sound steelhead, and whether areas that are unoccupied might be "essential for conservation."

Determining Economic and Other Relevant Impacts

Section 4(b)(2) of the ESA requires the Secretary to consider the "economic impact, national security and any other relevant impact," of designating a particular area as critical habitat. During the information-gathering phase, we seek information regarding the economic, national security, or other relevant impact of designating an area as critical habitat. In keeping with the guidance provided by the Office of Management and Budget (2000, 2003), we seek information that would allow us to monetize these effects to the extent possible, as well as information on qualitative impacts to economic values. We are also seeking information on any other impacts of designating critical habitat.

Determining the Benefit of Designation

Section 4(b)(2) of the ESA grants the Secretary discretion to exclude a particular area if the benefits of exclusion outweigh the benefits of designation. Accordingly, during the information-gathering phase, we are seeking input on the benefit of designating areas as critical habitat. In particular, we seek information on the conservation value of potential critical habitat based on the quality and quantity of the essential feature(s) and on the difficulty of restoring the quality and quantity where those features have been limited or degraded. Federal agencies, States, Tribes and others have already compiled a great deal of information on the historic and present importance of different areas to salmonid conservation. Some general types of information include stream habitat inventories, juvenile and spawning fish surveys, redd and dam counts, angler harvest records, and tagged fish recoveries. In some cases it may not be known whether an area was historically productive. Areas might also be considered to have a high potential if they possess characteristics of other highly productive areas.

As noted earlier in this notice, our determination of an area's conservation value will consider the plans, analyses and recommendations provided by recovery planning teams and boards. We also seek input on the best methods for evaluating the conservation value of potential critical habitat areas. We are interested in information relevant to monetizing the conservation value of an area, or to ranking the conservation benefits in an ordinal manner if full monetization is not possible. Finally, we are seeking input on information relevant to determining if excluding an

area from designation will result in the extinction of the species.

The Appropriate Geographic Scale for Weighing the Benefits of Exclusion and Benefits of Designation

There are hundreds of miles of rivers and streams presently occupied by LCR coho and Puget Sound steelhead. To manage the task of designating particular areas of habitat, streams and rivers need to be grouped in a manner that allows for meaningful analysis. Salmon and steelhead populations tend to divide along watershed boundaries and these have now been mapped across the species' range at a fine scale by various State and Federal agencies (*e.g.,* U.S. Department of Agriculture, 2010). We once again intend to use watersheds as a unit of analysis, although in some cases it is useful to consider habitat units at a finer scale than the watershed, for example where an economic impact or a conservation benefit can be isolated to a stream or river segment. We seek input on this approach or suggestions on other ways to isolate impacts of designation at a different scale than the watershed.

Process and Schedule

As described in current agency regulations (50 CFR 424.16), we anticipate that the proposed rule (or separate proposed rules for each DPS) will contain text detailing the proposal, a summary of the data used and its relationship to the proposal, a summary of factors affecting the species and/or critical habitat, citations of pertinent information sources, a map of the critical habitat, an economic report, and an explanation of a 4(b)(2) process and any areas proposed for exclusion. To the maximum extent practicable, the proposal will also include a brief description and evaluation of those activities (whether public or private) that, in the opinion of the Secretary, if undertaken, may adversely modify the critical habitat, or may be affected by the designation. Products to be made available to the public at the proposed rule stage also includes access to maps depicting the areas proposed for designation and relevant agency biological and economic analyses supporting the rulemaking. We also will provide the requisite comment period and opportunity for public hearings on the proposed rule.

In addition to publication in the **Federal Register**, we will provide the critical habitat proposal to, and invite comments from, affected States and counties (and equivalent jurisdictions) and scientific organizations as well as any Federal agencies, Tribal governments, local authorities, or private individuals or organizations known to be affected by the proposed rule. We will also consider the requirements of the Office of Management and Budget's (OMB) Final Information Quality Bulletin for Peer Review (Bulletin). The Bulletin was published in the **Federal Register** on January 14, 2005 (70 FR 2664), and went into effect on June 16, 2005. The primary purpose of the Bulletin is to improve the quality and credibility of scientific information disseminated by the Federal government by requiring peer review of "influential scientific information" and "highly influential scientific information" prior to public dissemination. Influential scientific information is defined as "information the agency reasonably can determine will have or does have a clear and substantial impact on important public policies or private sector decisions." The Bulletin provides agencies broad discretion in determining the appropriate process and level of peer review. Stricter standards were established for the peer review of "highly influential scientific assessments," defined as information whose "dissemination could have a potential impact of more than $500 million in any one year on either the public or private sector or that the dissemination is novel, controversial, or precedent-setting, or has significant interagency interest." The draft biological report and draft economic analysis report supporting any proposed critical habitat designations for LCR coho and Puget Sound steelhead may be considered influential scientific information and subject to peer review. If so, then these reports will be distributed to three independent peer reviewers for review on or before the publication date of a proposed rule. Also, the peer reviewer comments will be compiled into a peer review report to be made available to the public at the time the critical habitat designations are finalized for these DPSs.

In accordance with the Secretarial Order on American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act, we will coordinate with Federally recognized American Indian Tribes on a Government-to-Government basis to determine how to make critical habitat assessments in areas that may impact Tribal trust resources. We will also coordinate with the U.S. Department of Defense (DOD) to determine if there are DOD sites subject to Integrated Natural Resource Management plans that benefit LCR coho or Puget Sound steelhead, or if there are impacts on national security that might arise from designating any particular area as critical habitat.

We will review all information received during the comment period as well as any new information identified and comments submitted after publishing the proposed designations. If changes are warranted, we will document the bases for the revisions and include this rationale as part of the administrative record for these critical habitat designations.

Per current agency regulations at 50 CFR 424.18 and 424.19, the final designations will be published in a **Federal Register** notice (or in separate notices for each DPS) containing the complete text of the rule, a summary of the comments and recommendations received in response to the proposal (including input from public hearings and peer reviewers), summaries of the data on which the rule is based and the relationship of such data to the final rule, and a description of any conservation measures available under the rule. The final rule will: Summarize factors affecting the species; identify physical and biological features essential to the conservation of the species that may require special management considerations or protection; describe any significant activities that would either affect an area considered for designation as critical habitat or be likely to be affected by the designation; identify the probable economic and other relevant impacts of the designation upon proposed or ongoing activities; identify the areas where the benefits of exclusion outweigh the benefits of including such areas as critical habitat; and describe the boundaries and include a map of critical habitat. To the maximum extent practicable, the final rule will also include a brief description and evaluation of those activities (whether public or private) that might occur in the designated areas and which, in the opinion of the Secretary, may adversely modify critical habitat or be affected by such designation.

New information and public and peer reviewer comments may result in final designations for LCR coho and Puget Sound steelhead that differ from the proposals.

Information Solicited

Past critical habitat designations have generated considerable public interest. Therefore, we believe it is important to engage the public early in the rulemaking process. This ANPR is a key first step, and we encourage all interested parties to submit comments

regarding the issues raised in this notice.

In accordance with agency regulations at 50 CFR 424.13, we will consult as appropriate with affected States, interested persons and organizations, other affected Federal agencies. Data reviewed may include, but are not limited to, scientific or commercial publications, administrative reports, maps or other graphic materials, information received from experts, and comments from interested parties. Specific data needs include:

(1) Information (including fish surveys, dam counts, historical accounts, *etc.*)—as geographically specific as possible—on the past and current numbers and distribution of LCR coho and Puget Sound steelhead;

(2) Information describing the quality and extent of marine, estuarine, and freshwater habitats occupied by any life stage of LCR coho and Puget Sound steelhead;

(3) Within areas occupied by LCR coho and Puget Sound steelhead, we seek information regarding the physical and biological features that are essential to the conservation of the DPSs. Such essential features may include, but are not limited to those identified above under "Physical and Biological Features Essential for Conservation."

(4) Any special management considerations or protection currently associated with essential physical and biological features within areas occupied by LCR coho and Puget Sound steelhead, such as a recorded easement or deed restriction, a State statute or comprehensive land use program; a Federal regulatory limitation or a legally-binding Federal land use plan; or a county ordinance or other binding local enactment;

(5) Whether there are any specific areas within the range of LCR coho and Puget Sound steelhead that should not be considered for critical habitat designation because they lack essential physical or biological features or may not require special management consideration or protections;

(6) Whether there are any specific areas outside the area occupied by LCR coho and Puget Sound steelhead that are essential for their conservation, and why;

(7) Whether there are any specific areas that should be considered for exclusion from critical habitat designation because the benefits of such exclusion outweigh the benefits of specifying such area as part of the critical habitat. Past examples include areas covered by an ESA Habitat Conservation Plan authorized by NMFS and areas where designation could result in impacts to national security or our comanager relationship with Indian Tribes;

(8) Any current or planned activities in the range of LCR coho and Puget Sound steelhead and their possible impacts on areas that may qualify as critical habitat;

(9) Any economic or other relevant impacts that may result from designating critical habitat, regardless of whether those impacts are attributable co-extensively to other causes, in particular those impacts affecting small entities;

(10) Potential peer reviewers for proposed critical habitat designations, including persons with biological and economic expertise relevant to the designations.

We seek the above information as soon as possible but by no later than March 11, 2011.

As described in a joint NMFS/FWS policy on ESA information standards published on July 1, 1994 (59 FR 34271), we will rely on the best and most comprehensive technical information available; gather and impartially evaluate information that disputes official positions; document our evaluation of information; use, retain, and reference primary and original sources of information; and conduct management-level review of documents to verify and assure the quality of the science used to make the critical habitat designations. We will review all comments and information resulting from this ANPR prior to making any proposed designations and will include such documents in the agency's public record. The public may review information submitted by contacting us directly (*see* **ADDRESSES** and **FOR FURTHER INFORMATION CONTACT**) or via the Internet at *http://www.nwr.noaa.gov.* We will continue to meet with comanagers and other stakeholders to review this information as well as the overall designation process prior to any proposed critical habitat designation.

References

The complete citations for the references used in this document can be obtained by contacting us directly or via the Internet (*see* **ADDRESSES** and **FOR FURTHER INFORMATION CONTACT**).

Dated: January 4, 2011.

Eric C. Schwaab,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 2011–283 Filed 1–7–11; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 76, No. 6
Monday, January 10, 2011

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

Submission for OMB Review; Comment Request

January 5, 2011.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Animal and Plant Health Inspection Service

Title: Certificate for Poultry and Hatching Eggs for Export.

OMB Control Number: 0579–0048.

Summary of Collection: The Animal Health Protection Act (AHPA) of 2002 is the primary Federal law governing the protection of animal health. The law gives the Secretary of Agriculture broad authority to detect, control, or eradicate pest or diseases of livestock or poultry. The export of agricultural commodities, including poultry and hatching eggs is a major business in the United States and contributes to a favorable balance of trade. As part of its mission to facilitate the export of U.S. poultry and poultry products, the U.S. Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), Veterinary Services, maintains information regarding the import health requirements of other countries for poultry and hatching eggs exported from the U.S. Most countries require a certification that our poultry and hatching eggs are disease free. VS Form 17–6, Certificate for Poultry & Hatching Eggs for Export, is used to meet these requirements.

Need and Use of the Information: APHIS will use VS Form 17–6, to collect information on the quantity and type of poultry and hatching egg designated for export. The information is necessary to satisfy the import requirements of the receiving countries and to prevent unhealthy poultry or disease carrying hatching eggs from being exported from the United States, thereby protecting and encouraging trade with the United States and preventing the international dissemination of poultry diseases. If the certification was not provided, other countries would not accept poultry or hatching eggs from the United States.

Description of Respondents: Business or other for-profit.

Number of Respondents: 300.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 5,100.

Animal and Plant Health Inspection Service

Title: Request for Credit Account Approval for Reimbursable Services.

OMB Control Number: 0579–0055.

Summary of Collection: The Debt Collection Improvement Act of 1996 (Pub. L. 104–134 Section 31001(x)) of 31 U.S.C. 3332, as amended, requires that agencies collect tax identification numbers from all persons doing business with the Government for purposes of collecting delinquent debts. The services of an inspector to clear imported and exported commodities requiring release by Agency personnel are covered by user fees during regular working hours. If an importer/exporter wishes to have a shipment of cargo or animals cleared at other hours, such services will usually be provided on a reimbursable overtime basis, unless already covered by a user fee. The Animal and Plant Health Inspection Service (APHIS) will collect information using APHIS Form 192, Application for Credit Account and Request for Service.

Need and Use of the Information: APHIS will collect information to conduct a credit check on prospective applicants to ensure credit worthiness prior to extending credit services. Without this information, customers including small businesses would have to pay each time a service was provided.

Description of Respondents: Business or other for-profit.

Number of Respondents: 132.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 33.

Animal and Plant Health Inspection Service

Title: Importation of Horses, Ruminants, Swine, and Dogs; Inspection and Treatment for Screwworm.

OMB Control Number: 0579–0165.

Summary of Collection: The Animal Health Protection Act (AHPA) of 2002 is the primary Federal law governing the protection of animal health. The law gives the Secretary of Agriculture broad authority to detect, control, or eradicate pest or diseases of livestock or poultry. The regulations under which the Animal and Plant Health Inspection Service (APHIS) conduct disease prevention activities are contained in Title 9, Chapter 1, Subchapter D, Parts 91 through 99. These regulations govern the importation of animals, birds and poultry, certain animal and poultry products, and animal germplasm. APHIS requires horses, ruminants, swine, and dogs imported into the United States from regions of the world where screwworm is known to exist to

be inspected and, if necessary, treated for infestation with screwworm. Screwworm is a pest native to tropical areas of South America, the Indian subcontinent, Southeast Asia, tropical and sub-Saharan Africa, and the Arabian Peninsula that causes extensive damage to livestock and other warm-blooded animals.

Need and Use of the Information: APHIS requires the following documents to import houses, ruminants, swine, and dogs from regions where screwworm is known to exist: (1) An application for import or in-transit permit (VS 17–129); and (2) the health certificate. Horses, ruminants, swine, and dogs entering the United States from regions where screwworm is known to exist must be accompanied by a certificate, signed by a full-time salaried veterinary official of the exporting country, stating that these animals have been thoroughly examined, that they have been treated with ivermectin, that any visible wounds have been treated with coumaphos, and the animals appear to be free of screwworm.

Description of Respondents: Business or other for-profit; Federal Government.

Number of Respondents: 83.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 85.

Animal and Plant Health Inspection Service

Title: Importation of Live Swine, Pork, and Pork Products from Certain Regions Free of CSF in Chile and Mexico.

OMB Control Number: 0579–0230.

Summary of Collection: The Animal Health Protection Act (AHPA) of 2002 is the primary Federal law governing the protection of animal health. The law gives the Secretary of Agriculture broad authority to detect, control, or eradicate pest or diseases of livestock or poultry. The regulations under which the Animal and Plant Health Inspection Service (APHIS) conduct disease prevention activities are contained in Title 9, chapter 1, subchapter D, part 94, place certain restrictions on the importation of swine, pork, and pork products into the United States.

Need and Use of the Information: APHIS will collect information to ensure regulatory compliance for mitigation of classical swine fever (CFS) from imports of swine, pork, and pork products into the United States. One requirement is completion of a certificate issued by a salaried veterinary officer of the Governments of Mexico and/or Chile that must accompany swine, pork, and pork products from their respective regions. If the information was not collected APHIS would be unable to establish an effective defense against the entry and spread of CSF from Mexican and Chilean swine, pork, and pork product imports. This would cause serious health consequences from U.S. swine and economic consequences for the U.S. pork industry.

Description of Respondents: Federal Government.

Number of Respondents: 11.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 86.

Animal and Plant Health Inspection Service

Title: Customer Service Survey Project.

OMB Control Number: 0579–0334.

Summary of Collection: Title 7, U.S.C. 8301, Animal Health Protection Act of 2002, authorizes the Secretary of the U.S. Department of Agriculture to prevent, control and eliminate domestic diseases such as tuberculosis, and brucellosis, as well as to take action to prevent and to manage exotic diseases such as hog cholera, foot-and-mouth disease, and other foreign animal diseases. This collection of information is to solicit the beliefs and opinions of persons who use the services and products offered by Veterinary Services (VS). Information will be collected via customer survey at the Area Office or Animal Import Center either by postal mail or by electronic e-mail system. The survey is required to solicit information from the general public who utilize the business services and animal programs administered by the USDA, APHIS, and VS.

Need and Use of the Information: The data collected from the survey will provide the local Area Office Manager with a general view of the public's perception of customer service and indicate problems which can be addressed locally. The survey will also provide feedback from the public on recommendations to improve upon customer service and provide a vehicle in which questions can be asked about VS to educate the public.

Description of Respondents: Business or other for-profit; Farms; Individuals or households; Not-for-profit institutions; State, Local or Tribal Government.

Number of Respondents: 5,000.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 229.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2011–224 Filed 1–7–11; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

January 5, 2011.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques and other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–8681.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Forest Service

Title: Federal Excess Personal Property and Firefighter Property Cooperative Agreements.

OMB Control Number: 0596–NEW.

Summary of Collection: Federal Excess Personal Property (FEPP) and Firefighter Property (FFP) Program Cooperative Agreements programs provide State forestry agencies the opportunity to obtain excess Department of Defense and other Federal agencies equipment and

supplies to be used in firefighting and emergency services. The authority to provide excess supplies to State agencies comes from Federal Property and Administration Services Act of 1949, 40 U.S.C., Sec 202. Authority to loan excess supplies comes from 10 U.S.C., Subtitle A, Part IV, Chapter 153, 2576b grants the authority for the FFP.

Need and Use of the Information: Each State designates an Accountable Officer who is responsible for the integrity of the program within their respective State and completing the necessary documentation for each program in which the State participates. For this reason FEPP and FFP collects the State forestry agency contact information and the information of the Accountable Officer. Cooperative Agreement forms FS–3100–10 and/or FS–3100–11 are used to collect the required information from the participating State agency that outlines the requirements and rules for the cooperation. Participating State agencies must submit separate agreements if they desire to participate in both programs.

Description of Respondents: State and local government.

Number of Respondents: 20.

Frequency of Responses: Recordkeeping; Reporting: Annual.

Total Burden Hours: 60.

Charlene Parker,

Departmental Information Collection Clearance Officer.

[FR Doc. 2011–226 Filed 1–7–11; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Forest Service

Eleven Point Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Eleven Point Resource Advisory Committee will meet in Winona, Missouri. 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. The purpose of the meeting is to review proposed forest management projects so that recommendations may be made to the Forest Service on which should be funded through Title II of the Secure Rural Schools and Community Self Determination Act of 2000, as amended in 2008.

DATES: The meeting will be held Thursday, January 27th, 2011, 6:30 p.m.

ADDRESSES: The meeting will be held at the Twin Pines Conservation Education Center located on U.S. Highway 60, Rt 1, Box 1998, Winona, MO. Written comments should be sent to David Whittekiend, Designated Federal Official, Mark Twain National Forest, 401 Fairgrounds Road, Rolla, MO. Comments may also be sent via e-mail to *dwhittekiend@fs.fed.us* or via facsimile to 573–364–6844.

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 Mark Twain National Forest Supervisors Office, 401 Fairgrounds Road, Rolla, MO. Visitors are encouraged to call ahead to 573–341–7404 to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Richard Hall, Eleven Point Resource Advisory Committee Coordinator, Mark Twain National Forest, 573–341–7404.

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: The meeting will focus on reviewing potential projects that the RAC may recommend for funding. Persons who wish to bring related matters to the attention of the Committee may file written statements with David Whittekiend (address above) before or after the meeting.

Dated: January 4, 2011.

David C. Whittekiend,

Forest Supervisor.

[FR Doc. 2011–196 Filed 1–7–11; 8:45 am]

BILLING CODE 3410–11–P

COMMISSION ON CIVIL RIGHTS

Sunshine Act Notice

AGENCY: United States Commission on Civil Rights.

ACTION: Notice of cancelled meeting.

SUMMARY: On December 8, 2010 (75 FR 76395), the U.S. Commission on Civil Rights announced a meeting to be held on Friday, January 14, 2011 at the Commission's headquarters. It is possible that the briefing in question will be rescheduled at a future date.

The Commission is next scheduled to meet on Friday, January 28, 2011 at 11:30 a.m. EST at the Commission's offices located at 624 Ninth Street, NW., Room 540, Washington, DC 20425.

The details of the cancelled meeting are:

DATE AND TIME: Friday, January 14, 2011; 9:30 a.m. EST.

PLACE: 624 Ninth Street, NW., Room 540, Washington, DC 20425.

Briefing Agenda

This briefing is open to the public.

Topic: Gender and the Wage Gap

I. Introductory Remarks by Chairman
II. Speakers' Presentations
III. Questions by Commissioners and Staff Director
IV. Adjourn Briefing

CONTACT PERSON FOR FURTHER INFORMATION: Lenore Ostrowsky, Acting Chief, Public Affairs Unit (202) 376–8591. TDD: (202) 376–8116.

Persons with a disability requiring special services, such as an interpreter for the hearing impaired, should contact Pamela Dunston at least seven days prior to the meeting at 202–376–8105. TDD: (202) 376–8116.

Dated: January 5, 2011.

David Blackwood,

General Counsel.

[FR Doc. 2011–306 Filed 1–6–11; 11:15 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

International Trade Administration

Notice of allocation of Tariff Rate Quotas (TRQ) on the Import of Certain Worsted Wool Fabrics for Calendar Year 2011

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of allocation of 2011 worsted wool fabric tariff rate quota.

SUMMARY: The Department of Commerce (Department) has determined the allocation for Calendar Year 2011 of imports of certain worsted wool fabrics under tariff rate quotas established by Title V of the Trade and Development Act of 2000 (Pub. L. 106–200), as amended by the Trade Act of 2002 (Pub. L. 107–210) and the Miscellaneous Trade Act of 2004 (Pub. L. 108–249), and the Pension Protection Act of 2006 (Pub. L. 109–280), and further amended pursuant to the Emergency Economic Stabilization Act of 2008 (Pub. L. 110–343). The companies that are being provided an allocation are listed below.

FOR FURTHER INFORMATION CONTACT: Robert Carrigg, Office of Textiles and

Apparel, U.S. Department of Commerce, (202) 482–2573.

SUPPLEMENTARY INFORMATION:

Background: Title V of the Trade and Development Act of 2000 as amended by the Trade Act of 2002, the Miscellaneous Trade Act of 2004 and the Pension Protection Act of 2006, and the Emergency Economic Stabilization Act of 2008 creates two tariff rate quotas, providing for temporary reductions in the import duties on two categories of worsted wool fabrics suitable for use in making suits, suit-type jackets, or trousers. For worsted wool fabric with average fiber diameters greater than 18.5 microns (Harmonized Tariff Schedule of the United States (HTSUS) heading 9902.51.11), the reduction in duty is limited to 5,500,000 square meters in 2011. For worsted wool fabric with average fiber diameters of 18.5 microns or less (HTSUS heading 9902.51.15), the reduction is limited to 5,000,000 square meters in 2011. The Miscellaneous Trade Act of 2004 requires the President to ensure that such fabrics are fairly allocated to persons (including firms, corporations, or other legal entities) who cut and sew men's and boys' worsted wool suits and suit-like jackets and trousers in the United States and who apply for an allocation based on the amount of such suits cut and sewn during the prior calendar year. Presidential Proclamation 7383, of December 1, 2000, authorized the Secretary of Commerce to allocate the quantity of worsted wool fabric imports under the tariff rate quotas.

The Miscellaneous Trade Act also authorized Commerce to allocate a new HTS category, HTS 9902.51.16. This HTS refers to worsted wool fabric with average fiber diameter of 18.5 microns or less. The amendment further provides that HTS 9902.51.16 is for the benefit of persons (including firms, corporations, or other legal entities) who weave worsted wool fabric in the United States. For HTS 9902.51.16, the reduction in duty is limited to 2,000,000 square meters in 2011.

On January 22, 2001 the Department published interim regulations establishing procedures for applying for, and determining, such allocations (66 FR 6459, 15 CFR 335). These interim regulations were adopted, without change, as a final rule published on October 24, 2005 (70 FR 61363). On September 8, 2010, the Department published a notice in the **Federal Register** (75 FR 54598–9) soliciting applications for an allocation of the 2011 tariff rate quotas with a closing date of October 8, 2010. The Department received timely applications for the HTS 9902.51.11 tariff rate quota from 8 firms. The Department received timely applications for the HTS 9902.51.15 tariff rate quota from 12 firms. The Department received timely applications for the HTS 9902.51.16 tariff rate quota from 1 firm. All applicants were determined eligible for an allocation. Most applicants submitted data on a business confidential basis. As allocations to firms were determined on the basis of this data, the Department considers individual firm allocations to be business confidential.

Firms That Received Allocations: HTS 9902.51.11, fabrics, of worsted wool, with average fiber diameter greater than 18.5 micron, certified by the importer as suitable for use in making suits, suit-type jackets, or trousers (provided for in subheading 5112.11.60 and 5112.19.95). Amount allocated: 5,500,000 square meters.

Companies Receiving Allocation

Adrian Jules LTD—Rochester, NY,
HMX, LLC— New York, NY,
Hugo Boss Cleveland, Inc.—Brooklyn, OH,
JA Apparel Corp.—New York, NY,
John H. Daniel Co.—Knoxville, TN,
Saint Laurie Ltd—New York, NY,
Warren Sewell Clothing Company, Inc.—Bremen, GA,
The Tom James Co.—Franklin, TN.

HTS 9902.51.15, fabrics, of worsted wool, with average fiber diameter of 18.5 micron or less, certified by the importer as suitable for use in making suits, suit-type jackets, or trousers (provided for in subheading 5112.11.30 and 5112.19.60). Amount allocated: 5,000,000 square meters.

Companies Receiving Allocation

Adrian Jules LTD—Rochester, NY,
Elevee Custom Clothing—Van Nuys, CA,
Retail Brand Alliance, Inc. d/b/a Brooks Brothers—New York, NY,
HMX, LLC—New York, NY,
Hugo Boss Cleveland, Inc.—Brooklyn, OH,
JA Apparel Corp.—New York, NY,
John H. Daniel Co.—Knoxville, TN,
Martin Greenfield—Brooklyn, NY,
Saint Laurie Ltd—New York, NY,
Warren Sewell Clothing Company, Inc.—Bremen, GA,
Southwick Clothing L.L.C.—Lawrence, MA,
The Tom James Co.—Franklin, TN.

HTS 9902.51.16, fabrics, of worsted wool, with average fiber diameter of 18.5 micron or less, certified by the importer as suitable for use in making men's and boys' suits (provided for in subheading 5112.11.30 and 5112.19.60). Amount allocated: 2,000,000 square meters.

Companies Receiving Allocation

Warren Corporation—Stafford Springs, CT.

Dated: January 4, 2011.

Janet E. Heinzen,

Acting Deputy Assistant Secretary for Textiles and Apparel.

[FR Doc. 2011–272 Filed 1–7–11; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–832]

Pure Magnesium From the People's Republic of China: Extension of Time Limit for the Preliminary Results of the Antidumping Duty Administrative Review

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

DATES: *Effective Date:* January 10, 2011.

FOR FURTHER INFORMATION CONTACT: Eve Wang, AD/CVD Operations, Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–6231.

SUPPLEMENTARY INFORMATION

Background

On May 3, 2010, the Department of Commerce ("the Department") published in the **Federal Register** a notice for opportunity to request an administrative review of the antidumping duty order on pure magnesium from the People's Republic of China ("PRC"). *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review,* 75 FR 23236 (May 3, 2010). Respondent, Tianjin Magnesium International Co., Ltd. ("TMI"), requested a review on May 26, 2010. Petitioner, US Magnesium LLC ("US Magnesium"), requested a review of TMI on June 1, 2010. The Department published in the **Federal Register** a notice of initiation of an administrative review of TMI for the period May 1, 2009, through April 30, 2010. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation In Part,* 75 FR 37759 (June 30, 2010). Currently, the preliminary results of

review are due no later than January 30, 2011.[1]

Extension of Time Limit of Preliminary Results

Pursuant to section 751(a)(3)(A) of the Tariff Act of 1930, as amended ("the Act"), the Department shall make a preliminary determination in an administrative review of an antidumping duty order within 245 days after the last day of the anniversary month of the date of publication of the order. The Act further provides, however, that the Department may extend that 245-day period to 365 days if it determines it is not practicable to complete the review within the foregoing time period.

We determine that completion of the preliminary results of this review within the 245-day period is not practicable because the Department requires additional time to analyze information pertaining to the respondent's sales practices, factors of production, to review responses to questionnaires, and to issues supplemental questionnaires. Therefore, we require additional time to complete these preliminary results. As a result, in accordance with section 751(a)(3)(A) of the Act, the Department is extending the time period for completion of the preliminary results of this review by 120 days until May 31, 2011.

This notice is published in accordance with sections 751(a)(3)(A) and 777(i) of the Act.

Dated: January 4, 2011.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2011–273 Filed 1–7–11; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–864]

Pure Magnesium in Granular Form From the People's Republic of China: Rescission of Changed Circumstances Review

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

SUMMARY: On August 18, 2010, the Department of Commerce ("Department") initiated a changed circumstances review ("CCR") of the antidumping duty order [1] on pure magnesium in granular form from the People's Republic of China ("PRC") to determine whether China Minmetals Non-ferrous Metals Co., Ltd. ("CMN") is the successor-in-interest to Minmetals Precious and Rare Minerals Import and Export/China National Nonferrous Metals Industry Trading Group Corp. ("Minmetals/CNNMIT").[2] On September 21, 2010, CMN withdrew its request for a changed circumstances review. The Department is now rescinding this CCR.

DATES: *Effective Date:* January 10, 2011.

FOR FURTHER INFORMATION CONTACT: Eve Wang, AD/CVD Operations, Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230; telephone: 202–482–6231.

SUPPLEMENTARY INFORMATION:

Background

On November 19, 2001, the Department published in the **Federal Register** an antidumping duty order on pure magnesium in granular form from the PRC.[3] On June 28, 2010, CMN requested that the Department conduct an expedited CCR of the antidumping duty order on pure magnesium in granular form from the PRC to determine whether CMN is the successor-in-interest to Minmetals/CNNMIT. On August 18, 2010, the Department initiated a CCR but did not expedite the review, as requested by CMN, because CMN did not provide complete supporting documentation or conclusive evidence for the Department to evaluate the relevant factors.[4]

On August 23, 2010, we requested further information and documentation from CMN to substantiate its claims to be the successor-in-interest to Minmetals/CNNMIT. On September 1, 2010, CMN requested an extension of time to submit CMN's response. On September 2, 2010, the Department granted CMN's request. On September 21, 2010, 34 days after the publication of the initiation of the CCR, CMN withdrew its request for the CCR. No other party has commented on this review or the withdrawal request.

Rescission of Changed Circumstances Review

The Department's regulations do not address withdrawal of requests for CCRs. Under 19 CFR 351.213(d), however, the Department will rescind an administrative review in whole "if a party that requested a review withdraws the request within 90 days of the date of the publication of notice of initiation of the requested review." Notwithstanding that this provision pertains to administrative reviews under section 751(a) of the Tariff Act of 1930, as amended ("the Act"), the provision provides useful guidance for purposes of determining an appropriate time frame for requesters to withdraw their requests for changed circumstance reviews.[5] Thus, we find that CMN's withdrawal of its request for the CCR is timely. Further, we have not expended significant resources in conducting this review, and no party has objected to the request for rescission. Therefore, we are rescinding the CCR requested by CMN. U.S. Customs and Border Protection will continue to suspend entries of subject merchandise at the appropriate cash deposit rate for all entries of pure magnesium in granular form from the PRC.

This notice also serves as a reminder to parties subject to administrative protective order ("APO") of their responsibility concerning the disposition of proprietary information disclosed under the APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with regulations and the terms of an APO is a sanctionable violation.

This notice is issued and published in accordance with sections 751(b) and 777(i)(1) of the Act.

Dated: January 4, 2011.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2011–276 Filed 1–7–11; 8:45 am]

BILLING CODE 3510–DS–P

[1] Because January 30, 2011, falls on a Sunday, a non-business day, the current deadline for the preliminary results will be due no later than January 31, 2011, the next business day.

[1] *See Antidumping Duty Order: Pure Magnesium in Granular Form From the People's Republic of China,* 66 FR 57936 (November 19, 2001) ("*Pure Magnesium in Granular Form Order*").

[2] *See Pure Magnesium In Granular Form from the People's Republic of China: Initiation of Changed Circumstances Review,* 75 FR 51002, (August 18, 2010) ("Initiation of CCR").

[3] *See Pure Magnesium in Granular Form Order,* 66 FR 57936.

[4] *See Initiation of CCR,* 75 FR at 51003.

[5] *See, e.g., Certain Frozen Warmwater Shrimp From India: Notice of Rescission of Antidumping Duty Changed Circumstances Review,* 75 FR 51756 (August 23, 2010).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[File No. 15112]

RIN 0648–XA128

Endangered Species

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

ACTION: Issuance of permit.

SUMMARY: Notice is hereby given that NMFS Northeast Fisheries Science Center, Woods Hole, MA has been issued a permit to take loggerhead (*Caretta caretta*), leatherback (*Dermochelys coriacea*), Kemp's ridley (*Lepidochelys kempii*), green (*Chelonia mydas*), and hawksbill (*Eretmochelys imbricata*) sea turtles for purposes of scientific research.

ADDRESSES: The permit and related documents are available for review upon written request or by appointment in the following offices:

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 713–2289; fax (301) 713–0376;

Northeast Region, NMFS, 55 Great Republic Drive, Gloucester, MA 01930; phone (978) 281–9328; fax (978) 281–9394; and

Southeast Region, NMFS, 263 13th Ave South, St. Petersburg, FL 33701; phone (727) 824–5312; fax (727) 824–5309.

FOR FURTHER INFORMATION CONTACT: Kristy Beard or Amy Hapeman, (301) 713–2289.

SUPPLEMENTARY INFORMATION: On April 1, 2010, notice was published in the **Federal Register** (75 FR 16482) that a request for a scientific research permit to take sea turtles had been submitted by the above-named organization. The requested permit has been issued under the authority of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*) and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226).

The five-year permit authorizes up to 130 loggerhead, 70 Kemp's ridley, 60 green, 10 hawksbill, and 60 leatherback sea turtles legally caught in commercial fisheries in the Northwest Atlantic Ocean, from North Carolina to Maine, to be measured, flipper tagged, tissue sampled, and released annually. The research would contribute to the understanding of the pelagic ecology of these species and allow more reliable assessments of commercial fishery impacts.

Issuance of this permit, as required by the ESA, was based on a finding that such permit: (1) Was applied for in good faith, (2) will not operate to the disadvantage of such endangered or threatened species, and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: January 4, 2011.

P. Michael Payne,

Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2011–284 Filed 1–7–11; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Office of the Secretary

DoDEA FY 2011 Grant Program

AGENCY: Department of Defense Education Activity, DoD.

ACTION: Notice.

SUMMARY: The Department of Defense Education Activity (DoDEA) seeks requests for consideration (RFC) from eligible local educational agencies (LEA).

DATES:

1. Deadline for Transmittal of RFCs: 21 Feb 11.
2. Full Applications Available (invitation only): On or about 18 Mar 11.
3. Deadline for Transmittal of Full Applications: 29 Apr 11.
4. Grants Awarded: 01–30 Jun 11.

FOR FURTHER INFORMATION CONTACT: Mr. Brian Pritchard, Contracts and Grants Liaison, DoDEA, e-mail: *brian.pritchard@hq.dodea.edu,* telephone: 703–588–3345.

SUPPLEMENTARY INFORMATION:

Funding Opportunity Description: DoDEA announces the FY 2011 grant program and seeks requests for consideration (RFC) from eligible local educational agencies (LEAs). Approximately $30 million is expected to be awarded, depending on the availability of funding. Projected period of performance is 01 Jun 11 to 31 Aug 14. Awards will be based on military dependent student enrollment and will range in size from $100,000 to $2,500,000. DoDEA estimates that 25–35 grants will be awarded.

The Department's aim is to improve student achievement, increase educational opportunities, ensure student preparation for success in college and careers, and ease the challenges that transitions and deployments have on military dependent students.

To be eligible to apply an LEA must have a military dependent student population of at least five percent AND have one or more schools that have a military dependent student population of at least 15 percent. LEAs will certify the numbers and percentages of students, using their Federal Impact Aid data.

The RFC may be found at *http://www.militaryk12partners.dodea.edu.* The RFC is due on February 21, 2011. After being reviewed, the highest scoring LEAs will be invited to submit full proposals. Awards are expected to be made June 1–30, 2011.

Authorization: Section 574(d) of Public Law 109–364, as amended; Title 10 U.S.C. 2192(b) and Title 10 U.S.C. 2193a

CFDA Number

- CFDA 12.556: Competitive Grants: Promoting K–12 Student Achievement at Military-Connected Schools, or
- CFDA 12.557: Invitational Grants for Military-Connected Schools.

PK–12 Education: The Department of Defense considers the education of the dependents of members of the Armed Forces to be a critical quality of life and readiness concern. The quality of K–12 education is an important criterion for military families as they make career decisions on assignments and is linked to retention in the Military Services. A significant element of family readiness is an educational system that recognizes and responds to the unique needs of the children of military families by not only providing a quality education but also easing the challenges military dependent students face due to transitions and deployments.

Eligibility: Eligibility is determined through a two-step process. The first step is that the LEA must have a military dependent student population of at least five percent. The second step is based on the size and percentage of the military dependent student population measured at the school, *not* district level, and on whether or not the school has previously received DoDEA grant funds.

- *School Level:* LEAs may only apply to receive funds for school(s) with a military dependent student population of at least 15 percent. Each LEA will certify the numbers and percentages it reports, using Federal Impact Aid data.
- *Definition:* The term, military dependent student, is defined as an elementary or secondary school student who is a dependent of a member of the

Armed Forces or a civilian employee of the Department of Defense who is employed on Federal property.

• *Current Awardees:* Current awardees of DoDEA grant funds are eligible to apply for FY11 funds if they meet the aforementioned criteria and are applying for schools that have *not* already been targeted/listed in their current grant awards.

Award Information

Project Period: 01 Jun 11 to 31 Aug 14.

Estimated Available Funds: $30,000,000.

Estimated Range of Awards: $100,000 to $2,500,000.

Estimated Average Award Size: $1,000,000.

Estimated Number of Awards: 25–35.

Minimum Award: $100,000 (80 or fewer military dependent students).

Maximum Award: $2,500,000 (2,000 or more military dependent students).

Expected Dates

• *RFC Applications Available:* on or about 07 Jan 11.

• *RFC Information Posted:* On or about 07 Jan 11.

• *Live Technical Assistance #1:* 14 Jan 11, 1 p.m. to 2:30 p.m. EST.

• *Deadline for Intent to Apply (optional):* 24 Jan 11.

• *Live Technical Assistance #2:* 02 Feb 11, 1 p.m. to 2:30 p.m. EST.

• *Deadline for Transmittal of RFCs:* 21 Feb 11, 5 p.m. EST.

• *Deadline for Intergovernmental Review:* 07 Mar 11.

• *Full Applications Available (by invitation only):* On or about 18 Mar 11.

• *Deadline for Transmittal of Full Applications:* 29 Apr 11, 5 p.m. EST.

• *Grants Awarded:* 01–30 Jun 11.

RFC Contents and Selection Criteria: The RFC consists of a cover page, introduction, needs assessment, project synopsis, and appendices (optional). The introduction, needs assessment, and project synopsis are limited to a maximum of three pages. The appendix is limited to a maximum of two pages of charts/graphs/tables that support the needs assessment. The selection criteria are shown below:

RFC categories	Maximum (points)
Needs Assessment/Analysis	80
Project Synopsis	20
Preference Priority	5*
Total	100–105

* See Preference Priority (below).

RFC Introduction (0 points): The introduction should orient the reviewer who may not be familiar with your area/schools. It should provide an overview of your LEA, including the relationship with the military installation(s) being served by the target schools. Although ungraded, it is part of the 3-page application. It must include enrollment data from the targeted schools or school groups in chart form, using one of the examples below. Recommended length: 0.5 page.

Target schools	Grades	Number of schools	Enrollment, SY10–11			Percentage of military
			Military	Other	Total	
ABC elementary	K–5	1	500	100	600	83.3
DEF elementary	K–5	1	500	300	800	62.5
XYZ High School	9–12	1	300	1,700	2,000	15.0
Target Total	K–5/9–12	3	1,300	2,100	3,400	38.2
LEA Totals	K–12	40	1,800	20,200	22,000	8.2

Target schools	Grades	Number of schools	Enrollment, SY10–11			Percentage of military
			Military	Other	Total	
Elementary	K–5	6	1,000	200	1,200	83.3
Middle	6–8	2	1,000	600	1,600	62.5
High	9–12	2	600	3,400	4,000	15.0
Target Total	K–12	10	2,600	4,200	6,800	38.2
LEA Totals	K–12	60	3,600	40,400	44,000	8.2

RFC Needs Assessment (up to 80 points): The needs assessment is the primary factor in determining which LEAs will be invited to submit a full application. Recommended length: 1.5–2.0 pages.

An effective needs assessment clearly:

1. States the problem, showing who is affected by the problem, when and where the problem exists, and what has caused it.

2. Presents multiple sources of data to confirm the existence of the problem, Data may include:

• Quantitative (*e.g.,* test scores, absentee rates).

• Qualitative in support of quantitative data (*e.g.,* results from interviews, focus groups).

• Multiple methods (*e.g.,* surveys, analysis of school records, previous studies, focus groups) and multiple sources (*e.g.,* teachers, students, parents).

• Comparisons, if applicable, comparisons to neighboring LEAs' data, State data, and/or national data.

3. Briefly discusses current or past efforts to address the problem and why those efforts failed or are inadequate to address the total need and the consequences of not dealing with the problem.

4. Presents the need LEA staff have for professional development in the selected program area.

5. Up to two pages of tables, charts, or graphs may be appended to the Request for Consideration.

RFC Project Synopsis (up to 20 points): The LEA must state the program area(s) it will address. The synopsis should briefly describe what will be accomplished, who will implement it, and the key strategies that are expected to be used. The program area(s) selected must address the needs documented in the needs assessment. See the comments below regarding the full application to better understand the parameters that may be used in developing a project. Recommended length: 0.5–1.0 page.

RFC Preference Priorities: An LEA will receive additional preference points if it meets one or both of the following priorities:

• Three points: The LEA experienced ten percent or more growth in the district's military dependent student population between the 2008–09 school years and 2009–10 school years.

• Two points: The LEA's target schools for this project have a military

student population that equals or exceeds 40 percent.

RFC Rubrics:

RFC categories	Points
Introduction	.....
Needs Assessment	80
1. Clearly stated problem	(20)
2. Multiple data sources	(40)
3. Past efforts and consequences	(10)
4. Related training needs	(10)
Project Synopsis	20
1. Responds to documented needs	(10)
2. Presents a reasonable plan	(10)
Preference Priorities	Up to 5
Total Points	100–105

RFC Review: A team of peer reviewers will rate each RFC. The highest scoring RFCs will be invited to submit a full application.

RFC Submission Requirements: Specific submission instructions are provided in the RFC application.

FY 2011 DoDEA Grant Program Parameters

The following information on DoDEA's FY 2011 grant program is aimed at helping LEAs design an appropriate program synopsis.

Serving All Students

Although grant funding is calculated on the basis of military student enrollment, it is expected that proposed programs will serve all students military and non-military at the target schools. The exception is the Support Program which must focus solely on military dependent students.

Application Focus

DoDEA seeks proposals that use research-based practices to enhance student learning opportunities, student achievement, and/or educator professional development. The five program areas (in alphabetical order) are Early Learning, K–12 Academic, Online Education, Special Education, and Support Program.

Anticipated Awards

The range of awards is based on the following numbers of military dependent students at the target school(s). It is anticipated that LEAs will receive official award documentation on or about June 1, 2010.

Total military dependent students at target school(s)	Minimum award	Maximum award
100 or fewer	$100,000	$135,000
101–200	135,000	270,000
201–300	270,000	405,000
501–400	405,000	540,000
401–500	540,000	675,000
501–600	675,000	810,000
601–700	810,000	945,000
701–800	945,000	1,080,000
801–900	1,080,000	1,215,000
901–1,000	1,215,000	1,350,000
1,001–1,100	1,350,000	1,485,000
1,101–1,200	1,485,000	1,620,000
1,201–1,300	1,620,000	1,755,000
1,301–1,400	1,755,000	1,890,000
1,401–1,500	1,890,000	2,025,000
1,501–1,600	2,025,000	2,160,000
1,601–1,700	2,160,000	2,295,000
Above 1,700	2,295,000	2,500,000

Budget Definitions, Restrictions, and Requirements

- For budgeting purposes, the grant years will be as follows:
  - Year 1: 01 Jun 11 to 31 Aug 12
  - Year 2: 01 Sep 12 to 31 Aug 13
  - Year 3: 01 Sep 13 to 31 Aug 14
- The term, full-time equivalent (FTE), usually refers to fully benefitted positions.
- For all program areas, except Support Program, up to 25 percent of Federal funds may be allocated to fulltime equivalent (FTE) positions. For Support Programs, discussed below, LEAs may propose a higher percentage of Federal funds for FTE positions.
- Examples of non-FTE personnel costs include stipends for teachers, wages to afterschool tutors, and costs for substitute teachers.
- Although fringe benefits for grant-funded FTE positions are an allowable cost, no grants funds may be allocated for administrative or indirect costs.
- Fringe benefits are defined as costs in the form of employer contributions or expenses for employee benefits such as: social security; employee life, health, unemployment, and worker's compensation insurance (except as indicated in OMB Circular A–87, Attachment B, No. 22), and other similar benefits for employees expected to work solely on this grant.

Six Key Programmatic Considerations

1. *Absolute Priorities:* The full application must comprehensively address one or two of the five program areas detailed below. It must provide evidence of sufficient commitment to successfully implement/achieve the goals in its plans and to sustain the program after grant funding ends.

2. *Research-Based Strategies:* DoDEA requires the use of strategies that have demonstrated effectiveness. Commercial and/or non-commercial research-based strategies may be proposed.

3. *Capacity Building:* Projects should build capacity to sustain the program after grant funding ends.

4. *Serving Subsets of Students:* LEAs may focus their projects on a subset of students at the target school(s). For example, an elementary program may focus on grades 3–5.

5. *Evaluation:* During the grant period, student data must be disaggregated at the school level for the military dependent student population. DoDEA requires at least three percent of grant funds be spent on an external (third-party) evaluator.

6. *Program Areas:* Based on the needs assessment, LEAs will select one or two of the following five program areas on which to focus their projects.

○ *Early Learning:* To meet this priority, the application must address the need to offer a rigorous course of study aligned to the prekindergarten reading, writing, mathematics, science, and/or social studies curricula. Selected

programs must be based on research-based practices and include a sustained professional development component.

○ *K–12 Academic Program:* To meet this priority, the application must have a high quality plan to address *one* of the following three areas:

■ English/Reading: The application must address the need to offer a rigorous course of study in English language arts and/or reading. Selected programs must be based on research-based practices and include a sustained professional development component.

■ Science, Technology, Engineering, and Mathematics (STEM): The application must address the need to (1) offer a rigorous course of study in mathematics, the sciences, technology, and/or engineering; (2) cooperate with industry experts, museums, universities, research centers, or other STEM-capable community partners to prepare and assist teachers in integrating STEM content across grades and disciplines, in promoting effective and relevant instruction, and in offering applied learning opportunities for students; and (3) prepare more students for advanced study and STEM careers. Selected programs must be based on research-based practices and include a sustained professional development component.

■ Other Curricular Areas: The application must address the need to offer a rigorous course of study in one curricular area, such as social studies, foreign language, or the fine arts. Selected programs must be based on research-based practices and include a sustained professional development component.

■ Student achievement in the academic program area must include measurements of performance on State norm- and/or criterion-referenced assessments.

○ *Online Education:* To meet this priority, the application must have a high-quality plan to address the need to (1) offer a rigorous course of study at the secondary level; (2) enable transitioning high school students to continue their course of study; (3) provide credit recovery for students who failed a course, (4) provide students who received a low grade in a course to improve that grade by retaking the course; and (5) prepare students for postsecondary placements in a career or institute of higher education. Online education may occur throughout the year.

○ *Special Education:* To meet this priority, the application must have a high-quality plan to address the needs of students with special needs. Selected programs must be based on best practices and include a sustained professional development component.

○ *Support Program:* To meet this priority, the application must have a high-quality plan to address the needs of the military dependent students at the target school(s) and in the LEA. The emphasis of the program must be to ease the challenges that military dependent students face due to transitions/deployments. In recent years some Support Programs have focused primarily on socio-emotional issues, and others have focused primarily on academic issues. As with the other program areas, the project design must address identified needs.

Proposal Compliance

Failure to adhere to deadlines to be specified in the forthcoming application may result in proposal rejection. Any proposal received after the exact time and date specified for receipt will *not* be considered. DoDEA, at its sole discretion, may accept a late proposal if it determines that no advantage has been conferred and that the integrity of the grants process will not be compromised.

Dated: January 4, 2011.

Morgan F. Park,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2011–236 Filed 1–7–11; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Notification of an Open Meeting of the National Defense University Board of Visitors (BOV)

AGENCY: National Defense University, DoD.

ACTION: Notice of Open Meeting

SUMMARY: The National Defense University (NDU), Designated Federal Officer, has scheduled a meeting of the Board of Visitors. The National Defense University Board of Visitors is a Federal Advisory Board. The Board meets twice a year in proceedings that are open to the public.

DATES: The meeting will be held on April 7 & 8, 2011 from 11:30 a.m. to 5 p.m. on the 7th and continuing on the 8th from 8 a.m. to 12:30 p.m.

Location: The Board of Visitors meeting will be held at Marshall Hall, Building 62, Room 155, the National Defense University, 300 5th Avenue, SW., Fort McNair, Washington, DC 20319–5066.

FOR FURTHER INFORMATION CONTACT: The point of contact for this notice of Open Meeting is Ms. Dolores Hodge @ (202) 685–0082, Fax (202) 685–7707 or *HodgeD@ndu.edu.*

SUPPLEMENTARY INFORMATION: The future agenda will include discussion on Defense transformation, faculty development, facilities, information technology, curriculum development, post 9/11 initiatives as well as other operational issues and areas of interest affecting the day-to-day operations of the National Defense University and its components. The meeting is open to the public; limited space made available for observers will be allocated on a first come, first served basis. Written statements to the committee may be submitted to the committee at any time or in response to a stated planned meeting agenda by fax or e-mail to the point of contact person listed in the preceding paragraph. (*Subject Line:* Comment/Statement to the NDU BOV.)

Dated: January 4, 2011.

Morgan F. Park,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2011–232 Filed 1–7–11; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

Notice of Federal Advisory Committee Meeting

AGENCY: DoD.

ACTION: 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 the following Federal advisory committee meeting.

Name of Committee: Defense Business Board (DBB).

DATES: The public meeting of the Defense Business Board (hereafter referred to as "the Board") will be held on Thursday, January 20, 2011.

Time: The meeting will begin at 8:45 a.m. and end at 10:45 a.m. (Escort required; See guidance in section below, "Public's Accessibility to the Meeting.")

Location: Room 3E863 in the Pentagon, Washington, DC (escort required; *See* guidance in section below, "Public's Accessibility to the Meeting.")

Purpose of the Meeting: At this meeting, the Board will deliberate draft findings and recommendations from the "Strategic Sourcing" and "Culture of

Savings—Implementing Behavior Change in DoD" Task Groups. The Board will also receive updates from the "Assessing Global Logistics Management," "Energy Acquisition," "Military Retirement" and "Skill Sets for Program Managers" Task Groups. The mission of the Board is to advise the Secretary of Defense on effective strategies for implementation of best business practices of interest to the Department of Defense.

Agenda

Public Session

0845–1015 Deliberation of Task Group Recommendations
—Strategic Sourcing
—Culture of Savings—Implementing Behavior Change in DoD
1015–1045 Task Group Updates
—Assessing Global Logistics Management
—Energy Acquisition
—Military Retirement
—Skill Sets for Program Managers

End of Public Session

1045—1115 Break

Availability of Materials for the Meeting: A copy of the agenda for the January 20, 2011 meeting and the terms of reference for the Task Groups may be obtained at the meeting or from the Board's Web site at *http://dbb.defense.gov/meetings.html* under "Upcoming Meetings: 20 January 2011."

Public's Accessibility to the Meeting: Pursuant to 5 U.S.C. 552b and 41 CFR 102–3.140 through 102–3.165, and the availability of space, part of this meeting is open to the public. Seating is limited and is on a first-come basis. All members of the public who wish to attend the pubic session of the meeting must contact Ms. Debora Duffy at the number listed in this notice no later than noon on Wednesday, January 12th to register and make arrangements for a Pentagon escort, if necessary. Public attendees requiring escort should arrive at the Pentagon Metro Entrance in time to complete security screening by no later than 7:45 a.m. To complete security screening, please come prepared to present two forms of identification and one must be a pictured identification card.

Special Accommodations: Individuals requiring special accommodations to access the public meeting should contact Ms. Duffy at least five (5) business days prior to the meeting so that appropriate arrangements can be made.

Prior to the Public Session, the DBB will conduct an Administrative Work Session starting at 8 a.m. and ending at 8:45 a.m. to address administrative matters and conduct annual training. After the Public Session, the DBB will conduct a Preparatory Work Session starting at 11:15 a.m. and ending at 3 p.m. to prepare for the next meeting of the DBB. Pursuant to 41 CFR 102–3.160, the public may not attend the Administrative and Preparatory Work Sessions.

SUPPLEMENTARY INFORMATION:

Procedures for Providing Public Comments

Pursuant to 41 CFR 102–3.105(j) and 102–3.140, and section 10(a)(3) of the Federal Advisory Committee Act of 1972, the public or interested organizations may submit written comments to the Board about its mission and topics pertaining to this public session.

Written comments should be received by the DFO at least five (5) business days prior to the meeting date so that the comments may be made available to the Board for their consideration prior to the meeting. Written comments should be submitted via e-mail to the address for the DFO given in this notice in the following formats: Adobe Acrobat, WordPerfect, or Microsoft Word. Please note that since the Board operates under the provisions of the Federal Advisory Committee Act, as amended, all public presentations will be treated as public documents and will be made available for public inspection, including, but not limited to, being posted on the Board's Web site.

Due to late adjustments to the meeting agenda the Defense Business Board and the Government was unable to process the **Federal Register** notice for the January 20, 2011 meeting of the Defense Business Board as required by 41 CFR 102–3.150(a). Accordingly, the Advisory Committee Management Officer for the Department of Defense, pursuant to 41 CFR 102–3.150(b), waives the 15-calendar day notification requirement.

Committee's Designated Federal Officer: The Board's Designated Federal Officer is Ms. Kelly Van Niman, Defense Business Board, 1155 Defense Pentagon, Room 5B–1088A, Washington, DC 20301–1155, *kelly.vanniman@osd.mil,* (703) 697–2346. For meeting information please contact Ms. Debora Duffy, Defense Business Board, 1155 Defense Pentagon, Room 5B–1088A, Washington, DC 20301–1155, *Debora.Duffy@osd.mil,* (703) 697–2168.

Dated: January 4, 2011.

Morgan F. Park,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2011–233 Filed 1–7–11; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2011–OS–0001]

Privacy Act of 1974; System of Records

AGENCY: Office of the Secretary, DoD.

ACTION: Notice to delete a system of records.

SUMMARY: The Office of the Secretary of Defense is deleting a system of records notice from its existing inventory of record systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective without further notice on February 9, 2011 unless comments are received which result in a contrary determination.

ADDRESSES: You may submit comments, identified by docket number and/ Regulatory Information Number (RIN) and title, by any of the following methods:

- *Federal Rulemaking Portal: http://www.regulations.gov*. Follow the instructions for submitting comments.
- *Mail:* Federal Docket Management System Office, Room 3C843, 1160 Defense Pentagon, Washington, DC 20301–1160.

Instructions: All submissions received must include the agency name and docket number or Regulatory Information Number (RIN) for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Mrs. Cindy Allard at (703) 588–6830, or the Privacy Act Officer, Freedom of Information Directorate, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301–1155.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from

the **FOR FURTHER INFORMATION CONTACT** address above.

The Office of the Secretary of Defense proposes to delete one system of records notice from its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended. The proposed deletion is not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: January 4, 2011.

Morgan F. Park,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

Deletion:

WUSU 17

Accounts Receivable Records (February 22, 1993, 58 FR 10920).

REASON:

The accounts receivable records (WUSU 17) can be deleted. The records covered by this system are also covered by Defense Finance and Accounting Service records notice T7332, Defense Debt Management System (February 19, 2009, 74 FR 7665).

[FR Doc. 2011–231 Filed 1–7–11; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2011–OS–0005]

Privacy Act of 1974; Computer Matching Program

AGENCY: Defense Manpower Data Center (DMDC), DoD.

ACTION: Notice of a Computer Matching Program.

SUMMARY: Subsection (e)(12) of the Privacy Act of 1974, as amended (5 U.S.C. 552a), requires agencies to publish advanced notices of any proposed or revised computer matching program by the matching agency for public comment. The Department of Defense (DoD), as the matching agency under the Privacy Act, is hereby giving notice to the record subjects of a computer matching program between the DoD and the Department of Health and Human Services (HHS) acting on behalf of the State Public Assistance Agencies (SPAA). The purpose of the computer matching program is to exchange personal data for purposes of identifying individuals who are receiving Federal compensation or pension payments and also are receiving payments pursuant to Federal benefit programs being administered by the States.

DATES: This proposed action will become effective February 9, 2011 and matching may commence unless changes to the matching program are required due to public comments or by Congressional or by Office of Management and Budget objections. Any public comment must be received before the effective date.

ADDRESSES: Any interested party may submit written comments to the Director for Privacy, 1901 South Bell Street, Suite 920, Arlington, VA 22202–4512.

FOR FURTHER INFORMATION CONTACT: Samuel P. Jenkins at (703) 607–2943.

SUPPLEMENTARY INFORMATION: Pursuant to subsection (o) of the Privacy Act of 1974, as amended, (5 U.S.C. 552a), the DHHS and DMDC have concluded an agreement to conduct a computer matching program between agencies. The purpose of the computer matching program is to exchange personal data for purposes of identifying individuals who are receiving Federal compensation or pension payments and also are receiving payments pursuant to Federal benefit programs being administered by the States.

The parties to this agreement have determined that a computer matching program is the most efficient, expeditious, and effective means of obtaining and processing the information needed by the SPAAs to identify individuals who may be ineligible for public assistance benefits. The principal alternative to using a computer matching program for identifying such individuals would be to conduct a manual comparison of all Federal personnel records with SPAA records of those individuals currently receiving public assistance under a Federal benefit program being administered by the State. Conducting a manual match, however, would clearly impose a considerable administrative burden, constitute a greater intrusion of the individual's privacy, and would result in additional delay in determining eligibility and, if applicable, the eventual recovery of any outstanding debts.

A copy of the computer matching agreement between HHS and DoD is available upon request. Requests should be submitted to the address caption above or to the HHS, Administration for Children and Families, 370 L'Enfant Promenade, SW., Washington, DC 20447.

Set forth below is the notice of the establishment of a computer matching program required by paragraph 6.c. of the Office of Management and Budget Guidelines on computer matching published on June 19, 1989, at 54 FR 25818.

The matching agreement, as required by 5 U.S.C. 552a(r) of the Privacy Act, and an advance copy of this notice was submitted on January 4, 2011, to the House Committee on Government Reform, the Senate Committee on Homeland Security and Governmental Affairs, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget pursuant to paragraph 4d of Appendix I to OMB Circular No. A–130, 'Federal Agency Responsibilities for Maintaining Records about Individuals', dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: January 4, 2011.

Morgan F. Park,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

Notice of a Computer Matching Program Among the Defense Manpower Data Center, the Department of Defense; the Administration for Children and Families, Department of Health and Human Services; and State Public Assistance Agencies for Verification of Continued Eligibility for Public Assistance

A. *Participating Agencies:* Participants in this computer matching program are State Public Assistance Agencies (SPAA), the Department of Health and Human Services (HHS), and the Department of Defense (DoD). The SPAA is the source agency, the agency disclosing the records for purpose of the match; HHS is the facilitating agency, the agency acting on behalf of the SPAAs, and DoD is the matching agency, the agency that actually performs the match.

B. *Purpose of the Match:* The purpose of this matching program is to provide the SPAAs with data from DoD military and civilian pay files, the military retired pay files, survivor pay files and the OPM civilian retired pay files to determine eligibility and to ensure fair and equitable treatment in the delivery of benefits attributable to funds provided by the Federal Government. The SPAAs will use the matched data to verify the continued eligibility of individuals to receive public assistance benefits and, if ineligible, to take such action as may be authorized by law and regulation. ACF, in its role as match facilitator, will support each SPAA's efforts to ensure appropriate delivery of benefits by assisting with drafting the necessary agreements, helping arranging

signatures to the agreements, and acting as a central shipping point as necessary.

C. *Authority for Conducting the Match:* The legal authority for conducting the matching program is contained in sections 402 and 1137 of the Social Security Act (42 U.S.C. 602 and 1320b–7).

D. *Records to be Matched:* The systems of records maintained by the respective agencies under the Privacy Act of 1974, as amended, 5 U.S.C. 552a, from which records will be disclosed for the purpose of this computer match are as follows:

1. Federal, but not State, agencies must publish system notices for "systems of records" pursuant to subsection (e)(4) of the Privacy Act and must identify "routine uses" pursuant to subsection (b)(3) of the Privacy Act for those systems of records from which they intend to disclose this information. The DoD system of records described below contains an appropriate routine use proviso, which permits disclosure of information by DMDC to ACF and the SPAAs.

2. DoD will use personal data from the record system identified as DMDC 01, entitled "Defense Manpower Data Center Data Base," last published in the **Federal Register** at 74 FR 39666, August 7, 2009.

3. HHS will be disclosing, as applicable, to DMDC personal data it has collected from the SPAAs. No information will be disclosed from systems of records that ACF operates and maintains. HHS will be disclosing, as applicable, to the SPAAs personal data it has received from DMDC. The DMDC supplied matched data will be disclosed by ACF pursuant to the DoD routine use.

E. *Description of Computer Matching Program:* Each participating SPAA will send ACF an electronic file of eligible public assistance client information. These files are non-Federal computer records maintained by the States. ACF will then send this information to DMDC. In the alternative, participating SPAAs can submit files directly to DMDC. After DMDC receives the SPAA data, it will match the data against the DMDC database. The Database consists of personnel records of non-postal Federal civilian employees and military members, both active and retired. Resulting "hits" or matches will be disclosed to the SPAA that submitted the client information.

1. The electronic files provided by ACF and the SPAAs will contain data elements of the client's name, SSN, date of birth, address, sex, marital status, number of dependents, information regarding the specific public assistance benefit being received, and such other data as considered necessary and on no more than 10,000,000 public assistance beneficiaries.

2. The DMDC computer database file contains approximately 4.85 million records of active duty and retired military members, including the Reserve and Guard, and approximately 3.68 million records of active and retired non-postal Federal civilian employees.

3. DMDC will match the SSN on the ACF/SPAA file by computer against the DMDC database. Matching records, "hits" based on SSNs, will produce data elements of the individual's name; SSN; active or retired; if active, military service or employing agency, and current work or home address, and other relevant information.

F. *Inclusive Dates of the Matching Program:* The effective date of the matching agreement and date when matching may actually begin shall be at the expiration of the 40-day review period for OMB and Congress, or 30 days after publication of the matching notice in the **Federal Register,** whichever date is later. The parties to this agreement may assume OMB and Congressional concurrence if no comments are received within 40 days of the date of the transmittal letter. The 40-day OMB and Congressional review period and the mandatory 30-day public comment period for the **Federal Register** publication of the notice will run concurrently. By agreement between HHS and DoD, the matching program will be in effect for 18 months with an option to renew for 12 additional months unless one of the parties to the agreement advises the other by written request to terminate or modify the agreement.

G. *Address for Receipt of Public Comments or Inquiries:* Director for Privacy, 1901 South Bell Street, Suite 920, Arlington, VA 22202–4512. Telephone (703) 607–2943.

[FR Doc. 2011–235 Filed 1–7–11; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Air Force

[Docket ID: USAF–2011–0001]

Privacy Act of 1974; System of Records

AGENCY: Department of the Air Force, DoD.

ACTION: Notice to Delete a system of records.

SUMMARY: The Department of the Air Force is deleting a systems of records notice in its existing inventory of record systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective without further notice on February 9, 2011 unless comments are received which result in a contrary determination.

ADDRESSES: Send comments, identified by docket number and/Regulatory Information Number (RIN) and title, by any of the following methods:

- *Federal Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Federal Docket Management System Office, Room 3C843, 1160 Defense Pentagon, Washington, DC 20301–1160.

Instructions: All submissions received must include the agency name and docket number or Regulatory Information Number (RIN) for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Mr. Charles J. Shedrick, 703–696–6488, or Department of the Air Force Privacy Office, Air Force Privacy Act Office, Office of Warfighting Integration and Chief Information officer, ATTN: SAF/XCPPI, 1800 Air Force Pentagon, Washington DC 20330–1800.

SUPPLEMENTARY INFORMATION: The Department of the Air Force systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the **FOR FURTHER INFORMATION CONTACT** address above.

The Department of the Air Force proposes to delete one system of records notice from its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended. The proposed deletion is not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: January 4, 2011.

Morgan F. Park,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

Deletion:

F091 AFMC A

Injury Compensation System (InjuryComp) Records (December 30, 2008, 73 FR 79848).

REASON:

The system was decommissioned and is no longer listed in EITDR (Enterprise Information Technology Data Repository). The system has been deleted.

[FR Doc. 2011–234 Filed 1–7–11; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Intent To Grant Partially Exclusive Patent License; Lumedyne Technologies, Inc.

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: The Department of the Navy herby gives notice of its intent to grant to Lumedyne Technologies, Inc., a revocable, nonassignable, partially exclusive license in the United States to practice the Government-Owned invention(s) described in Navy Case No. 98745—Method of Fabricating a Micro-Electro-Mechanical Apparatus for Generating Power Responsive to Mechanical Vibration//Navy Case No. 99735—Apparatus for Generating Power Responsive to Mechanical Vibration// Navy Case No. 99740—Tunable Resonant Frequency MEMS Kinetic Energy Harvester//Navy Case No. 99741—Improved Electro-Magnetic Kinetic Energy Harvesting Device Using Increased Magnetic Edge Area//Navy Case No. 100809—Time Domain Inertial Sensor//Navy Case No. 100849—Structural Design of a Mechanical Gyro with Increased Sensitivity and Reduced Quadature Error//Navy Case No. 100869—Micro-Resonator with Reduced Acceleration Sensitivity and Phase Noise Using Time Domain Switch.

DATES: Anyone wishing to object to the grant of this license must file written objections along with supporting evidence, if any, no later than January 25, 2011.

ADDRESSES: Written objections are to be filed with the Office of Research and Technology Applications Space and Naval Warfare Systems Center Pacific, Code 72120, 53560 Hull St., Bldg. A33 Room 2305, San Diego, CA 92152–5001.

FOR FURTHER INFORMATION CONTACT: Brian Suh, Office of Research and Technology Applications, Space and Naval Warfare Systems Center Pacific, Code 72120, 53560 Hull St., Bldg. A33 Room 2305, San Diego, CA 92152–5001, telephone 619–553–5118, E-Mail: *brian.suh@navy.mil.*

Authority: 35 U.S.C. 207, 37 CFR part 404.

Dated: January 3, 2011.

D.J. Werner,

Lieutenant Commander, Office of the Judge Advocate General, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2011–288 Filed 1–7–11; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

[Docket ID ED–2011–OII–0001]

Investing in Innovation Fund; Catalog of Federal Domestic Assistance (CFDA) Numbers: 84.396A, 84.396B and 84.396C

AGENCY: Office of Innovation and Improvement, Department of Education.

ACTION: Notice of proposed revisions to priorities, requirements, and selection criteria.

SUMMARY: The Assistant Deputy Secretary for Innovation and Improvement proposes to amend the final priorities, requirements, and selection criteria under the Investing in Innovation Fund (i3) program as established in the notice of final priorities, requirements, definitions, and selection criteria (2010 NFP) that was published in the **Federal Register** on March 12, 2010 (75 FR 12004–12071). The 2010 NFP established specific priorities, requirements, and selection criteria to be used in evaluating grant applications for the i3 program. The changes proposed in this notice reflect lessons learned from the first i3 competition and would provide the Secretary with additional flexibility in using priorities, requirements, and selection criteria for i3 competitions in fiscal year (FY) 2011 and subsequent years.

DATES: We must receive your comments on or before February 9, 2011.

ADDRESSES: Submit your comments through the Federal eRulemaking Portal or via postal mail, commercial delivery, or hand delivery. We will not accept comments by fax or by e-mail. Please submit your comments only one time in order to ensure that we do not receive duplicate copies. In addition, please include the Docket ID and the term "Investing in Innovation" at the top of your comments.

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* to submit your comments electronically. Information on using Regulations.gov, including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under "How To Use This Site." A direct link to the docket page is also available at *http://www.ed.gov/programs/innovation/index.html.*
- *Postal Mail, Commercial Delivery, or Hand Delivery.* If you mail or deliver your comments about these proposed revisions to priorities, requirements, and selection criteria, address them to Office of Innovation and Improvement (Attention: Investing in Innovation Comments), U.S. Department of Education, 400 Maryland Avenue, SW., room 4W321, Washington, DC 20202.
- *Privacy Note:* The Department's policy for comments received from members of the public (including those comments submitted by mail, commercial delivery, or hand delivery) is to make these submissions available for public viewing in their entirety on the Federal eRulemaking Portal at *http://www.regulations.gov.* Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available on the Internet.

FOR FURTHER INFORMATION CONTACT: Erin McHugh. Telephone: (202) 401–1304. Or by e-mail: *i3@ed.gov.* Note that we will not accept comments by e-mail.

If you use a telecommunications device for the deaf (TDD), call the Federal Relay Service, toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Invitation to Comment: We invite you to submit comments regarding this notice. To ensure that your comments have maximum effect in developing the notice of final revisions to the priorities, requirements, and selection criteria, we urge you to identify clearly the specific proposed revisions your comment addresses.

We invite you to assist us in complying with the specific requirements of Executive Order 12866 and its overall requirement of reducing regulatory burden that might result from the proposed revisions to the priorities, requirements, and selection criteria. Please let us know of any further ways we could reduce potential costs or increase potential benefits while preserving the effective and efficient administration of the program.

During and after the comment period, you may inspect all public comments about this notice by accessing Regulations.gov. You may also inspect the comments in person, in room 4W335, 400 Maryland Avenue, SW., Washington, DC, between the hours of

8:30 a.m. and 4 p.m., Washington, DC time, Monday through Friday of each week except Federal holidays.

Assistance to Individuals With Disabilities in Reviewing the Rulemaking Record: On request we will provide an appropriate accommodation or auxiliary aid 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**.

Purpose of the Program: The purpose of the i3 program is to provide competitive grants to applicants with a record of improving student achievement and attainment in order to expand the implementation of, and investment in, innovative practices that have the required level of evidence documenting their impact [1] on improving student achievement or student growth (as defined in the 2010 NFP), closing achievement gaps, decreasing dropout rates, increasing high school graduation rates, or increasing college enrollment and completion rates.

Under this program, the Department awards three types of grants: "Scale-up" grants, "Validation" grants, and "Development" grants. The use of three categories of grants supports the development of promising yet relatively untested ideas as well as the growth and "scaling" of practices that have made demonstrable improvements in student achievement and attainment outcomes.

Program Authority: American Recovery and Reinvestment Act of 2009, Division A, Section 14007, Pub. L. 111–5.

Summary of Proposed Changes: The changes we are proposing in this notice would provide the Secretary the flexibility to select among the priorities established in the 2010 NFP for an i3 competition in FY 2011 and in subsequent fiscal years.

We are also proposing in this notice to modify two requirements that were established in the 2010 NFP: First, the requirement on the "Limits on Grant Awards" to clarify that the limit on the number of awards a grantee may receive under this program applies only to a single year's competition under the i3 program; and second, the requirement on "Cost Sharing or Matching" to provide the Secretary the flexibility to determine the required amount of private-sector matching funds or in-kind donations that an eligible applicant must obtain for an i3 competition in FY 2011 and in subsequent fiscal years.

Additionally, we are proposing changes that would permit the Department, in establishing selection criteria used in grant competitions conducted under the i3 program, to choose selection criteria and factors—(i) from those established in the 2010 NFP for the i3 program, (ii) from the menu of general selection criteria in the Education Department General Administrative Regulations (EDGAR) in 34 CFR 75.210, (iii) based on statutory provisions in accordance with 34 CFR 75.209, or (iv) from any combination of (i) through (iii) for competitions in FY 2011 and in subsequent years. Additionally, the revisions proposed in this notice would allow the Secretary to choose one or more of the selection criteria for use in conducting a pre-application process in accordance with 34 CFR 75.103.

These proposed changes are responsive to specific lessons learned from the first competition of the i3 program in FY 2010 and would allow the Department to simplify and improve the design of the i3 program to better achieve its purposes and goals, including improving student achievement and growth, closing achievement gaps, decreasing dropout rates, increasing high school graduation rates, and increasing college enrollment and completion rates. Specifically, the Department would have the flexibility to use the most appropriate priorities, requirements, and selection criteria, for each type of grant (Scale-up, Validation, or Development) under this program in any year in which this program is in effect, ensuring that the i3 program can adapt to evolving needs of the American education system.

Priorities

Background

In the 2010 NFP for the i3 program, the Department established specific absolute and competitive preference priorities. The absolute priorities are: Innovations that Support Effective Teachers and Principals; Innovations that Improve the Use of Data; Innovations that Complement the Implementation of High Standards and High-Quality Assessments; and Innovations that Turn Around Persistently Low-Performing Schools. The competitive preference priorities are: Innovations for Improving Early Learning Outcomes; Innovations that Support College Access and Success; Innovations to Address the Unique Learning Needs of Students with Disabilities and Limited English Proficient Students; and Innovations that Serve Schools in Rural Local Educational Agencies (LEAs). The 2010 NFP provided that the Department would use all of these priorities in conducting a grant competition. After using these specific priorities for the FY 2010 competition, we have concluded that greater flexibility in selecting priorities will enable the i3 program to focus on the most critical needs for education in a given year. Accordingly, we are proposing in this notice that the Secretary may select among the absolute and competitive preference priorities established in the 2010 NFP for competitions in FY 2011 and in subsequent years. We note that although this proposed action would provide the Secretary with the flexibility to choose from one or more of the priorities in any particular year's competition, it is currently our intention to use all of the competitive preference priorities in any competition we conduct for FY 2011.

Proposed Revision to Priorities

The Department proposes that the Secretary may use any of the priorities established in the 2010 NFP when establishing the priorities for a particular i3 competition. We may apply one or more of these priorities in any year in which this program is in effect.

Requirements

Background

The 2010 NFP established specific requirements for the i3 program. One of those requirements was the "Limits on Grant Awards." Specifically, the 2010 NFP stated that "[N]o grantee may receive more than two awards under this program. In addition, no grantee may receive more than $55 million in grant awards under this program in a single year's competition."

The Department intended that the "Limits on Grant Awards" requirement would apply to awards made under a single year's competition rather than under the program generally. Accordingly, we are proposing in this notice to modify this requirement in order to clarify that the limit on the number of awards a grantee may receive under this program applies only to a single year's competition.[2]

[1] To be eligible for an award, an application for a Scale-up grant must be supported by strong evidence (as defined in the 2010 NFP), an application for a Validation grant must be supported by moderate evidence (as defined in the 2010 NFP), and an application for a Development grant must be supported by a reasonable hypothesis.

[2] Although the Department can award three types of grants under the i3 program, the Department, for purposes of calculating the "Limit on Grant

Continued

We believe that this proposed change will not only allow us to clarify our intent but also better support the growth and "scaling" of practices that have made demonstrable improvements in student achievement and attainment outcomes.

Additionally, the 2010 NFP established a "Cost Sharing or Matching" requirement for the i3 program. Specifically, this requirement stated that in order to be eligible for an i3 award, an eligible applicant must submit evidence of private-sector matching funds or in-kind donations equal to at least 20 percent of its grant award.

After using this specific requirement for the FY 2010 competition, we have concluded that a single established match amount across the three types of grants is burdensome on both applicants and matching funders, and that greater flexibility in determining the amount of the private-sector match would enable the i3 program to better accommodate the needs of the field in a given year while still fulfilling the program's statutory requirements. Accordingly, we are proposing to modify the "Cost Sharing or Matching" requirement to provide the Secretary the flexibility to determine and specify in the notice inviting applications the required amount of private-sector matching funds or in-kind donations that an eligible applicant must obtain for an i3 grant in FY 2011 and in subsequent fiscal years.

Proposed Revision to Requirements

The Department proposes to revise the "Limits on Grant Awards" requirement to state that "[N]o grantee may receive more than two awards under this program in a single year's competition. In addition, no grantee may receive more than $55 million in grant awards under this program in a single year's competition."

Additionally, the Department proposes to revise the "Cost Sharing or Matching" requirement as follows:

Cost Sharing or Matching: To be eligible for an award, an eligible applicant must demonstrate that it has established one or more partnerships with an entity or organization in the private sector, which may include philanthropic organizations, and that the entity or organization in the private sector will provide matching funds in order to help bring project results to scale. An eligible applicant must obtain matching funds or in-kind donations equal to an amount that the Secretary will specify in the notice inviting applications for the specific i3 competition. Selected eligible applicants must submit evidence of the full amount of private-sector matching funds following the peer review of applications. An award will not be made unless the applicant provides adequate evidence that the full amount of the private-sector match has been committed or the Secretary approves the eligible applicant's request to reduce the matching-level requirement.

The Secretary may consider decreasing the matching requirement in the most exceptional circumstances, on a case-by-case basis. An eligible applicant that anticipates being unable to meet the full amount of the private-sector matching requirement must include in its application a request to the Secretary to reduce the matching-level requirement, along with a statement of the basis for the request.

Selection Criteria

Background

The 2010 NFP established specific selection criteria for each of the three types of i3 grants and that the Department would use to evaluate i3 applications. For Scale-up and Validation grants, these are: Need for the Project and Quality of the Project Design; Strength of Research, Significance of Effect, and Magnitude of Effect; Experience of the Eligible Applicant; Quality of the Project Evaluation; Strategy and Capacity to Bring to Scale; Sustainability; and Quality of the Management Plan and Personnel. For Development grants, these are: Need for the Project and Quality of the Project Design; Strength of Research, Significant of Effect, and Magnitude of Effect; Experience of the Eligible Applicant; Quality of the Project Evaluation; Strategy and Capacity to Further Develop and Scale; Sustainability; and Quality of the Management Plan and Personnel. The 2010 NFP provided that the Department would use all of the criteria for a specific type of grant in evaluating applications for that grant.

After using these selection criteria for the FY 2010 competition, we have concluded that greater flexibility is needed for choosing selection criteria, and the factors included under each criterion, in order to enable the i3 program to focus on the most critical needs for education in a given year. Such flexibility would also allow the Department to simplify the selection criteria, as appropriate, for a particular competition. Accordingly, we are proposing in this notice that, when establishing selection criteria for an i3 competition, the Secretary may choose one or more of the selection criteria established for the i3 program in the 2010 NFP, may use selection criteria from the menu of general selection criteria in 34 CFR 75.210, may use selection criteria based on statutory provisions in accordance with 34 CFR 75.209, or may use any combination of these criteria for the purpose of evaluating grant applications under the i3 program.[3]

We believe that the proposed change will enable the Department to administer this program more effectively, simplify the application and review processes, better align the selection criteria used for the different types of grants under this program with the critical aims of that specific grant type, and better ensure that i3 projects address the most critical needs of education in a given year.

Proposed Revision to Selection Criteria

The Department proposes that the Secretary may use one or more of the selection criteria established in the 2010 NFP, any of the selection criteria in 34 CFR 75.210, criteria based on the statutory requirements for the i3 program in accordance with 34 CFR 75.209, or any combination of these when establishing selection criteria for each particular type of grant (Scale-up, Validation, and Development) in an i3 competition. This would include the authority to reduce the number of selection criteria. Within each criterion from these sources, the Secretary would further define each criterion by selecting one or more specific factors within a criterion or assigning factors from one criterion, from any of those sources, to another criterion, in any of those sources. The Secretary may apply one or more of these criteria in any year in which this program is in effect. The Secretary may also select one or more of these selection criteria to review pre-applications, if the Secretary decides to invite pre-applications in accordance with 34 CFR 75.103. In the notice inviting applications, the application package, or both, we would announce

Awards," considers the competition for i3 funding in any particular year as a single competition.

[3] The Department's regulations in EDGAR govern, among other things, the use of selection criteria to evaluate discretionary grant applications. Under 34 CFR 75.200, the Secretary may use selection criteria based on statutory provisions in accordance with 34 CFR 75.209, selection criteria in program-specific regulations, selection criteria established under 34 CFR 75.210, or any combination of these. The Secretary may select from the menu one or more criteria that best enable the Department to select the highest-quality applications, consistent with the program purpose, statutory requirements, and any priorities established for a competition. For additional information on 34 CFR 75.209 and 34 CFR 75.270, *see http://www2.ed.gov/policy/fund/reg/edgarReg/edgar.html.*

the maximum possible points assigned to each criterion.

Note: This notice does not solicit applications. In any year in which we choose to use these priorities, requirements, and selection criteria, we invite applications through a notice in the **Federal Register.**[4]

Executive Order 12866: Under Executive Order 12866, the Secretary must determine whether a regulatory action is "significant" and therefore subject to the requirements of the Executive order and subject to review by the Office of Management and Budget. Section 3(f) of Executive Order 12866 defines a "significant regulatory action" as an action likely to result in a rule that may (1) have an annual effect on the economy of $100 million or more, or adversely affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or Tribal governments or communities in a material way (also referred to as an "economically significant" rule); (2) create serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impacts of entitlement grants, user fees, or local programs or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive order. The Secretary has determined that this regulatory action is not significant under section 3(f) of the Executive order.

This notice has been reviewed in accordance with Executive Order 12866. Under the terms of the order, we have assessed the potential costs and benefits of this proposed regulatory action.

The potential costs associated with this proposed regulatory action are those resulting from statutory requirements and those we have determined as necessary for administering the Department's discretionary grant programs effectively and efficiently.

In assessing the potential costs and benefits—both quantitative and qualitative—of this proposed regulatory action, we have determined that the benefits of the proposed priorities and definitions justify the costs.

We have determined, also, that this proposed regulatory action does not unduly interfere with State, local, and Tribal governments in the exercise of their governmental functions.

Summary of Potential Costs and Benefits

This proposed regulatory action affects only LEAs and nonprofit organizations that are applying for assistance under the i3 program. This regulatory action creates flexibility for the Department to (a) select from among the priorities and selection criteria that were established in the 2010 NFP specific priorities and criteria to use in the FY 2011 i3 grant competition and those in subsequent years, and (b) select other selection criteria under 34 CFR 75.209 and 75.210. We believe that any priority or criterion that would be used in a future grant competition would not impose a financial burden that LEAs and nonprofit organizations would not otherwise incur in the development and submission of a grant application under the i3 program, and under some circumstances (for example, if the Department elected to use fewer criteria or factors in a given competition) the proposed changes could reduce the financial burden of preparing an i3 grant application by a modest amount.

Additionally, although the "Limits on Grant Awards" and "Cost Sharing or Matching" requirements are i3 program requirements, both requirements affect only the highest-rated applications from the peer review process that are also determined to be eligible for an i3 grant award. Therefore, we believe that the proposed modifications to the requirements would not impose a financial burden that LEAs and nonprofit organizations would not otherwise incur in the development and submission of a grant application under the i3 program.

Paperwork Reduction Act of 1995

This notice contains information collection requirements that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The burden associated with CFDA Nos. 84.396A/B/C was approved by OMB under OMB Control Number 1855–0021, which expires on October 31, 2013. These proposed revisions to priorities, requirements, and selection criteria would allow the Department to improve the design of the i3 program to better achieve its purposes and goals by (a) establishing the flexibility to select priorities and selection criteria and (b) modifying the "Limits on Grant Awards" and "Cost Sharing or Matching" requirements. However, the revisions do not change the number of applications an organization may submit or the burden that an applicant would otherwise incur in the development and submission of a grant application under the i3 program. Therefore, the Department expects that this proposed regulatory action will not affect the total burden of 150,000 hours.

Intergovernmental Review: This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for this program.

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 program 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. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

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: January 5, 2011.

James H. Shelton, III,

Assistant Deputy Secretary for Innovation and Improvement.

[FR Doc. 2011–269 Filed 1–7–11; 8:45 am]

BILLING CODE 4000–01–P

[4] Availability of funds for the i3 program in FY 2011 and in subsequent years is contingent upon an appropriation of funds for the program by the Congress.

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Oak Ridge Reservation

AGENCY: Department of Energy.

ACTION: Notice of cancellation of open meeting.

SUMMARY: This notice announces the cancellation of the January 12, 2011,

meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Oak Ridge Reservation. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of this meeting cancellation be announced in the **Federal Register**. The next regular meeting will be held on February 9, 2011.

FOR FURTHER INFORMATION CONTACT: Patricia J. Halsey, Federal Coordinator, Department of Energy Oak Ridge Operations Office, P.O. Box 2001, EM–90, Oak Ridge, TN 37831. Phone (865) 576–4025; Fax (865) 576–2347 or e-mail: *halseypj@oro.doe.gov* or check the Web site at *http://www.oakridge.doe.gov/em/ssab*.

Issued at Washington, DC, on January 6, 2011.

LaTanya R. Butler,

Acting Deputy Committee Management Officer.

[FR Doc. 2011–339 Filed 1–6–11; 4:15 pm]

BILLING CODE 6405–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 6552–021]

HDI Associates V; Sprague Hydro LLC; Notice of Application for Transfer of License, and Soliciting Comments and Motions To Intervene

December 29, 2010.

On December 10, 2010, HDI Associates V (transferor) and Sprague Hydro LLC (transferee) filed an application for transfer of license for the North Fork Sprague River Hydroelectric Project No. 6552, located on the North Fork Sprague River in Klamath County, Oregon.

Applicants seek Commission approval to transfer the license for the North Fork Sprague River Hydroelectric Project from transferor to transferee.

Applicants' Contact: Transferor: Craig Smith, Grayco, LLC, P.O. Box 566, Gresham, Oregon 97030, (503) 618–8717 ext. 105. For Transferee: Ted S. Sorenson, Sprague Hydro LLC, 5203 South 11th East, Idaho Falls, Idaho 83404, (208) 522–8069.

FERC Contact: Jeremy M. Jessup, (202) 502–6779, *Jeremy.Jessup@ferc.gov.*

Deadline for filing comments and motions to intervene: 30 days from the issuance date of this notice. Comments and motions to intervene may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1) and the instructions on the Commission's Web site under *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. If unable to be filed electronically, documents may be paper-filed. To paper-file, an original plus seven copies should be mailed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. More information about this project can be viewed or printed on the eLibrary link of Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–6552) in the docket number field to access the document. For assistance, call toll-free 1–866–208–3372.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2011–181 Filed 1–7–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

December 30, 2010.

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC11–34–000.

Applicants: White Oak Energy Holdings LLC.

Description: Application for Authorization for Disposition of Jurisdictional Facilities, Request for Confidential Treatment, and Request for Expedited Consideration of White Oak Energy Holdings LLC.

Filed Date: 12/30/2010.

Accession Number: 20101230–5140.

Comment Date: 5 p.m. Eastern Time on Thursday, January 20, 2011.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER93–3–000.

Applicants: United Illuminating Company, The.

Description: Updated Market Power Analysis of The United Illuminating Company.

Filed Date: 12/30/2010.

Accession Number: 20101230–5148.

Comment Date: 5 p.m. Eastern Time on Monday, February 28, 2011.

Docket Numbers: ER98–4159–019; ER04–268–017; ER06–398–014; ER06–399–014; ER07–157–011; ER10–622–004.

Applicants: Duquesne Light Company, Macquarie Energy LLC.

Description: Updated Market Power Analysis of the Duquesne Companies and Macquarie Energy LLC.

Filed Date: 12/30/2010.

Accession Number: 20101230–5136.

Comment Date: 5 p.m. Eastern Time on Monday, February 28, 2011.

Docket Numbers: ER99–1522–006; ER02–723–005; ER04–359–004; ER06–796–004; ER07–553–003; ER07–554–003; ER07–555–003; ER07–556–003; ER07–557–003.

Applicants: Emera Energy Services Subsidiary No. 2 LLC, Emera Energy Services Subsidiary No. 3 LLC, Emera Energy Services Subsidiary No. 5 LLC, Emera Energy Services, Inc., Bangor Hydro Electric Company, Emera Energy U.S. Subsidiary No. 1, Inc., Emera Energy U.S. Subsidiary No. 2, Inc., Emera Energy Services Subsidiary No. 1 LLC, Emera Energy Services Subsidiary No. 4 LLC.

Description: Triennial Update of Bangor Hydro Electric Company, *et al.*

Filed Date: 12/29/2010.

Accession Number: 20101229–5135.

Comment Date: 5 p.m. Eastern Time on Monday, February 28, 2011.

Docket Numbers: ER00–3621–013; ER01–468–012; ER02–23–016; ER04–249–009; ER04–318–009; ER05–34–009; ER05–35–009; ER05–36–009; ER05–37–009; ER07–1306–008; ER08–1323–004; ER96–2869–017; ER97–30–010; ER97–3561–009; ER99–1695–018.

Applicants: Dominion Nuclear Connecticut, Inc.; Dominion Energy Marketing, Inc.; Fairless Energy, LLC; Dominion Retail, Inc.; Dominion Energy Kewaunee, Inc.; Dominion Energy New England, Inc.; Dominion Energy Salem Harbor, LLC; Dominion Energy Brayton Point, LLC; Dominion Energy Manchester Street, Inc.; NedPower Mt. Storm, LLC; Fowler Ridge Wind Farm LLC; State Line Energy, LLC; Kincaid Generation, L.L.C.; Virginia Electric and Power Company; Elwood Energy, LLC.

Description: Dominion Resources Services, Inc. Supplement to Market Power Analyses.

Filed Date: 12/30/2010.

Accession Number: 20101230–5102.

Comment Date: 5 p.m. Eastern Time on Thursday, January 20, 2011.

Docket Numbers: ER00–2918–021; ER01–1654–024; ER02–2567–021; ER04–485–019; ER05–261–014; ER05–556–002; ER05–728–014; ER08–537–003; ER10–1443–002; ER10–2172–001; ER10–2174–001; ER10–2176–001; ER10–2178–001; ER10–2179–001; ER10–2180–001; ER10–2181–001;

ER10–2182–001; ER10–2184–001; ER10–2192–001; ER10–2281–002; ER10–3308–001; ER10–346–007; ER10–662–003; ER99–2948–022.

Applicants: Constellation Energy Commodities Group, R.E. Ginna Nuclear Power Plant, LLC, AES NewEnergy, Inc., Baltimore Gas and Electric Company, Constellation Pwr Source Generation LLC, Nine Mile Point Nuclear Station, LLC, Safe Harbor Water Power Corporation, Calvert Cliffs Nuclear Power Plant LLC, CER Generation, LLC, Constellation Energy Commodities Group M, Handsome Lake Energy, LLC, Constellation Mystic Power, LLC, Criterion Power Partners, LLC.

Description: Constellation MBR Entities Updated Market Power Analysis (Northeast Region).

Filed Date: 12/29/2010.

Accession Number: 20101229–5183.

Comment Date: 5 p.m. Eastern Time on Monday, February 28, 2011.

Docket Numbers: ER01–1403–012; ER01–2968–013; ER01–845–011; ER04–366–010; ER05–1122–009; ER06–1443–008; ER08–107–006.

Applicants: The FirstEnergy Operating Companies; FirstEnergy Solutions Corp.; FirstEnergy Generation Corporation; Jersey Central Power & Light Co.; FirstEnergy Nuclear Generation Corp.; Pennsylvania Power Company; FirstEnergy Mansfield Unit 1 Corp.

Description: FirstEnergy Service Company submits an updated indicative market power screen analysis for wholesale electricity markets within the footprint of PJM Interconnection, LLC *etc.*

Filed Date: 12/29/2010.

Accession Number: 20101230–0201.

Comment Date: 5 p.m. Eastern Time on Monday, February 28, 2011.

Docket Numbers: ER10–1642–001.

Applicants: EWO Marketing, Inc.

Description: EWO Marketing, Inc. submits tariff filing per 35: EWOM CBR Tariffs Compliance Filing to be effective 6/30/2010.

Filed Date: 12/30/2010.

Accession Number: 20101230–5000.

Comment Date: 5 p.m. Eastern Time on Thursday, January 20, 2011.

Docket Numbers: ER10–2665–002.

Applicants: UNS Electric, Inc.

Description: UNS Electric, Inc. submits tariff filing per 35: OATT Order No. 676–E Compliance Filing to be effective 4/1/2011.

Filed Date: 12/30/2010.

Accession Number: 20101230–5091.

Comment Date: 5 p.m. Eastern Time on Thursday, January 20, 2011.

Docket Numbers: ER11–28–001.

Applicants: Midwest Independent Transmission System Operator, Inc.

Description: Midwest Independent Transmission System Operator, Inc. submits tariff filing per 35: 12–29–10 Att. GG Compliance to be effective 12/5/2010.

Filed Date: 12/29/2010.

Accession Number: 20101229–5137.

Comment Date: 5 p.m. Eastern Time on Wednesday, January 19, 2011.

Docket Numbers: ER11–2566–000.

Applicants: Southwestern Public Service Company.

Description: Southwestern Public Service Company submits tariff filing per 35.13(a)(2)(iii: 2010_12_30_SPS GSEC–Alcove A&R_609–SPS to be effective 12/30/2010.

Filed Date: 12/29/2010.

Accession Number: 20101229–5136.

Comment Date: 5 p.m. Eastern Time on Wednesday, January 19, 2011.

Docket Numbers: ER11–2567–000.

Applicants: Southern California Edison Company.

Description: Southern California Edison Company submits tariff filing per 35.13(a)(2)(iii: Revised RLA AES Huntington Beach Est to Actual Cost of Cable Replmt SA No. 403 to be effective 2/28/2011.

Filed Date: 12/29/2010.

Accession Number: 20101229–5139.

Comment Date: 5 p.m. Eastern Time on Wednesday, January 19, 2011.

Docket Numbers: ER11–2568–000.

Applicants: Southern California Edison Company.

Description: Southern California Edison Company submits tariff filing per 35.13(a)(2)(iii: LGIA Amendment Mountain View IV Project SA No. 245 to be effective 2/28/2011.

Filed Date: 12/29/2010.

Accession Number: 20101229–5140.

Comment Date: 5 p.m. Eastern Time on Wednesday, January 19, 2011.

Docket Numbers: ER11–2569–000.

Applicants: Shell Energy North America (US), L.P.

Description: Shell Energy North America (US), L.P. submits tariff filing per 35.13(a)(2)(iii: Category Seller Request to be effective 2/27/2011.

Filed Date: 12/29/2010.

Accession Number: 20101229–5144.

Comment Date: 5 p.m. Eastern Time on Wednesday, January 19, 2011.

Docket Numbers: ER11–2570–000.

Applicants: Idaho Power Company.

Description: Idaho Power Company submits tariff filing per 35.13(a)(2)(iii: Limiting NAESB Practices and Attachment C Update to be effective 4/1/2011.

Filed Date: 12/29/2010.

Accession Number: 20101229–5157.

Comment Date: 5 p.m. Eastern Time on Wednesday, January 19, 2011.

Docket Numbers: ER11–2571–000.

Applicants: PacifiCorp.

Description: PacifiCorp submits tariff filing per 35.13(a)(2)(iii: Black Hills Windstar JOOM Agreement to be effective 12/30/2010.

Filed Date: 12/29/2010.

Accession Number: 20101229–5159.

Comment Date: 5 p.m. Eastern Time on Wednesday, January 19, 2011.

Docket Numbers: ER11–2572–000.

Applicants: California Independent System Operator Corporation.

Description: California Independent System Operator Corporation submits tariff filing per 35.13(a)(2)(iii: 2010–12–29 CAISO's Non-Conforming LGIA with AV Solar to be effective 12/21/2010.

Filed Date: 12/29/2010.

Accession Number: 20101229–5174.

Comment Date: 5 p.m. Eastern Time on Wednesday, January 19, 2011.

Docket Numbers: ER11–2573–000.

Applicants: New England Power Pool Participants Committee.

Description: New England Power Pool Participants Committee submits tariff filing per 35.13(a)(2)(iii: January 2011 Membership Filing to be effective 1/1/2011.

Filed Date: 12/29/2010.

Accession Number: 20101229–5180.

Comment Date: 5 p.m. Eastern Time on Wednesday, January 19, 2011.

Docket Numbers: ER11–2574–000.

Applicants: California Independent System Operator Corporation.

Description: California Independent System Operator Corporation submits tariff filing per 35.13(a)(2)(iii: 2010–12–30 CAISO Tariff Clarifications Filing to be effective 2/28/2011.

Filed Date: 12/30/2010.

Accession Number: 20101230–5001.

Comment Date: 5 p.m. Eastern Time on Thursday, January 20, 2011.

Docket Numbers: ER11–2575–000.

Applicants: Florida Power Corporation.

Description: Florida Power Corporation submits tariff filing per 35.13(a)(2)(iii: Rate Schedule No. 215 of Florida Power Corporation to be effective 1/1/2011.

Filed Date: 12/30/2010.

Accession Number: 20101230–5031.

Comment Date: 5 p.m. Eastern Time on Thursday, January 20, 2011.

Docket Numbers: ER11–2576–000.

Applicants: Telocaset Wind Power Partners, LLC.

Description: Telocaset Wind Power Partners, LLC submits tariff filing per 35.13(a)(2)(iii: Revised MBR Tariff to be effective 2/28/2011.

Accession Number: 20101230–5084.

Comment Date: 5 p.m. Eastern Time on Thursday, January 20, 2011.

Docket Numbers: ER11–2576–000.
Applicants: Telocaset Wind Power Partners, LLC.
Description: Telocaset Wind Power Partners, LLC, Notice of Category 1 Seller Status.
Filed Date: 12/30/2010.
Accession Number: 20101230–5157.
Comment Date: 5 p.m. Eastern Time on Thursday, January 20, 2011.
Docket Numbers: ER11–2577–000.
Applicants: Cedar Creek Wind Energy, LLC.
Description: Cedar Creek Wind Energy, LLC submits tariff filing per 35.37: Cedar Creek Wind Energy, LLC Market-Based Rates Tariff 1.1 to be effective 9/3/2010.
Filed Date: 12/30/2010.
Accession Number: 20101230–5088.
Comment Date: 5 p.m. Eastern Time on Monday, February 28, 2011.
Docket Numbers: ER11–2578–000.
Applicants: PJM Interconnection, L.L.C.
Description: PJM Interconnection, L.L.C. submits tariff filing per 35.13(a)(2)(iii: 2010 RTEP Annual Allocation Filing to be effective 9/17/2010.
Filed Date: 12/30/2010.
Accession Number: 20101230–5090.
Comment Date: 5 p.m. Eastern Time on Thursday, January 20, 2011.
Docket Numbers: ER11–2579–000.
Applicants: Carolina Power & Light Company.
Description: Carolina Power & Light Company submits tariff filing per 35.13(a)(2)(iii: Revised Schedule 10 of Carolina Power and Light Company OATT to be effective 7/14/2010.
Filed Date: 12/30/2010.
Accession Number: 20101230–5131.
Comment Date: 5 p.m. Eastern Time on Thursday, January 20, 2011.
Docket Numbers: ER11–2580–000.
Applicants: ISO New England Inc.
Description: ISO New England Inc. submits tariff filing per 35.13(a)(2)(iii: Tie Benefits to be effective 3/1/2011.
Filed Date: 12/30/2010.
Accession Number: 20101230–5144.
Comment Date: 5 p.m. Eastern Time on Thursday, January 20, 2011.
Docket Numbers: ER11–2581–000.
Applicants: Midwest Independent Transmission System Operator, Inc.
Description: Midwest Independent Transmission System Operator, Inc. submits tariff filing per 35.13(a)(2)(iii: 12–30–10 Attachment Q revisions to be effective 4/1/2011.
Filed Date: 12/30/2010.
Accession Number: 20101230–5145.
Comment Date: 5 p.m. Eastern Time on Thursday, January 20, 2011.

Take notice that the Commission received the following electric reliability filings:

Docket Numbers: RR09–6–003.
Applicants: North American Electric Reliability Corporation.
Description: Compliance Filing of the North American Electric Reliability Corporation in Response to March 18, 2010 Commission Order Directing Revisions to the Standards Development Procedure.
Filed Date: 12/23/2010.
Accession Number: 20101223–5173.
Comment Date: 5 p.m. Eastern Time on Monday, January 24, 2011.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2011–179 Filed 1–7–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

January 3, 2011.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER96–496–019; ER99–3658–005.
Applicants: Northeast Utilities Service Company, Select Energy, Inc.
Description: Request of Northeast Utilities Service Company, *et al.*
Filed Date: 12/30/2010.
Accession Number: 20101230–5257.
Comment Date: 5 p.m. Eastern Time on Monday, February 28, 2011.

Docket Numbers: ER00–2885–035; ER01–2765–034; ER02–2102–034; ER03–1283–026; ER05–1232–033; ER07–1112–016; ER07–1116–015; ER09–1141–014.
Applicants: J.P. Morgan Ventures Energy Corporation, J.P. Morgan Commodities Canada Corporation, BE Allegheny LLC, Cedar Brakes I, L.L.C., Cedar Brakes II, L.L.C.,BE Ironwood LLC, Utility Contract Funding, L.L.C., Vineland Energy LLC.
Description: Notice of Non-Material Change In Status of J.P. Morgan Ventures Energy Corporation *et al.*
Filed Date: 01/03/2011.
Accession Number: 20110103–5114.
Comment Date: 5 p.m. Eastern Time on Friday, March 04, 2011.

Docket Numbers: ER09–1549–003; ER09–172–007; ER09–173–007; ER09–174–006; ER10–426–004; ER11–2201–001; ER06–1355–007.
Applicants: Evergreen Wind Power, LLC, Canandaigua Power Partners LLC, Evergreen Wind Power V, LLC, Canandaigua Power Partners II, LLC, Evergreen Wind Power III, LLC, Stetson Wind II, LLC, First Wind Energy Marketing, LLC.
Description: Triennial Market-Based Rate Update Filing of First Wind Energy Marketing, LLC, *et al.*
Filed Date: 12/30/2010.
Accession Number: 20101230–5255.
Comment Date: 5 p.m. Eastern Time on Monday, February 28, 2011.

Docket Numbers: ER10–1597–001; ER10–1620–001; ER10–1624–001; ER10–1625–001; ER10–1626–001.

Applicants: Tenaska Alabama II Partners, L.P., Tenaska Georgia Partners, L.P., Kiowa Power Partners, L.L.C., Tenaska Virginia Partners, L.P., Tenaska Gateway Partners Ltd.

Description: Notification of Change in Status of Kiowa Power Partners, L.L.C., *et al.*

Filed Date: 01/03/2011.

Accession Number: 20110103–5163.

Comment Date: 5 p.m. Eastern Time on Monday, January 24, 2011.

Docket Numbers: ER10–2216–001.

Applicants: Entergy Arkansas, Inc.

Description: Entergy Arkansas, Inc. submits tariff filing per 35: OATT Baseline Resubmission Due to Collation Issue to be effective 7/9/2010.

Filed Date: 01/03/2011.

Accession Number: 20110103–5004.

Comment Date: 5 p.m. Eastern Time on Monday, January 24, 2011.

Docket Numbers: ER11–2040–001.

Applicants: Schuylkill Energy Resources, Inc.

Description: Schuylkill Energy Resources, Inc. submits tariff filing per 35.17(b): MBRA Tariff to be effective 11/8/2010.

Filed Date: 01/03/2011.

Accession Number: 20110103–5007.

Comment Date: 5 p.m. Eastern Time on Monday, January 24, 2011.

Docket Numbers: ER11–2112–002; ER11–2482–001; ER11–2483–001; ER11–2484–001; ER11–2485–001; ER11–2486–001; ER11–2487–001; ER11–2488–001; ER11–2507–001; ER11–2509–001; ER11–2512–001; ER11–2514–001; ER11–2516–001; ER11–2536–001; ER11–2563–001; ER11–2563–001; ER11–2564–001; ER10–2822–002; ER11–2507–001; ER10–2952–001; ER10–2955–001; ER10–2994–003.

Applicants: New York State Electric & Gas Corp., Rochester Gas & Electric Corporation, Central Maine Power Company, Flat Rock Windpower LLC, Flat Rock Windpower II LLC, Providence Heights Wind, LLC, Locust Ridge Wind Farm, LLC, Lempster Wind, LLC, Hartford Steam Company, Carthage Energy, LLC, PEI Power II, LLC, Energetix, Inc., Atlantic Renewable Projects II LLC, Casselman Windpower LLC, Locust Ridge Wind Farm II, LLC, Hardscrabble Wind Power LLC, NYSEG Solutions, Inc., Iberdrola Renewables, Inc., Streator-Cayuga Ridge Wind Power LLC, Blue Creek Wind Farm LLC.

Description: Iberdrola Northeast MBR Sellers submit their Triennial Market Power Analysis.

Filed Date: 12/30/2010.

Accession Number: 20101230–5170.

Comment Date: 5 p.m. Eastern Time on Monday, February 28, 2011.

Docket Numbers: ER11–2342–000.

Applicants: AEE2, L.L.C.

Description: AEE2, L.L.C. submits tariff filing per 35.13(a)(2)(iii: Rate Schedule No. 1 (Lease Agreement with AES ES Westover) to be effective 12/31/2010.

Filed Date: 12/13/2010.

Accession Number: 20101213–5000.

Comment Date: 5 p.m. Eastern Time on Monday, January 10, 2011.

Docket Numbers: ER11–2549–001; ER11–2552–001; ER11–2554–001; ER11–2555–001; ER11–2556–001; ER11–2557–001; ER11–2558–001.

Applicants: Granite State Electric Co; Massachusetts Electric Company; The Narragansett Electric Company; Keyspan Glenwood Energy Center LLC; National Grid Port Jefferson; New England Power Company; Niagara Mohawk Power Corporation.

Description: National Grid USA submits the Triennial Market Power Analysis Filing.

Filed Date: 12/30/2010.

Accession Number: 20110103–0202.

Comment Date: 5 p.m. Eastern Time on Monday, February 28, 2011.

Docket Numbers: ER11–2582–000.

Applicants: PacifiCorp.

Description: PacifiCorp submits tariff filing per 35.13(a)(2)(iii: Bountiful City Parrish Sub Expansion Construction Agreement to be effective 12/31/2010.

Filed Date: 12/30/2010.

Accession Number: 20101230–5179.

Comment Date: 5 p.m. Eastern Time on Thursday, January 20, 2011.

Docket Numbers: ER11–2583–000.

Applicants: Entergy Power Ventures, L.P.

Description: Entergy Power Ventures, L.P. submits tariff filing per 35.15: Cancellation of EPV Market-Based Rate Tariff to be effective 1/1/2011.

Filed Date: 12/30/2010.

Accession Number: 20101230–5188.

Comment Date: 5 p.m. Eastern Time on Thursday, January 20, 2011.

Docket Numbers: ER11–2584–000.

Applicants: Florida Power Corporation.

Description: Florida Power Corporation submits tariff filing per 35.13(a)(2)(iii: Amendment of OATT Formula Rate of Florida Power Corporation to be effective 7/14/2010.

Filed Date: 12/30/2010.

Accession Number: 20101230–5189.

Comment Date: 5 p.m. Eastern Time on Thursday, January 20, 2011.

Docket Numbers: ER11–2585–000.

Applicants: Genon Power Midwest, LP.

Description: Genon Power Midwest, LP submits tariff filing per 35.1: Notice of Succession—Reactive Service Rate Schedule to be effective 12/3/2010.

Filed Date: 12/30/2010.

Accession Number: 20101230–5190.

Comment Date: 5 p.m. Eastern Time on Thursday, January 20, 2011.

Docket Numbers: ER11–2586–000.

Applicants: Duke Energy Carolinas, LLC.

Description: Duke Energy Carolinas, LLC submits tariff filing per 35: Order No. 676 Compliance Filing to be effective 4/1/2011.

Filed Date: 12/30/2010.

Accession Number: 20101230–5195.

Comment Date: 5 p.m. Eastern Time on Thursday, January 20, 2011.

Docket Numbers: ER11–2587–000.

Applicants: J. Aron & Company.

Description: J. Aron & Company submits tariff filing per 35.13(a)(2)(iii: Updated Market Power Analysis to be effective 2/28/2011.

Filed Date: 12/30/2010.

Accession Number: 20101230–5196.

Comment Date: 5 p.m. Eastern Time on Thursday, January 20, 2011.

Docket Numbers: ER11–2588–000.

Applicants: Power Receivable Finance, LLC.

Description: Power Receivable Finance, LLC submits tariff filing per 35.13(a)(2)(iii: Category Seller Request to be effective 2/28/2011.

Filed Date: 12/30/2010.

Accession Number: 20101230–5209.

Comment Date: 5 p.m. Eastern Time on Thursday, January 20, 2011.

Docket Numbers: ER11–2589–000.

Applicants: Evraz Claymont Steel, Inc.

Description: Evraz Claymont Steel, Inc. submits tariff filing per 35.12: MBRA Tariff to be effective 2/23/2011.

Filed Date: 01/03/2011.

Accession Number: 20110103–5012.

Comment Date: 5 p.m. Eastern Time on Monday, January 24, 2011.

Docket Numbers: ER11–2591–000.

Applicants: Deseret Generation & Transmission Co-op.

Description: Application of Deseret Generation & Transmission Co-operative, Inc.

Filed Date: 12/30/2010.

Accession Number: 20101230–5254.

Comment Date: 5 p.m. Eastern Time on Thursday, January 20, 2011.

Docket Numbers: ER11–2592–000.

Applicants: Pacific Gas and Electric Company.

Description: Request of Pacific Gas and Electric Company for Temporary Waiver of Certain CAISO Tariff Provisions.

Filed Date: 01/03/2011.

Accession Number: 20110103–5110.

Comment Date: 5 p.m. Eastern Time on Monday, January 24, 2011.

Docket Numbers: ER11–2593–000.
Applicants: Portland General Electric Company.
Description: Portland General Electric Company submits tariff filing per 35: Compliance Filing for Order No. 676–E to be effective 4/1/2011.
Filed Date: 01/03/2011.
Accession Number: 20110103–5132.
Comment Date: 5 p.m. Eastern Time on Monday, January 24, 2011.

Docket Numbers: ER11–2594–000.
Applicants: Schedule 20a Service Providers.
Description: Schedule 20A Service Providers Waiver Request of North American Energy Standards Board WEQ Standard 004 (Version 002.1).
Filed Date: 01/03/2011.
Accession Number: 20110103–5162.
Comment Date: 5 p.m. Eastern Time on Monday, January 24, 2011.

Docket Numbers: ER11–2595–000.
Applicants: CalPeak Power—Border LLC.
Description: CalPeak Power—Border LLC submits tariff filing per 35.13(a)(2)(iii: CalPeak Border—Amendment to MBR Tariff—Seller Category Changes to be effective 3/4/2011.
Filed Date: 01/03/2011.
Accession Number: 20110103–5167.
Comment Date: 5 p.m. Eastern Time on Monday, January 24, 2011.

Docket Numbers: ER11–2596–000.
Applicants: CalPeak Power—El Cajon LLC.
Description: CalPeak Power—El Cajon LLC submits tariff filing per 35.13(a)(2)(iii: CalPeak El Cajon—Amendment to MBR Tariff—Seller Category Changes to be effective 3/4/2011.
Filed Date: 01/03/2011.
Accession Number: 20110103–5169.
Comment Date: 5 p.m. Eastern Time on Monday, January 24, 2011.

Docket Numbers: ER11–2597–000.
Applicants: CalPeak Power—Panoche LLC.
Description: CalPeak Power—Panoche LLC submits tariff filing per 35.13(a)(2)(iii: CalPeak Panoche—Amendment to MBR Tariff—Seller Category Changes to be effective 3/4/2011.
Filed Date: 01/03/2011.
Accession Number: 20110103–5173.
Comment Date: 5 p.m. Eastern Time on Monday, January 24, 2011.

Docket Numbers: ER11–2598–000.
Applicants: Gateway Energy Services Corporation.
Description: Gateway Energy Services Corporation submits tariff filing per 35.37: Gateway Energy Services Corporation Tariff Revision Regarding Seller Category to be effective 3/4/2011.
Filed Date: 01/03/2011.
Accession Number: 20110103–5176.
Comment Date: 5 p.m. Eastern Time on Monday, January 24, 2011.

Docket Numbers: ER11–2599–000.
Applicants: BIV Generation Company, L.L.C.
Description: BIV Generation Company, L.L.C. submits tariff filing per 35.13(a)(2)(iii: Revised MBR Tariff to be effective 3/4/2011.
Filed Date: 01/03/2011.
Accession Number: 20110103–5177.
Comment Date: 5 p.m. Eastern Time on Monday, January 24, 2011.

Docket Numbers: ER11–2600–000.
Applicants: CalPeak Power—Vaca Dixon LLC.
Description: CalPeak Power—Vaca Dixon LLC submits tariff filing per 35.13(a)(2)(iii: CalPeak Vaca Dixon—Amendment to MBR Tariff—Seller Category Changes to be effective 3/4/2011.
Filed Date: 01/03/2011.
Accession Number: 20110103–5178.
Comment Date: 5 p.m. Eastern Time on Monday, January 24, 2011.

Docket Numbers: ER11–2601–000.
Applicants: Arizona Public Service Company.
Description: Arizona Public Service Company submits tariff filing per 35.13(a)(2)(iii: Service Agreement No. 309 between APS and RE Ajo 1 LLC to be effective 12/2/2010.
Filed Date: 01/03/2011.
Accession Number: 20110103–5179.
Comment Date: 5 p.m. Eastern Time on Monday, January 24, 2011.

Docket Numbers: ER11–2602–000.
Applicants: CalPeak Power LLC.
Description: CalPeak Power LLC submits tariff filing per 35.13(a)(2)(iii) CalPeak—Amendment to MBR Tariff—Seller Category Changes to be effective 3/4/2011.
Filed Date: 01/03/2011.
Accession Number: 20110103–5180.
Comment Date: 5 p.m. Eastern Time on Monday, January 24, 2011.

Docket Numbers: ER11–2603–000.
Applicants: Colorado Power Partners.
Description: Colorado Power Partners submits tariff filing per 35.13(a)(2)(iii: Revised MBR Tariff to be effective 3/4/2011.
Filed Date: 01/03/2011.
Accession Number: 20110103–5181.
Comment Date: 5 p.m. Eastern Time on Monday, January 24, 2011.

Docket Numbers: ER11–2604–000.
Applicants: Commonwealth Chesapeake Company LLC.
Description: Commonwealth Chesapeake Company LLC submits tariff filing per 35.13(a)(2)(iii: Commonwealth Chesapeake—Amendment to MBR Tariff—Seller Category Changes to be effective 3/4/2011.
Filed Date: 01/03/2011.
Accession Number: 20110103–5182.
Comment Date: 5 p.m. Eastern Time on Monday, January 24, 2011.

Docket Numbers: ER11–2605–000.
Applicants: Tyr Energy LLC.
Description: Tyr Energy LLC submits tariff filing per 35.13(a)(2)(iii: Tyr—Amendment to MBR Tariff—Seller Category Changes to be effective 3/4/2011.
Filed Date: 01/03/2011.
Accession Number: 20110103–5183.
Comment Date: 5 p.m. Eastern Time on Monday, January 24, 2011.

Docket Numbers: ER11–2606–000.
Applicants: Rocky Mountain Power.
Description: Rocky Mountain Power submits tariff filing per 35.13(a)(2)(iii: Revised MBR Tariff to be effective 3/4/2011.
Filed Date: 01/03/2011.
Accession Number: 20110103–5184.
Comment Date: 5 p.m. Eastern Time on Monday, January 24, 2011.

Docket Numbers: ER11–2607–000.
Applicants: Sempra Energy Trading LLC.
Description: Sempra Energy Trading LLC submits tariff filing per 35.13(a)(2)(iii: Category Seller Request to be effective 3/4/2011.
Filed Date: 01/03/2011.
Accession Number: 20110103–5198.
Comment Date: 5 p.m. Eastern Time on Monday, January 24, 2011.

Docket Numbers: ER11–2608–000.
Applicants: CalPeak Power—Enterprise LLC.
Description: CalPeak Power—Enterprise LLC submits tariff filing per 35.13(a)(2)(iii: CalPeak Enterprise—Amendment to MBR Tariff—Seller Category Changes to be effective 3/4/2011.
Filed Date: 01/03/2011.
Accession Number: 20110103–5204.
Comment Date: 5 p.m. Eastern Time on Monday, January 24, 2011.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES11–14–000.
Applicants: Southwest Power Pool, Inc.
Description: Application of Southwest Power Pool, Inc. under Section 204 of the Federal Power Act for an order authorizing the issuance of securities.
Filed Date: 12/30/2010.
Accession Number: 20101230–5253.
Comment Date: 5 p.m. Eastern Time on Thursday, January 20, 2011.

Any person desiring to intervene or to protest in any of the above proceedings

must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

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Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2011–183 Filed 1–7–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

December 30, 2010.

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP11–1662–000.

Applicants: Dominion Transmission, Inc.

Description: Dominion Transmission, Inc. submits tariff filing per 154.204: DTI—Negotiated Rate Agreement to be effective 1/1/2011.

Filed Date: 12/29/2010.

Accession Number: 20101229–5119.

Comment Date: 5 p.m. Eastern Time on Monday, January 10, 2011.

Docket Numbers: RP11–1663–000.

Applicants: Kern River Gas Transmission Company.

Description: Kern River Gas Transmission Company submits tariff filing per 154.204: 2010 December Clean-up Filing to be effective 2/1/2011.

Filed Date: 12/29/2010.

Accession Number: 20101229–5131.

Comment Date: 5 p.m. Eastern Time on Monday, January 10, 2011.

Docket Numbers: RP11–1664–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: Iroquois Gas Transmission System, L.P. submits tariff filing per 154.204: 12/29/10 Negotiated Rates—Tenaska to be effective 1/1/2011.

Filed Date: 12/29/2010.

Accession Number: 20101229–5141.

Comment Date: 5 p.m. Eastern Time on Monday, January 10, 2011.

Docket Numbers: RP11–1665–000.

Applicants: Sea Robin Pipeline Company, LLC.

Description: Sea Robin Pipeline Company, LLC submits tariff filing per 154.203: Annual Flowthrough Crediting Mechanism to be effective N/A.

Filed Date: 12/30/2010.

Accession Number: 20101230–5023.

Comment Date: 5 p.m. Eastern Time on Tuesday, January 11, 2011.

Docket Numbers: RP11–1666–000.

Applicants: Florida Gas Transmission Company, LLC.

Description: Florida Gas Transmission Company, LLC submits tariff filing per 154.203: Annual Accounting Report to be effective N/A.

Filed Date: 12/30/2010.

Accession Number: 20101230–5024.

Comment Date: 5 p.m. Eastern Time on Tuesday, January 11, 2011.

Docket Numbers: RP11–1667–000.

Applicants: National Fuel Gas Supply Corporation.

Description: National Fuel Gas Supply Corporation submits tariff filing per 154.204: 2011 January IG Rate to be effective 1/1/2011.

Filed Date: 12/30/2010.

Accession Number: 20101230–5057.

Comment Date: 5 p.m. Eastern Time on Tuesday, January 11, 2011.

Docket Numbers: RP11–1668–000.

Applicants: Rockies Express Pipeline LLC.

Description: Rockies Express Pipeline LLC submits tariff filing per 154.204: Negotiated Rate 2010–12–30 to be effective 1/1/2011.

Filed Date: 12/30/2010.

Accession Number: 20101230–5067.

Comment Date: 5 p.m. Eastern Time on Tuesday, January 11, 2011.

Docket Numbers: RP11–1669–000.

Applicants: Texas Eastern Transmission, LP.

Description: Texas Eastern Transmission, LP submits tariff filing per 154.403: EPC TETLP FEB 2011 FILING to be effective 2/1/2011.

Filed Date: 12/30/2010.

Accession Number: 20101230–5068.

Comment Date: 5 p.m. Eastern Time on Tuesday, January 11, 2011.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies

of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

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Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2011–192 Filed 1–7–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

January 03, 2011.

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP11–1670–000.

Applicants: Eastern Shore Natural Gas Company.

Description: Eastern Shore Natural Gas Company submits tariff filing per 154.312: General Section 4 Rate Case to be effective 2/1/2011.

Filed Date: 12/30/2010.

Accession Number: 20101230–5089.

Comment Date: 5 p.m. Eastern Time on Tuesday, January 11, 2011.

Docket Numbers: RP11–1671–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: Iroquois Gas Transmission System, L.P. submits tariff filing per 154.204: 12/30/10 Negotiated Rates—JP Morgan Ventures Energy Corporation to be effective 1/1/2011.

Filed Date: 12/30/2010.

Accession Number: 20101230–5108.

Comment Date: 5 p.m. Eastern Time on Tuesday, January 11, 2011.

Docket Numbers: RP11–1672–000.

Applicants: CenterPoint Energy Gas Transmission Company.

Description: CenterPoint Energy Gas Transmission Company submits tariff filing per 154.204: By Displacement Language to be effective 2/1/2011.

Filed Date: 12/30/2010.

Accession Number: 20101230–5109.

Comment Date: 5 p.m. Eastern Time on Tuesday, January 11, 2011.

Docket Numbers: RP11–1673–000.

Applicants: Florida Gas Transmission Company, LLC.

Description: Florida Gas Transmission Company, LLC submits tariff filing per 154.204: Contract Provisions to be effective 1/30/2011.

Filed Date: 12/30/2010.

Accession Number: 20101230–5169.

Comment Date: 5 p.m. Eastern Time on Tuesday, January 11, 2011.

Docket Numbers: RP11–1674–000.

Applicants: Florida Gas Transmission Company, LLC.

Description: Florida Gas Transmission Company, LLC submits tariff filing per 154.204: Service Agreements to be effective 2/28/2011.

Filed Date: 12/30/2010.

Accession Number: 20101230–5180.

Comment Date: 5 p.m. Eastern Time on Tuesday, January 11, 2011.

Docket Numbers: RP11–1675–000.

Applicants: Arlington Storage Company, LLC.

Description: Arlington Storage Company, LLC submits tariff filing per 154.203: Arlington Storage Company, Seneca Lake Compliance Filing to be effective 1/31/2011.

Filed Date: 12/30/2010.

Accession Number: 20101230–5214.

Comment Date: 5 p.m. Eastern Time on Tuesday, January 11, 2011.

Docket Numbers: RP11–1676–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: Iroquois Gas Transmission System. L.P. Measurement Variance/Fuel Use Factors utilized by Iroquois during the period July 1—Dec. 31, 2010.

Filed Date: 12/30/2010.

Accession Number: 20101230–5250.

Comment Date: 5 p.m. Eastern Time on Tuesday, January 11, 2011.

Docket Numbers: RP11–1677–000.

Applicants: Gulf Crossing Pipeline Company LLC.

Description: Gulf Crossing Pipeline Company LLC submits tariff filing per 154.204: Devon Amendment to be effective 1/1/2011.

Filed Date: 01/03/2011.

Accession Number: 20110103–5113.

Comment Date: 5 p.m. Eastern Time on Tuesday, January 18, 2011.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

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Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2011–199 Filed 1–7–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings No. 2

January 4, 2011.

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP11–60–001.

Applicants: Southern Natural Gas Company.

Description: Southern Natural Gas Company submits tariff filing per 154.203: Miscellaneous Compliance Filing to be effective 12/1/2010.

Filed Date: 12/20/2010.

Accession Number: 20101220–5159.

Comment Date: 5 p.m. Eastern Time on Friday, January 7, 2011.

Docket Numbers: RP10–1283–002.

Applicants: WestGas InterState, Inc.

Description: WestGas InterState, Inc. submits tariff filing per 154.203: 20101222_Compliance Filing Re Baseline to be effective 9/8/2010.

Filed Date: 12/22/2010.

Accession Number: 20101222–5264.

Comment Date: 5 p.m. Eastern Time on Friday, January 7, 2011.

Docket Numbers: RP11–1602–001.

Applicants: Northwest Pipeline GP.

Description: Northwest Pipeline GP submits tariff filing per 154.205(b): Northwest Pipeline GP—Misc. Filing Substitute Sheets to be effective 2/1/2011.

Filed Date: 12/21/2010.

Accession Number: 20101221–5010.

Comment Date: 5 p.m. Eastern Time on Friday, January 7, 2011.

Docket Numbers: RP11–1623–001.

Applicants: Natural Gas Pipeline Company of America.

Description: Natural Gas Pipeline Company of America LLC submits tariff filing per 154.203: Errata to Negotiated Rate Filing to be effective 1/1/2011.

Filed Date: 12/21/2010.

Accession Number: 20101221–5174.

Comment Date: 5 p.m. Eastern Time on Friday, January 7, 2011.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Such protests must be filed on or before 5 p.m. Eastern time on the specified comment date. Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu of paper using the "eFiling" link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2011–198 Filed 1–7–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings No. 1

January 04, 2011.

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP11–1678–000.

Applicants: Gulf Crossing Pipeline Company LLC.

Description: Gulf Crossing Pipeline Company LLC submits tariff filing per 154.204: BP Energy Amendment to be effective 1/1/2011

Filed Date: 01/03/2011.

Accession Number: 20110103–5122.

Comment Date: 5 p.m. Eastern Time on Tuesday, January 18, 2011.

Docket Numbers: RP11–1679–000.

Applicants: Gulf South Pipeline Company, LP.

Description: Gulf South Pipeline Company, LP submits tariff filing per 154.204: HK to Texla Cap Release Negotiated Rate Filing to be effective 1/1/2011.

Filed Date: 01/03/2011.

Accession Number: 20110103–5151.

Comment Date: 5 p.m. Eastern Time on Tuesday, January 18, 2011.

Docket Numbers: RP11–1680–000.

Applicants: Gulf South Pipeline Company, LP.

Description: Gulf South Pipeline Company, LP submits tariff filing per 154.204: BG Energy Negotiated Rate to be effective 1/1/2011.

Filed Date: 01/03/2011.

Accession Number: 20110103–5168.

Comment Date: 5 p.m. Eastern Time on Tuesday, January 18, 2011.

Docket Numbers: RP11–1681–000.

Applicants: Gulf South Pipeline Company, LP.

Description: Gulf South Pipeline Company, LP submits tariff filing per 154.204: HK to Texla Negotiated Rate Capacity Release Filing #2 to be effective 1/1/2011.

Filed Date: 01/03/2011.

Accession Number: 20110103–5185.

Comment Date: 5 p.m. Eastern Time on Tuesday, January 18, 2011.

Docket Numbers: RP11–1682–000.

Applicants: Gulf South Pipeline Company, LP.

Description: Gulf South Pipeline Company, LP submits tariff filing per 154.204: JW to Q–West to be effective 1/1/2011.

Filed Date: 01/03/2011.

Accession Number: 20110103–5216.

Comment Date: 5 p.m. Eastern Time on Tuesday, January 18, 2011.

Docket Numbers: RP11–1683–000.

Applicants: Gulf South Pipeline Company, LP.

Description: Gulf South Pipeline Company, LP submits tariff filing per 154.204: JW to Q–West #2 to be effective 1/1/2011.

Filed Date: 01/04/2011.

Accession Number: 20110104–5001.

Comment Date: 5 p.m. Eastern Time on Tuesday, January 18, 2011.

Docket Numbers: RP11–1684–000.

Applicants: Gulf South Pipeline Company, LP.

Description: Gulf South Pipeline Company, LP submits tariff filing per 154.204: Enerquest to Sequent to be effective 1/1/2011.

Filed Date: 01/04/2011.

Accession Number: 20110104–5021.

Comment Date: 5 p.m. Eastern Time on Tuesday, January 18, 2011.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

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Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2011–197 Filed 1–7–11; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings No. 1

December 29, 2010.

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP11–1656–000.

Applicants: Kern River Gas Transmission Company.

Description: Kern River Gas Transmission Company submits tariff filing per 154.204: 2010 Negotiated Rate J.P. Morgan to be effective 1/1/2011.

Filed Date: 12/28/2010.

Accession Number: 20101228–5060.

Comment Date: 5 p.m. Eastern Time on Monday, January 10, 2011.

Docket Numbers: RP11–1657–000.

Applicants: Questar Southern Trails Pipeline Company.

Description: Questar Southern Trails Pipeline Company submits tariff filing per 154.203: Compliance with RP10–388–001 Order to be effective 6/28/2010.

Filed Date: 12/28/2010.

Accession Number: 20101228–5134.

Comment Date: 5 p.m. Eastern Time on Monday, January 10, 2011.

Docket Numbers: RP11–1658–000.

Applicants: Ozark Gas Transmission, L.L.C.

Description: Ozark Gas Transmission, L.L.C. submits tariff filing per 154.204: Discount Adjustments Filing to be effective 1/27/2011.

Filed Date: 12/28/2010.

Accession Number: 20101228–5136.

Comment Date: 5 p.m. Eastern Time on Monday, January 10, 2011.

Docket Numbers: RP11–1659–000.

Applicants: Questar Pipeline Company.

Description: Questar Pipeline Company submits tariff filing per 154.204: Negotiated Rate Filing to be effective 1/1/2011.

Filed Date: 12/29/2010.

Accession Number: 20101229–5000.

Comment Date: 5 p.m. Eastern Time on Monday, January 10, 2011.

Docket Numbers: RP11–1660–000.

Applicants: Trunkline Gas Company, LLC.

Description: Trunkline Gas Company, LLC submits tariff filing per 154.204: Negotiated Rates Filing-4 to be effective 1/1/2011.

Filed Date: 12/29/2010.

Accession Number: 20101229–5035.

Comment Date: 5 p.m. Eastern Time on Monday, January 10, 2011.

Docket Numbers: RP11–1661–000.

Applicants: PostRock KPC Pipeline, LLC.

Description: PostRock KPC Pipeline, LLC submits tariff filing per 154.204: PAL Balancing Service Option to be effective 1/1/2011.

Filed Date: 12/29/2010.

Accession Number: 20101229–5049.

Comment Date: 5 p.m. Eastern Time on Monday, January 10, 2011.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and § 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2011–193 Filed 1–7–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings No. 2

December 29, 2010.

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP11–69–001.

Applicants: Golden Triangle Storage, Inc.

Description: Golden Triangle Storage, Inc. submits tariff filing per 154.203: GTS Compliance Filing in Docket No. RP11–69–000 to be effective 11/1/2010.

Filed Date: 12/14/2010.

Accession Number: 20101214–5058.

Comment Date: 5 p.m. Eastern Time on Tuesday, January 4, 2011.

Docket Numbers: RP10–1304–003.

Applicants: Gulf States Transmission Corporation.

Description: Gulf States Transmission Corporation submits tariff filing per 154.203: Gulf States Transmission Corp. Compliance Filing in RP10–1304–001 and 002 to be effective 11/1/2010.

Filed Date: 12/09/2010.

Accession Number: 20101209–5053.

Comment Date: 5 p.m. Eastern Time on Tuesday, January 4, 2011.

Docket Numbers: RP10–1374–001.

Applicants: Southwest Gas Transmission Company, A Limited Partnership.

Description: Southwest Gas Transmission Company, A Limited Partnership submits tariff filing per 154.203: Re-submit Baseline to be effective 10/1/2010.

Filed Date: 12/09/2010.

Accession Number: 20101209–5078.

Comment Date: 5 p.m. Eastern Time on Tuesday, January 4, 2011.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Such protests must be filed on or before 5 p.m. Eastern time on the specified comment date. Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu of paper using the "eFiling" link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2011–191 Filed 1–7–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

December 29, 2010.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER98–2329–008.

Applicants: Central Vermont Public Service Corp.

Description: Triennial Market Power Analysis of Central Vermont Public Service Corporation.

Filed Date: 12/29/2010.

Accession Number: 20101229–5115.

Comment Date: 5 p.m. Eastern Time on Monday, February 28, 2011.

Docket Numbers: ER01–989–008.

Applicants: Green Mountain Power Corporation.

Description: Updated Market Power Analysis of Green Mountain Power Corporation.

Filed Date: 12/29/2010.

Accession Number: 20101229–5126.

Comment Date: 5 p.m. Eastern Time on Monday, February 28, 2011.

Docket Numbers: ER10–2536–001.

Applicants: Westar Energy, Inc.

Description: Westar Energy, Inc. submits tariff filing per 35.17(b): Amendment, City of McPherson, KS, BPU, Addendum No. 5 to be effective 12/31/9998.

Filed Date: 12/29/2010.

Accession Number: 20101229–5001.

Comment Date: 5 p.m. Eastern Time on Wednesday, January 19, 2011.

Docket Numbers: ER10–2680–002.

Applicants: Puget Sound Energy, Inc.

Description: Puget Sound Energy, Inc. submits tariff filing per 35: OATT Section 4.2 and Attachment C 12/28/2010 to be effective 4/1/2011.

Filed Date: 12/28/2010.

Accession Number: 20101228–5090.

Comment Date: 5 p.m. Eastern Time on Tuesday, January 18, 2011.

Docket Numbers: ER10–2994–002; ER11–2196–001; ER11–2462–001; ER11–2463–001; ER11–2464–001; ER11–2465–001; ER11–2466–001; ER11–2467–001; ER11–2468–001; ER11–2469–001; ER11–2470–001; ER11–2471–001; ER11–2472–001; ER11–2473–001; ER11–2474–001; ER11–2475–001.

Applicants: Klondike Wind Power III LLC, Big Horn Wind Project LLC, Colorado Green Holdings LLC, Klamath Energy LLC, Klamath Generation LLC, Klondike Wind Power LLC, Twin Buttes Wind LLC, Pebble Springs Wind LLC, Hay Canyon Wind LLC, Star Point Wind Project LLC, Juniper Canyon Wind Power LLC, Big Horn II Wind Project LLC, Klondike Wind Power II LLC, Leaning Juniper Wind Power II LLC, Iberdrola Renewables, Inc., San Luis Solar LLC.

Description: Triennial Market Power Analysis of the IRI MBR Companies for the Northwest Region.

Filed Date: 12/29/2010.

Accession Number: 20101229–5123.

Comment Date: 5 p.m. Eastern Time on Monday, February 28, 2011.

Docket Numbers: ER11–2481–001; ER10–2688–002; ER10–2689–002; ER11–2478–001; ER11–2479–001; ER11–2480–001.

Applicants: Monongahela Power Company; The Potomac Edison Company; West Penn Power Company; Buchanan Generation, LLC; Allegheny Energy Supply Company, LLC; Green Valley Hydro, LLC.

Description: Triennial Market Power Analysis of the Allegheny Companies.

Filed Date: 12/29/2010.

Accession Number: 20101229–5116.

Comment Date: 5 p.m. Eastern Time on Monday, February 28, 2011.

Docket Numbers: ER11–2539–001; ER11–2540–001; ER11–2542–001.

Applicants: Plains End II, LLC, Plains End, LLC, Rathdrum Power, LLC

Description: Plains End, LLC, *et al.* Updated Market Power Analysis for the NW Region.

Filed Date: 12/28/2010.

Accession Number: 20101228–5167.

Comment Date: 5 p.m. Eastern Time on Monday, February 28, 2011.

Docket Numbers: ER11–2544–000.

Applicants: New York Independent System Operator, Inc.

Description: New York Independent System Operator, Inc. submits tariff filing per 35.13(a)(2)(iii: NYISO Tariff Revisions re: Market Power Mitigation Measures to be effective 2/28/2011.

Filed Date: 12/28/2010.

Accession Number: 20101228–5124.

Comment Date: 5 p.m. Eastern Time on Tuesday, January 18, 2011.

Docket Numbers: ER11–2545–000.

Applicants: Frederickson Power L.P.

Description: Frederickson Power L.P. submits tariff filing per 35: Frederickson Power L.P. Triennial Market Power Update to be effective 12/29/2010.

Filed Date: 12/28/2010.

Accession Number: 20101228–5141.

Comment Date: 5 p.m. Eastern Time on Monday, February 28, 2011.

Docket Numbers: ER11–2546–000.

Applicants: Manchief Power Company LLC.

Description: Manchief Power Company LLC submits tariff filing per 35: Manchief Power Company LLC

Triennial Market Power Update to be effective 12/29/2010.

Filed Date: 12/28/2010.

Accession Number: 20101228–5142.

Comment Date: 5 p.m. Eastern Time on Monday, February 28, 2011.

Docket Numbers: ER11–2547–000.

Applicants: New York Independent System Operator, Inc.

Description: New York Independent System Operator, Inc. submits tariff filing per 35.13(a)(2)(iii: NYISO 205 Filing Tariff Revision EITC to be effective 3/15/2011.

Filed Date: 12/28/2010.

Accession Number: 20101228–5145.

Comment Date: 5 p.m. Eastern Time on Tuesday, January 18, 2011.

Docket Numbers: ER11–2548–000.

Applicants: San Diego Gas & Electric Company.

Description: San Diego Gas & Electric Company submits tariff filing per 35.13(a)(2)(iii: SGIP & LGIP Revisions to SDG&E's Open Access Tariff to be effective 1/20/2011.

Filed Date: 12/28/2010.

Accession Number: 20101228–5146.

Comment Date: 5 p.m. Eastern Time on Tuesday, January 18, 2011.

Docket Numbers: ER11–2549–000.

Applicants: Granite State Electric Company.

Description: Granite State Electric Company submits tariff filing per 35.37: 2010 Market Power Analysis and Order 697–A Updates to be effective 12/30/2010.

Filed Date: 12/29/2010.

Accession Number: 20101229–5043.

Comment Date: 5 p.m. Eastern Time on Monday, February 28, 2011.

Docket Numbers: ER11–2550–000.

Applicants: Midwest Independent Transmission System Operator, Inc.

Description: Midwest Independent Transmission System Operator, Inc. submits tariff filing per 35.13(a)(2)(iii: G263 LGIA Filing to be effective 12/30/2010.

Filed Date: 12/29/2010.

Accession Number: 20101229–5044.

Comment Date: 5 p.m. Eastern Time on Wednesday, January 19, 2011.

Docket Numbers: ER11–2551–000.

Applicants: Arizona Public Service Company.

Description: Arizona Public Service Company submits tariff filing per 35.13(a)(2)(iii: Amendment to Service Agreement No. 51741 between APS and Gila River Power, L.P. to be effective 11/30/2010.

Filed Date: 12/29/2010.

Accession Number: 20101229–5045.

Comment Date: 5 p.m. Eastern Time on Wednesday, January 19, 2011.

Docket Numbers: ER11–2552–000.

Applicants: Massachusetts Electric Company.

Description: Massachusetts Electric Company submits tariff filing per 35.37: 2010 Market Power Analysis and Order 697–A Updates to be effective 12/30/2010.

Filed Date: 12/29/2010.

Accession Number: 20101229–5046.

Comment Date: 5 p.m. Eastern Time on Monday, February 28, 2011.

Docket Numbers: ER11–2553–000.

Applicants: Arizona Public Service Company.

Description: Arizona Public Service Company submits tariff filing per 35.13(a)(2)(iii: Service Agreement No. 308 to be effective 11/30/2010.

Filed Date: 12/29/2010.

Accession Number: 20101229–5047.

Comment Date: 5 p.m. Eastern Time on Wednesday, January 19, 2011.

Docket Numbers: ER11–2554–000.

Applicants: The Narragansett Electric Company.

Description: The Narragansett Electric Company submits tariff filing per 35.37: 2010 Market Power Analysis and Order 697–A Updates to be effective 12/30/2010.1150

Filed Date: 12/29/2010.

Accession Number: 20101229–5048.

Comment Date: 5 p.m. Eastern Time on Monday, February 28, 2011.

Docket Numbers: ER11–2555–000.

Applicants: National Grid Glenwood Energy Center LLC.

Description: National Grid Glenwood Energy Center LLC submits tariff filing per 35.37: 2010 Market Power Analysis and Order 697–A Updates to be effective 12/30/2010.

Filed Date: 12/29/2010.

Accession Number: 20101229–5062.

Comment Date: 5 p.m. Eastern Time on Monday, February 28, 2011.

Docket Numbers: ER11–2556–000.

Applicants: National Grid Port Jefferson.

Description: National Grid Port Jefferson submits tariff filing per 35.37: 2010 Market Power Analysis and Order 697–A Updates to be effective 12/30/2010.

Filed Date: 12/29/2010.

Accession Number: 20101229–5064.

Comment Date: 5 p.m. Eastern Time on Monday, February 28, 2011.

Docket Numbers: ER11–2557–000.

Applicants: New England Power Company.

Description: New England Power Company submits tariff filing per 35.37: 2010 Market Power Analysis and Order 697–A Updates to be effective 12/30/2010.

Filed Date: 12/29/2010.

Accession Number: 20101229–5065.

Comment Date: 5 p.m. Eastern Time on Monday, February 28, 2011.

Docket Numbers: ER11–2558–000.

Applicants: Niagara Mohawk Power Corporation.

Description: Niagara Mohawk Power Corporation submits tariff filing per 35.37: 2010 Market Power Analysis and Order 697–A Updates to be effective 12/30/2010.

Filed Date: 12/29/2010.

Accession Number: 20101229–5066.

Comment Date: 5 p.m. Eastern Time on Monday, February 28, 2011.

Docket Numbers: ER11–2559–000.

Applicants: Rock River I, LLC.

Description: Rock River I, LLC submits tariff filing per 35.13(a)(2)(iii: Revised MBR Tariff to be effective 2/27/2011.

Filed Date: 12/29/2010.

Accession Number: 20101229–5067.

Comment Date: 5 p.m. Eastern Time on Wednesday, January 19, 2011.

Docket Numbers: ER11–2559–001.

Applicants: Rock River I, LLC.

Description: Rock River I, LLC, Updated Market Power Analysis for the Northwest Region.

Filed Date: 12/29/2010.

Accession Number: 20101229–5125.

Comment Date: 5 p.m. Eastern Time on Monday, February 28, 2011.

Docket Numbers: ER11–2560–000.

Applicants: Entergy Arkansas, Inc.

Description: Entergy Arkansas, Inc. submits tariff filing per 35.13(a)(2)(iii: EAI PCITSA Amendment to be effective 3/1/2011.

Filed Date: 12/29/2010.

Accession Number: 20101229–5068.

Comment Date: 5 p.m. Eastern Time on Wednesday, January 19, 2011.

Docket Numbers: ER11–2562–000.

Applicants: Entergy Gulf States Louisiana, L.L.C.

Description: Entergy Gulf States Louisiana, L.L.C. submits tariff filing per 35.13(a)(2)(iii: Amended River Bend MSS–4 Agreement to be effective 12/29/2010.

Filed Date: 12/29/2010.

Accession Number: 20101229–5110.

Comment Date: 5 p.m. Eastern Time on Wednesday, January 19, 2011.

Docket Numbers: ER11–2563–000.

Applicants: New York State Electric & Gas Corporation.

Description: New York State Electric & Gas Corporation submits tariff filing per 35.37: NYSEG MBR Tariff Revisions Dec. 2010 to be effective 12/29/2010.

Filed Date: 12/29/2010.

Accession Number: 20101229–5120.

Comment Date: 5 p.m. Eastern Time on Wednesday, January 19, 2011.

Docket Numbers: ER11–2564–000.

Applicants: Rochester Gas and Electric Corporation.

Description: Rochester Gas and Electric Corporation submits tariff filing per 35.37: RGE MBR Tariff Revisions Dec. 2010 to be effective 12/29/2010.

Filed Date: 12/29/2010.

Accession Number: 20101229–5121.

Comment Date: 5 p.m. Eastern Time on Wednesday, January 19, 2011.

Docket Numbers: ER11–2565–000.

Applicants: Midwest Independent Transmission System Operator, Inc.

Description: Midwest Independent Transmission System Operator, Inc. submits tariff filing per 35: 12–29–10 Attachment GG Compliance Filing—Final to be effective 12/5/2010.

Filed Date: 12/29/2010.

Accession Number: 20101229–5122.

Comment Date: 5 p.m. Eastern Time on Wednesday, January 19, 2011.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2011–182 Filed 1–7–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL11–14–000]

AES Wind Generation, Inc. v. California Independent System Operator Corporation; Notice of Complaint and Notice Shortening Date for Filing Answers to Motion for Stay

January 3, 2011.

Take notice that on December 30, 2010, AES Wind Generation, Inc. (AES Wind), pursuant to Rule 206 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (Commission), 18 CFR 385.206 (2010) and sections 206 and 306 of the Federal Power Act, 16 U.S.C. 824e and 825e (2006), filed a complaint against the California Independent System Operator Corporation (CAISO or Respondent), concerning the requirement that AES Wind post its second financial security for transmission upgrades identified in the CAISO's Phase II interconnection study. Included in the complaint filing was a Motion for Stay of the date by which AES Wind is required to post its second financial security for the CAISO Transition Cluster.

By this notice, the date for filing answers to the Motion for Stay is shortened to and including January 6, 2011.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on January 19, 2011.

Kimberly D. Bose,

Secretary.

[FR Doc. 2011–187 Filed 1–7–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13809–000; Project No. 13814–000]

Lock+ Hydro Friends Fund XLVIII; FFP Missouri 15, LLC Notice Announcing Filing Priority for Preliminary Permit Applications

December 29, 2010.

On December 29, 2010, the Commission held a drawing to determine priority between two competing preliminary permit applications with identical filing times. In the event that the Commission concludes that neither of the applicants' plans is better adapted than the other to develop, conserve, and utilize in the public interest the water resources of the region at issue, the priority established by this drawing will serve as the tiebreaker. Based on the drawing, the order of priority is as follows:

1. Lock+ Hydro Friends Fund XLVIII.	Project No. 13809–000.

2. FFP Missouri 15, LLC.	Project No. 13814–000.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2011–176 Filed 1–7–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AC11–13–000]

Empire Pipeline, Inc.; Notice of Filing

December 30, 2010.

Take notice that on December 1, 2010, Empire Pipeline, Inc. submitted a request for a waiver of the reporting requirement to provide its certified public accountant (CPA) certification statement for the FERC Form No. 2 for 2010 on the basis of the calendar year ending December 31, 2010, because it utilizes a fiscal year ending September 30, 2010.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: January 31, 2011.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2011–178 Filed 1–7–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ID–6464–000]

Hemphill, Stuart R.; Notice of Filing

January 3, 2011.

Take notice that on December 30, 2010, Stuart R. Hemphill submitted for filing, an application for authority to hold interlocking positions, pursuant to section 305(b) of the Federal Power Act, 16 U.S.C. 825d (b) and part 45 of title 18 of the Code of Federal Regulations, 18 CFR part 45.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on January 20, 2011.

Kimberly D. Bose,

Secretary.

[FR Doc. 2011–186 Filed 1–7–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98–1–000]

Records Governing Off-the-Record Communications; Public Notice

December 30, 2010.

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt off-the-record communication relevant to the merits of a contested proceeding, to deliver to the Secretary of the Commission, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications are included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of off-the-record communications recently received by the Secretary of the Commission. The communications listed are grouped by docket numbers in ascending order. These filings are available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the eLibrary link. Enter the docket number, excluding the last three digits, in the docket number field to access the document. For assistance, please contact FERC, Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Docket No.	File date	Presenter or requester
Exempt:		
1. P–2079–000	12–21–10	Hon. Dianne Feinstein.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2011–177 Filed 1–7–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP11–54–000]

Florida Gas Transmission Company, LLC; Notice of Request Under Blanket Authorization

December 29, 2010.

Take notice that on December 16, 2010 Florida Gas Transmission Company, LLC (FGT), 5444 Westheimer Road, Houston, Texas 77056, filed in Docket No. CP11–54–000, a Prior Notice request pursuant to sections 157.205 and 157.216 of the Commission's Regulations under the Natural Gas Act for authorization to abandon 0.4-mile segment of 24-inch mainline facilities located in Broward County, Florida. Specifically, FGT proposes to disconnect this 0.4-mile segment of 24-inch mainline, then purge and grout this 24-inch mainline from approximate mile post (MP) 882.6 to MP 883.0, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing may also be viewed on the Web at *http://www.ferc.gov* using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TTY, (202) 502–8659.

Any questions regarding this Application should be directed to Stephen Veatch, Senior Director of Certificates & Tariffs, Florida Gas Transmission Company, LLC, 5444 Westheimer Road, Houston, Texas 77056, or call (713) 989–2024, or fax (713) 989–1158, or by e-mail *Stephen.Veatch@sug.com.*

Any person may, within 60 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention. Any person filing to intervene or the Commission's staff may, pursuant to section 157.205 of the Commission's Regulations under the NGA (18 CFR 157.205) file a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commentary, will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the Internet in lieu of paper. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*http://www.ferc.gov*) under the "e-Filing" link.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2011–180 Filed 1–7–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Western Area Power Administration

Loveland Area Projects/Western Area Colorado Missouri Balancing Authority—Rate Order No. WAPA–154

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of Rate Order Temporarily Extending Loveland Area Projects Transmission and Western Area Colorado Missouri Balancing Authority Ancillary Services Formula Rates.

SUMMARY: This action is being taken to temporarily extend the existing Loveland Area Projects (LAP) Transmission and Western Area Colorado Missouri Balancing Authority (WACM) Ancillary Services Formula Rates through February 28, 2013. The existing transmission and ancillary services formula rates will expire February 28, 2011, with the exception of the Regulation and Frequency Response Service formula rate which expires May 31, 2011.

FOR FURTHER INFORMATION CONTACT: Mr. Bradley S. Warren, Regional Manager, Rocky Mountain Region, Western Area Power Administration, P.O. Box 3700, Loveland, CO 80539–3003, (970) 461–7201, e-mail *warren@wapa.gov,* or Ms. Sheila Cook, Rates Manager, Rocky Mountain Region, Western Area Power Administration, P.O. Box 3700, Loveland, CO 80539–3003, (970) 461–7211, e-mail *scook@wapa.gov.*

SUPPLEMENTARY INFORMATION: By Delegation Order No. 00–037.00, effective December 6, 2001, the Secretary of Energy delegated: (1) The authority to develop power and transmission rates to the Administrator of the Western Area Power Administration (Western); (2) the authority to confirm, approve, and place such rates into effect on an interim basis to the Deputy Secretary of Energy; and (3) the authority to confirm, approve, and place into effect on a final basis, to remand, or to disapprove such rates to the Federal Energy Regulatory Commission (FERC).

The existing formula rates approved under Rate Order No. WAPA–106 [1] became effective on March 1, 2004, through February 28, 2009. The rates, with the exception of Rate Schedule L–AS3, were extended through February 28, 2011, under Rate Order No. WAPA–141.[2] Rate Schedule L–AS3, Regulation and Frequency Response Service, was revised and approved under Rate Order No. WAPA–118,[3] which became effective June 1, 2006, through May 31, 2011. The existing rate formulae methodology collects annual revenue sufficient to recover annual expenses, including interest and capital requirements, thus ensuring repayment of the project costs within the cost recovery criteria set forth in DOE Order RA 6120.2. Since the rate formulas were originally extended, Western has worked both internally and with customers to evaluate new rate requirements and develop new rate formulas for transmission and ancillary services. These new requirements are necessary to address Western's revised Open Access Transmission Tariff (OATT) that was submitted to FERC in October 2009 and approved by FERC on December 2, 2010, pending an acceptable compliance filing.[4] Western also made the decision that the Rocky Mountain and Desert Southwest Regional Offices would work together in an attempt to make their ancillary service rate formulas consistent to the extent possible as a result of the operations consolidation of the two Regions. These are complex issues that have taken a considerable amount of time to resolve. As a result, pursuant to 10 CFR 903.23 (b), Western is again temporarily extending the existing LAP Transmission and WACM Ancillary Services Formula Rates, including Rate Schedule L–AS3, through February 28, 2013, or until the rate schedules are superseded. This extension will provide the time Western needs to complete the informal and formal public process associated with the new rate formulas.

Western did not have a consultation and comment period and did not hold public information and comment forums for this extension, in accordance with 10 CFR 903.23(b). Following review of Western's proposal with DOE, I hereby approve Rate Order No. WAPA–154 which temporarily extends the existing LAP Transmission and WACM Ancillary Services rate schedules L–NT1, L–FPT1, L–NFPT1,L–AS1, L–AS2, L–AS3, L–AS4, L–AS5, L–AS6 and L–AS7 through February 28, 2013.

Dated: December 30, 2010.

Daniel B. Poneman,

Deputy Secretary.

Order Confirming and Approving a Temporary Extension of the Loveland Area Projects Transmission and Western Area Colorado Missouri Balancing Authority Ancillary Services Formula Rates

Section 302(a) of the Department of Energy (DOE) Organization Act (42 U.S.C. 7152) transferred to and vested in the Secretary of Energy the power marketing functions of the Secretary of the Department of the Interior and the Bureau of Reclamation under the Reclamation Act of 1902 (ch. 1093, 32 Stat. 388), as amended and supplemented by subsequent laws, particularly section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)), and other acts that specifically apply to the project involved.

By Delegation Order No. 00–037.00 effective December 6, 2001, the Secretary of Energy delegated: (1) The authority to develop power and transmission rates to the Administrator of the Western Area Power Administration (Western); (2) the authority to confirm, approve, and place such rates into effect on an interim basis to the Deputy Secretary of Energy; and (3) the authority to confirm, approve, and place into effect on a final basis, to remand, or to disapprove such rates to the Federal Energy Regulatory Commission (FERC). This rate extension is issued pursuant to the Delegation Order and the DOE rate extension procedures at 10 CFR 903.23(b).

Background

Under Rate Order No. WAPA–106, the existing formula rates were approved for five (5) years. They were extended, with the exception of Rate Schedule L–AS3, under Rate Order No. WAPA–141, effective through February 28, 2011. Rate Schedule L–AS3, Regulation and Frequency Response Service, was revised and approved through May 31, 2011, under Rate Order No. WAPA–118. Western temporarily extends all transmission and ancillary service formula rates, including Rate Schedule L–AS3.

Discussion

Western temporarily extends the existing LAP Transmission and WACM Ancillary Services formula rates pursuant to 10 CFR 903.23(b). The existing rate formula methodologies collect annual revenue sufficient to recover annual expenses (including interest) and capital requirements, thus ensuring repayment of the project costs within the cost recovery criteria set forth in DOE Order RA 6120.2. Since the rate formulas were originally extended, Western has worked both internally and with customers to evaluate new rate requirements and develop new rate formulas for transmission and ancillary services. These new requirements are necessary to address Western's revised Open Access Transmission Tariff (OATT) that was submitted to FERC in October 2009 and approved by FERC on December 2, 2010, pending an acceptable compliance filing. Western also made the decision that the Rocky Mountain and Desert Southwest Regional Offices would work together in an attempt to make their ancillary service rate formulas consistent to the extent possible as a result of the operations consolidation of the two Regions. These are complex issues that have taken a considerable amount of time to resolve. As a result, pursuant to 10 CFR 903.23 (b), Western is again temporarily extending the existing LAP Transmission and WACM Ancillary Services Formula Rates, including Rate Schedule L–AS3, through February 28, 2013, or until the rate schedules are superseded. This extension will provide the time Western needs to complete the informal and formal public process associated with the new rate formulas.

The process to evaluate new rate requirements for transmission and ancillary services is complex and will take several months to complete. During this time, Western will hold public forums to provide interested parties with relevant information and the opportunity to comment on Western's proposals. For these reasons, Western extends existing rate schedules L–NT1, L–FPT1, L–NFPT1, L–AS1, L–AS2, L–AS3, L–AS4, L–AS5, L–AS6 and L–AS7. Western did not have a consultation and comment period and did not hold public information and comment forums for this extension, in accordance with 10 CFR 903.23(b).

Order

In view of the above and under the authority delegated to me, I hereby extend for a period effective from March 1, 2011, through February 28, 2013, the existing rate schedules L–NT1, L–FPT1,

[1] WAPA–106 was approved by FERC on a final basis on January 31, 2005, in Docket No. EF–04–5182–000 (110 FERC ¶ 62,084).

[2] WAPA–141 Extension of Rate Order No. WAPA 106, 2-year extension through February 28, 2011. 73 FR 48382, August 19, 2008.

[3] WAPA–118 was approved by FERC on a final basis on November 17, 2006, in Docket No. EF–06–5182–000 (117 FERC ¶ 62,163).

[4] *Western Area Power Administration,* 133 FERC ¶ 61,193 (2010).

L–NFPT1, L–AS1, L–AS2, L–AS3, L–AS4, L–AS5, L–AS6 and L–AS7 for LAP Transmission and WACM Ancillary Services.

Dated: December 30, 2010.

Daniel B. Poneman,
Deputy Secretary.

[FR Doc. 2011–211 Filed 1–7–11; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9250–3]

National Advisory Council for Environmental Policy and Technology

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Meeting.

SUMMARY: Under the Federal Advisory Committee Act, Public Law 92463, EPA gives notice of a public meeting of the National Advisory Council for Environmental Policy and Technology (NACEPT). NACEPT provides advice to the EPA Administrator on a broad range of environmental policy, technology, and management issues. NACEPT represents diverse interests from academia, industry, non-governmental organizations, and local, State, and Tribal governments. The Council will continue discussing the workplans it is developing to respond to EPA's request for advice on workforce issues the Agency is facing and how EPA can best address the needs of vulnerable populations. A copy of the agenda for the meeting will be posted at *http://www.epa.gov/ofacmo/nacept/calnacept.htm*.

DATES: NACEPT will hold a public meeting on Thursday, January 20, 2011 from 9 a.m. to 5:30 p.m. and Friday, January 21, 2011 from 8:30 a.m. to 2 p.m. Due to logistical circumstances, EPA is announcing this meeting with less than 15 calendar days public notice.

ADDRESSES: The meeting will be held at the Hilton Garden Inn Washington Hotel 815 14th Street, NW., in Washington, DC 20005, phone number 202–783–7800.

FOR FURTHER INFORMATION CONTACT: Mark Joyce, Acting Designated Federal Officer, *joyce.mark@epa.gov,* (202) 564–2130, U.S. EPA, Office of Federal Advisory Committee Management and Outreach (1601M), 1200 Pennsylvania Avenue, NW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: Requests to make oral comments or to provide written comments to NACEPT should be sent to Megan Moreau at (202) 564–5320 or *moreau.megan@epa.gov* by Friday, January 14, 2011. The public is welcome to attend all portions of the meeting, but seating is limited and is allocated on a first-come, first-serve basis. Members of the public wishing to attend should contact Megan Moreau at (202) 564–5320 or *moreau.megan@epa.gov* by January 14, 2011.

Meeting Access: For information on access or services for individuals with disabilities, please contact Megan Moreau at (202) 564–5320 or *moreau.megan@epa.gov*. To request accommodation of a disability, please contact Megan, preferably 10 days prior to the meeting, to give EPA as much time as possible to process your request.

Dated: January 5, 2011.

Timothy Sherer,

Acting Designated Federal Officer.

[FR Doc. 2011–220 Filed 1–7–11; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9249–9]

Public Water System Supervision Program Revision for the State of New Mexico

AGENCY: United States Environmental Protection Agency (EPA).

ACTION: Notice of tentative approval.

SUMMARY: Notice is hereby given that the State of New Mexico is revising its approved Public Water System Supervision Program. New Mexico has adopted the Ground Water Rule (GWR), the Long Term 2 Enhanced Surface Water Treatment Rule (LT2) and the Stage 2 Disinfection By Products Rule (ST2). The purpose of these rules is to improve control and reduce the risk of microbial pathogens in drinking water and to address risk trade-offs with disinfection byproducts. EPA has determined that the GWR, LT2, and ST2 revisions submitted by New Mexico are no less stringent than the corresponding Federal regulation. Therefore, EPA intends to approve the program revisions.

DATES: All interested parties may request a public hearing. A request for a public hearing must be submitted by February 9, 2011 to the Regional Administrator at the EPA Region 6 address shown below. Frivolous or insubstantial requests for a hearing may be denied by the Regional Administrator. However, if a substantial request for a public hearing is made by February 9, 2011, a public hearing will be held. If no timely and appropriate request for a hearing is received and the Regional Administrator does not elect to hold a hearing on his own motion, this determination shall become final and effective on February 9, 2011. Any request for a public hearing shall include the following information: The name, address, and telephone number of the individual, organization, or other entity requesting a hearing; a brief statement of the requesting person's interest in the Regional Administrator's determination and a brief statement of the information that the requesting person intends to submit at such hearing; and the signature of the individual making the request, or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

ADDRESSES: All documents relating to this determination are available for inspection between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, at the following offices: New Mexico Environment Department, Drinking Water Bureau, 525 Camino De Los Marquez, Suite 4, Santa Fe, New Mexico, 87505 and the United States Environmental Protection Agency, Region 6, Drinking Water Section (6WQ–SD), 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202.

FOR FURTHER INFORMATION CONTACT: Bill Hurlbut or Dzung Kim Ngo Kidd, EPA Region 6, Drinking Water Section at the Dallas address given above or at telephone 214–665–8305/7158 (Hurlbut/Ngo Kidd), or by e-mail (*hurlbut.bill@epa.gov, ngo.kim@epa.gov*).

Authority: Section 1413 of the Safe Drinking Water Act, as amended (1996), and 40 CFR part 142 of the National Primary Drinking Water Regulations.

Dated: December 22, 2010.

Carl E. Edlund,

Acting Regional Administrator, Region 6.

In accordance with the Safe Drinking Water Act as amended, and 40 CFR 142, the National Primary Drinking Water Regulations Implementation, the State of New Mexico proposes to revise its approved Public Water System Supervision Primacy Program. This is the program which oversees drinking water facilities in New Mexico. Specifically, New Mexico has revised adopted drinking water regulations including the Ground Water Rule (GWR), the Long Term 2 Enhanced Surface Water Treatment Rule (LT2), and the Stage 2 Disinfection By Products Rule (ST2). EPA has determined that these GWR, LT2, and ST2 revisions are no less stringent than the corresponding Federal regulations. Therefore, EPA intends to approve these program revisions.

[FR Doc. 2011–244 Filed 1–7–11; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the National Coordinator for Health Information Technology; HIT Policy Committee's Workgroup Meetings; Notice of Meetings

AGENCY: Office of the National Coordinator for Health Information Technology, HHS.

ACTION: Notice of meetings.

This notice announces forthcoming subcommittee meetings of a Federal advisory committee of the Office of the National Coordinator for Health Information Technology (ONC). The meetings will be open to the public via dial-in access only.

Name of Committees: HIT Policy Committee's Workgroups: Meaningful Use, Privacy & Security Tiger Team, Enrollment, Governance, Adoption/Certification, PCAST Report, and Information Exchange workgroups.

General Function of the Committee: to provide recommendations to the National Coordinator on a policy framework for the development and adoption of a nationwide health information technology infrastructure that permits the electronic exchange and use of health information as is consistent with the Federal Health IT Strategic Plan and that includes recommendations on the areas in which standards, implementation specifications, and certification criteria are needed.

Date and Time: The HIT Policy Committee Workgroups will hold the following public meetings during January 2011: January 6th Meaningful Use Workgroup, 10 a.m. to 1 p.m./ET; January 7th PCAST Report Workgroup, 4:30 p.m. to 5 p.m./ET; January 13th Information Exchange Workgroup, 10 a.m. to 12 p.m./ET; January 18th Provider Directory Task Force, 10 a.m. to 12 p.m./ET; January 18th Privacy & Security Tiger Team, 2 p.m. to 4 p.m./ET; January 20th Meaningful Use Workgroup, 3:30 p.m. to 5 p.m./ET; January 24th Provider Directory Task Force, 10 a.m. to 12 p.m./ET; and January 28th Information Exchange Workgroup, 10 a.m. to 12 p.m./ET.

Location: All workgroup meetings will be available via webcast; for instructions on how to listen via telephone or Web visit *http://healthit.hhs.gov.* Please check the ONC Web site for additional information or revised schedules as it becomes available.

Contact Person: Judy Sparrow, Office of the National Coordinator, HHS, 330 C Street, SW., Washington, DC 20201, 202–205–4528, Fax: 202–690–6079, e-mail: judy.sparrow@hhs.gov Please call the contact person for up-to-date information on these meetings. A notice in the **Federal Register** about last minute modifications that affect a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice.

Agenda: The workgroups will be discussing issues related to their specific subject matter, *e.g.,* meaningful use, information exchange, privacy and security, enrollment, governance, or adoption/certification. If background materials are associated with the workgroup meetings, they will be posted on ONC's Web site prior to the meeting at *http://healthit.hhs.gov.*

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the workgroups. Written submissions may be made to the contact person on or before two days prior to the workgroup's meeting date. Oral comments from the public will be scheduled at the conclusion of each workgroup meeting. Time allotted for each presentation will be limited to three minutes. If the number of speakers requesting to comment is greater than can be reasonably accommodated during the scheduled open public session, ONC will take written comments after the meeting until close of business on that day.

If you require special accommodations due to a disability, please contact Judy Sparrow at least seven (7) days in advance of the meeting.

ONC is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at http*://healthit.hhs.gov* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., App. 2).

Dated: January 3, 2011.

Judith Sparrow,

Office of Programs and Coordination, Office of the National Coordinator for Health Information Technology.

[FR Doc. 2011–189 Filed 1–7–11; 8:45 am]

BILLING CODE 4150–45–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the National Coordinator for Health Information Technology; HIT Standards Committee Advisory Meeting; Notice of Meeting

AGENCY: Office of the National Coordinator for Health Information Technology, HHS.

ACTION: Notice of Meeting.

This notice announces a forthcoming meeting of a public advisory committee of the Office of the National Coordinator for Health Information Technology (ONC). The meeting will be open to the public.

Name of Committee: HIT Standards Committee.

General Function of the Committee: To provide recommendations to the National Coordinator on standards, implementation specifications, and certification criteria for the electronic exchange and use of health information for purposes of adoption, consistent with the implementation of the Federal Health IT Strategic Plan, and in accordance with policies developed by the HIT Policy Committee.

Date and Time: The meeting will be held on January 12, 2011, from 9 a.m. to 3 p.m./ Eastern Time.

Location: Washington Marriott Wardman Park, 2660 Woodley Road, NW., Washington, DC 20008, telephone: 202–328–2000.

Contact Person: Judy Sparrow, Office of the National Coordinator, HHS, 330 C Street, SW., Washington, DC 20201, 202–205–4528, Fax: 202–690–6079, e-mail: *judy.sparrow@hhs.gov.* Please call the contact person for up-to-date information on this meeting. A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice.

Agenda: The committee will hear reports from its workgroups, including the Clinical Operations, Vocabulary Task Force, Implementation, and Enrollment Workgroups. ONC intends to make background material available to the public no later than two (2) business days prior to the meeting. If ONC is unable to post the background material on its Web site prior to the meeting, it will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on ONC's Web site after the meeting, at *http://healthit.hhs.gov.*

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before January 10, 2011. Oral comments from the public will be scheduled between approximately 2 and 3 p.m./Eastern Time. Time allotted for each presentation will be limited to three minutes each. If the number of speakers requesting to comment is greater than can be reasonably accommodated during the scheduled open public hearing session, ONC will take written comments after the meeting until close of business.

Persons attending ONC's advisory committee meetings are advised that the agency is not responsible for providing access to electrical outlets.

ONC welcomes the attendance of the public at its advisory committee meetings. Seating is limited at the location, and ONC will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Judy Sparrow at least seven (7) days in advance of the meeting.

ONC is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at *http://healthit.hhs.gov* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., App. 2).

Dated: January 3, 2011.

Judith Sparrow,

Office of Programs and Coordination, Office of the National Coordinator for Health Information Technology.

[FR Doc. 2011–194 Filed 1–7–11; 8:45 am]

BILLING CODE 4150–45–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the National Coordinator for Health Information Technology HIT Standards Committee's Workgroup Meetings; Notice of Meetings

AGENCY: Office of the National Coordinator for Health Information Technology, HHS.

ACTION: Notice of meetings.

This notice announces forthcoming subcommittee meetings of a Federal advisory committee of the Office of the National Coordinator for Health Information Technology (ONC). The meetings will be open to the public via dial-in access only.

Name of Committees: HIT Standards Committee's Workgroups: Clinical Operations, Vocabulary Task Force, Implementation, and Privacy & Security workgroups.

General Function of the Committee: to provide recommendations to the National Coordinator on standards, implementation specifications, and certification criteria for the electronic exchange and use of health information for purposes of adoption, consistent with the implementation of the Federal Health IT Strategic Plan, and in accordance with policies developed by the HIT Policy Committee.

Date and Time: The HIT Standards Committee Workgroups will hold the following public meetings during January 2011: January 10 and 11 Implementation Workgroup hearing on adoption experience, 1 p.m. to 4 p.m. on Jan 10, 9 a.m. to 5 p.m./ET on Jan 11; January 13th Clinical Operations Workgroup, 1 p.m. to 2:30 p.m./ET; and January 25th Clinical Operations Workgroup, 1 p.m. to 3 p.m./ET.

Location: All workgroup meetings will be available via webcast; visit *http://healthit.hhs.gov* for instructions on how to listen via telephone or Web. Please check the ONC Web site for additional information as it becomes available. Contact Person: Judy Sparrow, Office of the National Coordinator, HHS, 330 C Street, SW., Washington, DC 20201, 202–205–4528, Fax: 202–690–6079, e-mail: *judy.sparrow@hhs.gov* Please call the contact person for up-to-date information on these meetings. A notice in the **Federal Register** about last minute modifications that affect a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice.

Agenda: The workgroups will be discussing issues related to their specific subject matter, e.g., clinical operations vocabulary standards, implementation opportunities and challenges, and privacy and security standards activities. If background materials are associated with the workgroup meetings, they will be posted on ONC's Web site prior to the meeting at *http://healthit.hhs.gov.*

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the workgroups. Written submissions may be made to the contact person on or before two days prior to the workgroups' meeting date. Oral comments from the public will be scheduled at the conclusion of each workgroup meeting. Time allotted for each presentation will be limited to three minutes. If the number of speakers requesting to comment is greater than can be reasonably accommodated during the scheduled open public session, ONC will take written comments after the meeting until close of business on that day.

If you require special accommodations due to a disability, please contact Judy Sparrow at least seven (7) days in advance of the meeting.

ONC is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at *http://healthit.hhs.gov* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., App. 2).

Dated: January 3, 2011.

Judith Sparrow,

Office of Programs and Coordination, Office of the National Coordinator for Health Information Technology.

[FR Doc. 2011–190 Filed 1–7–11; 8:45 am]

BILLING CODE 4150–45–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–11–11BD]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call 404–639–5960 and send comments to Carol E. Walker, CDC Acting Reports Clearance Officer, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an e-mail to *omb@cdc.gov.*

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) 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. Written comments should be received within 60 days of this notice.

Proposed Project

Fetal-Infant Mortality Review—Human Immunodeficiency Virus Prevention Methodology (FHPM)—New—National Center for HIV/AIDS, Viral Hepatitis, Sexually Transmitted Diseases, and Tuberculosis Prevention (NCHHSTP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

NCHHSTP has the primary responsibility within the CDC and the U.S. Public Health Service for the prevention and control of HIV infection, viral hepatitis, sexually transmitted diseases, and tuberculosis, as well as for community-based HIV prevention activities, syphilis, and tuberculosis elimination programs. Remarkable progress has been made in preventing mother-to-child transmission of HIV in recent years, following the introduction of antiretroviral therapy for the prevention of mother-to-child transmission in 1994. The number of infants perinatally infected with HIV has decreased dramatically: from 1,650 cases in 1991 to approximately 240–247 cases in 2005.

Despite advances in interventions for the prevention of mother-to-child transmission of human immunodeficiency virus type 1, including antiretroviral drugs, elective cesarean delivery, and avoidance of breastfeeding, between 100 and 200 infants are perinatally infected with HIV in the United States each year. Many of these cases result from missed prevention opportunities, such as prenatal HIV testing, prenatal care, or antiretroviral prophylaxis.

The Fetal-InfantMortality Review-HIV Prevention Methodology (FHPM) is designed to identify and address missed prevention opportunities at the community level. FHPM was first piloted at 3 sites, which developed the data collection instruments collaboratively with CityMatCH and CDC; CDC did not dictate the data collection method. FHPM is currently a CDC NCHHSTP funded extramural project at 10 sites, conducted in partnership with the National Fetal and Infant Mortality Review Program,

CityMatCH, and participating communities. This request is for 3-years.

The original Fetal-Infant Mortality Review (FIMR) methodology was an approach designed to lead to community-level improvements in infant health outcomes. The methodology consists of four steps: Data gathering, case review, community action, and changes in community systems.

The FHPM has adapted the steps of FIMR in order to evaluate and address the causes of perinatal HIV transmission. This is the first program to approach perinatal HIV prevention using a community-based systems investigation and improvement strategy.

During FHPM's first step of the methodology, cases of perinatal HIV will be identified based on a pre-established case definition, and will be prioritized for community review.

Data for selected cases will be collected from a variety of sources, including medical, public health, and case management records, and then de-identified. A maternal interview will only be conducted if consent is provided by the woman. Data collection can proceed using hospital records if there is no consent for an interview. Data collected during interviews with consenting women will be de-identified. There will be no cost to participants beyond their time, and women can decline to be interviewed.

The maternal interview is the only portion of the project which interacts with individual patients. As is the case for all data collected by FHPM, the intent for the data is for local use to understand and improve local systems. Face-to-face interviews will average 1.5 hours in duration and will not need to be repeated, unless a woman has a second pregnancy and is selected for case review under the priority assessment, and consents to participate a second time. Each of the 10 FHPM sites will conduct 30 maternal interviews annually. The number of elements in the interview is presently being reduced. When the FIMR–HIV Data System (FHDS) is implemented (see below), each of these 10 sites will be asked to send its data to the FHDS.

After the data collection phase, a multidisciplinary case review team (CRT) will conduct a regularly scheduled case review session. The recommendations and findings of the CRT will then be passed on to a Community Action Team (CAT), a diverse, broad-based group of community leaders and representatives capable of defining and initiating changes in the local systems.

Since 2009, partner organizations have been funded to operate FHPM in 10 sites. Sites have been collecting and evaluating data on mother-to-child transmissions in their communities since 2010. Currently de-identified FHPM data is stored electronically at participating sites. This data has been collected by local health agencies for local public health action and programming. NCHHSTP also plans to launch the FIMR–HIV Data System (FHDS) in 2011, which would provide a centralized, Web-based data system that could be accessed and utilized by all participating sites and partner organizations. This Information Collection Request is being submitted since the FHDS since FHDS will be managed by CDC, thus centralizing the data and allowing aggregated analysis.

NCHHSTP is considering ways to eliminate perinatal HIV transmission in the U.S., and has incorporated FHPM into a framework to do so.

Data collected by FHPM will primarily serve to inform and improve local health systems in order to prevent future perinatal HIV transmissions. This data will provide a clearer picture of the systems-level strengths and weaknesses in participating communities. There will be no cost to participants other than their time.

Estimated Annualized Burden Hours

Form name	Respondents	Number of respondents	Number of responses per respondent	Average burden response (in hours)	Total burden (in hours)
Face-to-Face Maternal Interview Form.	Sites participating in FHPM	10	30	1.5	450

Dated: December 30, 2010.

Carol E. Walker,

Acting Reports Clearance Officer, Centers for Disease Control and Prevention.

[FR Doc. 2011–280 Filed 1–7–11; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket Number NIOSH–189]

Request for Information on 2,3-Pentanedione and Other Alpha-Diketones Used As Diacetyl Substitutes

AGENCY: National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of public comment period.

SUMMARY: The National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and Prevention (CDC) intends to evaluate the scientific data on 2,3-pentanedione (CAS #600–14–6, also known as pentane-2,3-dione; acetyl propionyl) and other alpha-diketones and develop appropriate communication documents, such as a Current Intelligence Bulletin, Criteria Document and/or other informational products, and potentially establish a Recommended Exposure Limit (REL) for diacetyl substitutes. NIOSH is requesting information on the following: (1) Published and unpublished reports and findings from *in vitro* and *in vivo* toxicity studies with 2,3-pentanedione, and other alpha diketones, (2) information on possible health effects observed in workers exposed to 2,3-pentanedione, and other alpha-diketones, (3) information on workplaces and products in which 2,3-pentanedione and other alpha-diketones can be found, (4) description of work tasks and scenarios with a potential for exposure to 2,3-pentanedione and other alpha-diketones, (5) workplace exposure data, and (6) information on control measures (*e.g.,* engineering controls, work practices, personal protective equipment) that are being used in workplaces where potential exposures to 2,3-pentanedione and other alpha diketones occur.

Public Comment Period: Comments must be received by February 9, 2011.

ADDRESSES: You may submit comments, identified by docket number NIOSH–189 by any of the following methods:

• *Mail:* NIOSH Docket Office, Robert A. Taft Laboratories, MS–C34, 4676 Columbia Parkway, Cincinnati, OH 45226.
• *Facsimile:* (513) 533–8285.
• *E-mail: nioshdocket@cdc.gov.*

All information received in response to this notice will be available for public examination and copying at the NIOSH Docket Office, Room 111, 4676 Columbia Parkway, Cincinnati, Ohio 45226. A complete electronic docket containing all comments submitted will be available on the NIOSH Web page at *http://www.cdc.gov/niosh/docket,* and comments will be available in writing by request. NIOSH includes all comments received without change in the docket, including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Lauralynn Taylor McKernan, NIOSH, Robert A Taft Laboratories, MS–C32, 4676 Columbia Parkway, Cincinnati, OH 45226, telephone: (513) 533–8542.

SUPPLEMENTARY INFORMATION: 2,3-pentanedione is an alpha-diketone that has received attention as a substitute for diacetyl. 2,3-pentanedione is structurally very similar to diacetyl since 2,3-pentanedione is a 5-carbon alpha-diketone and diacetyl is a 4-carbon alpha-diketone. Published reports on the toxicity of 2,3-pentanedione are currently only in abstract form but suggest that in rats 2,3-pentanedione causes airway epithelial damage similar to that produced by diacetyl (Hubbs *et al.* 2010b; Morgan *et al.* 2010). Preliminary data also suggest that, under certain conditions, both diacetyl and 2,3-pentanedione can cause changes in the central nervous system (Hubbs *et al.* 2010a). Additional alpha-diketones of interest include, but are not limited to, those used in food manufacturing such as 2,3-hexanedione and 2,3-heptanedione (Kreiss *et al.* 2010).

NIOSH seeks to obtain materials, including published and unpublished reports and research findings, to evaluate the possible health risks of occupational exposure to 2,3-pentanedione and other alpha-diketones used as diacetyl substitutes. Examples of requested information include, but are not limited to, the following:

(1) Identification of industries or occupations in which exposures to 2,3-pentanedione, and other alpha-diketones used as diacetyl substitutes may occur;

(2) Trends in the production and use of 2,3-pentanedione, and other alpha-diketones;

(3) Description of work tasks and scenarios with a potential for exposure to 2,3-pentanedione, and other alpha-diketones used as diacetyl substitutes;

(4) Workplace exposure measurement data in various types of industries and jobs where 2,3-pentanedione, and other alpha-diketones are used;

(5) Case reports or other health information demonstrating potential health effects in workers exposed to 2,3-pentanedione, and other alpha-diketones;

(6) Research findings from *in vitro* and *in vivo* toxicity studies;

(7) Information on control measures (*e.g.,* engineering controls, work practices, personal protective equipment) being taken to minimize worker exposure to 2,3-pentanedione, and other alpha-diketones used as diacetyl substitutes;

(8) Educational materials for worker safety and training on the safe handling of 2,3-pentanedione and other alpha-diketones; and

(9) Data pertaining to the feasibility of establishing a REL for 2,3-pentanedione, and other alpha-diketones.

References

Hubbs, A. F., Cumpston, A., Goldsmith, W. T., Battelli, L. A., Kashon, M. L., Jackson, M. C., Frazer, D. G., Fedan, J. S., Goravanahally, M. P., and Sriram, K. (2010a). Acute central neurotoxicity of inhaled alpha-diketon butter flavoring compounds in the rat brain. *Vet Path* 47(6), 57S.

Hubbs, A. F., Moseley, A. E., Goldsmith, W. T., Jackson, M. C., Kashon, M. L., Battelli, L. A., Schwegler-Berry, D., Goravanahally, M. P., Frazer, D., Fedan, J. S., Kreiss, K., and Castranova, V. (2010b). Airway epithelial toxicity of the flavoring agent, 2,3-pentanedione. *The Toxicologist: Supplement to Toxicological Sciences* 114(1), 319.

Kreiss, K., Day, G. A., Cummings, K. J., and Kullman, G. (2010). Diacetul substitutes in bakery product manufacture *Am J Respir Crit Care Med* 181(1), A4650.

Morgan, D. L., Kirby, P. J., Price, H. C., Bosquet, R. W., Taylor, G. J., Gage, N., and Flake, G. P. (2010). Inhalation toxicity of acetyl proprionyl in rats and mice. *The Toxicologist: Supplement to Toxicological Sciences* 114(1), 316.

John Howard,

Director, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention.

[FR Doc. 2011–274 Filed 1–7–11; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10142 and CMS–R–262]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the Agency's function; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* CY 2012 Bid Pricing Tool (BPT) for Medicare Advantage (MA) Plans and Prescription Drug Plans (PDP); *Use:* Under the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA), and implementing regulations at 42 CFR, Medicare Advantage organizations (MAO) and Prescription Drug Plans are required to submit an actuarial pricing "bid" for each plan offered to Medicare beneficiaries for approval by CMS.

MAOs and PDPs use the Bid Pricing Tool (BPT) software to develop their actuarial pricing bid. The information provided in the BPT is the basis for the plan's enrollee premiums and CMS payments for each contract year. The tool collects data such as medical expense development (from claims data and/or manual rating), administrative expenses, profit levels, and projected plan enrollment information. By statute, completed BPTs are due to CMS by the first Monday of June each year. CMS reviews and analyzes the information provided on the Bid Pricing Tool.

Ultimately, CMS decides whether to approve the plan pricing (*i.e.,* payment and premium) proposed by each organization. *Form Number:* CMS–10142 (OMB#: 0938–0944); *Frequency:* Yearly; *Affected Public:* Business or other for-profits and not-for-profit institutions; *Number of Respondents:* 550; *Total Annual Responses:* 4,950; *Total Annual Hours:* 148,500. (For policy questions regarding this collection contact Diane Spitalnic at 410–786–5745. For all other issues call 410–786–1326.)

2. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* CY 2012 Plan Benefit Package (PBP) Software and Formulary Submission; Under the Medicare Modernization Act (MMA), Medicare Advantage (MA) and Prescription Drug Plan (PDP) organizations are required to submit plan benefit packages for all Medicare beneficiaries residing in their service area. The plan benefit package submission consists of the Plan Benefit Package (PBP) software, formulary file, and supporting documentation, as necessary. MA and PDP organizations use the PBP software to describe their organization's plan benefit packages, including information on premiums, cost sharing, authorization rules, and supplemental benefits. They also generate a formulary to describe their list of drugs, including information on prior authorization, step therapy, tiering, and quantity limits. Additionally, CMS uses the PBP and formulary data to review and approve the plan benefit packages proposed by each MA and PDP organization.

CMS requires that MA and PDP organizations submit a completed PBP and formulary as part of the annual bidding process. During this process, organizations prepare their proposed plan benefit packages for the upcoming contract year and submit them to CMS for review and approval. Refer to the supporting document "Appendix B" for a list of changes. *Form Number:* CMS–R–262 (OMB#: 0938–0763); *Frequency:* Yearly; *Affected Public:* Business or other for-profits and not-for-profit institutions; *Number of Respondents:* 651; *Total Annual Responses:* 6,159; *Total Annual Hours:* 45,407. (For policy questions regarding this collection contact Kristy Holtje at 410–786–2209. For all other issues call 410–786–1326.)

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS Web Site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995,* or E-mail your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov,* or call the Reports Clearance Office on (410) 786–1326.

To be assured consideration, comments and recommendations for the proposed information collections must be received by the OMB desk officer at the address below, no later than 5 p.m. on February 9, 2011, OMB, Office of Information and Regulatory Affairs, Attention: CMS Desk Officer. *Fax Number:* (202) 395–6974. *E-mail: OIRA_submission@omb.eop.gov.*

Martique Jones,

Director, Regulations Development Division-B, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2011–243 Filed 1–7–11; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Tracking of Participants in the Early Head Start Research and Evaluation Project.

OMB No.: New Collection.

Billing Accounting Code (BAC): 418422 (G994426).

Description: The Administration for Children and Families (ACE) within the Department of Health and Human Services (HHS) will conduct tracking of children/families who participated in the Early Head Start Research and Evaluation Project (EHSREP). The purpose of tracking these participants is to maintain up-to-date contact information for the children/families in the event that the Administration for Children and Families (ACE) determines that a future follow-up to the EHSREP will take place.

The EHSREP is a longitudinal study originally designed to meet 1994 requirement for a national evaluation of the Early Head Start program. 3001 children and families in 17 sites were randomly assigned either to the program group (allowed to enroll in EHS), or to the control group (precluded from enrolling in EHS, although they could receive other services in the community). Child and family assessments were conducted when children were 14 months old, 24 months old, 36 months old, in the spring prior to kindergarten entry, and again in the spring of the sixth year of formal schooling (5th grade for most children).

If the decision is made to follow the sample through high school, it is important to maintain contact with the participants so that response rates at follow-up points will be maximized. Telephone interviews will be conducted in order to update the respondent's location and contact information. This information will be collected from parents or guardians in the spring of 2011.

Respondents: Treatment and control group members in the Early Head Start Research and Evaluation Project.

ANNUAL BURDEN ESTIMATES

Instrument	Annual number of respondents	Number of responses per respondent	Average burden hours per response	Total annual burden hours
Tracking Interview	2700	1	.25	675
3rd Party Contacts	200	1	.05	10

Estimated Total Annual Burden Hours: 685.

Additional Information

Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: OPRE Reports Clearance Officer. All requests should be identified by the title of the information collection. E-mail address: *OPREinfocollection@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: 202–395–6974. Attn: Desk Officer for the Administration for Children and Families.

Dated: January 4, 2011.

Steven M. Hanmer,

OPRE Reports Clearance Officer.

[FR Doc. 2011–207 Filed 1–7–11; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Issuance of Final Policy Directive

AGENCY: Administration for Native Americans, ACF, HHS.

ACTION: Notice.

SUMMARY: The Administration for Native Americans (ANA) is issuing final interpretive rules, general statements of policy and rules of agency organization, procedure, or practice relating to the following Funding Opportunity Announcements (FOAs): Social and Economic Development Strategies (SEDS), Social and Economic Development Strategies—Tribal Governance (SEDS—TG), Social and Economic Development Strategies—Assets for Independence (SEDS—AFI), Native Language Preservation and Maintenance (Language P&M), Native Language Preservation and Maintenance—Esther Martinez Initiative (Language—EMI), and Environmental Regulatory Enhancement (ERE). This notice also provides information about how ANA will administer these programs.

FOR FURTHER INFORMATION CONTACT: Kathy Killian, Program Specialist, (877) 922–9262.

SUPPLEMENTARY INFORMATION: Section 814 of the Native American Programs Act of 1974 (NAPA), as amended, requires ANA to provide members of the public an opportunity to comment on proposed changes in interpretive rules, general statements of policy and rules of agency organization, procedure, or practice and to give notice of the final adoption of such changes at least 30 days before the changes become effective.

ANA published a Notice of Public Comment (NOPC) in the **Federal Register** (75 FR 74056) on November 30, 2010, with proposed policy and program clarifications, modifications, and activities for the fiscal year (FY) 2011 FOAs. The public comment period was open for 30 days. ANA did not receive any public comments on the NOPC, and this notice shall suffice as ANA's final policy.

A. Funding Opportunity Announcements

1. Social and Economic Development Strategies (SEDS)

In FY 2011, ANA will combine the SEDS and SEDS—Special Initiative (SEDS—SI) FOAs from FY 2010 into one SEDS FOA. The SEDS FOA will include all program areas of interest from the previous FOAs which address Social Development, Economic Development, and Strengthening Families. Governance projects will be addressed in a separate FOA (*see* SEDS—TG, below). The SEDS FOA will include two funding ranges with the higher funding amount being the disqualification factor for applications (*see* Section C of this Notice for more information on funding ranges). Furthermore, through the SEDS FOA, ANA will fund project proposals from Tribes to prepare applications for Federal recognition. Tribes will only be allowed to receive funding for this priority area once, as per the funding restriction which states, "ANA does not fund projects that are essentially identical or similar in whole or in part to previously funded projects proposed by the same applicant or activities or projects proposed by a consortium that duplicate activities for which any consortium member also receives funding from ANA." This is a return to the ANA priority of the 1990s. (Legal authority: Section 803(a) of NAPA, as amended.)

2. SEDS—Tribal Governance (TG)

In FY 2011, ANA will introduce SEDS—TG to fund Tribal governance projects. These types of projects were formerly funded under SEDS. ANA will expand the governance priority to emphasize projects that strengthen the internal capacity and infrastructure of Tribal governments to increase services provided to children and families. The FOA will also emphasize increasing the Tribal government's ability to exercise local control and decision making over their resources. ANA is particularly interested in projects designed to develop strong linkages between social services, health programs, and schools serving Native children. Program areas of interest will be expanded to include:

(1) *Interoperability:* Promote program coordination among human and social service programs for Tribal communities to strengthen the programs they provide to their children, youth, and families.

(2) *Comprehensive Strategies:* Develop comprehensive intergovernmental strategies involving Tribal, State, and Federal governments to meet the needs of Tribal children and youth.

(3) *Self-Governance:* Build the capacity and infrastructure of Tribal governments to enter into self-governance compacts.

ANA believes this FOA will encourage Tribes and Native communities to look at new opportunities and methods for providing services to their communities. Applicants eligible for this FOA are the same as those identified for SEDS. (Legal authority: Section 803(a) of NAPA, as amended.)

3. SEDS—Assets for Independence (AFI)

ANA is partnering with the Office of Community Services' (OCS) AFI program to support Tribes and Native organizations in planning and implementing comprehensive asset-building projects. ANA and OCS are providing this support through funding opportunities, training, and technical assistance. The AFI program is an assets-based approach for assisting low-income families out of poverty. The program assists individuals and families to save earned income in special-purpose, matched savings accounts called Individual Development Accounts (IDAs). Every dollar in savings deposited into an IDA by a participant will be combined with non-participant funds (from $1 to $8 combined Federal (AFI) and non-Federal funds). The program promotes savings and enables a participant to acquire a lasting asset. An AFI participant can use the IDA savings to achieve any of three objectives: Acquire a first home, capitalize a small business, or enroll in postsecondary education or training.

ANA, through its SEDS program, and OCS, through its AFI program, are offering Tribes and Native organizations a joint funding initiative. The purpose of the joint SEDS—AFI funding is to support Tribes and Native organizations implement asset building projects with an AFI-funded IDA component. The ANA—SEDS portion of the funding will

focus on the operational and staffing costs necessary to implement the project, financial literacy training, capacity building, and other activities. The OCS—AFI portion will be used to provide funding for IDAs and limited administrative costs. This FOA will request one application with two project budgets to complete the project. The two project budgets will separately identify the SEDS portion of the funding and corresponding match and the AFI portion of the funding and corresponding match. These two project budgets will be the basis for two awards needed to complete the project. The project will be monitored by a team representing both ANA and OCS. ANA will provide a funding opportunity for applicants to apply for a 5-year (five 12-month budget periods) grant to accompany award of a standard 5-year AFI grant.

Eligible applicants include non-profit organizations that serve Native American populations, or Tribes, and Alaska Native villages if they are joint applicants with a non-profit organization serving Native American populations. The eligibility reflects the overlap between ANA's target populations and the AFI program's legislative eligibility requirements. Individual participants who open IDAs under this program must meet AFI participant guidelines, which are: Members of a household that is eligible for assistance under Temporary Assistance for Needy Families (TANF), or whose adjusted gross income is either equal to or less than 200 percent of the Federal poverty line, or is eligible for Federal Earned Income Tax Credit and has less than $10,000 in assets (excluding the value of a primary dwelling unit and one motor vehicle).

The partnership includes a training and technical assistance (T/TA) component, through which ANA's T/TA providers will conduct pre-application trainings and provide one-on-one technical assistance to potential SEDS—AFI applicants.

This partnership between OCS and ANA will allow these two programs to provide enhanced funding opportunities to our common target communities and maximize the impact of grant dollars. Interoperability between programs within ACF is an ACF priority. (Legal authority: Section 803(a) of NAPA, as amended.)

4. Native Language Preservation and Maintenance (Language P&M) and Esther Martinez Initiative (Language-EMI)

All Language P&M and Language-EMI projects funded in FY 2011 will have a start date of August 1, 2011. The revision to the start date will allow projects to better align with most school schedules throughout ANA's target communities. To accommodate this revision, the Language FOAs will be published and application due dates will be earlier in the year than all other FOAs. (Legal authority: Section 803(a) and 803C of NAPA, as amended, 42 U.S.C. 2991b and 2991b–3 and Pub. L. 109–394.)

B. Administrative Policies

In FY 2011, ANA will add five administrative policies.

1. Grantees can have only one active grant per Catalog of Federal Domestic Assistance (CFDA) number.

2. ANA will increase the reach of its limited funding. Therefore, applicants that have received funding from ANA for at least two projects consecutively and within one CFDA number may not be funded for a third consecutive project within the same CFDA number if other applicants who have not received ANA funding in the past 3 years are within the scoring range to be funded.

3. Applicants are requested to identify a target amount of leveraged resources (target of zero is acceptable) and a target number of partnerships. The value of the targets will not be evaluated and scored; however, the indicators' contribution within the overall strategy of project implementation and its sustainability is included in the evaluation criteria. Grantees will be required to track these indicators quarterly throughout the project period. Leveraged resources are in addition to the statutory matching requirement of 20 percent and are not a requirement of this grant.

4. Business plans should be submitted for all SEDS applications requesting an equity investment on behalf of the Federal Government.

The first two administrative policies will allow ANA to maximize its limited funding to benefit the most communities. The intent of the first policy, to restrict funding to one grant per entity per CFDA number, will also be stated in the eligibility and funding restriction sections of all FOAs. Due to the change in the project period start date for language projects, ANA will waive this restriction if a language project is ending within 2 months of a new project start date (*i.e.,* organizations or Tribes with projects ending 9/29/2011 can receive new awards with a 8/1/2011 start date). In addition to maximizing the benefit of ANA's limited funds, the first administrative policy will encourage current grantees to successfully complete project objectives within the originally defined project periods and avoid requests for No Cost Extensions (NCEs). Past experience has shown that project success is increased when a grantee can complete one project prior to starting a second project. Overlapping projects, specifically a new award and an extension, can result in delays or significant challenges to one or both projects because of limited financial and personnel resources.

The second administrative policy allows the ANA commissioner to limit the frequency of the same organizations receiving funding, thus allowing it to address more communities. (Legal authority: Section 803(a), 803(d), and 803C of NAPA, as amended, 42 U.S.C. 2991b and 2991b–3 and Pub. L. 109–394.)

The third administrative policy allows ANA to continue to measure leveraged resources and partnerships for all funded projects, but removes the target numbers for these indicators from being evaluated and scored by panel reviewers. ANA is required to measure these important indicators, as per the Government Performance Reporting Act (GPRA) for all negotiated awards. (Legal authority: Section 803(a), 803(d), and 803C of NAPA, as amended, 42 U.S.C. 2991b and 2991b–3 and Pub. L. 109–394.)

The last administrative policy is specific to SEDS FOA. The business plan will not be evaluated for the merit of the plan itself; however, the business plan will be reviewed to ensure that the project strategy is in line with the business plan. (Legal authority: Section 803(a) of NAPA, as amended.)

C. Award Information

In all FOAs, ANA identifies funding floors and funding ceilings, as well as project periods. In FY 2011, the thresholds and project periods for SEDS, SED—TG, and SEDS—AFI are new or have changed.

The funding ranges and project periods for the combined and new FOAs (*see* Section A of this Notice) will be as follows:

SEDS

$50,000 to $149,999 per budget period, and
$150,000 to $400,000 per budget period.
12-month project and budget period, or
24-month project period with two 12-month budget periods, or
36-month project period with three 12-month budget periods.

Only the upper limit of the two ranges ($400,000) will be used as a disqualification factor.

SED—TG

$50,000 to $375,000 per budget period.

12-month project and budget period, or

24-month project period with two 12-month budget periods, or

36-month project period with three 12-month budget periods.

SEDS—AFI

$50,000 to $250,000 per budget period.

60-month project period with five 12-month budget periods.

The SEDS—AFI range reflects the ANA portion of the funding only. OCS will provide up to $1 million for a 5-year budget and project period. (Legal authority: Section 803(a) of NAPA, as amended.)

Disqualification Factors: ANA will revise for clarification two factors that are specific to applications submitted for ANA funding. Applications that are submitted without this documentation will be considered non-responsive to the FOA and will not be considered for competition.

The first ANA-specific disqualification factor applies to all applicants. The documentation required from the Tribe, Alaska Native village or organization stating approval of the proposed project must come in the form of a Board Resolution.

The second ANA-specific disqualification factor applies only to applicants that are *not* Tribes or Native Alaska villages. Organizations applying for funding must show that a majority of board members approving the project proposal are representative of the community to be served. ANA will revise the categories of representatives of the community to be served to include: (1) Members of Federally or State recognized Tribes; (2) persons eligible to be a participant or beneficiary to the project to be funded; (3) persons who are recognized by the eligible community to be served as having a cultural relationship with the community to be served; or (4) persons considered to be Native American as defined in Title 45, Part 1336, Section 10 of the Code of Federal Regulations (CFR), and Native American Pacific Islander as defined in the Native American Programs Act.

These disqualification factors will be revised to better establish board support for a project and to demonstrate a stronger link between an organization's board and the community to be served. (Legal authority: Section 803(a) and 814 of NAPA, as amended.)

D. Definitions

ANA will revise and add definitions for terms used in the FOA.

Leveraged Resources—Any resource, not including the Federal share, non-Federal contribution, and program income, acquired or utilized during the project period that supports the project. Leveraged resources are expressed as a dollar amount and may include natural, financial, personnel, and physical resources provided to assist in the successful completion of the project.

Interoperability—Collaborative administration or information sharing that integrates the efforts of individual programs, projects, departments, *etc.* in order to strengthen programs and provide comprehensive service.

Program Income—Gross income earned by a recipient and/or subrecipient that was directly generated by the grant-supported activity or earned as a result of the award. Program income includes (but is not limited to) fees for services performed, the use or rental of real or personal property acquired under the grant, the sale of commodities or items fabricated under an award, license fees and royalties on patents and copyrights, and payments of interest on loans made with grant funds. Except as otherwise provided in statute, regulation, or the terms and conditions of the award, program income does not include rebates, credits, discounts, or interest earned in relation to program income; the receipt of principal on loans or interest the recipient earns on those amounts after receiving them from the borrower; taxes, special assessments, levies, fines, or similar revenues raised by a governmental recipient or subrecipient. The term also does not include interest earned on advances of Federal funds and proceeds from the sale of equipment or real property acquired under an award, which have distinct accountability requirements.

The leveraged resources definition will be revised to state that program income cannot be included. Interoperability is defined because the evaluation criteria will include a reference to the integration of the proposed project into other programs, if appropriate for the proposed project. Interoperability is an ACF priority, both within ACF and in the entities it funds. Program income is defined to clarify the definition of leveraged resources. (Legal authority: Section 803(b) and 814 of NAPA, as amended and 42 U.S.C. 2991b–3(b)(7)(C).)

E. Cost Sharing or Matching

The matching requirement waiver for Insular Areas will no longer be available for nongovernmental entities.

1. All matching is waived for consolidated grants to governments of the Insular Areas;

2. The first $200,000 of matching is waived for non-consolidated grants to governments of American Samoa, Guam, the Virgin Islands, or the Northern Mariana Islands; however, matching over the first $200,000 is not waived;

3. Matching is not waived for grants to nongovernmental entities of the Insular Areas.

Although there is not an automatic waiver for all applicants from the Insular Areas, any applicant may request an individual match requirement waiver, in accordance with NAPA. (Legal authority: 48 U.S.C. 1469(a)(d) and 45 CFR 1336.50(b)(3).)

F. Funding Restrictions

The restriction that prevents ANA from funding "counseling or therapeutic activities that are medically-based" will not be included in the following FOAs: Language—P&M, Language—EMI, SEDS—AFI, SEDS—TG, and ERE. In the SEDS FOA, the restriction will be revised to state:

ANA does not fund couples or family counseling activities that are medically based.

ANA will revise this restriction in SEDS in order to fund medically based activities in projects that address such health issues as diabetes prevention and care projects, elder health care, or other similar types of health issues. This funding restriction will not appear in other FOAs. (Legal authority: Section 803(a) and 814 of NAPA, as amended.)

G. ANA Application Evaluation Criterial

ANA will revise the evaluation criteria throughout the Language—P&M, Language—EMI, SEDS, SEDS—TG, and ERE FOAs to clarify how reviewers will evaluate and score applications. The content of evaluation criteria will mirror the content of the project description section of the FOAs, which instructs applicants on what to include in an application.

i. *Titles and Assigned Weight:* In FY 2011, ANA will rename the criteria and adjust the weighted scores.

For FY 2011, the criteria will be titled and weighted as follows:

—Objectives and Need for Assistance 20 points;

—Outcomes Expected 15 points

—Approach 50 points;

Sub-criterion—Project Strategy 30 points;

Sub-criterion—Objective Work Plan (OWP) 20 points ; and

—Budget and Budget Justification 15 points.

For FY 2011, the two criteria for the SEDS–AFI FOA will be titled and weighted as follows:

—Approach 90 points and
—Budget and Budget Justification 10 points.

The criteria titles will match the titles found in the project description section of the FOAs. Matching titles will help applicants to better understand the connection between the two sections of the FOAs. The assigned weights better reflect what ANA considers to be the most important elements of the project application. (Legal authority: Section 803(c) of NAPA, as amended.)

ii. *ANA Evaluation Criteria:* Included here is a summary of each criterion. The FOAs will include a more detailed description of the evaluation criteria and the associated project description.

(a) *Objectives and Need for Assistance:* Under this criterion, applications will be evaluated on the applicant's community and applicant identification, connection to the community, community participation in the project development, the problem statement, and the briefly stated objectives.

(b) *Outcomes Expected:* Under this criterion, applications will be evaluated on the strength of the project outcomes expected, which include the project goal, the results and benefits expected, and one project-specific impact indicator. For language applications that are designed to teach a Native language, applicants must include an impact indicator that shows advancement of language fluency. All other language projects should provide an impact indicator that measures an increase in community interest to preserve the language.

(c) *Approach:* Under this criterion, the application will be evaluated on the strength of the project approach. This criterion includes two sub-criteria; the project strategy and the OWP. The project strategy sub-criterion includes a detailed description of the implementation plan, community involvement and outreach during implementation, and contingency planning to support project implementation. In addition, partnerships and leveraged resources will be evaluated as to their contribution within the overall strategy of project implementation and its sustainability; however, the target numbers will not be evaluated or scored. In this section reviewers will also consider organizational capacity and project sustainability. The OWP sub-criterion includes a review of the OWP form and its strength as an effective implementation tool.

(d) *Budget:* Under this criterion, the application will be evaluated on the strength of the budget and how well it supports successful completion of the project objectives. This criterion includes a line-item budget and budget justification for each line item for each budget period.

The changes to the content of evaluation criteria, and the complementary changes to the project description section of the FOA, will more effectively guide panel reviewers and applicants on what ANA believes are critical components of a project application. (Legal authority: Section 803(c) of NAPA, as amended.)

Once published, the 2011 FOAs can be accessed at *http://www.acf.hhs.gov/grants/open/foa/office/ana.*

Dated: December 31, 2010.

Lillian Sparks,

Commissioner, Administration for Native Americans.

[FR Doc. 2011–285 Filed 1–7–11; 8:45 am]

BILLING CODE 4184–34–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Notice of Revised Child Outcomes Framework

AGENCY: Office of Head Start (OHS), HHS.

ACTION: Notice of Revised Child Outcomes Framework.

SUMMARY: This notice announces and informs the public of the revised *Head Start Child Outcomes Framework,* renamed *The Head Start Child Development and Learning Framework: Promoting Positive Outcomes in Early Childhood Programs Serving Children 3–5 Years Old.* The Framework was revised to give more prominence to the information part of the initial document. The revisions do not create new requirements on Head Start and delegate agencies. The revised Framework continues to identify the developmental outcomes that Head Start and delegate agencies have been responsible for addressing in their Head Start preschool programs serving 3 to 5 year old children since the original was published in 2000.

FOR FURTHER INFORMATION CONTACT: Call toll-free number 1–866–763–6481; e-mail *childoutcomes@headstartinfo.org;* or mail Michele Plutro, Head Start Program Specialist, Office of Head Start, 1250 Maryland Avenue, SW., Suite 8000, Washington, DC 20024.

Dated: January 4, 2011.

Yvette Sanchez Fuentes,

Director, Office of Head Start.

[FR Doc. 2011–195 Filed 1–7–11; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Health Resources and Services Administration (HRSA) publishes abstracts of information collection requests under review by the Office of Management and Budget (OMB), in compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). To request a copy of the clearance requests submitted to OMB for review, e-mail *paperwork@hrsa.gov* or call the HRSA Reports Clearance Office on (301) 443–1129.

The following request has been submitted to the Office of Management and Budget for review under the Paperwork Reduction Act of 1995:

Proposed Project: Health Center Controlled Networks Progress Reports (OMB No. 0915–0315)—Revision

The Health Resources and Services Administration (HRSA) collects network outcome measures, conducts evaluation of those measures, and has an electronic reporting system for the following types of grantees: Health Information Technology Planning Grants, Electronic Health Record Implementation (including High Impact Electronic Health Records Implementation) for Health Center Controlled Networks, and Health Information Technology Innovations for Health Center Controlled Networks. In order to help carry out its mission, HRSA created a set of performance measures that grantees use to evaluate the effectiveness of their service programs and monitor their progress through the use of performance reporting data.

Grantees report to HRSA on their grants to accomplish the following goals: Increase access to needed data and services; improve quality, efficiency and effectiveness of network services; and enhance ability to track and monitor patient outcomes. Grantees submit their progress reports in a mid-

year report and an accumulative annual progress report each fiscal year of the grant. The increase in burden since 2007 is due to an increase in the number of grantees (46 to 89) and an increase in the hours per response. The increase in the hours per response is due to a re-estimation of burden for grantees.

The annual estimate of burden is as follows:

Application	Number of respondents	Responses per respondent	Total responses	Hours per response	Total burden hours
Planning	1	2	2	10	20
Electronic Health Records Implementation	56	2	112	18	2,016
Innovations	32	2	64	18	1,152
Total	89		178		3,188

Written comments and recommendations concerning the proposed information collection should be sent within 30 days of this notice to the desk officer for HRSA, either by e-mail to *OIRA_submission@omb.eop.gov* or by fax to 202–395–6974. Please direct all correspondence to the "attention of the desk officer for HRSA."

Dated: January 4, 2011.

Robert Hendricks,

Director, Division of Policy and Information Coordination.

[FR Doc. 2011–144 Filed 1–7–11; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Health Center Program

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice of Noncompetitive Replacement Awards to Sunset Park Health Council, Inc.

SUMMARY: The Health Resources and Services Administration (HRSA) will transfer the remaining American Recovery and Reinvestment Act (ARRA) Increased Demand for Services (IDS) and a portion of the Capital Improvement Project (CIP) from Saint Vincent's Catholic Medical Centers (SVCMC) of New York, current grantee of record, to Sunset Park Health Council, Inc. in order to ensure the continuity of services to low-income, underserved homeless patients in New York City.

SUPPLEMENTARY INFORMATION:

Former Grantee of Record: Saint Vincent's Catholic Medical Centers of New York.

Original Period of Grant Support: ARRA IDS Funds—March 27, 2009 to March 26, 2011; ARRA CIP Funds—June 29, 2009 to June 28, 2011.

Replacement Awardee: Sunset Park Health Council, Inc.

Amount of Replacement Award: $295,389.

Period of Replacement Award: The period of support for this award is November 1, 2010 to June 28, 2011.

Authority: Section 330(h) of the Public Health Service Act, 42 U.S.C. 245b.

CDFA Number: 93.703.

Justification for the Exception to Competition: The former grantee, Saint Vincent's Catholic Medical Centers of New York, has relinquished all grants due to financial difficulties resulting in bankruptcy and closure of facilities and programs. The former grantee has requested that HRSA transfer the ARRA Increased Demand for Services funds and ARRA Capital Improvement Project funds in order to implement and carry out grant activities originally proposed under SVCMC funded ARRA grant applications.

SPHC is an experienced provider of care and has a demonstrated record of compliance with Health Center Program statutory and regulatory requirements and located in the same geographical area. The short-term transfer of the ARRA Increased Demand for Services and ARRA Capital Improvement Project funds will ensure that critical primary health care services continue and remain available to the low-income, underserved homeless patients with no interruption in services to the target population.

FOR FURTHER INFORMATION CONTACT: Marquita Cullom-Scott via e-mail at *MCullom-Scott@hrsa.gov* or telephone at 301–594–4300.

Dated: January 5, 2011.

Mary K. Wakefield,

Administrator.

[FR Doc. 2011–282 Filed 1–7–11; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the National Heart, Lung, and Blood Advisory Council.

The meeting 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 below in advance of the 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 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 Heart, Lung, and Blood Advisory Council.

Date: February 15, 2011.

Open: 8 a.m. to 12 p.m.

Agenda: To discuss program policies and issues.

Place: National Institutes of Health, Building 31, 31 Center Drive, Conference Room 10, Bethesda, MD 20892.

Closed: 1 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Building 31, 31 Center Drive, Conference Room 10, Bethesda, MD 20892.

Contact Person: Stephen C. Mockrin, PhD, Director, Division of Extramural Research Activities, National Heart, Lung, and Blood Institute, National Institutes of Health, 6701 Rockledge Drive, Room 7100, Bethesda, MD

20892, (301) 435–0260, *mockrins@nhlbi.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit. Information is also available on the Institute's/Center's home page: *http://www.nhlbi.nih.gov/meetings/index.htm,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: January 4, 2011.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–254 Filed 1–7–11; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Neurotechnology Overflow.

Date: February 3–4, 2011.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Sheraton Delfina Santa Monica Hotel, 530 West Pico Boulevard, Santa Monica, CA 90405.

Contact Person: Robert C Elliott, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5190, MSC 7846, Bethesda, MD 20892. 301–435–3009. *elliotro@csr.nih.gov.*

Name of Committee: Biological Chemistry and Macromolecular Biophysics Integrated Review Group; Macromolecular Structure and Function D Study Section.

Date: February 8–9, 2011.

Time: 8 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Four Points by Sheraton Washington DC Downtown, 1201 K Street, NW., Washington, DC 20005.

Contact Person: James W Mack, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4154, MSC 7806, Bethesda, MD 20892. (301) 435–2037. *Mackj2@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–08–062: Alzheimer's Disease Pilot Clinical Trials.

Date: February 8–9, 2011.

Time: 8 a.m. to 8 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Virtual Meeting.)

Contact Person: Estina E Thompson, PhD, MPH, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3178, MSC 7848, Bethesda, MD 20892. 301–496–5749. *thompsone@mail.nih.gov.*

Name of Committee: Healthcare Delivery and Methodologies Integrated Review Group; Biomedical Computing and Health Informatics Study Section.

Date: February 8, 2011.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Renaissance M Street Hotel, 1143 New Hampshire Avenue, NW., Washington, DC 20037.

Contact Person: Melinda Jenkins, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3156, MSC 7770, Bethesda, MD 20892. 301–437–7872. *jenkinsml2@mail.nih.gov.*

Name of Committee: Musculoskeletal, Oral and Skin Sciences Integrated Review Group; Skeletal Muscle and Exercise Physiology Study Section.

Date: February 8–9, 2011.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Westin Long Beach, 333 East Ocean Boulevard, Long Beach, CA 90802.

Contact Person: Richard Ingraham, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4116, MSC 7814, Bethesda, MD 20892. 301–496–8551. *ingrahamrh@mail.nih.gov.*

Name of Committee: Healthcare Delivery and Methodologies Integrated Review Group; Nursing and Related Clinical Sciences Study Section.

Date: February 8–9, 2011.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Renaissance Washington, DC Downtown Hotel, 999 Ninth Street, NW., Washington, DC 20001.

Contact Person: Priscah Mujuru, DRPH, RN, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3139, MSC 7770, Bethesda, MD 20892. 301–594–6594. *mujurup@mail.nih.gov.*

Name of Committee: Healthcare Delivery and Methodologies Integrated Review Group; Community-Level Health Promotion Study Section.

Date: February 8–9, 2011.

Time: 8:30 a.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: Renaissance M Street Hotel, 1143 New Hampshire Avenue, NW., Washington, DC 20037.

Contact Person: Jacinta Bronte-Tinkew, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3164, MSC 7770, Bethesda, MD 20892. (301) 806–0009. *brontetinkewjm@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA Panel: Innovations in Molecular Probes.

Date: February 8, 2011.

Time: 1 p.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Guest Suites Hotel at Doheny Beach, 34402 Pacific Coast Highway, Dana Point, CA 92629.

Contact Person: Eileen W Bradley, DSC, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5100, MSC 7854, Bethesda, MD 20892 (301) 435–1179. *bradleye@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Development Disabilities and Child Psychopathology.

Date: February 9–10, 2011.

Time: 7 a.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Virtual Meeting.)

Contact Person: Estina E Thompson, PhD, MPH, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3178, MSC 7848, Bethesda, MD 20892. 301–496–5749. *thompsone@mail.nih.gov.*

Name of Committee: Bioengineering Sciences & Technologies Integrated Review Group; Biodata Management and Analysis Study Section.

Date: February 9–10, 2011.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Rex, 562 Sutter Street, San Francisco, CA 94102.

Contact Person: Mark Caprara, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5156, MSC 7844, Bethesda, MD 20892. 301–435–1042. *capraramg@mail.nih.gov.*

Name of Committee: Musculoskeletal, Oral and Skin Sciences Integrated Review Group; Musculoskeletal Tissue Engineering Study Section.

Date: February 9–10, 2011.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Sheraton Delfina Santa Monica Hotel, 530 West Pico Boulevard, Santa Monica, CA 90405.

Contact Person: Jean D Sipe, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4106, MSC 7814, Bethesda, MD 20892. 301/435–1743. *sipej@csr.nih.gov.*

Name of Committee: Healthcare Delivery and Methodologies Integrated Review Group; Health Services Organization and Delivery Study Section.

Date: February 9–10, 2011.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Renaissance M Street Hotel, 1143 New Hampshire Avenue, NW., Washington, DC 20037.

Contact Person: Kathy Salaita, SCD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3172, MSC 7770, Bethesda, MD 20892. 301–451–8504. *salaitak@csr.nih.gov.*

Name of Committee: Digestive, Kidney and Urological Systems Integrated Review Group; Xenobiotic and Nutrient Disposition and Action Study Section.

Date: February 9, 2011.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Patricia Greenwel, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2172, MSC 7818, Bethesda, MD 20892. 301–435–1169. *greenwep@csr.nih.gov.*

Name of Committee: Healthcare Delivery and Methodologies Integrated Review Group; Community Influences on Health Behavior.

Date: February 9–10, 2011.

Time: 8:30 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: Renaissance M Street Hotel, 1143 New Hampshire Avenue, NW., Washington, DC 20037.

Contact Person: Wenchi Liang, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3150, MSC 7770, Bethesda, MD 20892. 301–435–0681. *liangw3@csr.nih.gov.*

Name of Committee: Cardiovascular and Respiratory Sciences Integrated Review Group; Respiratory Integrative Biology and Translational Research Study Section.

Date: February 9–10, 2011.

Time: 8:30 a.m. to 12 p.m.

Agend: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Everett E Sinnett, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2178, MSC 7818, Bethesda, MD 20892. (301) 435–1016. *sinnett@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: January 4, 2011.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–256 Filed 1–7–11; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

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 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 Allergy and Infectious Diseases Special Emphasis Panel; Transplant Tolerance.

Date: January 31, 2011.

Time: 2 p.m. to 6 p.m

Agenda: To review and evaluate grant applications,

Place: National Institutes of Health, Rockledge 6700, 6700 B Rockledge Drive, Bethesda, MD 20817. (Telephone Conference Call.)

Contact Person: James T. Snyder, PhD, Scientific Review Officer, Scientific Review Program, Division of Extramural Activities/NIAID, National Institutes of Health, 6700B Rockledge Drive, MSC 7616, Room # 3257, Bethesda, MD 20892–7616, 301–435–1614, *James.snyder@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: January 4, 2011.

Anna P. Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–258 Filed 1–7–11; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

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 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 Allergy and Infectious Diseases Special Emphasis Panel, Immune Responses to Bacterial Antigens.

Date: January 27, 2011.

Time: 11 a.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge 6700, 6700B Rockledge Drive, 3129, Bethesda, MD 20817. (Telephone Conference Call.)

Contact Person: Eleazar Cohen, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, NIAID/NIH/DHHS, Room 3129, 6700 B Rockledge Drive, Bethesda, MD 20892, 301–435–3564, *ec17w@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: January 4, 2011.

Anna P. Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–262 Filed 1–7–11; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting

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 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 Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; U34 Clinical Study Planning Grants.

Date: February 2, 2011.

Time: 2 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call)

Contact Person: D. G. Patel, PhD, Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 756, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7682, *pateldg@niddk.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: January 4, 2011.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–264 Filed 1–7–11; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental & Craniofacial Research; Notice of Closed Meeting

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 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 Dental and Craniofacial Research Special Emphasis Panel, Review of R34 Applications.

Date: February 9, 2011.

Time: 12 p.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Bethesda, MD 20892. (Telephone Conference Call.)

Contact Person: Jonathan Horsford, PhD, Scientific Review Officer, Natl Inst of Dental and Craniofacial Research, National Insitutes of Health, 6701 Democracy Blvd, Room 664, Bethesda, MD 20892. 301–594–4859. *horsforj@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS)

Dated: January 4, 2011.

Anna P. Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–259 Filed 1–7–11; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Integrative, Functional and Cognitive Neuroscience Integrated Review Group, Sensorimotor Integration Study Section.

Date: February 4, 2011.

Time: 8 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: Sheraton Delfina Santa Monica Hotel, 530 West Pico Boulevard, Santa Monica, CA 90405.

Contact Person: John Bishop, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5182, MSC 7844, Bethesda, MD 20892. (301) 408–9664. *bishopjo@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Computational Modeling and Sciences for Biomedical and Clinical Applications.

Date: February 4, 2011.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, Bethesda, MD 20852.

Contact Person: Guo Feng Xu, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5122, MSC 7854, Bethesda, MD 20892. 301–237–9870.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Biobehavioral Regulation, Learning and Ethology.

Date: February 4, 2011.

Time: 10 a.m. to 11 a.m.

Agenda: To review and evaluate grant applications.

Place: Sir Francis Drake Hotel, 450 Powell Street at Sutter, San Francisco, CA 94102.

Contact Person: Dana Jeffrey Plude, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3176, MSC 7848, Bethesda, MD 20892. (301) 435–2309. *pluded@csr.nih.gov.*

Name of Committee: Surgical Sciences, Biomedical Imaging and Bioengineering Integrated Review Group, Medical Imaging Study Section.

Date: February 6–7, 2011.

Time: 6 p.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Guest Suites Hotel at Doheny Beach, 34402 Pacific Coast Highway, Dana Point, CA 92629.

Contact Person: Xiang-Ning Li, MD, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5112, MSC 7854, Bethesda, MD 20892. 301–435–1744. *lixiang@csr.nih.gov.*

Name of Committee: Digestive, Kidney and Urological Systems Integrated Review Group, Cellular and Molecular Biology of the Kidney Study Section.

Date: February 7, 2011.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Bonnie L Burgess-Beusse, PhD, Scientific Review Officer, Center for

Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2182, MSC 7818, Bethesda, MD 20892. 301–435–1783. *beusseb@mail.nih.gov.*

Name of Committee: Biobehavioral and Behavioral Processes Integrated Review Group, Adult Psychopathology and Disorders of Aging Study Section.

Date: February 7–8, 2011.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Sir Francis Drake Hotel, 450 Powell Street at Sutter, San Francisco, CA 94102.

Contact Person: Dana Jeffrey Plude, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3176, MSC 7848, Bethesda, MD 20892. (301) 435–2309. *pluded@csr.nih.gov.*

Name of Committee: Biobehavioral and Behavioral Processes Integrated Review Group, Motor Function, Speech and Rehabilitation Study Section.

Date: February 7, 2011.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Sir Francis Drake Hotel, 450 Powell Street at Sutter, San Francisco, CA 94102.

Contact Person: Biao Tian, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3166, MSC 7848, Bethesda, MD 20892. 301–402–4411. *tianbi@csr.nih.gov.*

Name of Committee: Oncology 2—Translational Clinical Integrated Review Group, Drug Discovery and Molecular Pharmacology Study Section.

Date: February 7–8, 2011.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Sheraton Delfina Santa Monica Hotel, 530 West Pico Boulevard, Santa Monica, CA 90405.

Contact Person: Jeffrey Smiley, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6194, MSC 7804, Bethesda, MD 20892. 301–594–7945. *smileyja@csr.nih.gov.*

Name of Committee: Oncology 2—Translational Clinical Integrated Review Group, Cancer Biomarkers Study Section.

Date: February 7–8, 2011.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Alexandria Old Town, 1767 King Street, Alexandria, VA 22314.

Contact Person: Lawrence Ka-Yun Ng, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6152, MSC 7804, Bethesda, MD 20892. 301–435–1719. *ngkl@csr.nih.gov.*

Name of Committee: Cardiovascular and Respiratory Sciences Integrated Review Group, Cardiac Contractility, Hypertrophy, and Failure Study Section.

Date: February 7–8, 2011.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Ritz Carlton Hotel, 1150 22nd Street, NW., Washington, DC 20037.

Contact Person: Olga A Tjurmina, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4030B, MSC 7814, Bethesda, MD 20892. (301) 451–1375. *ot3d@nih.gov.*

Name of Committee: Surgical Sciences, Biomedical Imaging and Bioengineering Integrated Review Group, Biomedical Imaging Technology Study Section.

Date: February 7–8, 2011.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Guest Suites Hotel at Doheny Beach, 34402 Pacific Coast Highway, Dana Point, CA 92629.

Contact Person: Lee Rosen, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5116, MSC 7854, Bethesda, MD 20892. (301) 435–1171. *rosenl@csr.nih.gov.*

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group. Anterior Eye Disease Study Section.

Date: February 7–8, 2011.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Marina del Rey Marriott, 4100 Admiralty Way, Marina del Rey, CA 90292.

Contact Person: Jerry L Taylor, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5202, MSC 7846, Bethesda, MD 20892. 301–435–1175. *taylorje@csr.nih.gov.*

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group, Brain Injury and Neurovascular Pathologies Study Section.

Date: February 7–8, 2011.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: InterContinental Hotel Mark Hopkins San Francisco, 1 Nob Hill, San Francisco, CA 94108.

Contact Person: Alexander Yakovlev, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5206, MSC 7846, Bethesda, MD 20892. 301–435–1254. *yakovleva@csr.nih.gov.*

Name of Committee: Genes, Genomes, and Genetics Integrated Review Group, Molecular Genetics A Study Section.

Date: February 7–8, 2011.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Renaissance M Street Hotel, 1143 New Hampshire Avenue, NW., Washington, DC 20037.

Contact Person: Michael M Sveda, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1114, MSC 7890, Bethesda, MD 20892. 301–435–3565. *sved@csr.nih.gov.*

Name of Committee: Biobehavioral and Behavioral Processes Integrated Review Group, Language and Communication Study Section.

Date: February 7–8, 2011.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Sir Francis Drake Hotel, 450 Powell Street at Sutter, San Francisco, CA 94102.

Contact Person: Weijia Ni, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3184, MSC 7848, Bethesda, MD 20892. (301) 237–9918. *niw@csr.nih.gov.*

Name of Committee: Vascular and Hematology Integrated Review Group, Vascular Cell and Molecular Biology Study Section.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Anshumali Chaudhari, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4124, MSC 7802, Bethesda, MD 20892. (301) 435–1210. *chaudhaa@csr.nih.gov.*

Name of Committee: Digestive, Kidney and Urological Systems Integrated Review Group,Urologic and Kidney Develop.m.ent and Genitourinary Diseases Study Section.

Date: February 7–8, 2011.

Time: 8 a.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: Crowne Plaza Washington National Airport, 1489 Jefferson Davis Highway, Arlington, VA 22202.

Contact Person: Ryan G Morris, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4205, MSC 7814, Bethesda, MD 20892. 301–435–1501. *morrisr@csr.nih.gov.*

Name of Committee: Oncology-Basic Translational Integrated Review Group, Molecular Oncogenesis Study Section.

Date: February 7–8, 2011.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Mandarin Oriental, 1330 Maryland Avenue, SW., Washington, DC 20024.

Contact Person: Nywana Sizemore, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6204, MSC 7804, Bethesda, MD 20892. 301–435–1718. *sizemoren@csr.nih.gov.*

Name of Committee: Oncology-Basic Translational Integrated Review Group, Cancer Genetics Study Section.

Date: February 7–8, 2011.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road, NW., Washington, DC 20015,

Contact Person: Steven F Nothwehr, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5183, MSC 7840, Bethesda, MD 20892. 301–408–9435. *nothwehrs@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Development Methods of In Vivo Imaging and Bioengineering Research.

Date: February 7–8, 2011.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Doubletree Guest Suites Hotel at Doheny Beach, 34402 Pacific Coast Highway, Dana Point, CA 92629.
Contact Person: Behrouz Shabestari, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5106, MSC 7854, Bethesda, MD 20892. (301) 435–2409. *shabestb@csr.nih.gov.*

Name of Committee: Surgical Sciences, Biomedical Imaging and Bioengineering Integrated Review Group, Bioengineering, Technology and Surgical Sciences Study Section.
Date: February 7–8, 2011.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Khalid Masood, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5120, MSC 7854, Bethesda, MD 20892. 301–435–2392. *masoodk@csr.nih.gov.*

Name of Committee: Biology of Development and Aging Integrated Review Group, Aging Systems and Geriatrics Study Section.
Date: February 7–8, 2011.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Sheraton Delfina Santa Monica Hotel, 530 West Pico Boulevard, Santa Monica, CA 90405.
Contact Person: James P. Harwood, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5168, MSC 7840, Bethesda, MD 20892. 301–435–1256. *harwoodj@csr.nih.gov.*

Name of Committee: Surgical Sciences, Biomedical Imaging and Bioengineering Integrated Review Group, Clinical Molecular Imaging and Probe Development.
Date: February 7–8, 2011.
Agenda: 2 p.m. to 12 p.m.
Place: To review and evaluate grant applications.
Contact Person: Doubletree Guest Suites Hotel at Doheny Beach, 34402 Pacific Coast Highway, Dana Point, CA 92629. Eileen W. Bradley, DSC, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5100, MSC 7854, Bethesda, MD 20892. (301) 435–1179. *bradleye@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Review of NCRR Resource Southwestern NMR Center for In Vivo Metabolism.
Date: February 7–9, 2011.
Time: 6 p.m. to 12 p.m.
Agenda: To review and evaluate grant applications.
Place: Hilton Garden Inn Dallas Market Center, 2325 North Stemmons Freeway, Dallas, TX 75207.
Contact Person: Antonio Sastre, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5215, MSC 7412, Bethesda, MD 20892. 301–435–2592. *sastrea@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Progra.m Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: January 4, 2011.

Anna P. Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–257 Filed 1–7–11; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Center for Scientific Review Special Emphasis Panel, January 10, 2011, 8 a.m. to January 11, 2011, 5 p.m., National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 which was published in the **Federal Register** on December 22, 2010, 75 FR 80508.

The starting time of the meeting on January 10, 2011 has been changed to 11 a.m. until adjournment on January 11, 2011. The meeting is closed to the public.

Dated: January 4, 2011.

Anna P. Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–255 Filed 1–7–11; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

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 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 Cancer Institute Initial Review Group; Subcommittee F—Manpower & Training. To review and evaluate grant applications.
Date: February 22–23, 2011.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Hilton Alexandria Old Town, 1767 King Street, Alexandria, VA 22314.
Contact Person: Lynn M. Amende, PhD, Scientific Review Officer, Resources And Training Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 6116 Executive Blvd., Room 8105, Bethesda, MD 20892, 301–451–4759, *amendel@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: January 4, 2011.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–253 Filed 1–7–11; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish a summary of information collection requests under OMB review, in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these documents, call the SAMHSA Reports Clearance Officer on (240) 276–1243.

Project: Program Evaluation for Assertive Adolescent & Family Treatment (AAFT) Program—NEW

The Substance Abuse and Mental Health Services Administration's (SAMHSA), Center for Substance Abuse Services (CSAT) has implemented the Assertive Adolescent and Family Treatment (AAFT) program to promote the adoption of evidence-based practices by community providers in the

area of adolescent substance use treatment. The AAFT program provides evidence-based substance use services to adolescents and their families, as well as to transition-age youth (TAY), caregivers, and their families/mentors. This program is based on evidence that families/caregivers and other appropriate adults are an integral part of the treatment process and their inclusion in services increases the likelihood of successful treatment and reintegration of adolescents/TAYs into their communities following treatment. AAFT requires grantees to implement the Adolescent Community Reinforcement Approach (A–CRA) coupled with Assertive Continuing Care (ACC) to provide treatment that is context-specific, family-centered, and community-based. Grantees are also required to use the Global Appraisal of Individual Needs (GAIN) as the common assessment instrument across programs to improve intake assessment, clinical interpretation, monitoring, and data management. The GAIN is used for diagnosis and to assist in placement, treatment planning, local evaluation, and continuous quality improvement for programs. In supporting AAFT and to ensure that each implementation activity required by AAFT is implemented well and as faithfully as possible by grantees, CSAT has provided, through Chestnut Health Systems, a well-thought-out package of implementation supports, including manual-assisted training in and certification for clinical staff on A–CRA and ACC, training/certification in GAIN, monitoring/coaching/mentoring/support for clinicians and supervisors, implementation calls and monthly progress reports, and topical workgroups that share ideas and resources among grantees. The overarching objective of the multi-site, Assertive Adolescent and Family Treatment (AAFT) process and outcome evaluation is to assess and document the process of implementation in the 2009 cohort of AAFT grantees and to explore the role that implementation supports play in how well these programs evolve.

CSAT is requesting approval from the Office of Management and Budget (OMB) to implement a data collection document, the Annual Program Survey, to gather longitudinal data (end of each of 3 project years) from a range of grantee personnel to evaluate the implementation, expansion, and sustainability of adolescent substance use services developed under the AAFT program.

The current proposal requests implementing the Annual Program Survey to collect information in the following areas:

a. Attitudes toward evidence-based practices generally, and AAFT model components in particular (*e.g.,* attitudes toward using a treatment manual, achieving certification);

b. Grantee involvement with the implementation supports provided by Chestnut Health Systems and their reactions to those implementation supports;

c. Perceived changes in clinical practice/behavior indicating movement toward full A–CRA/ACC implementation;

d. Perceived barriers encountered in implementation and compensatory strategies;

e. Report on project progress, including activities related to the AAFT program, changes to program plans, project accomplishments, and efforts to plan for sustainability of the program.

This information would be collected annually—in October/November of each project year. The survey has three versions tailored to address the respondents' roles in the grant (Principal Investigator/Program Director, Clinical Supervisor/Clinician, and Evaluator/Data Manager). Staffing patterns at each grantee site vary greatly; therefore, CSAT is only able to estimate the total number of respondents for each category based on initial grantee proposals. CSAT expects to conduct surveys with approximately 21 administrators, 56 clinical staff, and 28 evaluators/data managers. The total number of respondents—105 individuals—represent project staff at three distinct levels across 14 grantee sites.

The burden estimate for completing the Annual Program Survey is as follows:

ANNUAL REPORTING BURDEN—SUMMARY TABLE

Data collection activity	Number of respondents [1]	Responses per respondent [2]	Total responses	Average hours per response	Total hour burden	Wage rate (hourly)	Total hour cost ($)
CY 2010–12 ANNUAL REPORTING BURDEN							
AAFT Implementation Survey—Principal Investigator/Program Director	21	1	21	0.75	15.75	50	787.50
AAFT Implementation Survey—Clinical Supervisor/Clinician	56	1	56	0.75	42	26	1,092.00
AAFT Implementation Survey—Evaluator/Data Manager	28	1	28	0.75	21	15	315.00
Annual Total	105		105		78.75		2,194.50

[1] Represents project staff at three distinct levels—administrators, clinical staff, evaluators—across 14 grantee sites. Number of respondents is an average of respondents per role based on staffing patterns described in grantee proposals.

[2] The AAFT Implementation Survey will be completed once by respondents at all 14 sites at the end of each project year.

Written comments and recommendations concerning the proposed information collection should be sent by February 9, 2011 to: SAMHSA Desk Officer, Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503; due to potential delays in OMB's receipt and processing of mail sent through the U.S. Postal Service, respondents are encouraged to submit comments by fax to: 202–395–5806.

Dated: January 3, 2011.

Elaine Parry,

Director, Office of Management, Technology and Operations.

[FR Doc. 2011–209 Filed 1–7–11; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2009–0973]

Random Drug Testing Rate for Covered Crewmembers

AGENCY: Coast Guard, DHS.

ACTION: Notice of minimum random drug testing rate.

SUMMARY: The Coast Guard has set the calendar year 2011 minimum random drug testing rate at 50 percent of covered crewmembers.

DATES: The minimum random drug testing rate is effective January 1, 2011 through December 31, 2011. Marine employers must submit their 2010 Management Information System (MIS) reports no later than March 15, 2011.

ADDRESSES: Annual MIS reports may be submitted to Commandant (CG–545), U.S. Coast Guard Headquarters, 2100 Second Street, SW., STOP 7561, Washington, DC 20593–7581 or by electronic submission to the following Internet address: *http://homeport.uscg.mil/Drugtestreports.*

FOR FURTHER INFORMATION CONTACT: For questions about this notice, please contact Mr. Robert C. Schoening, Drug and Alcohol Program Manager, Office of Investigations and Casualty Analysis (CG–545), U.S. Coast Guard Headquarters, telephone 202–372–1033. If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: Under 46 CFR 16.230, the Coast Guard requires marine employers to establish random drug testing programs for covered crewmembers on inspected and uninspected vessels.

Every marine employer is required by 46 CFR 16.500 to collect and maintain a record of drug testing program data for each calendar year, and submit this data by 15 March of the following year to the Coast Guard in an annual MIS report. Marine employers may either submit their own MIS reports or have a consortium or other employer representative submit the data in a consolidated MIS report.

The purpose of setting a minimum random drug testing rate is to assist the Coast Guard in analyzing its current approach for deterring and detecting illegal drug abuse in the maritime industry. The testing rate for calendar year 2010 was 50 percent.

The Coast Guard may lower this rate if, for two consecutive years, the drug test positive rate is less than 1.0 percent, in accordance with 46 CFR 16.230(f)(2).

Since 2009 MIS data indicates that the positive rate is greater than one percent industry-wide (1.03 percent), the Coast Guard announces that the minimum random drug testing rate will continue at 50 percent of covered employees for the period of January 1, 2011 through December 31, 2011 in accordance with 46 CFR 16.230(e).

Each year, the Coast Guard will publish a notice reporting the results of random drug testing for the previous calendar year's MIS data and the minimum annual percentage rate for random drug testing for the next calendar year.

Dated: December 23, 2010.

Kevin S. Cook,

Rear Admiral, U.S. Coast Guard, Director of Prevention Policy.

[FR Doc. 2011–170 Filed 1–7–11; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5480–N–01]

Notice of Submission of Proposed Information Collection to OMB Survey of Market Absorption of New Multifamily Units

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been 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.

This survey provides the data necessary to measure the rate at which different types of new rental apartments and new condominium apartments are absorbed, that is, taken off the market, usually by being rented or sold, over the course of the first twelve months following completion of a building. The data is collected at quarterly intervals until the twelve months expire or until the units in a building are completely absorbed.

The survey also provides estimates of the characteristics of apartments being absorbed, and provides a basis for analyzing the degree to which apartment-building activity is meeting the present and future needs of the public. Data are collected under Title 12, U.S.C. Sec. 1701Z–1 and 2.

DATES: *Comments Due Date:* February 9, 2011.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval Number (2528–0013) and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806. E-mail: *OIRA_Submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; e-mail Colette Pollard at *Colette.Pollard@hud.gov* or telephone (202) 402–3400. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that the Department of Housing and Urban Development has submitted to OMB a request for approval of the Information collection described below. This notice is soliciting comments from members of the public and affecting 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: Survey of Market Absorption of New Multifamily Units.

OMB Approval Number: 2528–0013.

Form Numbers: H–31.

Description of the Need for the Information and its Proposed Use

This survey provides the data necessary to measure the rate at which different types of new rental apartments and new condominium apartments are absorbed, that is, taken off the market, usually by being rented or sold, over the course of the first twelve months following completion of a building. The data is collected at quarterly intervals until the twelve months expire or until the units in a building are completely absorbed.

The survey also provides estimates of the characteristics of apartments being absorbed, and provides a basis for analyzing the degree to which apartment-building activity is meeting the present and future needs of the public. Data are collected under Title 12, U.S.C. 1701Z–1 and 2.

Members of Affected Public: Rental Agents/Builders.

Frequency of Submission: Four times (maximum).

Total Estimated Burden Hours: 4,000.

Status: Extension of a currently approved collection.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: January 4, 2011.

Colette Pollard,

Departmental Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2011–291 Filed 1–7–11; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5480–N–02]

Notice of Submission of Proposed Information Collection to OMB; Housing Discrimination Information Form

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

The Housing Discrimination Information Form (HUD–903.1) is necessary for the collection of pertinent information from persons or entities who wish to file housing discrimination complaints with HUD under the Fair Housing Act of 1968 (Act), as amended [42 U.S.C. 3601 *et seq.*].

The Housing Discrimination Information Form ("Form") provides for uniformity and easy use by the person filing the complaint. The Form is used to collect information needed to contact aggrieved persons, and for verifying HUD's authority ["jurisdiction"] to investigate complaints under the Act. This information is subsequently used to notify persons or entities that have been accused of engaging in discriminatory housing practices ["*respondents*"], as required under 42 U.S.C. 3610(1)(B)(ii) of the Act, and under 24 CFR 103.202(a) of HUD's Regulation implementing the Act.

The Form may be submitted to HUD by mail, electronically via the Internet, or presented in person to HUD's Office of Fair Housing and Equal Opportunity (FHEO). HUD/FHEO staff uses this information collection as a source of pertinent data for the Title Eight Automated Paperless Office Tracking System ("TEAPOTS"), HUD's automated Fair Housing Act complaint processing database. FHEO staff will use the information provided to contact aggrieved persons; to make initial assessments regarding HUD's authority (jurisdiction) to investigate allegations of unlawful housing discrimination; to formally notify any persons and entities who have been accused of violating the Act; and to prepare for conducting administrative complaint investigations.

DATES: *Comments Due Date:* February 9, 2011.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Approval Number (2529–0011) and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806. E-mail *OIRA_Submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; e-mail Colette Pollard at *Colette.Pollard@hud.gov* or telephone (202) 402–3400. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that the Department of Housing and Urban Development has submitted to OMB a request for approval of the information collection described below. This notice is soliciting comments from members of the public and affecting 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: Housing Discrimination Information Form.

OMB Approval Number: 2529–0011.

Form Numbers: HUD 903.1 (English), HUD 903.1A (Spanish), HUD 903–1B (Chinese), HUD 903.1F (Vietnamese), HUD 903.1K (Korean), HUD 903.1AR (Arabic), HUD 903.1CAM (Cambodian), HUD 903.1R (Russian), HUD 903.–1 (Somali).

Description of the Need for the Information and Its Proposed Use:

The Housing Discrimination Information Form (HUD–903.1) is necessary for the collection of pertinent information from persons or entities who wish to file housing discrimination complaints with HUD under the Fair Housing Act of 1968 (Act), as amended [42 U.S.C. 3601 *et seq.*].

The Housing Discrimination Information Form ("Form") provides for uniformity and easy use by the person filing the complaint. The Form is used to collect information needed to contact aggrieved persons, and for verifying HUD's authority ["jurisdiction"] to investigate complaints under the Act. This information is subsequently used to notify persons or entities that have been accused of engaging in discriminatory housing practices ["*respondents*"], as required under 42 U.S.C. 3610(1)(B)(ii) of the Act, and under 24 CFR 103.202(a) of HUD's Regulation implementing the Act.

The Form may be submitted to HUD by mail, electronically via the Internet, or presented in person to HUD's Office of Fair Housing and Equal Opportunity (FHEO). HUD/FHEO staff uses this information collection as a source of pertinent data for the Title Eight Automated Paperless Office Tracking System ("TEAPOTS"), HUD's automated Fair Housing Act complaint processing

database. FHEO staff will use the information provided to contact aggrieved persons; to make initial assessments regarding HUD's authority (jurisdiction) to investigate allegations of unlawful housing discrimination; to formally notify any persons and entities who have been accused of violating the Act; and to prepare for conducting administrative complaint investigations.

Members of Affected Public: Individuals or households; businesses or other for-profit, not-for-profit institutions; State, Local or Tribal Governments.

Frequency of Submission: On occasion.

Total Estimated Burden Hours: 9,405.

Status: Extension of a currently approved collection.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: January 3, 2011.

Colette Pollard,

Departmental Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2011–289 Filed 1–7–11; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5494–N–01]

Announcement of Funding Awards for Fiscal Year 2010 for the Housing Choice Voucher Program

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Announcement of Fiscal Year 2010 awards.

SUMMARY: In accordance with Section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this document notifies the public of funding awards for Fiscal Year (FY) 2010 to housing agencies (HAs) under the Section 8 Housing Choice Voucher Program. The purpose of this notice is to publish the names, addresses, and the amount of the awards to HAs for non-competitive funding awards for housing conversion actions, public housing relocations and replacements, moderate rehabilitation replacements, and HOPE VI voucher awards.

FOR FURTHER INFORMATION CONTACT: Danielle Bastarache, Director, Office of Housing Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 4228, Washington, DC 20410–5000, telephone (202) 402–0477. Hearing- or speech-impaired individuals may call HUD's TTY number at (800) 927–7589. (Only the "800" telephone number is toll-free.)

SUPPLEMENTARY INFORMATION: The regulations governing the housing choice voucher program are published at 24 CFR part 982. The regulations for allocating housing assistance budget authority under Section 213(d) of the Housing and Community Development Act of 1974 are published at 24 CFR part 791, subpart D.

The purpose of this rental assistance program is to assist eligible families to pay their rent for decent, safe, and sanitary housing. This announcement awards Section 8 funds on an as-needed, non-competitive basis and does not include provisions associated with Notices of Funding Availability (NOFAs) offered competitively through grants.gov. Tenant protection voucher awards made to PHAs for program actions that displace families living in public housing were made on a first-come, first-served basis in accordance with PIH Notice 2007–10, Voucher Funding in Connection with the Demolition or Disposition of Occupied Public Housing Units. Announcements of awards provided under the NOFA process for Mainstream, Designated Housing, Family Unification (FUP), and Veterans Assistance Supportive Housing (VASH) programs will be published in a separate **Federal Register** notice.

Awards published under this notice were provided (1) to assist families living in HUD-owned properties that are being sold; (2) to assist families affected by the expiration or termination of their project-based Section 8 and moderate rehabilitation contracts; (3) to assist families in properties where the owner has prepaid the HUD mortgage; (4) to provide relocation housing assistance in connection with the demolition of public housing; (5) to provide replacement housing assistance for single room occupancy (SRO) units that fail housing quality standards (HQS); and (6) to assist families in public housing developments that are scheduled for demolition in connection with a HUD-approved HOPE VI Revitalization or Demolition Grant. Additionally, housing choice vouchers were awarded to PHAs administering assistance to families that resided in certain Office of Multifamily Housing properties at the time of Hurricane Katrina or Rita. Some families were eligible to receive voucher assistance because owners of these properties subsequently decided to prepay the preservation eligible mortgage or the Section 8 project-based contract was terminated or not renewed.

A special housing fee of $200 per occupied unit was provided to PHAs to compensate the PHA for any extraordinary Section 8 administrative costs associated with the Multifamily housing conversion action.

The Department awarded total new budget authority of $145,768,063 for 17,726 housing choice vouchers to recipients under all of the above-mentioned categories.

In accordance with Section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (103 Stat. 1987, 42 U.S.C. 3545), the Department is publishing the names, addresses, and amounts of those awards as shown in Appendix A alphabetically by State then by PHA name.

Dated: January 4, 2011.

Deborah Hernandez,

General Deputy Assistant Secretary for Public and Indian Housing.

SECTION 8 RENTAL ASSISTANCE PROGRAMS ANNOUNCEMENT OF AWARDS FOR FISCAL YEAR 2010

Housing agency	Address	Units	Award
Public Housing Tenant Protection Mod Replacements			
CA: OAKLAND HA	1619 HARRISON ST, OAKLAND, CA 94612	12	171,196
CA: SAN DIEGO HSG COMM	1122 BRDWAY, STE 300, SAN DIEGO, CA 92101	4	42,236
CA: SANTA CRUZ COUNTY HA	2931 MISSION ST, SANTA CRUZ, CA 95060	96	1,065,464
CO: HA OF PUEBLO	1414 NO. SANTA FE AVE, PUEBLO, CO 81003	6	33,040
DC: DISTRICT OF COLUMBIA HA	1133 NORTH CAPITOL ST NE, WASHINGTON, DC 20002	27	341,454
GA: GEORGIA DEPT OF COMM AFFAIRS	60 EXECUTIVE PARK SO, NE, STE 250, ATLANTA, GA 30329	15	95,081
MD: HA OF BALTIMORE CITY	417 EAST FAYETTE ST, BALTIMORE, MD 21201	18	162,195
ME: MAINE STATE HA	353 WATER ST, AUGUSTA, ME 04330	15	91,102

SECTION 8 RENTAL ASSISTANCE PROGRAMS ANNOUNCEMENT OF AWARDS FOR FISCAL YEAR 2010—Continued

Housing agency	Address	Units	Award
MO: ST. LOUIS COUNTY HA	8865 NATURAL BRIDGE, ST. LOUIS, MO 63121	11	71,998
MS: MISS REGIONAL HA VI	PO DRAWER 8746, JACKSON, MS 39284	7	47,727
MT: MT DEPT OF COMMERCE	301 S. PARK, HELENA, MT 59620	6	25,511
ND: FARGO HRA	PO BOX 430, FARGO, ND 58107	38	147,151
NE: OMAHA HA	540 SOUTH 27TH ST, OMAHA, NE 68105	7	45,857
NJ: CLIFTON HA	CITY HALL 900 CLIFTON AVE, CLIFTON, NJ 07013	11	98,362
NY: HA OF LOCKPORT	301 MICHIGAN ST, LOCKPORT, NY 14094	5	19,423
NY: TOWN OF AMHERST	1195 MAIN ST, BUFFALO, NY 14209	6	27,467
NY: THE CITY OF NEW YORK	100 GOLD ST ROOM 501, NEW YORK, NY 10007	22	241,747
NY: CITY OF NIAGARA FALLS	1022 MAIN ST, NIAGARA FALLS, NY 14302	7	29,154
OH: CUYAHOGA MHA	1441 WEST 25TH ST, CLEVELAND, OH 44113	7	48,640
OR: HA OF JACKSON COUNTY	2231 TABLE ROCK RD, MEDFORD, OR 97501	1	6,031
PA: PHILADELPHIA HA	12 SOUTH 23RD ST, PHILADELPHIA, PA 19103	11	85,963
PA: ALLEGHENY COUNTY HA	625 STANWIX ST, 12TH FL, PITTSBURGH, PA 15222	1	5,168
SC: HA OF CHARLESTON	20 FRANKLIN ST, CHARLESTON, SC 29401	24	143,768
SC: HA OF COLUMBIA	1917 HARDEN ST, COLUMBIA, SC 29204	12	74,027
SC: HA OF CHERAW	PO DRAWER 969, FLORENCE, SC 29503	5	17,050
SC: HSG & COM REDEV AUTH	PO DRAWER 969, FLORENCE, SC 29503	11	42,274
SC: SC STATE HSG FINANCE & DEV	300–C OUTLET POINTE BLVD, COLUMBIA, SC 29210	15	87,480
TX: LAREDO HA	2000 SAN FRANCISCO AVE, LAREDO, TX 78040	15	81,574
VA: ROANOKE REDEV & HA	2624 SALEM TRNPK, NW, ROANOKE, VA 24017	8	47,996
Total for Mod Replacements		423	$3,396,136
Relocation/Replacement			
AK: AK HSG FINANCE CORP	PO BOX 101020, ANCHORAGE, AK 99510	59	416,729
CA: SAN FRANCISCO HA	1815 EGBERT AVE, SAN FRANCISCO, CA 94124	76	1,341,869
CA: COUNTY OF SACRAMENTO HA	PO BOX 1834, SACRAMENTO, CA 95812	153	1,312,299
CA: COUNTY OF SAN BERNARDINO HA	715 E. BRIER DR, SAN BERNARDINO, CA 92408	335	2,556,559
CA: COUNTY OF SANTA BARBARA HA	815 W OCEAN, LOMPOC, CA 93438	54	491,041
CA: CITY OF ALAMEDA HA	701 ATLANTIC AVE, ALAMEDA, CA 94501	0	42,900
CA: CITY OF MADERA HA	205 NORTH “G” ST, MADERA, CA 93637	16	97,666
CA: MENDOCINO CO COMM DEV COMM	1076 NORTH STATE ST, MENDOCINO, CA 95482	139	865,108
CO: HA OF CITY & CO OF DENVER	777 GRANT ST, DENVER, CO 80203	168	1,474,603
CT: HARTFORD HA	160 OVERLOOK TERR, HARTFORD, CT 06106	83	685,278
CT: STAMFORD HA	22 CLINTON AVE, STAMFORD, CT 06901	148	2,167,200
CT: WEST HARTFORD HA	80 SHIELD ST, WEST HARTFORD, CT 06110	95	775,724
DC: DISTRICT OF COLUMBIA HA	1133 NORTH CAPITOL ST NE, WASHINGTON, DC 20002	58	697,815
FL: ORLANDO HA	390 NORTH BUMBY AVE, ORLANDO, FL 32803	86	650,728
FL: HA OF SARASOTA	1300 BOULEVARD OF THE ARTS, SARASOTA, FL 34236	15	142,952
FL: BROWARD COUNTY HA	4780 NO STATE RD 7, LAUDERDALE LAKES, FL 33319	96	1,138,337
GA: HA OF SAVANNAH	1407 WHEATON ST, SAVANNAH, GA 31402	186	1,372,835
GA: HA OF ATLANTA GA	230 JOHN WESLEY DOBBS AVE, NE, ATLANTA, GA 30303	113	1,668,273
GA: HA OF CITY OF DECATUR	750 COMMERCE DR, STE 110, DECATUR, GA 30030	10	74,782
GA: HA OF CITY OF EAST POINT	3056 NORMAN BERRY DR, EAST POINT, GA 30344	108	682,332
IL: HA OF CITY OF EAST ST. LOUIS	700 NORTH 20TH ST, EAST ST LOUIS, IL 62205	6	42,286
IL: MADISON HA	1609 OLIVE ST, COLLINSVILLE, IL 62234	115	665,975
IN: HAMMOND HA	1402 173RD ST, HAMMOND, IN 46324	112	723,852
KY: LOUISVILLE HA	420 SOUTH EIGHTH ST, LOUISVILLE, KY 40203	155	1,098,956
MA: BOSTON HA	52 CHAUNCY ST, BOSTON, MA 02111	515	6,659,507
MD: HA OF THE CITY OF ANNAPOLIS	1217 MADISON ST, ANNAPOLIS, MD 21403	144	1,639,973
MD: HA OF BALTIMORE CITY	417 EAST FAYETTE ST, BALTIMORE, MD 21201	114	1,073,743
MO: ST. LOUIS COUNTY HA	8865 NATURAL BRIDGE, ST. LOUIS, MO 63121	88	575,985
MS: HA OF SOUTH DELTA	PO BOX 959, LELAND, MS 38756	24	119,629
NC: HA OF CITY OF WILLMINGTON	508 S FRONT ST, WILMINGTON, NC 28402	36	210,622
NC: HA OF CITY OF CHARLOTTE	1301 SOUTH BOULEVARD, CHARLOTTE, NC 28236	105	908,649
NJ: NEWARK HA	57 SUSSEX AVE, NEWARK, NJ 07103	90	917,654
NJ: FRANKLIN TOWNSHIP HA	ONE PARKSIDE ST, SOMERSET, NJ 08873	60	594,447
OH: COLUMBUS METRO HA	880 EAST 11TH AVE, COLUMBUS, OH 43211	392	2,371,474
OR: HA OF COUNTY OF CLACKAMAS	PO BOX 1510, OREGON CITY, OR 97045	19	131,912
OR: MARION COUNTY HA	PO BOX 14500, SALEM, OR 97309	7	37,123
PA: PHILADELPHIA HA	12 SOUTH 23RD ST, PHILADELPHIA, PA 19103	137	1,374,219
RI: WOONSOCKET HA	679 SOCIAL ST, WOONSOCKET, RI 02895	51	382,065
SC: HA OF MYRTLE BEACH	PO BOX 2468, MYRTLE BEACH, SC 29578	40	218,784
TN: HA OF BROWNSVILLE	PO BOX 194, BROWNSVILLE, TN 38012	47	168,682
TN: HA OF MURFREESBORO	415 NORTH MAPLE ST, MURFREESBORO, TN 37130	8	43,583
TN: SHELBY COUNTY HA	715 ROUGE BLUFF AVE, MEMPHIS, TN 28127	13	80,608
TX: HA OF DALLAS	3939 N. HAMPTON RD, DALLAS, TX 75212	12	95,894
TX: SAN BENITO HA	PO BOX 1900, SAN BENITO, TX 78586	53	232,521
TX: HA OF CITY OF MARBLE FALLS	1110 BROADWAY, MARBLE FALLS, TX 78654	100	459,396
VA: ALEXANDRIA REDEV & HA	600 N FAIRFAX ST, ALEXANDRIA, VA 22314	184	2,320,917

SECTION 8 RENTAL ASSISTANCE PROGRAMS ANNOUNCEMENT OF AWARDS FOR FISCAL YEAR 2010—Continued

Housing agency	Address	Units	Award
VA: NORFOLK REDEV & HA	201 GRANBY ST, NORFOLK, VA 23501	95	755,558
VT: RUTLAND HA	5 TREMONT ST, RUTLAND, VT 05701	37	180,530
Total for Relocation/Replacement		4,757	$42,739,574
SRO–Relocation/Replacement			
MA: BOSTON HA	52 CHAUNCY ST, BOSTON, MA 02111	5	64,655
MN: DULUTH HRA	PO BOX 16900, DULUTH, MN 55816	1	4,427
OH: AKRON MHA	100 W. CEDAR ST, AKRON, OH 44307	90	514,685
PA: MCKEESPORT HA	2901 BROWNLEE AVE, MCKEESPORT, PA 15132	3	17,592
TN: KNOXVILLE COMM DEV CORP	PO BOX 3550, KNOXVILLE, TN 37927	16	86,709
TX: HOUSTON HA	2640 FOUNTAIN VIEW, HOUSTON, TX 77057	7	55,364
Total for SRO–Relocation/Replacement		122	$743,432
Witness Relocation			
AL: FLORENCE HA	110 SO CYPRESS ST, STE #1, FLORENCE, AL 35630	1	4,896
CO: AURORA HA	10745 E KENTUCKY AVE, AURORA, CO 80012	1	8,268
FL: HA OF OCALA	PO BOX 2468, OCALA, FL 34478	1	8,496
GA: HA OF DEKALB COUNTY	750 COMMERCE DR, STE 201, DECATUR, GA 30030	1	8,520
MA: BARNSTABLE HA	146 SOUTH ST, HYANNIS, MA 02601	1	17,500
MD: MONTGOMERY CO HA	10400 DETRICK AVE, KENSINGTON, MD 20895	9	169,110
NJ: BAYONNE HA	50 EAST 21ST ST, BAYONNE, NJ 07002	1	6,468
Total for Witness Relocation		15	$223,258
Total for Public Housing Tenant Protection.		5,317	$47,102,400
Housing Tenant Protection			
Disaster Voucher Program to Tenant Protection Voucher Conversions			
FL: HA OF DELRAY BEACH	600 N CONGRESS, STE 310B, DELRAY BEACH, FL 33445	1	11,189
GA: HA OF CITY OF COLLEGE PARK	2000 W. PRINCETON AVE, COLLEGE PARK, GA 30337	1	8,231
GA: HA OF DEKALB COUNTY	750 COMMERCE DR, STE 201, DECATUR, GA 30030	2	16,091
GA: HA OF FULTON COUNTY	4273 WENDELL DR, SW, ATLANTA, GA 30336	4	36,744
TN: MEMPHIS HA	PO BOX 3664, MEMPHIS, TN 38103	1	7,098
TX: AUSTIN HA	PO BOX 6159, AUSTIN, TX 78762	4	33,711
TX: HOUSTON HA	2640 FOUNTAIN VIEW, HOUSTON, TX 77057	6	47,454
TX: SAN ANTONIO HA	818 S. FLORES ST, SAN ANTONIO, TX 78295	1	6,279
TX: HA OF DALLAS	3939 N. HAMPTON RD, DALLAS, TX 75212	6	51,506
TX: HA OF PLANO	1740 AVE G, PLANO, TX 75074	3	23,762
TX: DENTON HA	1225 WILSON ST, DENTON, TX 76205	3	21,671
TX: HARRIS COUNTY HA	8410 LANTERN POINT, HOUSTON, TX 77054	33	284,732
Total for DVP to TPV Conversions		65	$548,468
Rent Supplement			
CA: OAKLAND HA	1619 HARRISON ST, OAKLAND, CA 94612	7	105,324
CO: HA OF CITY & CO OF DENVER	777 GRANT ST, DENVER, CO 80203	14	122,884
FL: HA OF JACKSONVILLE	1300 BRD ST, JACKSONVILLE, FL 32202	15	111,213
KY: KENTUCKY HSG CORP	1231 LOUISVILLE RD, FRANKFORT, KY 40601	30	146,502
ME: BANGOR HA	161 DAVIS RD, BANGOR, ME 04401	8	37,386
OH: CINCINNATI METRO HA	16 WEST CENTRAL PKWY, CINCINNATI, OH 45210	18	109,056
SD: SIOUX FALLS HRA	630 SOUTH MINNESOTA, SIOUX FALLS, SD 57104	123	653,839
WA: SEATTLE HA	120 SIXTH AVE NORTH, SEATTLE, WA 98109	20	418,123
Total for Rent Supplement		235	$1,704,327
PD Relocation Vouchers			
AZ: CITY OF TUCSON	310 N. COMMERCE PARK LOOP, TUCSON, AZ 85726	45	287,885
MS: MISS REGIONAL HA VIII	PO BOX 2347, GULFPORT, MS 39505	10	66,923
NM: EASTERN REGIONAL HA	106 E. REED, ROSWELL, NM 88202	20	82,037
NY: NEW YORK CITY HA	90 CHURCH ST, 9TH FL, NEW YORK, NY 10007	219	2,241,737
PA: PHILADELPHIA HA	12 SOUTH 23RD ST, PHILADELPHIA, PA 19103	86	555,103
Total for PD Relocation Vouchers		380	$3,233,685

SECTION 8 RENTAL ASSISTANCE PROGRAMS ANNOUNCEMENT OF AWARDS FOR FISCAL YEAR 2010—Continued

Housing agency	Address	Units	Award
Pre-payment Vouchers			
AL: MOBILE HOUSING BOARD	PO BOX 1345, MOBILE, AL 36633	1	6,144
AL: FLORENCE HA	110 SO CYPRESS ST, STE #1, FLORENCE, AL 35630	13	55,865
AL: HA OF ALBERTVILLE	PO BOX 1126, ALBERTVILLE, AL 35950	21	76,129
AR: RUSSELLVILLE HA	PO BOX 825, RUSSELLVILLE, AR 72811	48	147,260
AR: FAYETTEVILLE HA	# 1 NORTH SCHOOL AVE, FAYETTEVILLE, AR 72701	67	276,817
CA: CITY OF LOS ANGELES HA	2600 WILSHIRE BLVD, 3RD FL, LOS ANGELES, CA 90057	31	320,712
CO: COLORADO SPRINGS HA	P.O. BOX 1575, MC 1490, COLORADO SPRINGS, CO 80901	41	292,415
CT: MIDDLETOWN HA	40 BROAD ST, MIDDLETOWN, CT 06457	248	1,872,053
DC: DISTRICT OF COLUMBIA HA	1133 NORTH CAPITOL ST, NE, WASHINGTON, DC 20002	105	1,322,780
FL: HA OF OCALA	PO BOX 2468, OCALA, FL 34478	24	144,564
GA: GEORGIA DEPT OF COMM AFFAIRS	60 EXECUTIVE PARK SO, NE, STE 250, ATLANTA, GA 30329	70	443,713
IA: BURLINGTON LOW RENT HA	2830 WINEGARD DR, BURLINGTON, IA 52601	48	179,228
IL: CHICAGO HA	60 EAST VAN BUREN ST, 11TH FL, CHICAGO, IL 60605	188	1,762,820
IL: CHAMPAIGN COUNTY HA	205 WEST PARK AVE, CHAMPAIGN, IL 61820	348	2,256,585
IL: WAUKEGAN HA	215 S. MARTIN KING, JR. AVE, WAUKEGAN, IL 60085	0	561,452
IN: MICHIGAN CITY HA	621 EAST MICHIGAN BLVD, MICHIGAN, IN 46360	26	145,620
IN: HA OF CITY OF ELKHART	1396 BENHAM AVE, ELKHART, IN 46516	94	510,522
IN: HA OF NEW CASTLE	720 SOUTH 15TH ST, NEW CASTLE, IN 47362	32	126,839
MD: BOSTON HA	52 CHAUNCY ST, BOSTON, MA 02111	122	1,568,891
MA: MALDEN HA	630 SALEM ST, MALDEN, MA 02148	80	923,731
MA: SPRINGFIELD HA	25 SAAB COURT, SPRINGFIELD, MA 01101	42	294,900
MA: PLYMOUTH HA	POB 3537, PLYMOUTH, MA 02361	92	932,030
MA: OMM DEV PROG COMM OF MA, EOCD.	100 CAMBRIDGE ST, BOSTON, MA 02114	56	616,211
MD: HA OF BALTIMORE CITY	417 EAST FAYETTE ST, BALTIMORE, MD 21201	49	461,521
MD: ANNE ARUNDEL COUNTY HA	7885 GORDON COURT, GLEN BURNIE, MD 21060	143	1,387,987
MI: FERNDALE HSG COMM	415 WITHINGTON, FERNDALE, MI 48220	335	1,978,363
MI: MICHIGAN STATE HDA	PO BOX 30044, LANSING, MI 48909	12	72,255
MN: ITASCA COUNTY HRA	102 NE THIRD ST, STE 160, GRAND RAPIDS, MN 55744	44	169,620
MO: ST. LOUIS HA	3520 PAGE BOULEVARD, ST. LOUIS, MO 63106	71	472,559
NC: CITY OF CONCORD	283 HAROLD GOODMAN DR, SW, CONCORD, NC 28026	7	42,575
NC: GREENSBORO HA	PO BOX 21287, GREENSBORO, NC 27420	43	220,554
NC: HA OF ROCKY MOUNT	1006 AYCOCK ST, ROCKY MOUNT, NC 27803	1	5,088
NE: OMAHA HA	540 SOUTH 27TH ST, OMAHA, NE 68105	154	1,008,860
NE: HA OF LINCOLN	5700 “R” ST, LINCOLN, NE 68505	52	219,361
NJ: MONTCLAIR HA	205 CLAREMONT AVE, MONTCLAIR, NJ 07042	31	290,819
NY: BINGHAMTON HA	35 EXCHANGE ST, BINGHAMTON, NY 13902	324	1,393,653
NY: HA OF WATERVLIET	2400 SECOND AVE, WATERVLIET, NY 12189	100	528,792
NY: HA OF ROME	205 ST PETER’S AVE, ROME, NY 13440	122	518,066
NY: HA OF ROCHESTER	675 WEST MAIN ST, ROCHESTER, NY 14611	86	425,989
NY: HA OF GLENS FALLS	STICHMAN TOWERS JAY ST, GLENS FALLS, NY 12801	58	263,673
NY: THE CITY OF NEW YORK	100 GOLD ST, ROOM 501, NEW YORK, NY 10007	510	5,770,548
NY: CITY OF PEEKSKILL	840 MAIN ST, PEEKSKILL, NY 10566	72	690,198
NY: CITY OF UTICA	DEPT OF URBAN & ECON DEV, CITY HALL, UTICA, NY 13502	302	1,404,517
NY: NYS HSG TRUST FUND CORP	38–40 STATE ST, ALBANY, NY 12207	3,190	28,126,258
OH: CINCINNATI METRO HA	16 WEST CENTRAL PARKWAY, CINCINNATI, OH 45210	88	533,164
OH: LAKE MHA	189 FIRST ST, PAINESVILLE, OH 44077	1	6,530
OR: HA OF PORTLAND	135 SW ASH ST, PORTLAND, OR 97204	9	65,432
SC: HA GREENWOOD	PO BOX 973, GREENWOOD, SC 29648	102	407,996
SD: SIOUX FALLS HRA	630 SOUTH MINNESOTA, SIOUX FALLS, SD 57104	28	146,998
SD: LAWRENCE COUNTY HA	1220 CEDAR ST, #113, STURGIS, SD 57785	32	129,274
TN: MEMPHIS HA	PO BOX 3664, MEMPHIS, TN 38103	92	653,038
TX: FORT WORTH HA	1201 E. 13TH ST, FORT WORTH, TX 76101	1	6,454
TX: SAN ANTONIO HA	818 S. FLORES ST, SAN ANTONIO, TX 78295	33	207,191
VA: NORFOLK REDEV & HA	201 GRANBY ST, NORFOLK, VA 23501	9	73,345
VA: DANVILLE REDEV & HA	651 CARDINAL PL, DANVILLE, VA 24541	39	233,785
VA: FAIRFAX CO REDEV & HA	3700 PENDER DR, STE 300, FAIRFAX, VA 22030	74	925,554
VA: VIRGINIA HSG DEV AUTH	601 SOUTH BELVIDERE ST, RICHMOND, VA 23220	5	35,266
WV: THE CITY OF FAIRMONT HA	103 12TH ST, FAIRMONT, WV 26555	16	81,133
WY: HA OF CITY OF CHEYENNE	3304 SHERIDAN AVE, CHEYENNE, WY 82009	32	154,053
Total for Prepayment Vouchers		8,064	$63,947,750
Special Fees—Prepayments			
AL: MOBILE HOUSING BOARD	PO BOX 1345, MOBILE, AL 36633	0	200
AL: FLORENCE HA	110 SO CYPRESS ST, STE #1, FLORENCE, AL 35630	0	1,200
AL: HA OF ALBERTVILLE	PO BOX 1126, ALBERTVILLE, AL 35950	0	4,200
AR: RUSSELLVILLE HA	PO BOX 825, RUSSELLVILLE, AR 72811	0	8,800
AR: FAYETTEVILLE HA	#1 NORTH SCHOOL AVE, FAYETTEVILLE, AR 72701	0	12,200

SECTION 8 RENTAL ASSISTANCE PROGRAMS ANNOUNCEMENT OF AWARDS FOR FISCAL YEAR 2010—Continued

Housing agency	Address	Units	Award
CA: CITY OF LOS ANGELES HA	2600 WILSHIRE BLVD, 3RD FL, LOS ANGELES, CA 90057	0	6,200
CO: COLORADO SPRINGS HA	P.O. BOX 1575, MC 1490, COLORADO SPRINGS, CO 80901	0	6,800
CT: MIDDLETOWN HA	40 BRD ST, MIDDLETOWN, CT 06457	0	45,400
DC: DISTRICT OF COLUMBIA HA	1133 NORTH CAPITOL ST, NE, WASHINGTON, DC 20002	0	21,000
FL: HA OF OCALA	PO BOX 2468, OCALA, FL 34478	0	4,800
GA: GEORGIA DEPT. OF COMM AFFAIRS	60 EXECUTIVE PARK SO, NE, STE 250, ATLANTA, GA 30329	0	13,000
IA: BURLINGTON LOW RENT HA	2830 WINEGARD DR, BURLINGTON, IA 52601	0	8,600
IL: CHICAGO HA	60 EAST VAN BUREN ST, 11TH FL, CHICAGO, IL 60605	0	34,800
IL: CHAMPAIGN COUNTY HA	205 WEST PARK AVE, CHAMPAIGN, IL 61820	0	64,600
IN: MICHIGAN CITY HA	621 EAST MICHIGAN BLVD, MICHIGAN, IN 46360	0	4,200
IN: HA OF CITY OF ELKHART	1396 BENHAM AVE, ELKHART, IN 46516	0	17,400
IN: HA OF NEW CASTLE	720 SOUTH 15TH ST, NEW CASTLE, IN 47362	0	6,400
MA: BOSTON HA	52 CHAUNCY ST, BOSTON, MA 02111	0	24,400
MA: MALDEN HA	630 SALEM ST, MALDEN, MA 02148	0	14,200
MA: SPRINGFIELD HA	25 SAAB COURT, SPRINGFIELD, MA 01101	0	8,400
MA: PLYMOUTH HA	POB 3537, PLYMOUTH, MA 02361	0	18,400
MA: COMM DEV PROG COMM OF MA, EOCD.	100 CAMBRIDGE ST, BOSTON, MA 02114	0	9,600
MD: HA OF BALTIMORE CITY	417 EAST FAYETTE ST, BALTIMORE, MD 21201	0	9,800
MD: ANNE ARUNDEL COUNTY HA	7885 GORDON COURT, GLEN BURNIE, MD 21060	0	28,400
MI: FERNDALE HSG COMM	415 WITHINGTON, FERNDALE, MI 48220	0	60,600
MI: MICHIGAN STATE HDA	PO BOX 30044, LANSING, MI 48909	0	2,400
MN: ITASCA COUNTY HRA	102 NE THIRD ST, STE 160, GRAND RAPIDS, MN 55744	0	8,600
NC: CITY OF CONCORD	283 HAROLD GOODMAN DR, SW, CONCORD, NC 28026	0	1,000
NC: GREENSBORO HA	PO BOX 21287, GREENSBORO, NC 27420	0	7,600
NE: OMAHA HA	540 SOUTH 27TH ST, OMAHA, NE 68105	0	30,000
NE: HA OF LINCOLN	5700 “R” ST, LINCOLN, NE 68505	0	25,800
NJ: MONTCLAIR HA	205 CLAREMONT AVE, MONTCLAIR, NJ 07042	0	6,200
NY: BINGHAMTON HA	35 EXCHANGE ST, BINGHAMTON, NY 13902	0	63,000
NY: HA OF WATERVLIET	2400 SECOND AVE, WATERVLIET, NY 12189	0	15,000
NY: HA OF ROME	205 ST PETER’S AVE, ROME, NY 13440	0	22,000
NY: HA OF ROCHESTER	675 WEST MAIN ST, ROCHESTER, NY 14611	0	17,200
NY: HA OF GLENS FALLS	STICHMAN TOWERS JAY ST, GLENS FALLS, NY 12801	0	11,600
NY: THE CITY OF NEW YORK	100 GOLD ST, ROOM 501, NEW YORK, NY 10007	0	95,800
NY: CITY OF PEEKSKILL	840 MAIN ST, PEEKSKILL, NY 10566	0	14,400
NY: CITY OF UTICA	CITY HALL, UTICA, NY 13502	0	55,200
NY: NYS HSG TRUST FUND CORP	38–40 STATE ST, ALBANY, NY 12207	0	626,600
OH: CINCINNATI METRO HSG AUTH	16 WEST CENTRAL PARKWAY, CINCINNATI, OH 45210	0	17,600
OH: LAKE MHA	189 FIRST ST, PAINESVILLE, OH 44077	0	200
OR: HA OF PORTLAND	135 SW ASH ST, PORTLAND, OR 97204	0	1,600
SC: HA GREENWOOD	PO BOX 973, GREENWOOD, SC 29648	0	13,600
SD: SIOUX FALLS HSG DEV AUTH	630 SOUTH MINNESOTA, SIOUX FALLS, SD 57104	0	5,600
SD: LAWRENCE COUNTY HA	1220 CEDAR ST, #113, STURGIS, SD 57785	0	5,800
TN: MEMPHIS HA	PO BOX 3664, MEMPHIS, TN 38103	0	13,000
TX: FORT WORTH HA	1201 E. 13TH ST, FORT WORTH, TX 76101	0	200
TX: SAN ANTONIO HA	818 S. FLORES ST, SAN ANTONIO, TX 78295	0	6,600
VA: NORFOLK REDEV & HA	201 GRANBY ST, NORFOLK, VA 23501	0	1,800
VA: DANVILLE REDEV & HA	PO BOX 2669, 651 CARDINAL PL, DANVILLE, VA 24541	0	6,800
VA: FAIRFAX CO REDEV & HA	3700 PENDER DR, STE 300, FAIRFAX, VA 22030	0	14,800
VA: VIRGINIA HSG DEV AUTH	601 SOUTH BELVIDERE ST, RICHMOND, VA 23220	0	1,000
WV: THE CITY OF FAIRMONT HA	103 12TH ST, FAIRMONT, WV 26555	0	3,200
WY: HA OF CITY OF CHEYENNE	3304 SHERIDAN AVE, CHEYENNE, WY 82009	0	3,200
Total for Special Fees—Prepayments		0	$1,531,000
Special Fees—Termination/Opt-outs			
AR: RUSSELLVILLE HA	PO BOX 825, RUSSELLVILLE, AR 72811	0	3,000
CA: SAN FRANCISCO HA	1815 EGBERT AVE, SAN FRANCISCO, CA 94124	0	24,600
CA: COUNTY OF LOS ANGELES HA	2 CORAL CIRCLE, MONTEREY PARK, CA 93907	0	600
CA: CITY OF LOS ANGELES HA	2600 WILSHIRE BLVD., 3RD FL, LOS ANGELES, CA 90057	0	3,000
CA: COUNTY OF SACRAMENTO HA	PO BOX 1834, SACRAMENTO, CA 95812	0	1,000
CA: COUNTY OF FRESNO HA	1331 FULTON MALL, FRESNO, CA 93776	0	3,400
CA: SAN DIEGO HSG COMM	1122 BRDWAY, STE 300, SAN DIEGO, CA 92101	0	42,000
CA: CITY OF PASADENA CDC	646 N FAIR OAKS AVE, STE 202, PASADENA, CA 91103	0	400
CA: CITY OF REDDING HA	777 CYPRESS AVE, REDDING, CA 96049	0	8,000
CA: CITY OF BALDWIN PARK HA	14403 PACIFIC AVE, BALDWIN PARK, CA 91706	0	400
CT: HA OF CITY OF NEW HAVEN	360 ORANGE ST, NEW HAVEN, CT 06511	0	400
CT: STAMFORD HA	22 CLINTON AVE, STAMFORD, CT 06901	0	8,200
CT: CITY OF HARTFORD	250 CONSTITUTION PLAZA, HARTFORD, CT 06103	0	5,000
FL: HA OF TAMPA	1514 UNION ST, TAMPA, FL 33607	0	9,800
FL: MIAMI DADE HA	1401 NW 7TH ST, MIAMI, FL 33125	0	6,600

SECTION 8 RENTAL ASSISTANCE PROGRAMS ANNOUNCEMENT OF AWARDS FOR FISCAL YEAR 2010—Continued

Housing agency	Address	Units	Award
FL: HA OF FORT LAUDERDALE	437 S W 4TH AVE, FORT LAUDERDALE, FL 33315	0	12,800
FL: NW FLORIDA REGIONAL HA	P.O. BOX 218, GRACEVILLE, FL 32440	0	1,200
FL: CLEARWATER HA	908 CLEVELAND ST, CLEARWATER, FL 33755	0	9,400
GA: HA OF MARIETTA	95 COLE ST, MARIETTA, GA 30061	0	7,800
IA: AREA XV MULTI–COUNTY HA	417 NORTH COLLEGE, AGENCY, IA 52530	0	4,800
IA: MID IOWA REGIONAL HA	1605 1ST AVE NORTH, STE 1, FORT DODGE, IA 50501	0	1,400
IL: DECATUR HA	1808 EAST LOCUST ST, DECATUR, IL 62521	0	14,800
IN: BEDFORD CITY HA	1305 K ST, BEDFORD, IN 47421	0	1,400
KS: JOHNSON COUNTY HA	12425 W. 87TH ST PKWY, STE 200, LENEXA, KS 66215	0	16,000
KS: RILEY COUNTY HA	401 HOUSTON ST, MANHATTAN, KS 66502	0	600
MD: HA OF BALTIMORE CITY	417 EAST FAYETTE ST, BALTIMORE, MD 21201	0	70,200
MD: MONTGOMERY CO HA	10400 DETRICK AVE, KENSINGTON, MD 20895	0	7,600
MI: YPSILANTI HSG COMM	601 ARMSTRONG DR, YPSILANTI, MI 48197	0	25,000
MI: BATTLE CREEK HSG COMM	250 CHAMPION ST, BATTLE CREEK, MI 49017	0	5,800
MI: GRAND RAPIDS HSG COMM	1420 FULLER AVE SE, GRAND RAPIDS, MI 49507	0	29,800
MN: ST. PAUL PHA	555 NORTH WABASHA, STE 400, ST. PAUL, MN 55102	0	5,800
MN: ST. CLOUD HRA	1225 WEST ST. GERMAIN, ST. CLOUD, MN 56301	0	4,200
MN: ST. FRANCOIS COUNTY PHA	PO BOX N, PARK HILLS, MO 63601	0	600
MS: JACKSON HOUS AUTH	2747 LIVINGSTON RD, JACKSON, MS 39283	0	1,400
MT: RICHLAND COUNTY HA	1032 6TH ST SW, SIDNEY, MT 59270	0	1,000
NC: HA OF HIGH POINT	500 E RUSSELL AVE, HIGH POINT, NC 27261	0	14,400
NC: ISOTHERMAL PLAN'G & DEV COMM	111 W COURT ST, RUTHERFORDTON, NC 28139	0	10,200
ND: HA OF CITY OF WILLISTON	1801 8TH AVE WEST, #50, WILLISTON, ND 58801	0	7,800
NE: OMAHA HA	540 SOUTH 27TH ST, OMAHA, NE 68105	0	3,000
NE: HALL COUNTY HA	911 BAUMANN DR, GRAND ISLAND, NE 68803	0	10,800
NE: FREMONT HA	2510 NORTH CLARKSON #100, FREMONT, NE 68025	0	1,400
NJ: PASSAIC HA	333 PASSAIC ST, PASSAIC, NJ 07055	0	7,200
NJ: NEW JERSEY DCA	101 SOUTH BROAD ST, TRENTON, NJ 08625	0	200
NM: BERNALILLO COUNTY HSG DEPT	1900 BRIDGE BLVD, SW, ALBUQUERQUE, NM 87105	0	5,600
NM: EASTERN REGIONAL HA	2057 106 E. REED, ROSWELL, NM 88202	0	4,400
NY: ALBANY HA	200 SOUTH PEARL, ALBANY, NY 12202	0	1,400
NY: HA OF SCHENECTADY	375 BROADWAY, SCHENECTADY, NY 12305	0	7,600
NY: HA OF GLENS FALLS	STICHMAN TOWERS JAY ST, GLENS FALLS, NY 12801	0	800
OH: CINCINNATI METRO HSG AUTH	16 WEST CENTRAL PARKWAY, CINCINNATI, OH 45210	0	49,600
OH: AKRON MHA	100 W. CEDAR ST, AKRON, OH 44307	0	9,000
OH: BUTLER MET.HA	4110 HAMILTON MIDDLETOWN RD, HAMILTON, OH 45011	0	3,000
OK: HA OF LAWTON	609 SW F. AVE, LAWTON, OK 73501	0	3,000
OK: TULSA HA	PO BOX 6369, TULSA, OK 74148	0	24,000
OK: OKLAHOMA HSG FIN AGENCY	PO BOX 26720, OKLAHOMA CITY, OK 73126	0	6,800
OR: HA & COMM SERVICES AGENCY	177 DAY ISLAND RD, EUGENE, OR 97401	0	2,400
OR: HA OF JACKSON COUNTY	2231 TABLE ROCK RD, MEDFORD, OR 97501	0	10,800
OR: LINN–BENTON HA	1250 SE QUEEN AVE, ALBANY, OR 97322	0	1,600
PA: PHILADELPHIA HA	12 SOUTH 23RD ST, PHILADELPHIA, PA 19103	0	2,200
PA: JOHNSTOWN HA	501 CHESTNUT ST, JOHNSTOWN, PA 15907	0	2,000
SD: HURON HA	PO BOX 283, HURON, SD 57350	0	3,000
SD: MEADE COUNTY HSG REDEV COM	1220 CEDAR ST, #11, STURGIS, SD 57785	0	600
TX: SAN ANTONIO HA	818 S. FLORES ST, SAN ANTONIO, TX 78295	0	9,800
TX: CORPUS CHRISTI HA	3701 AYERS SO, CORPUS CHRISTI, TX 78415	0	1,400
TX: HA OF WACO	4400 COBBS DR, WACO, TX 76703	0	29,600
TX: BAY CITY HA	3012 SYCAMORE, BAY CITY, TX 77414	0	3,800
VA: HAMPTON REDEV & HA	PO BOX 280, HAMPTON, VA 23669	0	12,800
VT: BURLINGTON HA	65 MAIN ST, BURLINGTON, VT 05401	0	1,000
VT: VERMONT STATE HA	ONE PROSPECT ST, MONTPELIER, VT 05602	0	2,600
WA: HA OF CITY OF BREMERTON	110 RUSSELL RD, BREMERTON, WA 98312	0	2,600
Total for Special Fees—Termination/ Opt-outs.		0	$594,400
Special Fees—DVP Conversion to TPV			
FL: HA OF DELRAY BEACH	600 N CONGRESS, STE 310B, DELRAY BEACH, FL 33445	0	200
GA: HA OF THE CITY OF	2000 W. PRINCETON AVE, COLLEGE PARK, GA 30337	0	200
GA: HA OF DEKALB COUNTY	750 COMMERCE DR, STE 201, DECATUR, GA 30030	0	400
GA: HA OF FULTON COUNTY	4273 WENDELL DR, SW, ATLANTA, GA 30336	0	800
TN: MEMPHIS HA	PO BOX 3664, MEMPHIS, TN 38103	0	200
TX: AUSTIN HA	PO BOX 6159, AUSTIN, TX 78762	0	800
TX: HOUSTON HA	2640 FOUNTAIN VIEW, HOUSTON, TX 77057	0	1,200
TX: SAN ANTONIO HA	818 S. FLORES ST, SAN ANTONIO, TX 78295	0	200
TX: HA OF DALLAS	3939 N. HAMPTON RD, DALLAS, TX 75212	0	1,200
TX: HA OF PLANO	1740 AVE G, PLANO, TX 75074	0	600
TX: DENTON HA	1225 WILSON ST, DENTON, TX 76205	0	600
TX: HARRIS COUNTY HA	8410 LANTERN POINT, HOUSTON, TX 77054	0	6,600

SECTION 8 RENTAL ASSISTANCE PROGRAMS ANNOUNCEMENT OF AWARDS FOR FISCAL YEAR 2010—Continued

Housing agency	Address	Units	Award
Total for Special Fees—DVP Conversion to TPV.		0	$13,000
	Special Fees—Property Disposition Relocation		
AZ: CITY OF TUCSON	310 N. COMMERCE PARK LOOP, TUCSON, AZ 85726	0	9,000
MN: MEEKER COUNTY HRA	840 NORTH THIRD ST, DASSEL, MN 55325	0	1,200
MS: MISS REGIONAL HA VIII	PO BOX 2347, GULFPORT, MS 39505	0	2,000
NM: EASTERN REGIONAL HA	106 E. REED, ROSWELL, NM 88202	0	4,000
NY: NEW YORK CITY HA	90 CHURCH ST, 9TH FL, NEW YORK, NY 10007	0	43,800
PA: PHILADELPHIA HA	12 SOUTH 23RD ST, PHILADELPHIA, PA 19103	0	15,600
SD: SIOUX FALLS HRA	630 SOUTH MINNESOTA, SIOUX FALLS, SD 57104	0	3,800
WA: SEATTLE HA	120 SIXTH AVE NORTH, SEATTLE, WA 98109	0	3,200
Total for Special Fees—PD Relocation ..		0	$82,600
	Special Fees—Relocation—Rent Supplement		
CA: OAKLAND HA	1619 HARRISON ST, OAKLAND, CA 94612	0	1,400
CO: HA OF THE CITY	777 GRANT ST, DENVER, CO 80203	0	2,800
FL: HA OF JACKSONVILLE	1300 BRD ST, JACKSONVILLE, FL 32202	0	2,400
KY: KENTUCKY HSG CORP	1231 LOUISVILLE RD, FRANKFORT, KY 40601	0	5,800
ME: BANGOR HA	161 DAVIS RD, BANGOR, ME 04401	0	1,600
OH: CINCINNATI METRO HSG AUTH	16 WEST CENTRAL PARKWAY, CINCINNATI, OH 45210	0	3,000
SD: SIOUX FALLS HRA	630 SOUTH MINNESOTA, SIOUX FALLS, SD 57104	0	19,200
Total for Special Fees—Relocation—Rent Supplement.		0	$36,200
	Termination/Opt-out Vouchers		
AR: RUSSELLVILLE HA	PO BOX 825, RUSSELLVILLE, AR 72811	16	49,087
CA: SAN FRANCISCO HA	1815 EGBERT AVE, SAN FRANCISCO, CA 94124	123	1,864,970
CA: COUNTY OF LOS ANGELES HA	2 CORAL CIRCLE, MONTEREY PARK, CA 93907	3	31,388
CA: CITY OF LOS ANGELES HA	2600 WILSHIRE BLVD, 3RD FL, LOS ANGELES, CA 90057	15	155,186
CA: COUNTY OF SACRAMENTO HA	PO BOX 1834, SACRAMENTO, CA 95812	10	85,771
CA: COUNTY OF FRESNO HA	1331 FULTON MALL, FRESNO, CA 93776	17	114,377
CA: SAN DIEGO HSG COMM	1122 BRDWAY, STE 300, SAN DIEGO, CA 92101	210	2,217,373
CA: CITY OF PASADENA COMMUNITY	646 N FAIR OAKS AVE, STE 202, PASADENA, CA 91103	2	16,526
CA: CITY OF REDDING HA	777 CYPRESS AVE, REDDING, CA 96049	40	219,360
CA: CITY OF BALDWIN PARK HA	14403 PACIFIC AVE, BALDWIN PARK, CA 91706	2	18,247
CT: HA OF CITY OF NEW HAVEN	360 ORANGE ST, NEW HAVEN, CT 06511	6	72,030
CT: STAMFORD HA	22 CLINTON AVE, STAMFORD, CT 06901	41	600,373
CT: CITY OF HARTFORD	250 CONSTITUTION PLAZA, HARTFORD, CT 06103	25	202,863
FL: HA OF TAMPA	1514 UNION ST, TAMPA, FL 33607	52	469,354
FL: MIAMI DADE HA	1401 NW 7TH ST, MIAMI, FL 33125	36	357,096
FL: HA OF FORT LAUDERDALE	437 SW 4TH AVE, FORT LAUDERDALE, FL 33315	64	622,134
FL: NW FLORIDA REGIONAL HA	P.O. BOX 218, GRACEVILLE, FL 32440	6	32,088
FL: CLEARWATER HA	908 CLEVELAND ST, CLEARWATER, FL 33755	47	358,467
GA: HA OF MARIETTA	95 COLE ST, MARIETTA, GA 30061	39	304,528
IA: AREA XV MULTI–COUNTY HA	417 NORTH COLLEGE, AGENCY, IA 52530	24	72,815
IA: MID IOWA REGIONAL HA	1605 1ST AVE NORTH, STE 1, FORT DODGE, IA 50501	17	45,152
IL: DECATUR HA	1808 EAST LOCUST SO, DECATUR, IL 62521	77	357,228
IN: BEDFORD CITY HA	1305 K ST, BEDFORD, IN 47421	7	26,870
KS: JOHNSON COUNTY HA	12425 W. 87TH ST PKWY, STE 200, LENEXA, KS 66215	80	511,632
KS: RILEY COUNTY HA	401 HOUSTON ST, MANHATTAN, KS 66502	3	11,520
MD: HA OF BALTIMORE CITY	417 EAST FAYETTE ST, BALTIMORE, MD 21201	351	3,305,999
MD: MONTGOMERY CO HA	10400 DETRICK AVE, KENSINGTON, MD 20895	38	490,104
MI: YPSILANTI HSG COMM	601 ARMSTRONG DR, YPSILANTI, MI 48197	125	989,685
MI: BATTLE CREEK HSG COMM	250 CHAMPION ST, BATTLE CREEK, MI 49017	30	117,439
MI: GRAND RAPIDS HSG COMM	1420 FULLER AVE, SE, GRAND RAPIDS, MI 49507	152	884,421
MN: ST PAUL PHA	555 NORTH WABASHA, STE 400, ST. PAUL, MN 55102	29	229,116
MN: ST. CLOUD HRA	1225 WEST ST. GERMAIN, ST. CLOUD, MN 56301	24	122,023
MO: ST. FRANCOIS COUNTY PHA	PO BOX N, PARK HILLS, MO 63601	3	18,869
MS: JACKSON HOUS AUTH	2747 LIVINGSTON RD, JACKSON, MS 39283	7	49,260
MT: RICHLAND COUNTY HA	1032 6TH ST SW, SIDNEY, MT 59270	8	19,031
NC: HA HIGH POINT	500 E RUSSELL AVE, HIGH POINT, NC 27261	84	417,040
NC: ISOTHERMAL PLAN'G & DEV COMM	111 W COURT ST, RUTHERFORDTON, NC 28139	52	244,415
ND: HA OF THE CITY OF WILLISTON	1801 8TH AVE WEST, #50, WILLISTON, ND 58801	49	135,610
NE: OMAHA HA	540 SOUTH 27TH ST, OMAHA, NE 68105	24	157,225
NE: HALL COUNTY HA	911 BAUMANN DR, GRAND ISLAND, NE 68803	60	226,699
NE: FREMONT HA	2510 NORTH CLARKSON #100, FREMONT, NE 68025	10	38,347

SECTION 8 RENTAL ASSISTANCE PROGRAMS ANNOUNCEMENT OF AWARDS FOR FISCAL YEAR 2010—Continued

Housing agency	Address	Units	Award
NJ: PASSAIC HA	333 PASSAIC ST, PASSAIC, NJ 07055	36	372,807
NJ: NEW JERSEY DEPT OF	101 SOUTH BRD ST, TRENTON, NJ 08625	1	9,364
NM: BERNALILLO COUNTY HSG DEPT	1900 BRIDGE BLVD, SW, ALBUQUERQUE, NM 87105	28	191,111
NM: EASTERN REGIONAL HA	057106 E. REED, ROSWELL, NM 88202	22	90,240
NY: ALBANY HA	200 SOUTH PEARL, ALBANY, NY 12202	7	40,728
NY: HA OF SCHENECTADY	375 BROADWAY, SCHENECTADY, NY 12305	38	227,042
NY: HA OF GLENS FALLS	STICHMAN TOWERS JAY ST, GLENS FALLS, NY 12801	4	18,184
OH: CINCINNATI METRO HA	16 WEST CENTRAL PARKWAY, CINCINNATI, OH 45210	248	1,500,505
OH: AKRON MHA	100 W. CEDAR ST, AKRON, OH 44307	96	548,997
OH: BUTLER MET HA	4110 HAMILTON MIDDLETOWN RD, HAMILTON, OH 45011	15	89,138
OK: HA OF LAWTON	609 SW F. AVE, LAWTON, OK 73501	16	95,873
OK: TULSA HA	PO BOX 6369, TULSA, OK 74148	120	668,851
OK: OKLAHOMA HSG FIN AGENCY	PO BOX 26720, OKLAHOMA CITY, OK 73126	40	197,030
OR: HA OF JACKSON COUNTY	2231 TABLE ROCK RD, MEDFORD, OR 97501	54	284,921
OR: LINN–BENTON HA	1250 SE QUEEN AVE, ALBANY, OR 97322	8	42,443
PA: PHILADELPHIA HA	12 SOUTH 23RD ST, PHILADELPHIA, PA 19103	14	90,366
PA: JOHNSTOWN HA	501 CHESTNUT ST, JOHNSTOWN, PA 15907	15	57,875
SD: HURON HA	PO BOX 283, HURON, SD 57350	21	62,128
SD: MEADE COUNTY HSG REDEV COM	1220 CEDAR ST, #11, STURGIS, SD 57785	3	12,560
TX: SAN ANTONIO HA	818 S. FLORES ST, SAN ANTONIO, TX 78295	50	343,452
TX: CORPUS CHRISTI HA	3701 AYERS ST, CORPUS CHRISTI, TX 78415	10	73,453
TX: HA OF WACO	4400 COBBS DR, WACO, TX 76703	188	1,022,329
TX: BAY CITY HA	3012 SYCAMORE, BAY CITY, TX 77414	19	83,637
VA: LYNCHBURG REDEV & HA	918 COMMERCE ST, LYNCHBURG, VA 24505	0	123,108
VA: HAMPTON REDEV & HA	PO BOX 280, HAMPTON, VA 23669	65	500,066
VT: BURLINGTON HA	65 MAIN ST, BURLINGTON, VT 05401	6	48,002
VT: VERMONT STATE HA	ONE PROSPECT ST, MONTPELIER, VT 05602	14	81,996
WA: HA OF CITY OF BREMERTON	110 RUSSELL RD, BREMERTON, WA 98312	19	123,503
Total for Termination/Opt-out Vouchers		3,165	$23,261,427
Total for Housing Tenant Protection		11,909	$94,952,857
HOPE VI Vouchers			
TP—HOPE VI			
KY: COVINGTON HA	638 MADISON AVE, FIRST FL, COVINGTON, KY 41011	20	103,428
NC: HA OF CITY OF CHARLOTTE	1301 SOUTH BOULEVARD, CHARLOTTE, NC 28236	130	1,124,994
TN: MEMPHIS HA	PO BOX 3664, MEMPHIS, TN 38103	350	2,484,384
Total for TP—HOPE VI		500	$3,712,806
Total for HOPE VI Vouchers		500	$3,712,806
Grand Total		17,726	$145,768,063

[FR Doc. 2011–261 Filed 1–7–11; 8:45 am]
BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5415–N–23]

Notice of Availability: Notice of Public Interest (NOPI) for Fiscal Year 2010 Transformation Initiative: Homeless Families Demonstration Small Grant Research Program

AGENCY: Office of the Chief of the Human Capital Officer, HUD.

ACTION: Notice.

SUMMARY: HUD announces the availability on its Web site of the applicant information, submission deadlines, funding criteria, and other requirements for the Homeless Families Demonstration Small Grants Research Program. HUD is interested in receiving preliminary applications for grants to support research activities focusing on Homeless Families. The Notice of Public Interest (NOPI) is governed by the information and instructions found in HUD's Fiscal Year 2010 Notice of Funding Availability (NOFA) Policy Requirements and General Section that HUD posted on June 7, 2010 (FR 5415–N–01).

The notice providing information regarding the application process, funding criteria and eligibility requirements can be found using the Department of Housing and Urban Development agency link on the Grants.gov/Find Web site at *http://www.grants.gov/search/agency.do*. A link to Grants.gov is also available on the HUD Web site at *http://www.hud.gov/offices/adm/grants/fundsavail.cfm*. The Catalogue of Federal Domestic Assistance (CFDA) number for this program is 14.525. Applications must be submitted electronically through *Grants.gov*.

FOR FURTHER INFORMATION CONTACT: Questions regarding specific program requirements should be directed to the agency contact identified in the program NOFA. Program staff will not be available to provide guidance on how to prepare the application. Questions regarding the 2010 General Section should be directed to the Office of Grants Management and Oversight at (202) 708–0667 or the NOFA Information Center at 800–HUD–8929 (toll free). Persons with hearing or speech impairments may access these

numbers via TTY by calling the Federal Information Relay Service at 800–877–8339.

Dated: January 4, 2011.

Barbara S. Dorf,

Director, Office of Departmental Grants Management and Oversight, Office of the Chief Human Capital Officer.

[FR Doc. 2011–266 Filed 1–7–11; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5415–N–24]

Notice of Availability: Notice of Public Interest (NOPI) for Fiscal Year 2010 Transformation Initiative: Sustainable Communities Research Grant Program

AGENCY: Office of the Chief of the Human Capital Officer, HUD.

ACTION: Notice.

SUMMARY: HUD announces the availability on its Web site of the applicant information, submission deadlines, funding criteria, and other requirements for the Sustainable Communities Research Grant Program. The purpose of this Notice of Public Interest (NOPI) is to inform the research community of the opportunity to submit grant applications to fund quality research under the broad subject area of sustainability. HUD is primarily interested in sponsoring cutting edge research in affordable housing development and preservation; transportation-related issues; economic development and job creation; land use planning and urban design; green and sustainable energy practices; and a range of issues related to sustainability. The NOPI is governed by the information and instructions found in HUD's Fiscal Year 2010 Notice of Funding Availability (NOFA) Policy Requirements and General Section that HUD posted on June 7, 2010 (FR 5415–N–01).

The notice providing information regarding the application process, funding criteria and eligibility requirements can be found using the Department of Housing and Urban Development agency link on the Grants.gov/Find Web site at *http://www.grants.gov/search/agency.do.* A link to Grants.gov is also available on the HUD Web site at *http://www.hud.gov/offices/adm/grants/fundsavail.cfm.* The Catalogue of Federal Domestic Assistance (CFDA) number for this program is 14.523. Applications must be submitted electronically through Grants.gov.

FOR FURTHER INFORMATION CONTACT: Questions regarding specific program requirements should be directed to the agency contact identified in the program NOFA. Program staff will not be available to provide guidance on how to prepare the application. Questions regarding the 2010 General Section should be directed to the Office of Grants Management and Oversight at (202) 708–0667 or the NOFA Information Center at 800–HUD–8929 (toll free). Persons with hearing or speech impairments may access these numbers via TTY by calling the Federal Information Relay Service at 800–877–8339.

Dated: January 4, 2011.

Barbara S. Dorf,

Director, Office of Departmental Grants Management and Oversight, Office of the Chief Human Capital Officer.

[FR Doc. 2011–263 Filed 1–7–11; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–AKR–WRST–1210–6446; 9924–PYS]

Public Meeting for the National Park Service Alaska Region's Subsistence Resource Commission (SRC) Program

AGENCY: National Park Service, Interior.

ACTION: Notice of public meeting for the National Park Service Alaska Region's Subsistence Resource Commission (SRC) program.

SUMMARY: The Wrangell-St. Elias National Park SRC will meet to develop and continue work on National Park Service (NPS) subsistence hunting program recommendations and other related subsistence management issues. The NPS SRC program is authorized under Title VIII, Section 808 of the Alaska National Interest Lands Conservation Act, Public Law 96–487, to operate in accordance with the provisions of the Federal Advisory Committee Act.

Public Availability of Comments: This meeting is open to the public and will have time allocated for public testimony. The public is welcome to present written or oral comments to the SRC. This meeting will be recorded and meeting minutes will be available upon request from the park superintendent for public inspection approximately six weeks after each meeting. Before including your address, telephone 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.

Wrangell-St. Elias National Park SRC Meeting Date and Location: The Wrangell-St. Elias National Park SRC will meet at the Ahtna Cultural Center (907–822–5241) in Copper Center Alaska on Tuesday, March 1, 2011, and Wednesday, March 2, 2011, from 9 a.m. to 5 p.m. On March 1, 2011, at the discretion of the Chair, the SRC may meet between 6 p.m. and 10 p.m. The meeting may end early if all business is completed.

For Further Information on the Gates of the Arctic National Park SRC Meeting Contact: Barbara Cellarius, Subsistence Manager, (907) 822–7236, Wrangell-St. Elias National Park and Preserve, P.O. Box 439, Copper Center, Alaska 99573, or Clarence Summers, Subsistence Manager, NPS Alaska Regional Office, at (907) 644–3603.

Proposed SRC Meeting Agenda

The proposed meeting agenda includes the following:

1. Call to order.
2. SRC Roll Call and Confirmation of Quorum.
3. Welcome and Introductions.
4. Approval of Minutes from October 6–7, 2010 Meeting.
5. Administrative Announcements.
6. Review and Approve Agenda.
7. SRC Purpose, Status of Membership and Elections.
8. SRC Member Reports.
9. NPS Staff Reports.
10. Federal Subsistence Board Update.
11. Alaska Board of Game Update.
12. Old Business.

a. Nabesna Off-Road Vehicle Management Plan Draft EIS Update.

b. Chisana Caribou Herd Management Plan Update.

c. Subsistence Uses of Horns, Antlers, Bones and Plants EA Update.

13. New Business.
14. Public and other Agency Comments.
15. SRC Work Session.
16. Set Time and Place for next SRC Meeting.
17. Adjournment.

SRC meeting location and dates may need to be changed based on lack of quorum, inclement weather or local circumstances. If the meeting date and location are changed, a notice will be published in local newspapers and

announced on local radio stations prior to the meeting date.

Victor W. Knox,

Deputy Regional Director, Alaska.

[FR Doc. 2011–153 Filed 1–7–11; 8:45 am]

BILLING CODE 4312–HC–P

DEPARTMENT OF THE INTERIOR

National Park Service

[1700–SZM]

Notice of February 7, 2011, Meeting for Acadia National Park Advisory Commission

AGENCY: National Park Service, Interior.

ACTION: Meeting notice.

SUMMARY: This notice sets the date of February 7, 2011, meeting of the Acadia National Park Advisory Commission.

DATES: The public meeting of the Advisory Commission will be held on Monday, February 7, 2011, at 1 p.m. (Eastern).

Location: The meeting will be held at Park Headquarters, Bar Harbor, Maine 04609.

Agenda

The February 7, 2011, Commission meeting will consist of the following:

1. Committee reports:
   Land Conservation.
   Park Use.
   Science and Education.
   Historic.
2. Old Business.
3. Superintendent's Report.
4. Chairman's Report.
5. Public Comments.

FOR FURTHER INFORMATION CONTACT: Further information concerning this meeting may be obtained from the Superintendent, Acadia National Park, P.O. Box 177, Bar Harbor, Maine 04609, telephone (207) 288–3338.

SUPPLEMENTARY INFORMATION: The meeting is open to the public. Interested persons may make oral/written presentations to the Commission or file written statements. Such requests should be made to the Superintendent at least seven days prior to the meeting. 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: December 3, 2010.

Sheridan Steele,

Superintendent, Acadia National Park.

[FR Doc. 2011–154 Filed 1–7–11; 8:45 am]

BILLING CODE 4310–2N–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA")

Pursuant to Section 122(d)(2) of CERCLA, 42 U.S.C. 9622(d)(2), notice is hereby given that on January 3, 2011, a proposed Consent Decree in *United States of America* v. *Domtar Paper Company LLC,* Civil Action No. 4:11–cv–00002, was lodged with the United States District Court for the Eastern District of North Carolina.

In this action the United States sought to require the Defendant Domtar Paper Company LLC to conduct remedial design and remedial action to address releases and threatened releases of hazardous substances at the Domtar Paper Company LLC (formerly Weyerhaeuser Company) Plymouth Wood Treating Plant Superfund Site ("Site") near the town of Plymouth in Martin County, North Carolina. The United States also sought to recover past and future costs incurred and to be incurred by the Environmental Protection Agency (EPA) during the performance of response actions at the Site.

Under the Consent Decree, the Defendant will perform the remedial design and remedial action at Operable Unit #2, the lower Roanoke River, pursuant to the September 24, 2008 Record of Decision (ROD). The remedy provides for monitored natural recovery with fine-layer core sampling, sediment sampling for mercury, analysis for dioxin in surface water, annual inspection of fish advisory signs, and annual review of habitat reports. The Defendant will also reimburse the Hazardous Substance Superfund in the amount of $3.2 million for EPA's response costs at the Site incurred before March 27, 2009 and will reimburse all of EPA's costs incurred at or in connection with Operable Unit #2 after March 27, 2009.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to *pubcomment-ees.enrd@usdoj.gov* or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States of America* v. *Domtar Paper Company LLC,* Civil Action No. 4:11–cv–00002 (E.D.N.C.), DOJ Ref. #90–11–3–07838/3.

The Consent Decree may be examined at the Office of the United States Attorney, Eastern District of North Carolina, 310 New Bern Avenue, Suite 800, Raleigh, North Carolina 27601, and at EPA Region 4, Atlanta Federal Center, 61 Forsyth Street, SW., Atlanta, Georgia 30303. During the public comment period, the Consent Decree may also be examined on the following Department of Justice Web site: *http://www.usdoj.gov/enrd/Consent_Decrees.html.* A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov),* fax No. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting a copy from the Consent Decree Library, please refer to *United States of America* v. *Domtar Paper Company LLC,* Civil Action No. 4:11–cv–00002 (E.D.N.C.), DOJ Ref. #90–11–3–07838/3, and enclose a check in the amount of $58.00 (25 cents per page reproduction cost) payable to the U.S. Treasury.

Maureen Katz,

Assistant Section Chief, Environmental Enforcement Section, Environment & Natural Resources Division.

[FR Doc. 2011–147 Filed 1–7–11; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993–ASTM International

Notice is hereby given that, on December 6, 2010, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), ASTM International ("ASTM") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing additions or changes to its standards development activities. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Specifically, ASTM has provided an updated list of current, ongoing ASTM standards activities originating between September 2010 and December 2010 designated as Work Items. A complete listing of ASTM Work Items, along with a brief description of each, is available at *http://www.astm.org.*

On September 15, 2004, ASTM filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on November 10, 2004 (69 FR 65226).

The last notification was filed with the Department on September 23, 2010. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on October 26, 2010 (75 FR 65657).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2011–76 Filed 1–7–11; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—DVD Control Association

Notice is hereby given that, on December 9, 2010, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), DVD Copy Control Association ("DVD CCA") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, City Brand International Limited, Kwun Tong, Kowloon, HONG KONG-CHINA; and Crystal Ton 2 Ltd., Sofia, BULGARIA, have been added as parties to this venture.

Also, Argosy Research Inc., Hsinchu, TAIWAN; Bcom Electronics Inc., Taipei, TAIWAN; Commtech Technology Macao Commercial Offshore Ltd., Macau, PEOPLE'S REPUBLIC OF CHINA; Ecom Inc., Tokyo, JAPAN; Gowell Electronic Limited, Guangdon, PEOPLE'S REPUBLIC OF CHINA; Hong Kong ASA Multimedia Co., Ltd., Kowloon, HONG KONG-CHINA; Hyo Seong Techno Corporation, Seoul, REPUBLIC OF KOREA; Klipsch Group, Inc., Indianapolis, IN; Linn Products Limited, Glasgow, Scotland, UNITED KINGDOM; MAE Diskettes SRL, Casoria, ITALY; MOD Systems Inc., Seattle, WA; NHK Media Technology (formerly known as NHK Technical Services), Tokyo, JAPAN; Optical Disc Solutions, Inc., Richmond, IN; Optical Disc Solutions SRL, Bucharest, ROMANIA; Ritek Corporation, Hsin Chu, TAIWAN; Sanyo Electric Co., Ltd., Osaka, JAPAN; Skydigital Inc., Yongsan-gu, Seoul, REPUBLIC OF KOREA; Skyworth (Group) Co., Ltd., Quarry Bay, HONG KONG-CHINA; The Refined Industry Co., Ltd., Shatin, HONG KONG-CHINA; and Vulcan Inc., Seattle, WA, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and DVD CCA intends to file additional written notifications disclosing all changes in membership.

On April 11, 2001, DVD CCA filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on August 3, 2001 (66 FR 40727).

The last notification was filed with the Department on August 31, 2010. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on October 12, 2010 (75 FR 62569).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2011–77 Filed 1–7–11; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—INS Global Learning Consortium, Inc.

Notice is hereby given that, on December 16, 2010, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), INS Global Learning Consortium, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, OCAD University, Toronto, Ontario, CANADA; Library Video Company, Wynnewood, PA; SMART Technologies, Calgary, Alberta, CANADA; and University of Kent, Kent, UNITED KINGDOM, have been added as parties to this venture.

Also, Marist College, Poughkeepsie, NY; University of Mary Washington, Fredericksburg, VA; and SUNY Delhi, Delhi, NY, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and INS Global Learning Consortium, Inc. intends to file additional written notifications disclosing all changes in membership.

On April 7, 2000, IMS Global Learning Consortium, Inc. filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on September 13, 2000 (75 FR 55283).

The last notification was filed with the Department on September 30, 2010. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on October 29, 2010 (75 FR 66791).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2011–78 Filed 1–7–11; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

Maritime Advisory Committee for Occupational Safety and Health (MACOSH); Committee Reestablishment

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice of MACOSH reestablishment.

SUMMARY: In accordance with the provisions of the Federal Advisory Committee Act, as amended (5. U.S.C., App. 2), and after consultation with the General Services Administration, the Secretary of Labor intends to reestablish the Maritime Advisory Committee for Occupational Safety and Health. The Committee will better enable OSHA to perform the duties imposed by the Occupational Safety and Health (OSH) Act of 1970 (29 U.S.C. 655, 656). Authority to establish this Committee is found in Sections 6(b)(1) and 7(b) of the OSH Act, Section 41 of the Longshore and Harbor Workers' Compensation Act

(33 U.S.C. 941), Secretary of Labor's Order 4—2010 (75 FR 55355, Sept. 10, 2010), and 29 CFR part 1912. The Committee is diverse and balanced, both in terms of segments of the maritime industry represented (*e.g.,* shipyard employment, longshoring, and marine terminal industries), and in the views or interests represented by the members.

FOR FURTHER INFORMATION CONTACT: Joseph V. Daddura, Director, Office of Maritime within the Directorate of Standards and Guidance, U.S. Department of Labor, Occupational Safety and Health Administration, Room N–3609, 200 Constitution Avenue, NW., Washington, DC 20210; telephone: (202) 693–2086.

SUPPLEMENTARY INFORMATION: The Committee will advise OSHA on matters relevant to the safety and health of employees in the maritime industry. This includes advice on maritime issues that will result in more effective enforcement, training, and outreach programs, and streamlined regulatory efforts. The maritime industry includes shipyard employment, longshoring, and marine terminal industries. The Committee will function solely as an advisory body and in compliance with the provisions of the Federal Advisory Committee Act and OSHA's regulations covering advisory committees (29 CFR part 1912).

Authority: This notice was prepared under the direction of David Michaels, PhD, MPH, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210, pursuant to Sections 6(b)(1), and 7(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655(b)(1), 656(b)), the Federal Advisory Committee Act (5. U.S.C. App. 2), Section 41 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 941), Secretary of Labor's Order 4—2010 (75 FR 55355, Sept. 10, 2010), and 29 CFR part 1912.

Signed at Washington, DC, on January 4, 2011.

David Michaels,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2011–166 Filed 1–7–11; 8:45 am]

BILLING CODE 4510–26–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (11–002)]

Notice of Information Collection

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of information collection.

SUMMARY: The National Aeronautics and Space Administration, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. 3506(c)(2)(A)).

DATES: All comments should be submitted within 30 calendar days from the date of this publication.

ADDRESSES: All comments should be addressed Lori Parker, Office of the Chief Information Officer, Mail Suite 2S65, National Aeronautics and Space Administration, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Lori Parker, Office of the Chief Information Officer, NASA Headquarters, 300 E Street SW., Mail Suite 2S65, Washington, DC 20546, (202) 358–1351, *lori.parker@nasa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This clearance request pertains to the administration of data collection instruments designed to gather information on change, or growth, made in various domains of STEM awareness, motivation and efficacy, and career pathways, as it relates to NASA's Summer of Innovation. These outcomes are not available unless collected via surveys to students and teachers. The evaluation is an important opportunity to examine the extent to which the SOI-supported activities meet their intended objectives.

II. Method of Collection

Electronic Survey.

III. Data

Title: NASA Summer of Innovation (SOI).

OMB Number: 2700–XXXX.

Type of Review: New.

Affected Public: Individuals or Households.

Estimated Number of Respondents: 11620.

Estimated Time Per Response: Voluntary.

Estimated Total Annual Burden Hours: 6665.

Estimated Total Annual Cost: $67,164.

IV. Requests for Comments

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of NASA, including whether the information collected has practical utility; (2) the accuracy of NASA's estimate of the burden (including hours and cost) 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 automated collection techniques or the use of other forms of information technology.

Lori Parker,

NASA PRA Clearance Officer.

[FR Doc. 2011–265 Filed 1–7–11; 8:45 am]

BILLING CODE P

NATIONAL CREDIT UNION ADMINISTRATION

Sunshine Act Meeting Notice

TIME AND DATE: 10 a.m., Thursday, January 13, 2011.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314–3428.

STATUS: Open.

Matters To Be Considered

1. Final Rule—Part 707 of NCUA's Rules and Regulations, Truth in Savings.

2. NCUA Annual Performance Budget 2011.

3. Interpretive Ruling and Policy Statement (IRPS) 11–1, Guidelines for the Supervisory Review Committee.

4. Insurance Fund Report.

TIME AND DATE: 11:30 a.m., Thursday, January 13, 2011.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314–3428.

STATUS: Closed.

Matters To Be Considered

1. Insurance Appeals. Closed pursuant to exemptions (4), (6) and (7).

2. Consideration of Supervisory Activities (4). Closed pursuant to some or all of the following: exemptions (8), (9)(A)(ii) and 9(B).

FOR FURTHER INFORMATION CONTACT: Mary Rupp, Secretary of the Board, Telephone: 703–518–6304.

Mary Rupp,

Board Secretary.

[FR Doc. 2011–357 Filed 1–7–11; 4:15 pm]

BILLING CODE P

THE NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Meetings of Humanities Panel

AGENCY: The National Endowment for the Humanities.

ACTION: Notice of additional meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, as amended), notice is hereby given that the following meeting of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: Michael P. McDonald, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506; telephone (202) 606–8322. Hearing-impaired individuals are advised that information on this matter may be obtained by contacting the Endowment's TDD terminal on (202) 606–8282.

SUPPLEMENTARY INFORMATION: The proposed meeting is for the purpose of advising the agency, under the National Foundation on the Arts and the Humanities Act of 1965, as amended, on the development of humanities programming and content for an upcoming *Bridging Cultures Bookshelf* project on the subject of Muslim history and cultures, including discussion of the early planning stages of the project and strategies for shaping and implementing the program. Because the proposed meeting will consider information that is likely to disclose information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee meetings, dated July 19, 1993, I have determined that these meetings will be closed to the public pursuant to subsection (c)(9)(B) of section 552b of Title 5, United States Code.

1. *Date:* January 21, 2011.

Time: 9 a.m. to 4:30 p.m.

Room: 527.

Program: This meeting will provide advice about the Bridging Cultures Bookshelf project on the subject of Muslim history and cultures.

Michael P. McDonald,

Advisory Committee, Management Officer.

[FR Doc. 2011–206 Filed 1–7–11; 8:45 am]

BILLING CODE 7536–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2010–0390]

Notice Applications and Amendments to Facility Operating Licenses Involving Proposed No Significant Hazards Considerations and Containing Sensitive Unclassified Non-Safeguards Information and Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information

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 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 notice includes notices of amendments containing sensitive unclassified non-safeguards information (SUNSI).

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 O1 F21, 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, or at *http://www.nrc.gov/reading-rm/doc-collections/cfr/part002/part002-0309.html.* 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.html.* If a request for a hearing or petition for leave to intervene is filed within 60 days, 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 set forth 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, and the Commission has not made a final determination on the issue of no significant hazards consideration, 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 amendment action, *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 01F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the 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*.

Entergy Operations, Inc., System Energy Resources, Inc., South Mississippi Electric Power Association, and Entergy Mississippi, Inc., Docket No. 50–416, Grand Gulf Nuclear Station, Unit 1, Claiborne County, Mississippi

Date of amendment request: September 8, 2010, as supplemented by letters dated November 18 and 23, 2010.

Description of amendment request: This amendment request contains sensitive unclassified non-safeguards information (SUNSI). The proposed license amendment request will increase the maximum reactor core power operating limit from 3,898 megawatts thermal (MWt) to 4,408 MWt at Grand Gulf Nuclear Station (GGNS), Unit 1. The following Operating License (OL) and Technical Specification (TS) sections, and associated TS bases, will be revised as a result of the proposed extended power uprate (EPU):

- OL Paragraph 2.C.(1) and the addition of new license conditions
- Definitions—Rated Thermal Power (RTP) and a new definition for Pressure and Temperature Limits Report (PTLR)
- Thermal Power Limit with Low Dome Pressure or Low Core Flow (TS 2.1.1.1)
- Minimum Critical Power Ratio (MCPR) Safety Limit (TS 2.1.1.2)
- Standby Liquid Control (SLC) System (TS 3.1.7)
- Average Planar Linear Heat Generation Rate (APLHGR) (TS 3.2.1)
- Minimum Critical Power Ratio (MCPR) (TS 3.2.2)
- Linear Heat Generation Rate (LHGR) (TS 3.2.3)
- Reactor Protection System (RPS) Instrumentation (TS 3.3.1.1)
- End of Cycle Recirculation Pump Trip (EOC–RPT) Instrumentation (TS 3.3.4.1)
- Primary Containment and Drywell Isolation Instrumentation (TS 3.3.6.1)
- Jet Pumps (TS 3.4.3)
- Safety/Relief Valves (TS 3.4.4)
- Reactor Coolant System (RCS) Pressure and Temperature (P/T) Limits (TS 3.4.11)
- Main Turbine Bypass System (New TS 3.7.7), and
- RCS Pressure and Temperature Limits Report (PTLR) (New TS 5.6.6).

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, the increase in power level does not significantly increase the probability or consequences of an accident previously evaluated.

The proposed change will increase the maximum authorized core power level for GGNS from the current licensed thermal power (CLTP) of 3,898 megawatts thermal (MWt) to 4,408 MWt. Evaluations and analyses of the nuclear steam supply system (NSSS) and balance of plant (BOP) structures, systems, and components (SSCs) that could be affected by the power uprate were performed in accordance with the approaches described in:

- NEDC–33004P–A (commonly called CLTR), *Licensing Topical Report Constant Pressure Power Uprate, Revision 4;*
- NEDC–32424P–A (commonly called ELTR1), *Generic Guidelines for General Electric Boiling Water Reactor Extended Power Uprate;* and
- NEDC–32523P–A (commonly called ELTR2), *Generic Evaluations of General Electric Boiling Water Reactor Extended Power Uprate.*

The evaluations concluded that all plant components, as modified, will continue to be capable of performing their design function at the proposed uprated core power level.

The GGNS licensing and design bases, including GGNS accident analyses, were also evaluated for the effect of the proposed power increase. The evaluation concluded that the applicable analysis acceptance criteria continue to be met. Power level is not an initiator of any transient or accident; it is

used as an input assumption to equipment design and accident analyses.

The proposed change does not affect the release paths or the frequency of release for any accidents previously evaluated in the [Updated Final Safety Analysis Report]. Structures, systems, and components required to mitigate transients remain capable of performing their design functions considering radiological consequences associated with the effect of the proposed EPU. The source terms used to evaluate the radiological consequences were reviewed and were determined to bound operation at EPU power levels. The results of EPU accident evaluations do not exceed NRC-approved acceptance limits.

The spectrum of postulated accidents and transients were reviewed and were shown to meet the regulatory criteria to which GGNS is currently licensed. In the area of fuel and core design, the Safety Limit Minimum Critical Power Ratio (SLMCPR) and other Specified Acceptable Fuel Design Limits (SAFDLs) are still met. Continued compliance with the [SLMCPR] and other SAFDLs is confirmed on a cycle specific basis consistent with the criteria accepted by the NRC.

Challenges to the reactor coolant pressure boundary were evaluated at EPU conditions (pressure, temperature, flow, and radiation) and found to meet the acceptance criteria for allowable stresses. Adequate overpressure margin is maintained.

Challenges to the containment were also evaluated. Containment and its associated cooling system continue to meet applicable regulatory requirements. The increase in the calculated post Loss of Coolant Accident (LOCA) suppression pool temperature above the current design limit was evaluated and determined to be acceptable.

Radiological releases were evaluated and found to be within the regulatory limits of 10 CFR 50.67, Accident Source Terms.

Change in Methodologies

The use of more accurate modeling of the annulus pressurization loads is not relevant to accident initiation, but rather, pertains to the method used to accurately evaluate annulus pressurization during postulated accidents. The use of a new method does not, in any way, alter any fission product barrier or SSC and provides a better representation of dynamic behavior.

The GGNS containment analysis was performed using the SHEX computer code, which is not relevant to accident initiation.

The GGNS steam dryer evaluation was performed using a plant based load evaluation method. The use of this evaluation is not relevant to accident initiation. The steam dryer is a non-safety related component.

Therefore, the proposed changes do 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 accident previously evaluated?

Response: No, the increase in power does not create the possibility of a new or different kind of accident from any previously evaluated.

The proposed change increases the maximum authorized core power level for GGNS from the CLTP of 3898 MWt to 4408 MWt. An evaluation of the equipment that could be affected by the power uprate has been performed. No new operating modes, safety-related equipment lineups, accident scenarios, or equipment failure modes were identified. The full spectrum of accident considerations was evaluated and no new or different kinds of accidents were identified. For GGNS, the standard evaluation methods outlined in CLTR, ELTR1, and ELTR2 were applied to the capability of existing or modified safety-related plant equipment. No new accidents or event precursors were identified.

All SSCs previously required for the mitigation of a transient remain capable of fulfilling their intended design functions. The proposed increase in power does not adversely affect safety-related systems or components and does not challenge the performance or integrity of any safety-related system. The change does not adversely affect any current system interfaces or create any new interfaces that could result in an accident or malfunction of a different kind than was previously evaluated. Operating at the proposed EPU power level does not create any new accident initiators or precursors.

Change in Methodologies

The use of more accurate modeling of the annulus pressurization loads is not relevant to accident initiation, but rather, pertains to the method used to accurately evaluate annulus pressurization during postulated accidents. The use of this methodology does not involve any physical changes to plant structures or systems, and does not create a new initiating event for the spectrum of events currently postulated. Further, the methodologies do not result in the need to postulate any new accident scenarios.

The GGNS containment analysis was performed using the SHEX computer code, which is not an accident initiator and therefore does not result in the creation of any new accidents.

The use of the plant based load evaluation method to perform the GGNS steam dryer analysis does not result in the creation of any new accidents since the steam dryer is not safety-related and is not considered an accident initiator.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No, the proposed increase in power does not involve a significant reduction in a margin of safety.

Based on the analyses of the proposed power increase, the relevant design and safety acceptance criteria will be met without a significant reduction in margins of safety. The analyses supporting EPU have demonstrated that the GGNS SSCs are capable of safely performing at EPU conditions. The analyses identified and defined the major input parameters to the NSSS, analyzed NSSS design transients, and evaluated the capabilities of the NSSS fluid systems, NSSS/BOP interfaces, NSSS control systems, and NSSS and BOP components, as appropriate. Radiological consequences of design basis events remain within regulatory limits and are not increased significantly. The analyses confirmed that NSSS and BOP SSCs are capable, some with modifications, of achieving EPU conditions without significant reduction in margins of safety.

Analyses have shown that the integrity of primary fission product barriers will not be significantly affected as a result of the power increase. Calculated loads on SSCs important to safety have been shown to remain within design allowable under EPU conditions for all design basis event categories. Plant response to transients and accidents do not result in exceeding acceptance criteria.

As appropriate, the evaluations that demonstrate acceptability of EPU have been performed using methods that have either been reviewed and approved by the NRC staff, or that are in compliance with regulatory review guidance and standards established for maintaining adequate margins of safety. These evaluations demonstrate that there are no significant reductions in the margins of safety.

Maximum power level is one of the inherent inputs that determine the safe operating range defined by the accident analyses. The Technical Specifications ensure that GGNS is operated within the bounds of the inputs and assumptions used in the accident analyses. The acceptance criteria for the accident analyses are conservative with respect to the operating conditions defined by the Technical Specifications. The engineering reviews performed for the constant pressure extended power uprate confirm that the accident analyses criteria are met at the revised maximum allowable thermal power level of 4408 MWt. Therefore, the adequacy of the revised Facility Operating License and Technical Specifications to maintain the plant in a safe operating range is also confirmed, and the increase in maximum allowable power level does not involve a significant decrease in a margin of safety.

Change in Methodologies

The use of more accurate modeling of the annulus pressurization loads is not relevant to accident initiation, but rather, pertains to the method used to accurately evaluate annulus pressurization during postulated accidents. The use of a more accurate methodology to generate mass and energy release rates reduces the potential for methodology induced response profile frequency shifts that could result in a non-conservative load assessment. The use of more accurate methods, to minimize the impact of methodology induced response profile frequency shifts, does not result in a reduction in the margin of safety.

In light of issues identified in GEH [GE-Hitachi Nuclear Energy Americas LLC] Safety Information Concern SC 09–01, *Annulus Pressurization Loads Evaluation,* dated June 8, 2009, a realistic annulus pressurization methodology is required to ensure that the

frequency content of the annulus pressurization transient is captured and correctly accounted for in the downstream structural, component and piping load analyses. The use of more accurate modeling of the annulus pressurization loads does not adversely impact containment SSCs or the subcompartments.

The GGNS containment analysis was performed using the SHEX computer code. The results of the containment analysis demonstrate that the containment remains within all of its design limits following the most limiting design basis accident.

The steam dryer evaluation was performed in accordance with [NRC] Regulatory Guide 1.20, *Comprehensive Vibration Assessment Program for Reactor Internals During Preoperational and Initial Startup Testing.* The non-safety related replacement steam dryer conservatively exceeds the vibration and stress requirements.

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: Joseph A. Aluise, Associate General Counsel—Nuclear, Entergy Services, Inc., 639 Loyola Avenue, New Orleans, Louisiana 70113.

NRC Branch Chief: Michael T. Markley.

PSEG Nuclear LLC, Docket No. 50–354, Hope Creek Generating Station, Salem County, New Jersey

Date of amendment request: September 22, 2010.

Description of amendment request: This amendment request contains sensitive unclassified non-safeguards information (SUNSI). The proposed amendment would modify the Facility Operating License and Technical Specifications (TSs) to allow Hope Creek Generating Station (HCGS) to operate at a reduced feedwater temperature for purposes of extending the normal fuel cycle. The amendment would also allow operation with feedwater heaters out-of-service at any time during the operating cycle.

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 with Nuclear Regulatory Commission (NRC) staff edits in square brackets:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The effect of FWTR [feedwater temperature reduction] on the probability and consequences of accidents, Anticipated Operational Occurrences (AOO) and events in the Updated Final Safety Analysis (UFSAR) were reviewed.

The impact of FWTR on the Design Basis Accident (DBA) Loss of Coolant Accident (LOCA) was considered. Evaluations and analyses were performed to determine that the current Licensing Basis PCT [peak cladding temperature] remains applicable for operation of HCGS with FWTR. The calculated maximum fuel element cladding temperature does not exceed 2,200 °F, the calculated total local oxidation does not exceed 17% times the total cladding thickness, the calculated total amount of hydrogen generated from a chemical reaction of the cladding with water or steam is less than 1% times the hypothetical amount if all the metal in the cladding cylinder were to react, the core remains amenable to long term cooling, and there is sufficient long term core cooling available. Analysis also demonstrated that FWTR operation at HCGS continues to meet design limits for the DBA–LOCA peak drywell pressure and temperature. Therefore, there is no increase in the consequence of an accident previously evaluated in the UFSAR.

The only AOO that requires consideration in assessing the effect of FWTR on event consequences is the feedwater controller failure—increasing flow (FWCF). This is based upon the finding that the other AOOs are less sensitive to a reduction in feedwater temperature. The rated power and off-rated Power Distribution Limits, Critical Power Ratio [CPR] and Linear Heat Generation Rate [LHGR], for the FWCF event are validated on a cycle specific basis to ensure compliance with the Safety Limit Minimum Critical Power Ratio (SLMCPR) and compliance with the fuel rod thermal mechanical acceptance criteria of avoiding fuel centerline melt and 1% cladding plastic strain. Consequently, there is no increase in the consequences of an AOO previously evaluated.

The impact of FWTR on the consequences of the following events was also considered: Anticipated Transient Without Scram (ATWS), vessel overpressure, thermal-hydraulic stability, and High Energy Line Break (HELB). The evaluation of ATWS and vessel overpressure concluded that the consequences of the events at normal feedwater temperature remain bounding for FWTR. The evaluation of HELB determined the impact was bounded by the current design basis. Thermal-hydraulic stability considerations, as impacted by FWTR, involve both the determination of a cycle specific OPRM [oscillation power range monitor] setpoint and determination of a cycle specific backup stability protection (BSP) regions and corresponding adequacy of the OPRM trip enabled region. The cycle specific determinations and validations performed in accordance with NRC-approved methods ensure that the SLMCPR will be protected if a thermal hydraulic stability event were to occur. Therefore, there is no increase in the consequence of these events previously evaluated in the UFSAR.

In addition, the following areas were also evaluated. The reactor power level and operating pressure are not changed. FWTR has no effect on the decay heat. Current design limits associated with long-term containment analyses, including RSLB [recirculation suction line break], loss of offsite power (LOOP), intermediate break accident (IBA), small break accident (SBA), and NUREG–0783 safety relief valve (SRV) steam discharge events continue to be supported without change. Therefore, there is no increase in the consequence of these events previously evaluated in the UFSAR.

The probability of an accident is not affected by the proposed changes since no structures, systems or components (SSC) which could initiate an accident are affected. Therefore, the proposed changes do not significantly increase the probability of any previously evaluated accident.

Therefore, the proposed change does 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 change does not alter the design function of any SSC. The implementation of FWTR operation does not create the possibility of a new or different kind of accident. Power Distribution Limits on CPR, LHGR and APLHGR [average planar linear heat generation rate], and OPRM setpoints, which are determined in accordance with NRC-approved methods and are included in the Core Operating Limits Report (COLR), as part of the normal reload licensing process will continue to assure that core operation is in accordance with the conditions currently assumed for event initiation. FWTR was reviewed against the accidents, AOOs and events in the UFSAR and it was determined there would be no adverse impact; the existing design basis remains bounding. In addition, the proposed changes do not involve new system interactions or equipment modifications to the plant. FWTR does not involve any new type of testing or maintenance. Therefore there are no new design basis failure mechanisms, malfunctions, or accident initiators created by the proposed changes.

The existing low power scram bypass setpoint, based on turbine first stage pressure and the calculated change in steam flow was evaluated. At a reduced feedwater temperature, it was concluded that the reactor scram bypass setting for turbine first stage pressure was not sufficiently conservative relative to the TS value of 24% rated thermal power. Therefore a new setpoint of approximately 21.4% has been calculated. The new set-point increases the low power bypass set-point conservatism at normal feedwater temperature (NFWT) and maintains the same conservatism at FFWTR [final feedwater temperature reduction] conditions.

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 a margin of safety?

Response: No.

The AOOs and accidents described in the UFSAR were evaluated for effects caused by the reduced feedwater temperature. For cycle independent considerations, the evaluations determined that the consequences of the events are either bounded by the current design and licensing basis results, are within design acceptance criteria, or will not change in a manner that would reduce the margin of safety. For cycle specific considerations, cycle specific analyses utilizing NRC-approved methods that produce the values of the limits documented in the COLR will continue to assure that core operation is maintained within the existing design basis and safety limits. No design basis or safety limit is altered by the proposed change.

The existing low power scram bypass setpoint, based on turbine first stage pressure and the calculated change in steam flow was evaluated. At a reduced feedwater temperature, it was concluded that the reactor scram bypass setting for turbine first stage pressure was not sufficiently conservative relative to the TS value of 24% rated thermal power. Therefore a new setpoint of approximately 21.4% has been calculated. The new set-point increases the low power bypass set-point conservatism at NFWT and maintains the same conservatism at FFWTR conditions.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, and with the changes noted above in square brackets, 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: Vincent Zabielski, PSEG Nuclear LLC—N21, P.O. Box 236, Hancocks Bridge, NJ 08038.

NRC Branch Chief: Harold K. Chernoff.

Tennessee Valley Authority, Docket Nos. 50–259, Browns Ferry Nuclear Plant, Unit 1, Limestone County, Alabama

Date of amendment request: October 23, 2009, as supplemented by letters dated November 17, 2009, and April 16, 2010 (TS–473).

Description of amendment request: This amendment request contains sensitive unclassified non-safeguards information (SUNSI). Tennessee Valley Authority (the licensee) plans to transition Browns Ferry Nuclear Plant (BFN), Unit 1 to AREVA fuel. To support the transition, the proposed amendment adds the AREVA NP analysis methodologies to the list of approved methods to be used in determining the core operating limits in the core operating limits report. Additional technical specification (TS) changes are requested to reflect the AREVA NP specific methods for monitoring and enforcing the thermal limits. The licensee request is for nonextended power uprate conditions (*i.e.,* 105 percent of Original Licensed Thermal Power level) only.

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:

Criterion 1: Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

Changing fuel designs and making an editorial change to TS will not increase the probability of a loss of coolant accident. The fuel cannot increase the probability of a primary coolant system breach or rupture, as there is no interaction between the fuel and the system piping. The fuel will continue to meet the 10 CFR 50.46 limits for peak clad temperature, oxidation fraction, and hydrogen generation. Therefore, the consequences of a LOCA [loss-of-coolant-accident] will not be increased.

Similarly, changing the fuel design and making an editorial change to TS cannot increase the probability of an abnormal operating occurrence (AOO). As a passive component, the fuel does not interact with plant operating or control systems. Therefore, the fuel change cannot affect the initiators of the previously evaluated AOO transient events. Thermal limits for the new fuel will be determined on a reload specific basis, ensuring the specified acceptable fuel design limits continue to be met. Therefore, the consequences of a previously evaluated AOO will not increase.

The refueling accident is potentially affected by a change in fuel design due to the mechanical interaction between the fuel and the refueling equipment. However, the probability of the refueling accident with ATRIUM–10 fuel is not increased because the upper bail handle is designed to be mechanically compatible with existing fuel handling equipment. The design weight of the ATRIUM–10 design is similar to other designs in use at BFN and is well within the design capability of the refueling equipment. The consequences of the refueling accident are similar to the current GE14 fuel, remaining well within the design basis (7x7 Fuel) evaluation in the UFSAR [Updated Final Safety Analysis Report].

The probability of a control rod drop accident does not increase because the ATRIUM–10 fuel channel is mechanically compatible with the co-resident fuel and existing control blade designs. The mechanical interaction and friction forces between the ATRIUM–10 channel and control blades would not be higher than previous designs. In addition, routine plant testing includes confirmation of adequate control blade to control rod drive coupling. The probability of a rod drop accident is not increased with the use of ATRIUM–10 fuel. Control rod drop accident consequences are evaluated on a cycle specific basis, confirming the number of calculated rod failures remains with the UFSAR design basis.

The dose consequences of all the previously evaluated UFSAR accidents remain with the limits of 10 CFR 50.67.

Criterion 2: Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The ATRIUM–10 fuel product has been designed to maintain neutronic, thermal-hydraulic, and mechanical compatibility with the NSSS [Nuclear Steam Supply System] vendor fuel designs. The ATRIUM–10 fuel has been designed to meet fuel licensing criteria specified in NUREG–0800, "Standard Review Plan for Review of Safety Analysis Reports for Nuclear Power Plants." Compliance with these criteria ensures the fuel will not fail in an unexpected manner. A change in fuel design and an editorial change to TS cannot create any new accident initiators because the fuel is a passive component having no direct influence on the performance of operating plant systems and equipment. Hence, a fuel design change cannot create a new type of malfunction leading to a new or different kind of transient or accident. Consequently, the proposed fuel design change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Criterion 3: Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The ATRIUM–10 fuel is designed to comply with the fuel licensing criteria specified in NUREG–0800. Reload specific and cycle independent safety analyses are performed ensuring no fuel failures will occur as the result of abnormal operational transients, and dose consequences for accidents remain with the bounds of 10 CFR 50.67. All regulatory margins and requirements are maintained.

Therefore, the proposed change does 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 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, 6A West Tower, Knoxville, Tennessee 37902.

NRC Branch Chief: Douglas A. Broaddus.

Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information for Contention Preparation

Entergy Operations, Inc., System Energy Resources, Inc., South Mississippi Electric Power Association, and Entergy Mississippi, Inc., Docket No. 50–416, Grand Gulf Nuclear Station, Unit 1, Claiborne County, Mississippi

PSEG Nuclear LLC, Docket No. 50–354, Hope Creek Generating Station, Salem County, New Jersey

Tennessee Valley Authority, Docket Nos. 50–259, Browns Ferry Nuclear Plant, Unit 1, Limestone County, Alabama

A. This Order contains instructions regarding how potential parties to this proceeding may request access to documents containing Sensitive Unclassified Non-Safeguards Information (SUNSI).

B. Within 10 days after publication of this notice of hearing and opportunity to petition for leave to intervene, any potential party who believes access to SUNSI is necessary to respond to this notice may request such access. A "potential party" is any person who intends to participate as a party by demonstrating standing and filing an admissible contention under 10 CFR 2.309. Requests for access to SUNSI submitted later than 10 days after publication will not be considered absent a showing of good cause for the late filing, addressing why the request could not have been filed earlier.

C. The requestor shall submit a letter requesting permission to access SUNSI to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, and provide a copy to the Associate General Counsel for Hearings, Enforcement and Administration, Office of the General Counsel, Washington, DC 20555–0001. The expedited delivery or courier mail address for both offices is: U.S. Nuclear Regulatory Commission, 11555 Rockville Pike, Rockville, Maryland 20852. The e-mail addresses for the Office of the Secretary and the Office of the General Counsel are *Hearing.Docket@nrc.gov* and *OGCmailcenter@nrc.gov,* respectively.[1] The request must include the following information:

(1) A description of the licensing action with a citation to this **Federal Register** notice;

(2) The name and address of the potential party and a description of the potential party's particularized interest that could be harmed by the action identified in C.(1);

(3) The identity of the individual or entity requesting access to SUNSI and the requestor's basis for the need for the information in order to meaningfully participate in this adjudicatory proceeding. In particular, the request must explain why publicly-available versions of the information requested would not be sufficient to provide the basis and specificity for a proffered contention;

D. Based on an evaluation of the information submitted under paragraph C.(3) the NRC staff will determine within 10 days of receipt of the request whether:

(1) There is a reasonable basis to believe the petitioner is likely to establish standing to participate in this NRC proceeding; and

(2) The requestor has established a legitimate need for access to SUNSI.

E. If the NRC staff determines that the requestor satisfies both D.(1) and D.(2) above, the NRC staff will notify the requestor in writing that access to SUNSI has been granted. The written notification will contain instructions on how the requestor may obtain copies of the requested documents, and any other conditions that may apply to access to those documents. These conditions may include, but are not limited to, the signing of a Non-Disclosure Agreement or Affidavit, or Protective Order[2] setting forth terms and conditions to prevent the unauthorized or inadvertent disclosure of SUNSI by each individual who will be granted access to SUNSI.

F. Filing of Contentions. Any contentions in these proceedings that are based upon the information received as a result of the request made for SUNSI must be filed by the requestor no later than 25 days after the requestor is granted access to that information. However, if more than 25 days remain between the date the petitioner is granted access to the information and the deadline for filing all other contentions (as established in the notice of hearing or opportunity for hearing), the petitioner may file its SUNSI contentions by that later deadline.

G. Review of Denials of Access

(1) If the request for access to SUNSI is denied by the NRC staff either after a determination on standing and need for access, or after a determination on trustworthiness and reliability, the NRC staff shall immediately notify the requestor in writing, briefly stating the reason or reasons for the denial.

(2) The requestor may challenge the NRC staff's adverse determination by filing a challenge within 5 days of receipt of that determination with: (a) The presiding officer designated in this proceeding; (b) if no presiding officer has been appointed, the Chief Administrative Judge, or if he or she is unavailable, another administrative judge, or an administrative law judge with jurisdiction pursuant to 10 CFR 2.318(a); or (c) if another officer has been designated to rule on information access issues, with that officer.

H. Review of Grants of Access. A party other than the requestor may challenge an NRC staff determination granting access to SUNSI whose release would harm that party's interest independent of the proceeding. Such a challenge must be filed with the Chief Administrative Judge within 5 days of the notification by the NRC staff of its grant of access.

If challenges to the NRC staff determinations are filed, these procedures give way to the normal process for litigating disputes concerning access to information. The availability of interlocutory review by the Commission of orders ruling on such NRC staff determinations (whether granting or denying access) is governed by 10 CFR 2.311.[3]

I. The Commission expects that the NRC staff and presiding officers (and any other reviewing officers) will consider and resolve requests for access to SUNSI, and motions for protective orders, in a timely fashion in order to minimize any unnecessary delays in identifying those petitioners who have standing and who have propounded contentions meeting the specificity and basis requirements in 10 CFR Part 2. Attachment 1 to this Order summarizes the general target schedule for processing and resolving requests under these procedures.

It is so ordered.

Dated at Rockville, Maryland, this 4th day of January, 2011.

[1] While a request for hearing or petition to intervene in this proceeding must comply with the filing requirements of the NRC's "E-Filing Rule," the initial request to access SUNSI under these procedures should be submitted as described in this paragraph.

[2] Any motion for Protective Order or draft Non-Disclosure Affidavit or Agreement for SUNSI must be filed with the presiding officer or the Chief Administrative Judge if the presiding officer has not yet been designated, within 30 days of the deadline for the receipt of the written access request.

[3] Requestors should note that the filing requirements of the NRC's E-Filing Rule (72 FR 49139; August 28, 2007) apply to appeals of NRC staff determinations (because they must be served on a presiding officer or the Commission, as applicable), but not to the initial SUNSI request submitted to the NRC staff under these procedures.

For the Nuclear Regulatory Commission.

Andrew L. Bates,

Acting Secretary of the Commission.

Attachment 1—General Target Schedule for Processing and Resolving Requests for Access to Sensitive Unclassified Non-Safeguards Information in This Proceeding

Day	Event/activity
0	Publication of **Federal Register** notice of hearing and opportunity to petition for leave to intervene, including order with instructions for access requests.
10	Deadline for submitting requests for access to Sensitive Unclassified Non-Safeguards Information (SUNSI) with information: Supporting the standing of a potential party identified by name and address; describing the need for the information in order for the potential party to participate meaningfully in an adjudicatory proceeding.
60	Deadline for submitting petition for intervention containing: (i) Demonstration of standing; (ii) all contentions whose formulation does not require access to SUNSI (+25 Answers to petition for intervention; +7 requestor/petitioner reply).
20	Nuclear Regulatory Commission (NRC) staff informs the requestor of the staff's determination whether the request for access provides a reasonable basis to believe standing can be established and shows need for SUNSI. (NRC staff also informs any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information.) If NRC staff makes the finding of need for SUNSI and likelihood of standing, NRC staff begins document processing (preparation of redactions or review of redacted documents).
25	If NRC staff finds no "need" or no likelihood of standing, the deadline for requestor/petitioner to file a motion seeking a ruling to reverse the NRC staff's denial of access; NRC staff files copy of access determination with the presiding officer (or Chief Administrative Judge or other designated officer, as appropriate). If NRC staff finds "need" for SUNSI, the deadline for any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information to file a motion seeking a ruling to reverse the NRC staff's grant of access.
30	Deadline for NRC staff reply to motions to reverse NRC staff determination(s).
40	(Receipt +30) If NRC staff finds standing and need for SUNSI, deadline for NRC staff to complete information processing and file motion for Protective Order and draft Non-Disclosure Affidavit. Deadline for applicant/licensee to file Non-Disclosure Agreement for SUNSI.
A	If access granted: Issuance of presiding officer or other designated officer decision on motion for protective order for access to sensitive information (including schedule for providing access and submission of contentions) or decision reversing a final adverse determination by the NRC staff.
A + 3	Deadline for filing executed Non-Disclosure Affidavits. Access provided to SUNSI consistent with decision issuing the protective order.
A + 28	Deadline for submission of contentions whose development depends upon access to SUNSI. However, if more than 25 days remain between the petitioner's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of hearing or opportunity for hearing), the petitioner may file its SUNSI contentions by that later deadline.
A + 53	(Contention receipt +25) Answers to contentions whose development depends upon access to SUNSI.
A + 60	(Answer receipt +7) Petitioner/Intervenor reply to answers.
> A + 60	Decision on contention admission.

[FR Doc. 2011–215 Filed 1–7–11; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–317 and 50–318; NRC–2011–0004]

Calvert Cliffs Nuclear Power Plant, LLC; Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2 Environmental Assessment and Finding of No Significant Impact

The Nuclear Regulatory Commission (NRC) is considering issuance of an exemption from Title 10 of the Code of Federal Regulations (10 CFR) 50.46 and 10 CFR part 50, appendix K, for Facility Operating License Nos. DPR–53 and DPR–69, issued to Calvert Cliffs Nuclear Power Plant, LLC, the licensee, for operation of the Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2 (Calvert Cliffs), located in Calvert County, Maryland. Therefore, as required by 10 CFR 51.21, the NRC is issuing this environmental assessment and finding of no significant impact.

Environmental Assessment

Identification of the Proposed Action

The proposed action would provide an exemption from the requirements of: (1) 10 CFR 50.46, "Acceptance criteria for emergency core cooling systems for light-water nuclear power reactors," which requires that the calculated emergency core cooling system (ECCS) performance for reactors with zircaloy or ZIRLO fuel cladding meet certain criteria, and (2) 10 CFR part 50, appendix K, "ECCS Evaluation Models," which presumes the use of zircaloy or ZIRLO fuel cladding when doing calculations for energy release, cladding oxidation, and hydrogen generation after a postulated loss-of coolant-accident.

The proposed action would allow the licensee to use M5, an advanced alloy fuel cladding material for pressurized-water reactors (PWRs), in lieu of zircaloy or ZIRLO, the materials assumed to be used in the cited regulations, at Calvert Cliffs. The proposed action is in accordance with the licensee's application dated November 23, 2009 (Agencywide Document Access and Management System (ADAMS) Accession No. ML093350189).

The Need for the Proposed Action

The Commission's regulations in 10 CFR 50.46 and 10 CFR part 50, appendix K require the demonstration of adequate ECCS performance for light-water reactors that contain fuel consisting of uranium oxide pellets enclosed in zircaloy or ZIRLO tubes. Each of these regulations, either

implicitly or explicitly, assumes that either zircaloy or ZIRLO is used as the fuel rod cladding material.

In order to accommodate the high fuel rod burnups that are required for modern fuel management and core designs, Framatome developed the M5 advanced fuel rod cladding material. M5 is an alloy comprised primarily of zirconium (~99 percent) and niobium (~1 percent) that has demonstrated superior corrosion resistance and reduced irradiation-induced growth relative to both standard and low-tin zircaloy. However, since the chemical composition of the M5 advanced alloy differs from the specifications of either zircaloy or ZIRLO, use of the M5 advanced alloy falls outside of the strict interpretation of these regulations. Therefore, approval of this exemption request is needed to permit the use of the M5 advanced alloy as a fuel rod cladding material at Calvert Cliffs.

Environmental Impacts of the Proposed Action

The NRC has completed its environmental assessment of the proposal to use M5 advanced alloy for fuel rod cladding at Calvert Cliffs and has concluded that the proposed exemption will not present any undue risk to public health and safety. The underlying purposes of 10 CFR 50.46 and 10 CFR part 50, appendix K, are to ensure that facilities have adequate acceptance criteria for the ECCS, and to ensure that cladding oxidation and hydrogen generation are appropriately limited during a loss-of-coolant accident (LOCA) and conservatively accounted for in the ECCS evaluation model, respectively. Topical Report (TR) BAW–10227P, "Evaluation of Advanced Cladding and Structural Material (M5) in PWR Reactor Fuel," which was approved by the NRC on February 4, 2000, demonstrated that the effectiveness of the ECCS will not be affected by a change from zircaloy to M5. In addition, TR BAW–10227P demonstrated that the Baker-Just equation (used in the ECCS evaluation model to determine the rate of energy release, cladding oxidation, and hydrogen generation) is conservative in all post-LOCA scenarios with respect to M5 advanced alloy as a fuel rod cladding material or in other assembly structural components. The licensee will use NRC-approved methods for the reload design process for Calvert Cliffs reloads with M5. The details of the staff's safety evaluation will be provided in the exemption that will be issued as part of the letter to the licensee approving the exemption to the regulation, if granted.

The proposed action will not significantly increase the probability or consequences of accidents. No changes are being made in the types of effluents that may be released offsite. There is no significant increase in the amount of any effluent released offsite. There is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

The proposed action does not result in changes to land use or water use, or result in changes to the quality or quantity of non-radiological effluents. No changes to the National Pollution Discharge Elimination System permit are needed. No effects on the aquatic or terrestrial habitat in the vicinity of the plant, or to threatened, endangered, or protected species under the Endangered Species Act, or impacts to essential fish habitat covered by the Magnuson-Stevens Act are expected. There are no impacts to the air or ambient air quality. There are no impacts to historical and cultural resources. There would be no noticeable effect on socioeconomic conditions in the region. Therefore, no changes or different types of non-radiological environmental impacts are expected as a result of the proposed action.

Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action.

Environmental Impacts of the Alternatives to the Proposed Action

As an alternative to the proposed action, the staff considered denial of the proposed action (*i.e.,* the "no-action" alternative). Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

The action does not involve the use of any different resources than those previously considered in the Final Environmental Statement for Calvert Cliffs dated April 1973, and the Generic Environmental Impact Statement for License Renewal of Nuclear Plants, Calvert Cliffs Nuclear Power Plant (NUREG–1437, Supplement 1), dated October 1999.

Agencies and Persons Consulted

In accordance with its stated policy, on November 29, 2010, the staff consulted with the Maryland State official, Susan Gray of the Maryland Department of Natural Resources, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

On the basis of the environmental assessment, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated November 23, 2009 (ADAMS Accession No. ML093350189). 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 O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically 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.* 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 by telephone at 1–800–397–4209 or 301–415–4737, or send an e-mail to *pdr@nrc.gov.*

Dated at Rockville, Maryland, this 3rd day of January 2011.

For the Nuclear Regulatory Commission.

Douglas V. Pickett,

Senior Project Manager, Plant Licensing Branch I–1, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2011–216 Filed 1–7–11; 8:45 am]

BILLING CODE 7590–01–P

OVERSEAS PRIVATE INVESTMENT CORPORATION

Sunshine Act Notice

OPIC Annual Public Hearing

OPIC's Sunshine Act notice of its Annual Public Hearing was published in the **Federal Register** (Volume 75, Number 236, Page 76758) on December 9, 2010. No requests were received to provide testimony or submit written statements for the record; therefore, OPIC's Annual Public Hearing scheduled for 3:30 p.m., January 20, 2011 has been cancelled.

Contact Person for Information: Information on the hearing cancellation may be obtained from Connie M. Downs at (202) 336–8438, via facsimile at (202)

218–0136, or via e-mail at *Connie.Downs@opic.gov*.

Dated: January 6, 2011.

Connie M. Downs,

OPIC Corporate Secretary.

[FR Doc. 2011–323 Filed 1–6–11; 4:15 pm]

BILLING CODE 3210–01–P

POSTAL REGULATORY COMMISSION

[Docket No. ACR2010; Order No. 636]

FY 2010 Annual Compliance Report; Comment Request

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Postal Service has filed an Annual Compliance Report on the costs, revenues, rates, and quality of service associated with its products in fiscal year 2010. Within 90 days, the Commission must evaluate that information and issue its determination as to whether rates were in compliance with title 39, chapter 36 and whether service standards in effect were met. To assist in this, the Commission seeks public comments on the Postal Service's Annual Compliance Report.

DATES: *Comments are due:* February 2, 2011. *Reply comments are due:* February 17, 2011.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Commenters who cannot submit their views electronically should contact the person identified in **FOR FURTHER INFORMATION CONTACT** by telephone for advice on alternatives to electronic filing.

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, General Counsel, *stephen.sharfman@prc.gov* or 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction
II. Overview of the Postal Service's FY 2010 ACR Filing
III. Procedural Steps
IV. Ordering Paragraphs

I. Introduction

On December 29, 2010, the United States Postal Service (Postal Service) filed with the Commission, pursuant to 39 U.S.C. 3652, its Annual Compliance Report (ACR) for fiscal year 2010. Section 3652 requires submission of data and information on the costs, revenues, rates, and quality of service associated with postal products within 90 days of the closing of each fiscal year. In conformance with other statutory provisions and Commission rules, the ACR filing includes the Postal Service's FY 2010 Comprehensive Statement, its FY 2010 annual report to the Secretary of the Treasury on the Competitive Products Fund, and certain related Competitive Products Fund material. *See, respectively,* 39 U.S.C. 3652(g), 39 U.S.C. 2011(i), and 39 CFR 3060.20–23. In line with past practice, some of the material in the FY 2010 ACR appears in non-public annexes.

The filing triggers a statutory review process culminating in the Commission's issuance of an Annual Compliance Determination (ACD) assessing compliance of Postal Service products offered during FY 2010 with applicable title 39 requirements.

The instant filing marks the fourth time since passage of the Postal Accountability and Enhancement Act (PAEA) of 2006 that this reporting and oversight process has been used. This means, as the Postal Service observes in its current filing, that many of the transitional issues associated with earlier filings have been overtaken by full implementation of other PAEA provisions or have diminished in significance. However, the Postal Service notes that some transitional issues remain, including incorporating financial results for certain activities formerly considered "nonpostal" into the Cost and Revenue Analysis (CRA) report in accordance with Commission Order No. 391. FY 2010 ACR at 1–2.[1] It also suggests that new issues have arisen, citing its uncertainty over Commission interpretation of the cost coverage provision (for products at less than full coverage) and the related question of Commission options for addressing shortfalls. *Id.* at 7–10.

II. Overview of the Postal Service's FY 2010 ACR Filing

Contents of the filing. The Postal Service's FY 2010 ACR filing consists of a 77-page narrative; extensive additional material appended as separate folders and identified in Attachment One; and an application for non-public treatment of certain materials, along with a supporting rationale filed as Attachment Two. The filing also includes the Comprehensive Statement, Report to the Secretary of the Treasury, and information on the Competitive Products Fund filed in response to Commission rules. This material has been filed electronically with the Commission, and some also has been filed in hard-copy form.

Scope of filing. The material appended to the narrative consists of: (1) Domestic product costing material filed on an annual basis, summarized in the CRA; (2) comparable international costing material, summarized in the International Cost and Revenue Analysis (ICRA); (3) worksharing-related cost studies; and (4) billing determinant information for both domestic and international mail. *Id.* at 2. Inclusion of these four data sets is consistent with the Postal Service's past ACR filing practices. Consistent with its FY 2009 ACR filing, the Postal Service has split certain materials into public and non-public versions. *Id.* at 3.

"*Roadmap*" *document.* A roadmap to the FY 2010 ACR filing appears in the form of USPS–FY10–9. This document provides brief descriptions of the materials submitted, as well as the flow of inputs and outputs among them; a discussion of differences in methodology relative to Commission methodologies in last year's ACD; a list of special studies; and, as required by Commission rule 3050.2, a discussion of obsolescence. *Id.* at 4.

Methodology. The Postal Service says the scope of new methodologies has been minimized because it has placed heavy reliance on replicating the methodologies used most recently by the Commission. However, it observes that postal operations and data collection are not entirely static, so there are some minor changes. These are identified and discussed in a separate section of the roadmap document and in the prefaces to each of the appended materials. *Id.* at 4–5.

Proposals the Postal Service has filed to change analytical principles since the filing of the FY 2009 ACR are identified and summarized in a table. *Id.* at 5–6. Generally, proposed changes that were pending resolution as of the date of the filing have been incorporated into this ACR. *Id.* at 6.

Market dominant products. The Postal Service notes that certain transitional issues that were present in previous ACR filings no longer pertain, but maintains that a significant question about the requirements of title 39 with respect to cost coverage shortfalls has arisen. It notes that the Commission characterized cost coverage shortfalls as so pervasive as to be a systemic problem in the FY 2009 ACD, and directed the Postal Service to develop and present a plan to address the problem. *Id.* at 7. The Postal Service says it presented its plan in its exigency request, but no longer considers that plan workable, given the Commission's disposition of

[1] United States Postal Service FY 2010 Annual Compliance Report, December 29, 2010 (FY 2010 ACR). Public portions of the Postal Service's filing are available at the Commission's Web site, *http://www.prc.gov.*

the exigency request. *Id.* at 7–8. It says results in its current ACR filing show that the cost coverage problem continues to exist and remains systemic. *Id.* at 8. It also says that even if it achieves its most optimistic efficiency enhancements, it does not foresee that such enhancements, combined with annual rate increases within the statutory price cap, will result in Periodicals, Standard Mail Flats, and Standard Mail NFMs/Parcels reaching full attributable cost coverage. *Id.*

Product-by-product costs, revenues, and volumes. With limited exceptions, cost, revenues, and volumes for all market dominant products of general applicability are shown directly in the FY 2010 CRA or ICRA. The exceptions are International Reply Coupon Service, International Business Reply Mail Service, and Negotiated Service Agreements. *Id.* at 10.

Service performance. The Postal Service notes that the Commission issued rules on periodic reporting of service performance measurement and customer satisfaction in FY 2010. Responsive information appears in USPS–FY10–29. *Id.* at 11–12. The Postal Service says it set aggressive on-time targets of 90 percent or above for all market dominant products and, overall, has been successful in continuously improving these scores. It asserts that its targets have already been met or exceeded for some products and in some districts, but says there are several instances where target scores have not yet been met at the national level. Specific reasons for these results are discussed in USPS–FY10–29. *Id.* at 12.

Customer satisfaction. The FY 2010 ACR discusses the Postal Service's transition to a new system for assessing customer experience; describes the new methodology and changes in reporting categories; presents a table with survey results; and addresses why the FY 2010 scores cannot be compared to previous years. *Id.* at 12–16.

Product analysis and other information. The FY 2010 ACR includes a detailed analysis of each market dominant product, including domestic Negotiated Service Agreements entered into during FY 2010. *Id.* at 16–50. It also presents information responsive to 39 U.S.C. 3652(b) on worksharing discounts. *Id.* at 50–63.

Competitive products. The Postal Service says that transitional issues that pertained in FY 2007 and FY 2008 with respect to the applicable requirements of title 39 no longer existed in FY 2009, and none affect this filing. *Id.* at 63. It generally addresses product-by-product analysis, noting where detailed information can be found, and discusses available FY 2010 data with reference to the competitive product pricing standards of 39 U.S.C. 3633. *Id.* at 63–64.

Market tests; nonpostal services. The Postal Service also addresses the two market tests conducted during FY 2010 and nonpostal services. *Id.* at 68–72. With respect to the latter, it notes that the Commission rule requiring the ACR to include information on costs, volumes, and revenues was not adopted until late in FY 2009. The Postal Service was limited in what it could provide in the FY 2009 ACR, and it says it has attempted to improve its reporting in this ACR, but it considers the information it is providing as generally comparable to what it previously provided. *Id.* at 70–71.

III. Procedural Steps

Statutory requirements. Section 3653 of title 39 requires the Commission to provide interested persons with an opportunity to comment on the ACR and to appoint a Public Representative to represent the interests of the general public. The Commission hereby solicits public comment on the Postal Service's FY 2010 ACR and on whether any rates or fees in effect during FY 2010 (for products individually or collectively) were not in compliance with applicable provisions of chapter 36 of title 39 (or regulations promulgated thereunder). Commenters addressing market dominant products are referred in particular to the applicable requirements (39 U.S.C. 3622(d) and (e) and 3626); objectives (39 U.S.C. 3622(b)); and factors (39 U.S.C. 3622(c)). Commenters addressing competitive products are referred to in 39 U.S.C. 3633.

The Commission also invites public comment on the cost coverage matters the Postal Service addresses in its filing; service performance results; levels of customer satisfaction achieved; progress toward goals established in the annual Comprehensive Report; and such other matters that may be relevant to the Commission's review. Comments on these topics will, *inter alia,* assist the Commission in developing appropriate recommendations to the Postal Service related to the protection or promotion of the public policy objectives of title 39.

Access to filing. The Commission has posted the publicly available portions of the FY 2010 ACR filing on its Web site (*http://www.prc.doc*).

Comment deadlines. Comments by interested persons are due on or before February 2, 2011. Reply comments are due on or before February 17, 2011. The Commission, upon completion of its review of the FY 2010 ACR, public comments, and other data and information submitted in this proceeding, will issue its ACD. Those needing assistance filing electronically may contact the Docket Section supervisor at 202–789–6846 or via e-mail at *PRC-DOCKETS@prc.gov.* Inquiries about access to non-public materials should also be directed to the Docket Section.

Public representative. The Commission appoints Emmett Rand Costich as the public representative in this proceeding. Kenneth R. Moeller and Diane K. Monaco, of the Commission's Office of Accountability and Compliance, will provide technical assistance.

IV. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. ACR2010 to consider matters raised by the United States Postal Service's FY 2010 Annual Compliance Report.

2. Pursuant to 35 U.S.C. 505, the Commission appoints Emmett Rand Costich as officer of the Commission (Public Representative) in this proceeding to represent the interests of the general public.

3. Comments on the United States Postal Service's FY 2010 Annual Compliance Report to the Commission, including the Comprehensive Statement of Postal Operations and other reports, are due on or before February 2, 2011.

4. Reply comments are due on or before February 17, 2011.

5. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Shoshana M. Grove,

Secretary.

[FR Doc. 2011–157 Filed 1–7–11; 8:45 am]

BILLING CODE P

RECOVERY ACCOUNTABILITY AND TRANSPARENCY BOARD

Agenda and Notice Meeting of the Recovery Independent Advisory Panel

AGENCY: Recovery Accountability and Transparency Board.

ACTION: Notice of meeting.

SUMMARY: In accordance with the American Recovery and Reinvestment Act of 2009, Public Law 111–5 (Recovery Act), and the Federal Advisory Committee Act of 1972 (FACA), the Recovery Accountability and Transparency Board's (Board) Recovery Independent Advisory Panel (RIAP) will meet as indicated below. Notice of this meeting is required under

Section 10(a)(2) of FACA. This notice is intended to notify the general public of their opportunity to attend the meeting.

DATES: The RIAP meeting will be held on Tuesday, January 25, 2011, from 9 a.m. to 5 p.m.

ADDRESSES: Maryland State House, 100 State Circle, Annapolis, MD.

FOR FURTHER INFORMATION CONTACT: Glen Walker, Executive Director, Recovery Independent Advisory Panel, 1717 Pennsylvania Avenue, NW., Suite 700, Washington, DC 20006; Telephone 202–254–7900.

SUPPLEMENTARY INFORMATION: Pursuant to Section 1543 of the Recovery Act, the RIAP is charged with making recommendations to the Board on actions the Board could take to prevent fraud, waste, and abuse of Recovery Act funds. The purpose of the January 25, 2011 meeting is to allow the RIAP to have an open dialogue, with input from the public, on issues relating to fraud, waste, and abuse of Recovery Act funds. More specifically, the RIAP is interested in obtaining input regarding the following matters:

- Actions the Board can take to prevent fraud, waste, and abuse;
- Transparency of entitlements and tax benefits funded by the Recovery Act;
- The public's experience with obtaining information from Recovery.gov and how that experience can be improved; and
- Random sampling as a tool for detecting fraud, waste, and abuse.

In keeping with FACA procedures, members of the public are invited to provide comments to the RIAP. The preference of the RIAP is to have members of the public provide written comments addressing any of the matters listed above no later than January 18, 2011. There will be limited space for this meeting; therefore, members of the public who have submitted written statements addressing matters outlined above will be given priority in attending this meeting and speaking to the RIAP. The next highest priority for attending the meeting and speaking to the RIAP will be those individuals who have signed up in advance by submitting their names via e-mail to the RIAP in advance of the meeting. Members of the public who have submitted written comments and/or who have signed up in advance will be given priority to attend the meeting and be heard first in the order in which their written statements and/or sign-up e-mails were received. Other members of the public will be heard in the order in which they sign up at the beginning of the meeting, space permitting. A time limit will be placed on those members of the public wishing to speak at the meeting, with time allocated in accordance with the number of people who have signed up indicating a desire to speak to the RIAP. The RIAP will make every effort to hear the views of all interested persons. The Chairperson of the RIAP is empowered to conduct the meeting in a fashion that will, to the Chairperson's judgment, facilitate the orderly conduct of business. You may submit written comments by mail to 1717 Pennsylvania Avenue, NW., Suite 700, Washington, DC 20006. "RIAP comments" should be written on the envelope. Persons wishing to e-mail their written comments and/or sign up in advance to speak to the RIAP at the meeting should send their written comments and/or names to *panel@ratb.gov* and write "January 25, 2011 RIAP public comment" in the Subject line.

Ivan J. Flores,

Paralegal Specialist, Recovery Accountability and Transparency Board.

[FR Doc. 2011–152 Filed 1–7–11; 8:45 am]

BILLING CODE 6821–15–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting Notice

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 Thursday, January 13, 2011 at 2 p.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 Walter, 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 Thursday, January 13, 2011 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: January 6, 2011.

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2011–369 Filed 1–6–11; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–63629; File No. SR–BSECC–2010–002]

Self-Regulatory Organizations; The Boston Stock Clearing Corporation; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Articles of Organization and By-Laws

January 3, 2011.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") [1] and Rule 19b–4 [2] thereunder, notice is hereby given that on December 20, 2010, The Boston Stock Clearing Corporation ("BSECC") 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 primarily by BSECC. BSECC filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [3] and Rule 19b–4(f)(3) [4] thereunder so that the proposal was effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

BSECC proposes to amend its Articles of Organization, By-Laws, and Rules.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, BSECC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(3).

rule change. The text of these statements may be examined at the places specified in Item IV below. BSECC 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 purpose of this rule filing is to amend BSECC's Articles of Organization ("Articles"), By-Laws, and Rules to: (i) Change the name of BSECC; (ii) decrease the authorized share capital of BSECC; (iii) remove a stockholder; (iv) provide notice that certain amendments to the formation documents that were previously approved by the Commission were not implemented; and (v) suspend certain maintenance and reporting requirements during the period of inactivity of BSECC.

2. Prior Amendments to BSECC's Articles and By-Laws

In 2009, BSECC amended its Articles and By-Laws by, among other things: (i) Increasing BSECC's authorized shares to 300 shares and to reflect a planned transfer in ownership of five percent of BSECC's shares; (ii) changing its name to "NASDAQ Clearing Corporation;" (iii) restating its Articles to consolidate prior amendments into a single document; (iv) amending the Articles and By-Laws to reflect the change in the name of "Boston Stock Exchange, Incorporated" to "NASDAQ OMX BX, Inc;" and (v) correcting several typographical errors in Article X of the By-Laws.[5]

As explained in the Commission's order approving that 2009 proposed rule change, the purpose of those changes was to make various corporate and administrative modifications in BSECC's Articles and By-Laws in order to support the acquisition by The NASDAQ OMX Group, Inc. ("NASDAQ OMX") of Boston Stock Exchange, Incorporated, which was renamed "NASDAQ OMX BX, Inc.," and of several Boston Stock Exchange's wholly owned subsidiaries, including BSECC, which was effective on August 29, 2008. As a result of the acquisitions, BSECC became an indirect, wholly-owned subsidiary of NASDAQ OMX. On January 5, 2009, OMX AB, which is another indirect, wholly-owned subsidiary of NASDAQ OMX, entered into agreements with Fortis Bank Global Clearing N.V. ("Fortis") and European Multilateral Clearing Facility N.V. ("EMCF")[6] whereby, among other things, OMX AB: (i) Acquired a 22% equity stake in EMCF and (ii) agreed to acquire a 5% equity stake in BSECC from NASDAQ OMX BX, Inc., and in turn transfer this stake to EMCF.

While these changes were approved by the Commission in the 2009 proposed rule changes,[7] the necessary paperwork was never filed with the Department of Corporations and Taxation of the Commonwealth of Massachusetts because NASDAQ OMX and its affiliates and EMCF decided not to complete the transfer of BSECC stock to OMX AB and EMCF.

3. Proposed Amendments to Articles and By-Laws

Under this proposed rule change, BSECC will amend its Articles and By-Laws to essentially reverse the 2009 amendments to its Articles and By-Laws thereby clarifying that the corporate changes were never fully effectuated. Thus, BSECC will, among other things, amend Article I to change the name from "NASDAQ Clearing Corporation" back to "Boston Stock Exchange Clearing Corporation;" amend Article III of its Articles to decrease the authorized share capital of BSECC back to 150 shares because the additional authorized shares are not necessary at this time; and amend Article V to remove OMX AB and European Multilateral Clearing Facility, N.V. because BSECC will not be adding such shareholders at this time.

4. Suspension of Provisions During Inactivity

Because BSECC is currently not conducting any business operations, BSECC will suspend certain maintenance and reporting requirements during such period of inactivity.

As background, BSECC determined in October 2009 that it would fully cease all operations and return the clearing fund deposits that were provided to BSECC by its members for the purpose of offsetting BSECC's financial risk while operating a clearing agency for the member. BSECC returned all clearing funds to its members by September 30, 2010, and BSECC no longer maintains clearing members or has any other clearing operations as of that date. However, BSECC desires to maintain its registration as a clearing agency with the Commission for possible active operations in the future.

Currently, BSECC only conducts the administrative operations that are required to maintain its registration, which generally consist of tax and record maintenance obligations and various maintenance and reporting requirements of a clearing agency. Since BSECC no longer maintains members or conducts clearing business operations, BSECC will suspend certain maintenance and reporting requirements of its By-Laws and Rules during any period in which BSECC is in an inactive status:

(a) BSECC Article II Section 3: BSECC will suspend the requirement that the Board of Directors contain BSECC members or persons affiliated with the BSECC members.

(b) *BSECC Rule II, Section 1:* BSECC will suspend the requirement to maintain a clearing fund and defines the term "inactive" as when it suspends clearing of security purchases or sales; has provided written notice to its Members of the suspension of its operations; and does not hold any deposits in the Clearing Fund.

(c) *BSECC Rule VI, Section 1:* BSECC will suspend the requirement of furnishing annual audited financial statements prepared in accordance with generally accepted accounting standards during the inactive status. Since the only activity that BSECC conducted during the wind down of operations is the return of the clearing funds, BSECC also proposes to provide a review of business operations in lieu of an audit during the year in which all clearing funds were returned to the members.

(d) *BSECC Rule VI, Section 2:* BSECC will suspend the requirement for the review of internal accounting controls during the inactive status. Additionally, since the only activity conducted by BSECC during the wind down of operations was the return of the clearing funds, BSECC proposes to suspend the same requirement for the review of internal accounting controls during the year in which all clearing funds were returned to the members.

(e) *BSECC Rule VI, Section 3:* BSECC will suspend the requirements for providing annual audited financial

[5] Securities Exchange Act Release No. 59839 (Apr. 28, 2008), 74 FR 21031 (May 6, 2009).

[6] EMCF is a central counterparty clearinghouse for European equity trading on exchanges and multilateral trading facilities, including NASDAQ OMX Europe Ltd., Chi-X Europe Ltd., and BATS Trading Europe Ltd. In addition, EMCF provides central counterparty clearing services to NASDAQ OMX exchanges in Stockholm, Helsinki, Copenhagen, and Iceland. EMCF clears stocks traded on multiple European markets, including stocks comprising the AEX, DAX, FTSE100, CAC40, and SMI20 indexes. Services offered by EMCF include novation, gross trade netting, settlement, margining, and fails and buy-in management. EMCF is headquartered in the Netherlands, and is subject to voluntary supervision by De Nederlandsche Bank and Autoriteit Financiele Markten. In addition to OMX AB, EMCF's stockholders are Fortis Bank Nederland (Holding) N.V. and Fortis Bank Global Clearing N.V.

[7] *Supra* note 5.

statements and quarterly unaudited financial during the period of inactivity.

5. Statutory Basis

BSECC believes that the proposed rule change is consistent with the provisions of Section 17A of the Act,[8] in general, and furthers the objectives of Section 17A(b)(3)(F) of the Act[9] in particular, in that it is designed to remove impediments to and perfect the mechanism of the national market system for the clearance and settlement of securities transactions. The proposed rules seek to suspend maintenance and reporting requirements during the time when BSECC has suspended its business operations. None of these changes affect the investing public and rather are concerned solely with the administration of BSECC.

B. Self-Regulatory Organization's Statement on Burden on Competition

BSECC 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

BSECC has not solicited or received written comments relating to the proposed rule change. BSECC will notify the Commission of any written comments it receives.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[10] and Rule 19b–4(f)(3)[11] thereunder because the proposed rule change is concerned solely with the administration of BSECC. 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 may be submitted by using the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*), or send an e-mail to *rule-comment@sec.gov.* Please include File No. SR–BSECC–2010–002 on the subject line.

- Paper comments should be sent in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File No. SR–BSECC–2010–002. 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 such filing also will be available for inspection and copying at BSECC's principal office and BSECC's Web site (*http://www.nasdaqtrader.com/Trader.aspx?id=BSECCiE2009*). 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 submission should refer to File No. SR–BSECC–2010–002 and should be submitted within January 31, 2011 days after the date of publication.

For the Commission by the Division of Trading and Markets, pursuant to delegated authority.[12]

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2011–159 Filed 1–7–11; 8:45 am]

BILLING CODE 8011–01–P

[8] 15 U.S.C. 78q–1.

[9] 15 U.S.C. 78q–1(b)(3)(F).

[10] *Supra* note 3.

[11] *Supra* note 4.

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–63634; File No. SR–NSCC–2010–19]

Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Modifications to the Fee Schedule

January 3, 2011.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] notice is hereby given that on December 21, 2010, the National Securities Clearing Corporation ("NSCC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II, which Items have been prepared primarily by NSCC. NSCC filed the proposed rule change pursuant to Section 19(b)(3)(A)(ii) of the Act[2] and Rule 19b–4(f)(2)[3] thereunder so that the proposal was effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change amends Addendum A of NSCC's Rules & Procedures to modify NSCC's fee schedule.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NSCC 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. NSCC 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

The purpose of the proposed rule change is to revise Addendum A to NSCC's Rules and Procedures to align

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78s(b)(3)(A)(ii).

[3] 17 CFR 240.19b–4(f)(2).

fees with the costs of delivering services.[4]

Fee increases will be implemented for the following:

(1) Clearance Activity fees, which includes: (i) A tiered fee structure for the number of sides submitted for trade recording and netting and (ii) "value into the net" and "value out of the net" fees;

(2) Trade Comparison fees for bonds;

(3) Automated Customer Account Transfer Service fees for asset delivers, asset receives, and asset additions, deletions, or changes; and

(4) Per envelope receive and deliver charges for the Envelope Settlement Service, Funds Only Settlement Service, and Dividend Settlement Service.

Separately, the existing fee structure for the Alternative Investment Products Service will be replaced with: (i) A tiered fee structure with a fee cap for broker-dealers[5] with respect to processing of Non-Traded REITs and Managed Futures and (ii) increased charges for processing of hedge funds and other activity (other than Non-Traded REITs and Managed Futures).[6]

Additionally, a new flat monthly fee will be implemented for transmission of Networking Omnibus Activity/Position Files (Omni/SERV).[7]

Finally, NSCC is making a technical change to reflect current practice whereby all Fund/SERV transactions are subject to the same fee.

The above fee changes will take effect on January 3, 2011.

[4] The changes to NSCC's Fee Structure, which are attached as Exhibit 5 to NSCC's proposed rule change, can be viewed at *http://www.dtcc.com/downloads/legal/rule_filings/2010/nscc/2010-19.pdf.*

[5] The incentive of an annual fee cap is expected to encourage broker-dealers to use the service and expand coverage of these products and increase the value of the overall market.

[6] The difference in pricing between (i) and (ii) reflects differing average transaction volumes. Non-Traded REITs and Managed Futures funds are typically low value transactions but have proportionally high transaction volume. These funds typically process over 10,000 trades per month and over 50,000 records per month. Conversely, Hedge Funds, Funds of Funds, and Private Equity trades have low volume but have large transaction value. Hedge Fund monthly trading is usually under 1,000 transactions with a monthly record count under 5,000 records per month.

[7] These files are used for the transmission of: (i) Omnibus activity files which are transmitted from firms to fund companies detailing activity within subaccounts and (ii) omnibus position files, which are transmitted from firms to fund companies detailing positions within the subaccounts. These files supplement other Networking functionality, which facilitates file transmission from funds to firms. For additional information on Networking Omni/SERV files, please see NSCC Important Notices A#6968, P&S#6538, dated March 15, 2010, and A#6948, P&S#6518, dated February 18, 2010. A separate fee is not currently charged for this file type.

NSCC states that the proposed rule change is consistent with the requirements of Section 17A of the Act[8] and the rules and regulations thereunder because it updates NSCC's fee schedule to align fees with the costs of delivering services. As such, it provides for the equitable allocation of fees among NSCC's members.

B. Self-Regulatory Organization's Statement on Burden on Competition

NSCC does not believe that the proposed rule change will have any impact or impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

NSCC has not solicited or received written comments relating to the proposed rule change. NSCC will notify the Commission of any comments it receives.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act[9] and Rule 19b–4(f)(2)[10] because the proposed rule change establishes or changes a due, fee, or other charge applicable only to a member. 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 No. SR–NSCC–2010–19 on the subject line.

[8] 15 U.S.C. 78q–1.

[9] *Supra* note 2.

[10] *Supra* note 3.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, Station Place, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File No. SR–NSCC–2010–19. 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 such filings also will be available for inspection and copying at NSCC's principal office and on NSCC's Web site at *http://www.dtcc.com/legal/rule_filings/nscc/2010.php.* 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–NSCC–2010–19 and should be submitted on or before January 31, 2011.

For the Commission by the Division of Trading and Markets pursuant to delegated authority.[11]

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2011–160 Filed 1–7–11; 8:45 am]

BILLING CODE 8011–01–P

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–63636; File No. SR–NYSEArca–2010–121]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Proposed Rule Change Relating to the Listing and Trading of FactorShares Funds

January 3, 2011.

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 December 22, 2010, NYSE Arca, Inc. ("Exchange" or "NYSE Arca") filed with the Securities and Exchange Commission ("Commission" or "SEC") 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 list and trade shares of the following pursuant to NYSE Arca Equities Rule 8.200: FactorShares 2X: S&P500 Bull/TBond Bear; FactorShares 2X: TBond Bull/S&P500 Bear; FactorShares 2X: S&P500 Bull/USD Bear; FactorShares 2X: Oil Bull/S&P500 Bear; and FactorShares 2X: Gold Bull/S&P500 Bear. The text of the proposed rule change is available at the Exchange, the Commission's Public Reference Room, and *http://www.nyse.com.*

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

NYSE Arca Equities Rule 8.200, Commentary .02, permits the trading of Trust Issued Receipts ("TIRs") either by listing or pursuant to unlisted trading privileges ("UTP").[3] The Exchange proposes to list and trade the shares of the following pursuant to NYSE Arca Equities Rule 8.200: FactorShares 2X: S&P500 Bull/TBond Bear; FactorShares 2X: TBond Bull/S&P500 Bear; FactorShares 2X: S&P500 Bull/USD Bear; FactorShares 2X: Oil Bull/S&P500 Bear; and FactorShares 2X: Gold Bull/S&P500 Bear (each a "Fund" and, collectively, the "Funds").[4] All Funds except for the FactorShares 2X: TBond Bull/S&P500 Bear are also referred to as "Leveraged Funds," and FactorShares 2X: TBond Bull/S&P500 Bear is referred to as the "Leveraged Inverse Fund." [5]

The Exchange notes that the Commission has previously approved the listing and trading of other issues of TIRs on the American Stock Exchange LLC ("Amex"),[6] trading on NYSE Arca pursuant to UTP,[7] and listing on NYSE Arca.[8] In addition, the Commission has approved other exchange-traded fund-like products linked to the performance of underlying commodities.[9]

[3] Commentary .02 to NYSE Arca Equities Rule 8.200 applies to TIRs that invest in "Financial Instruments." The term "Financial Instruments," as defined in Commentary .02(b)(4) to NYSE Arca Equities Rule 8.200, means any combination of investments, including cash; securities; options on securities and indices; futures contracts; options on futures contracts; forward contracts; equity caps, collars and floors; and swap agreements.

[4] *See* Pre-Effective Amendment No. 3 to Form S–1, dated November 3, 2010, for each Fund (individually, a "Registration Statement," and, collectively, the "Registration Statements") (File Nos. 333–164754, 333–164758, 333–164757, 333–164756 and 333–164755, respectively). The description of the Funds and the Shares contained herein are based on the Registration Statements.

[5] Terms relating to the Funds and the Indexes referred to, but not defined, herein are defined in the common Prospectus within the Registration Statements.

[6] *See, e.g.,* Securities Exchange Act Release No. 58161 (July 15, 2008), 73 FR 42380 (July 21, 2008) (SR–Amex–2008–39) (order approving amendments to Amex Rule 1202, Commentary .07, and listing on Amex of 14 funds of the Commodities and Currency Trust).

[7] *See, e.g.,* Securities Exchange Act Release No. 58162 (July 15, 2008), 73 FR 42391 (July 21, 2008) (SR–NYSEArca–2008–73) (notice of effectiveness of UTP trading on NYSE Arca of 14 funds of the Commodities and Currency Trust).

[8] *See, e.g.,* Securities Exchange Act Release No. 58457 (September 3, 2008), 73 FR 52711 (September 10, 2008) (SR–NYSEArca–2008–91) (order approving listing on NYSE Arca of 14 funds of the Commodities and Currency Trust).

[9] *See, e.g.,* Securities Exchange Act Release Nos. 55585 (April 5, 2007), 72 FR 18500 (April 12, 2007) (SR–NYSE–2006–75) (approving for NYSE listing the iShares GS Commodity Light Energy Indexed Trust; iShares GS Commodity Industrial Metals Indexed Trust; iShares GS Commodity Livestock Indexed Trust and iShares GS Commodity Non-Energy Indexed Trust); 56932 (December 7, 2007), 72 FR 71178 (December 14, 2007) (SR–NYSEArca–2007–112) (order granting accelerated approval to list iShares S&P GSCI Commodity-Indexed Trust); and 59895 (May 8, 2009), 74 FR 22993 (May 15, 2009) (SR–NYSEArca–2009–40) (order granting accelerated approval for NYSE Arca listing the ETFS Gold Trust).

Each of the Funds was formed on January 26, 2010 as a separate Delaware statutory trust, and each Fund will issue and offer common units of beneficial interest ("Shares"), which represent units of fractional beneficial undivided interest in and ownership of such Fund.

Factor Capital Management, LLC, ("Managing Owner"), a Delaware limited liability company, will serve as the Managing Owner of each Fund. Interactive Brokers LLC, a Connecticut limited liability company, will serve as each Fund's clearing broker ("Commodity Broker"). The Commodity Broker is registered with the Commodity Futures Trading Commission ("CFTC") as a futures commission merchant and is a member of the National Futures Association in such capacity. Each Fund has appointed State Street Bank and Trust Company, ("State Street"), as the Administrator, the Transfer Agent and the Custodian of each Fund.

Each Fund has appointed Foreside Fund Services, LLC as the Distributor to assist the Managing Owner and the Funds with certain functions and duties relating to distribution, compliance of sales and marketing materials, and certain regulatory compliance matters. The Distributor will not open or maintain customer accounts or handle orders for any of the Funds.

Overview of the Standard & Poor's Factor Index Series ("Indexes")

According to the Registration Statements, the Indexes are intended to reflect the daily spreads, or the differences, in the relative return, positive or negative, between the corresponding sub-indexes constructed from futures contracts ("Index Futures Contracts") of each Index. Each Index is comprised of a long sub-index ("Long Sub-Index") and a short sub-index ("Short Sub-Index") (individually, a "Sub-Index" and, collectively, the "Sub-Indexes"). The Long Sub-Index is composed of the long front Index Futures Contract ("Long Index Futures Contract").[10] The Short Sub-Index is composed of the short front Index Futures Contract ("Short Index Futures

[10] The term "long front" refers to a long position in the near month contract.

Contract").[11] Each Index is calculated to reflect the corresponding relative return, or spread, which is the difference in the daily changes, positive or negative, between the value of the Long Sub-Index and the value of the Short Sub-Index, plus the return on a risk free component.

The objective of each Index is to track the daily price spreads, or difference between the Sub-Indexes, and in turn, the underlying Index Futures Contracts. Although each Index is calculated to reflect both an excess return and a total return, each Fund tracks an Index that is calculated to reflect a total return. Standard & Poor's Financial Services LLC is the Index Sponsor for the Indexes and is the calculation agent for the Indexes and Sub-Indexes.[12]

Each Index is intended to reflect the difference in the daily return between two market segments. The Long Sub-Index tracks the changes in the Long Index Futures Contract. The Short Sub-Index tracks the changes in the Short Index Futures Contract.

The Sub-Indexes, Index Futures Contracts, trading hours of the applicable Index Futures Contracts, and related information are set forth in the chart below.

Index[13]	Sub-indexes and index futures contracts	Exchange[14] (symbol)	Contract months	Trading hours (eastern time)
S&P U.S. Equity Risk Premium Total Return Index.	*Long Sub-Index:* S&P 500® Futures Excess Return Index. *Long Index Futures Contract:* E-mini Standard and Poor's 500 Stock Price Index™ Futures.	CME (ES)	March, June, September, December.	Monday–Thursday: 6 p.m.–4:15 p.m. (next day) & 4:30 p.m.–5:30 p.m.; Sunday: 6 p.m.–4:15 p.m. (next day).
	Short Sub-Index: S&P 30-Year Treasury Bond Futures Excess Return Index. *Short Index Futures Contract:* 30-Year U.S. Treasury Bond Futures.	CME (US)	.....	Monday–Friday: 8:20 a.m.–3 p.m.
S&P 500® Non-U.S. Dollar Index.[15]	*Long Sub-Index:* S&P 500® Futures Excess Return Index. *Long Index Futures Contract:* E-mini Standard and Poor's 500 Stock Price Index™ Futures.	CME (ES)	March, June, September, December.	Monday–Thursday: 6 p.m.–4:15 p.m. (next day) & 4:30 p.m.–5:30 p.m.; Sunday: 6 p.m.–4:15 p.m. (next day).
	Short Sub-Index: S&P U.S. Dollar Futures Excess Return Index. *Short Index Futures Contract:* U.S. Dollar Index® Futures.	ICE (DX)	.....	Monday–Friday: 8 p.m.–6 p.m. (next day) Sunday: 6 p.m.–6 p.m. (next day).
S&P Crude Oil-Equity Spread Total Return Index.	*Long Sub-Index:* S&P GSCI® Crude Oil Excess Return Index. *Long Index Futures Contracts:* Light Sweet Crude Oil Futures.	NYMEX (CL)	Rolled pursuant to S&P GSCI® schedule.	Monday–Friday: 9 a.m.–2:30 p.m.
	Short Sub-Index: S&P 500® Futures Excess Return Index. *Short Index Futures Contract:* E-mini Standard and Poor's 500 Stock Price Index™ Futures.	CME (ES)	March, June, September, December.	Monday–Thursday: 6 p.m.–4:15 p.m. (next day) & 4:30 p.m.–5:30 p.m.; Sunday: 6 p.m.–4:15 p.m. (next day).
S&P Gold-Equity Spread Total Return Index.	*Long Sub-Index:* S&P GSCI® Gold Excess Return Index. *Long Index Futures Contract:* Gold Futures.	COMEX (GC) ...	Rolled pursuant to S&P GSCI® schedule.	Monday–Friday: 8:20 a.m.–1:30 p.m.
	Short Sub-Index: S&P 500® Futures Excess Return Index. *Short Index Futures Contract:* E-mini Standard and Poor's 500 Stock Price Index™ Futures.	CME (ES)	March, June, September, December.	Monday–Thursday: 6 p.m.–4:15 p.m. (next day) & 4:30 p.m.–5:30 p.m.; Sunday: 6 p.m.–4:15 p.m. (next day).

[11] The term "short front" refers to a short position in the near month contract.

[12] Standard & Poor's Financial Services LLC is the Index Sponsor with respect to the Indexes and is not affiliated with a broker-dealer. The Index Sponsor has implemented procedures designed to prevent the use and dissemination of material, non-public information regarding the Indexes.

[13] The Base Date for each Index is September 9, 1997 and each Sub-Index Base Weight is 100%.

[14] "CME" means the Chicago Mercantile Exchange, Inc. "ICE" means the Intercontinental Exchange, Inc. "NYMEX" means the New York Mercantile Exchange. "COMEX" means the COMEX division of NYMEX.

[15] The S&P 500® Non-U.S. Dollar Index is calculated on a Total Return basis.

Operation of the Funds

According to the Registration Statements, the objective of each Fund will be to reflect the spread, or the difference, in daily return, on a leveraged basis, between two predetermined market segments. Each Fund will represent a relative value or "spread" strategy seeking to track the differences in daily returns between two futures-based Index components (as discussed above under "Overview of the Indexes"). By simultaneously buying and selling two benchmark Index Futures Contracts (or, as necessary, substantively equivalent combinations of Substitute Futures and Financial Instruments),[16] each Leveraged Fund and Leveraged Inverse Fund will target a daily return equivalent to approximately +200% and −200%, respectively, of the spread, or the difference, in daily return between a long futures contract and a short futures contract (before fees, expenses and interest income).

Each Fund will hold a portfolio of Index Futures Contracts, each of which are traded on various futures markets in the United States. In the event a Fund reaches position limits imposed by the CFTC or a futures exchange with respect to an Index Futures Contract, the Managing Owner, may in its commercially reasonable judgment, cause the Fund to invest in Substitute Futures or Financial Instruments referencing the particular Index Futures Contract, or Financial Instruments not referencing the particular Index Futures Contract, if such instruments tend to exhibit trading prices or returns that correlate with the corresponding Index or any Index Futures Contract and will further the investment objective of the Fund.[17] A Fund may also invest in Substitute Futures or Financial Instruments if the market for a specific Index Futures Contract experiences emergencies (such as a natural disaster, terrorist attack or an act of God) or disruptions (such as a trading halt or flash crash) that prevent the Fund from obtaining the appropriate amount of investment exposure to the affected Index Futures Contract.[18]

Each Fund also will hold cash and United States Treasury securities and other high credit quality short-term fixed income securities ("Fixed Income Instruments") for deposit with its Commodity Broker as margin. No Fund will be "managed" by traditional methods, which typically involve effecting changes in the composition of a portfolio on the basis of judgments relating to economic, financial and market considerations with a view to obtaining positive results under changing market conditions.

According to the Registration Statements, each Leveraged Fund will allow investors to potentially profit from the daily return of a Long Index Futures Contract in excess of the daily return of a Short Index Futures Contract (each term as defined above). The Leveraged Inverse Fund will allow investors to potentially profit from the daily return of a Short Index Futures Contract in excess of the daily return of a Long Index Futures Contract.

A Fund's Index consists of two Sub-Indexes. A Long Sub-Index reflects a passive exposure to a certain near-month long Index Futures Contract. A Short Sub-Index reflects a passive exposure to a certain near-month short Index Futures Contract.[19] Each Index is designed to reflect +100% of the spread, or the difference, in daily return, positive or negative, between the Long Sub-Index and the Short Sub-Index plus the return on a risk free component.

Each Fund intends to track its corresponding Index on a leveraged basis by creating a portfolio of long and short positions. The Managing Owner will determine the type, quantity and combination of Index Futures Contracts, and, as applicable, Substitute Futures and Financial Instruments, the Managing Owner believes may produce daily returns consistent with the applicable Fund's daily and leveraged objective.

Each Index is rebalanced daily as of the Index Calculation Time (as defined below) in order to continue to reflect the spread, or the difference in the daily return between two specific market segments. By rebalancing each Index on a daily basis as of the Index Calculation Time, each Index will then be comprised of equal notional amounts (*i.e.*, +100% and −100%, respectively) of both of its Long Index Futures Contracts and Short Index Futures Contracts in accordance with its daily objectives. Daily rebalancing of each Index will lead to different results than would otherwise occur if an Index, and in turn, its corresponding Fund, were to be rebalanced less frequently or more frequently than daily.

Because each Fund will seek to achieve its daily investment objective by tracking its corresponding Index on a daily and leveraged basis, each Fund will seek to rebalance daily both its long and short positions around the net asset value ("NAV") Calculation Time (as described below under "Net Asset Value"). The purpose of daily rebalancing is to reposition each Fund's investments in accordance with its daily investment objective.

As described in the Registration Statements, each Fund will have a leverage ratio of approximately 4:1 [20] upon daily rebalancing, which increases the potential for trading profits and losses. The use of leverage increases the potential for both trading profits and losses, depending on the changes in market value of the Long Index Futures Contracts positions, the Short Index Futures Contracts positions (and/or Substitute Futures and Financial Instruments, as applicable), of each Fund. Holding futures positions with a notional amount in excess of each Fund's NAV constitutes a form of leverage. Because the notional value of each Fund's Index Futures Contracts (and/or Substitute Futures and Financial Instruments, as applicable), will rise or fall throughout each trading day and prior to rebalancing, the leverage ratio could be higher or lower than an approximately 4:1 leverage ratio between the notional value of a Fund's portfolio and a Fund's Equity (estimated NAV) immediately after rebalancing. As the ratio increases, an investor's losses may increase correspondingly.

Each Sub-Index, which is comprised of a certain Index Futures Contract, includes provisions for the replacement (also referred to as "rolling") of its Index Futures Contract as it approaches its

[16] According to the Registration Statements, the term "Substitute Futures" refers to futures contracts other than the specific Index Futures Contracts that underlie the applicable Index that the Managing Owner expects will tend to exhibit trading prices or returns that generally correlate with an Index Futures Contract. The term "Financial Instruments" refers to forward agreements and swaps that the Managing Owner expects will tend to exhibit trading prices or returns that generally correlate with an Index Futures Contract. Shareholders may review a Fund's monthly Account Statement that will be posted on the Fund's Web site at *http://www.factorshares.net* or a Fund's periodic reports on Form 10–Q and/or Form 10–K as filed with the SEC at *http://www.sec.gov* for additional information. In addition, investors will have access to the current portfolio composition of the Funds through the Funds' Web site, as described below.

[17] To the extent practicable, a Fund will invest in swaps cleared through the facilities of a centralized clearing house.

[18] According to the Registration Statements, the Managing Owner will also attempt to mitigate each Fund's credit risk by transacting only with large, well-capitalized institutions using measures designed to determine the creditworthiness of a counterparty. The Managing Owner will take various steps to limit counterparty credit risk, as described under the section "Financial Instrument Counterparties" in the Registration Statements.

[19] The Long Sub-Index, Long Index Futures Contract, Short Sub-Index and Short Index Futures Contract for each Fund are set forth in the chart above.

[20] *See also* discussion regarding dollar neutrality in the following section "Examples Explaining the Initial Allocation of the Funds."

expiration date. "Rolling" is a procedure which involves closing out the Index Futures Contract that will soon expire and establishing a position in a new Index Futures Contract with a later expiration date pursuant to the rules of each Sub-Index. In turn, each Fund will seek to roll its Index Futures Contracts in a manner consistent with its Sub-Index's provisions for the replacement of an Index Futures Contract that is approaching maturity.

Examples Explaining the Initial Allocation of the Funds

As described below, each Fund will seek to invest in a manner such that the dollar value *i.e.*, described as Fund Equity below) of a Fund's holdings of both its Long Index Futures Contracts and Short Index Futures Contracts will be approximately equal, which is commonly referred to as "dollar neutrality."

Each Fund's daily performance will reflect the gain or loss from the spread, or the difference between the applicable Long Index Futures Contracts and Short Index Futures Contracts, any income from a Fund's collateral, and a decrease in the NAV of the Fund due to its fees and expenses.

Leveraged Funds

For a Leveraged Fund, a long position is established in the Long Index Futures Contract seeking to provide a leveraged exposure to the Long Sub-Index. A Leveraged Fund will purchase a sufficient number of Long Index Futures Contracts targeting a long notional exposure equivalent to approximately +200% of a Fund's estimated NAV, or Fund Equity. Additionally, a Leveraged Fund will establish a short position in the Short Index Futures Contracts seeking to provide a leveraged exposure to the Short Sub-Index. Accordingly, a Leveraged Fund will sell a sufficient number of Short Index Futures Contracts targeting a short notional exposure equivalent to approximately −200% of Fund Equity. Therefore, immediately after establishing each of these positions, the target gross notional exposure of a Leveraged Fund's aggregate Long Index Futures Contracts and Short Index Futures Contracts will equal approximately +400% (*i.e.*, +200% long and +200% short) of Fund Equity.

For example, assume that Fund Equity is $100 million. A Leveraged Fund may seek to purchase a quantity of Long Index Futures Contracts with a total long notional value of approximately + $200 million (*i.e.*, +200% of $100 million). Additionally, a Leveraged Fund may seek to sell a quantity of Short Index Futures Contracts with a total short notional value of approximately −$200 million (*i.e.*, −200% of $100 million). Consequently, a Leveraged Fund may seek to hold Long Index Futures Contracts and Short Index Futures Contracts with a gross notional value of approximately +$400 million (*i.e.*, +$200 million long and + $200 million short). A Leveraged Fund will experience a gain or loss depending predominantly on the Fund's beginning exposure to its Index Futures Contracts, and the ensuing return of the Index Futures Contracts.

As described previously, assume initially that Fund Equity was $100 million. Prior to any changes in the value of Fund Equity, the beginning exposure to the Long Index Futures Contract would be +$200 million and the beginning exposure to the Short Index Futures Contract would be − $200 million. Therefore, the Leveraged Fund would be positioned to return +200% of the spread, or the difference in return between the Long Index Futures Contract and the Short Index Futures Contract.

Leveraged Inverse Fund

For the Leveraged Inverse Fund, a long position is established in the Short Index Futures Contract seeking to provide a leveraged exposure to the Short Sub-Index. The Leveraged Inverse Fund will purchase a sufficient number of Short Index Futures Contracts targeting a long notional exposure equivalent to approximately +200% of Fund Equity. Additionally, the Leveraged Inverse Fund will establish a short position in the Long Index Futures Contracts seeking to provide a leveraged exposure to the Long Sub-Index. Accordingly, the Leveraged Inverse Fund will sell a sufficient number of Long Index Futures Contracts targeting a short notional exposure equivalent to approximately −200% of Fund Equity. Therefore, immediately after establishing each of these positions, the target gross notional exposure of the Leveraged Inverse Fund's aggregate Long Index Futures Contracts and Short Index Futures Contracts will equal approximately +400% (*i.e.*, +200% long and +200% short) of Fund Equity.

For example, assume that Fund Equity is $100 million. As illustrated below, the Leveraged Inverse Fund may seek to purchase a quantity of Short Index Futures Contracts with a total long notional value of approximately +$200 million (*i.e.*, +200% of $100 million). Additionally, the Leveraged Inverse Fund may seek to sell a quantity of Long Index Futures Contracts with a total short notional value of approximately −$200 million (*i.e.*, −200% of $100 million). Consequently, the Leveraged Inverse Fund may seek to hold Long Index Futures Contracts and Short Index Futures Contracts with a gross notional value of approximately +$400 million (*i.e.*, +$200 million long and +$200 million short).

The Leveraged Inverse Fund will experience a gain or loss depending predominantly on the Fund's beginning exposure to its Index Futures Contracts and the ensuing return of the Index Futures Contracts.

As described previously, assume initially that Fund Equity was $100 million. Prior to any changes in the value of Fund Equity, the beginning exposure to the Short Index Futures Contract would be +$200 million and the beginning exposure to the Long Index Futures Contract would be −$200 million. Therefore, the Leveraged Inverse Fund would be positioned to return −200% of the spread, or the difference in return between the Long Index Futures Contract and the Short Index Futures Contract.

Overview of the Funds

FactorShares 2X: S&P500 Bull/TBond Bear

The FactorShares 2X: S&P500 Bull/TBond Bear is designed for investors who believe the large-cap U.S. equity market segment will increase in value relative to the long-dated U.S. Treasury market segment. According to its Registration Statement, the objective of the FactorShares 2X: S&P500 Bull/TBond Bear will be to seek to track approximately +200% of the daily return of the S&P U.S. Equity Risk Premium Total Return Index. The Fund will seek to track the spread, or the difference in daily returns between the U.S. equity and interest rate market segments by primarily establishing a leveraged long position in the E-mini Standard and Poor's 500 Stock Price Index™ Futures ("Equity Index Futures Contract"), and a leveraged short position in the 30-Year U.S. Treasury Bond Futures ("Treasury Index Futures Contract").

The Equity Index Futures Contract provides an exposure to a major benchmark index with respect to large-cap U.S. equities known as the S&P 500® Index. The Equity Index Futures Contract is a futures contract that provides and permits investors to invest in a substitute instrument in place of the underlying, speculate or hedge, as applicable, in large-cap U.S. equities. The Equity Index Futures Contract serves as a proxy for large-cap U.S.

equities because the performance of the Equity Index Futures Contract is dependent upon and reflects the changes in the S&P 500®, which is an index that reflects the performance of each of the underlying 500 large-cap U.S. equities. The Treasury Index Futures Contract provides an exposure to the interest rate market segment with respect to 30-Year U.S. Treasury Bonds. The Treasury Index Futures Contract is a futures contract that provides and permits investors to invest in a substitute instrument in place of the underlying, speculate or hedge, as applicable, in the direction of interest rates with respect to long-term Treasury Bonds. The Treasury Index Futures Contract serves as a proxy for 30-Year U.S. Treasury Bonds because the performance of the Treasury Index Futures Contract is dependent upon and reflects the changes in the price of the underlying 30-Year U.S. Treasury Bonds.

In order to pursue its investment objective, the FactorShares 2X: S&P500 Bull/TBond Bear will seek to invest approximately +200% of the value of its Fund Equity (*i.e.*, the estimated NAV) in the front month Equity Index Futures Contract and/or Substitute Futures and Financial Instruments, as applicable. Simultaneously, the Fund seeks to invest approximately −200% of the value of its Fund Equity in the front month Treasury Index Futures Contract and/or Substitute Futures and Financial Instruments, as applicable. Around the NAV Calculation Time, and in order to continue to pursue its daily investment objective, the Fund seeks to rebalance daily its front month Equity Index Futures Contracts and/or Substitute Futures and Financial Instruments, as applicable, to equal approximately +200% of the value of its Fund Equity. Similarly, around the NAV Calculation Time, the Fund will seek to rebalance daily its front month Treasury Index Futures Contract and/or Substitute Futures and Financial Instruments, as applicable, to equal approximately −200% of the value of its Fund Equity.

FactorShares 2X: TBond Bull/S&P500 Bear

The FactorShares 2X: TBond Bull/S&P500 Bear is designed for investors who believe the long-dated U.S. Treasury market segment will increase in value relative to the large-cap U.S. equity market segment. According to its Registration Statement, the objective of the FactorShares 2X: TBond Bull/S&P500 Bear will be to seek to track approximately −200% of the daily return of the S&P U.S. Equity Risk Premium Total Return Index. The Fund will seek to track the spread or the difference in daily returns between the interest rate and U.S. equity market segments by primarily establishing a leveraged long position in the Treasury Index Futures Contract and a leveraged short position in the Equity Index Futures Contract.

The Treasury Index Futures Contract provides an exposure to the interest rate market segment with respect to 30-Year U.S. Treasury Bonds. The Treasury Index Futures Contract is a futures contract that provides and permits investors to invest in a substitute instrument in place of the underlying, speculate or hedge, as applicable, in the direction of interest rates with respect to long-term Treasury Bonds. The Treasury Index Futures Contract serves as a proxy for 30-Year U.S. Treasury Bonds because the performance of the Treasury Index Futures Contract is dependent upon and reflects the changes in the price of the underlying 30-Year U.S. Treasury Bonds. The Equity Index Futures Contract provides an exposure to the S&P 500® Index. The Equity Index Futures Contract is a futures contract that provides and permits investors to invest in a substitute instrument in place of the underlying, speculate or hedge, as applicable, in large-cap U.S. equities. The Equity Index Futures Contract serves as a proxy for large-cap U.S. equities because the performance of the Equity Index Futures Contract is dependent upon and reflects the changes in the S&P 500®.

In order to pursue its investment objective, the FactorShares 2X: TBond Bull/S&P500 Bear will seek to invest approximately +200% of the value of its Fund Equity (*i.e.*, the estimated NAV) in the front month Treasury Index Futures Contract and/or Substitute Futures and Financial Instruments, as applicable. Simultaneously, the Fund will seek to invest approximately − 200% of the value of its Fund Equity in the front month Equity Index Futures Contract and/or Substitute Futures and Financial Instruments, as applicable. Around the NAV Calculation Time, and in order to continue to pursue its daily investment objective, the Fund will seek to rebalance daily its front month Treasury Index Futures Contracts and/or Substitute Futures and Financial Instruments, as applicable, to equal approximately +200% of the value of its Fund Equity. Similarly, around the NAV Calculation Time, the Fund will seek to rebalance daily its front month Equity Index Futures Contract and/or Substitute Futures and Financial Instruments, as applicable, to equal approximately − 200% of the value of its Fund Equity.

FactorShares 2X: S&P500 Bull/USD Bear

The FactorShares 2X: S&P500 Bull/USD Bear is designed for investors who believe the large-cap U.S. equity market segment will increase in value relative to the general indication of the international value of the U.S. dollar. According to its Registration Statement, the objective of the FactorShares 2X: S&P500 Bull/USD Bear will be to seek to track approximately +200% of the daily return of the S&P 500 Non-U.S. Dollar Index. The Fund will seek to track the spread or the difference in daily returns between the U.S. equity and currency market segments by primarily establishing a leveraged long position in the Equity Index Futures Contract, and a leveraged short position in the U.S. Dollar Index® Futures ("Currency Index Futures Contract").

The Equity Index Futures Contract provides an exposure to the S&P 500® Index. The Equity Index Futures Contract is a futures contract that provides and permits investors to invest in a substitute instrument in place of the underlying, speculate or hedge, as applicable, in large-cap U.S. equities. The Equity Index Futures Contract serves as a proxy for large-cap U.S. equities because the performance of the Equity Index Futures Contract is dependent upon and reflects the changes in the S&P 500®. The Currency Index Futures Contract provides an exposure to the international value of the U.S. dollar. The Currency Index Futures Contract is a futures contract that provides and permits investors to invest in a substitute instrument in place of the underlying, speculate or hedge, as applicable, in the direction of the U.S. dollar relative to a basket of six major world currencies. The Currency Index Futures Contract serves as a proxy for the international value of the U.S. dollar relative to the six major world currencies because the performance of the Currency Index Futures Contract is dependent upon and reflects the changes in the U.S. Dollar Index (USDX®), which is an index which reflects the performance of each of the underlying basket of six major world currencies relative to the U.S. dollar.

In order to pursue its investment objective, the FactorShares 2X: S&P500 Bull/USD Bear will seek to invest approximately +200% of the value of its Fund Equity (*i.e.*, the estimated NAV) in the front month Equity Index Futures Contract and/or Substitute Futures and Financial Instruments, as applicable. Simultaneously, the Fund seeks to invest approximately −200% of the value of its Fund Equity in the front month Currency Index Futures Contract

and/or Substitute Futures and Financial Instruments, as applicable. Around the NAV Calculation Time, and in order to continue to pursue its daily investment objective, the Fund seeks to rebalance daily its front month Equity Index Futures Contracts and/or Substitute Futures and Financial Instruments, as applicable, to equal approximately +200% of the value of its Fund Equity. Similarly, around the NAV Calculation Time, the Fund will seek to rebalance daily its front month Currency Index Futures Contract and/or Substitute Futures and Financial Instruments, as applicable, to equal approximately −200% of the value of its Fund Equity.

FactorShares 2X: Oil Bull/S&P500 Bear

The FactorShares 2X: Oil Bull/S&P500 Bear is designed for investors who believe that crude oil will increase in value relative to the large-cap U.S. equity market segment. According to its Registration Statement, the objective of the FactorShares 2X: Oil Bull/S&P500 Bear will be to seek to track approximately +200% of the daily return of the S&P Crude Oil-Equity Spread Total Return Index. The Fund will seek to track the spread or the difference in daily returns between the oil and U.S. equity market segments by primarily establishing a leveraged long position in the Oil Index Futures Contract, as defined below, and a leveraged short position in the Equity Index Futures Contract.

The Oil Index Futures Contract provides an exposure to the oil market segment with respect to light sweet crude oil. The Oil Index Futures Contract is a futures contract that provides and permits investors to invest in a substitute instrument in place of the underlying, speculate or hedge, as applicable, in the direction of the value of light sweet crude oil. The Oil Index Futures Contract serves as a proxy for light sweet crude oil because the performance of the Oil Index Futures Contract is dependent upon and reflects the changes in the price of light sweet crude oil. The Equity Index Futures Contract provides an exposure to the S&P 500® Index. The Equity Index Futures Contract is a futures contract that provides and permits investors to invest in a substitute instrument in place of the underlying, speculate or hedge, as applicable, in large-cap U.S. equities. The Equity Index Futures Contract serves as a proxy for large-cap U.S. equities because the performance of the Equity Index Futures Contract is dependent upon and reflects the changes in the S&P 500®.

In order to pursue its investment objective, the FactorShares 2X: Oil Bull/S&P500 Bear will seek to invest approximately +200% of the value of its Fund Equity (*i.e.*, the estimated NAV) in the front month Oil Index Futures Contract and/or Substitute Futures and Financial Instruments, as applicable. Simultaneously, the Fund will seek to invest approximately −200% of the value of its Fund Equity in the front month Equity Index Futures Contract and/or Substitute Futures and Financial Instruments, as applicable. Around the NAV Calculation Time, and in order to continue to pursue its daily investment objective, the Fund will seek to rebalance daily its front month Oil Index Futures Contracts and/or Substitute Futures and Financial Instruments, as applicable, to equal approximately +200% of the value of its Fund Equity. Similarly, around the NAV Calculation Time, the Fund will seek to rebalance daily its front month Equity Index Futures Contract and/or Substitute Futures and Financial Instruments, as applicable, to equal approximately −200% of the value of its Fund Equity.

FactorShares 2X: Gold Bull/S&P500 Bear

The FactorShares 2X: Gold Bull/S&P500 Bear is designed for investors who believe that gold will increase in value relative to the large-cap U.S. equity market segment. According to its Registration Statement, the objective of the FactorShares 2X: Gold Bull/S&P500 Bear will be to seek to track approximately +200% of the daily return of the S&P Gold-Equity Spread Total Return Index. The Fund will seek to track the spread or the difference in daily returns between the gold and U.S. equity market segments by primarily establishing a leveraged long position in the Gold Index Futures Contract, as defined below, and a leveraged short position in the Equity Index Futures Contract.

The Gold Index Futures Contract provides an exposure to the precious metals market segment with respect to gold. The Gold Index Futures Contract is a futures contract that provides and permits investors to invest in a substitute instrument in place of the underlying, speculate or hedge, as applicable, in the direction of the value of gold. The Gold Index Futures Contract serves as a proxy for gold because the performance of the Gold Index Futures Contract is dependent upon and reflects the changes in the price of gold. The Equity Index Futures Contract provides an exposure to the S&P 500® Index. The Equity Index Futures Contract is a futures contract that provides and permits investors to invest in a substitute instrument in place of the underlying, speculate or hedge, as applicable, in large-cap U.S. equities. The Equity Index Futures Contract serves as a proxy for large-cap U.S. equities because the performance of the Equity Index Futures Contract is dependent upon and reflects the changes in the S&P 500®.

In order to pursue its investment objective, the FactorShares 2X: Gold Bull/S&P500 Bear will seek to invest approximately +200% of the value of its Fund Equity (*i.e.*, the estimated NAV) in the front month Gold Index Futures Contract and/or Substitute Futures and Financial Instruments, as applicable. Simultaneously, the Fund will seek to invest approximately – 200% of the value of its Fund Equity in the front month Equity Index Futures Contract and/or Substitute Futures and Financial Instruments, as applicable. Around the NAV Calculation Time, and in order to continue to pursue its daily investment objective, the Fund will seek to rebalance daily its front month Gold Index Futures Contracts and/or Substitute Futures and Financial Instruments, as applicable, to equal approximately +200% of the value of its Fund Equity. Similarly, around the NAV Calculation Time, the Fund will seek to rebalance daily its front month Equity Index Futures Contract and/or Substitute Futures and Financial Instruments, as applicable, to equal approximately − 200% of the value of its Fund Equity.

Net Asset Value

According to each Registration Statement, NAV, in respect of a Fund, means the total assets of the applicable Fund including, but not limited to, all cash and cash equivalents or other debt securities less total liabilities of such Fund, each determined on the basis of generally accepted accounting principles in the United States, consistently applied under the accrual method of accounting. In particular, NAV includes any unrealized profit or loss on open futures contracts, Financial Instruments (if any), and any other credit or debit accruing to a Fund but unpaid or not received by a Fund. All open futures contracts traded on a United States exchange are calculated at their then current market value, which are based upon the settlement price for that particular futures contract traded on the applicable United States exchange on the date with respect to which NAV is being determined; provided, that if a futures contract traded on a United States exchange could not be liquidated on such day, due to the operation of daily limits or

other rules of the exchange upon which that position is traded or otherwise, the settlement price on the most recent day on which the position could have been liquidated will be the basis for determining the market value of such position for such day. The current market value of all open futures contracts traded on a non-United States exchange, to the extent applicable, are based upon the settlement price for that particular futures contract traded on the applicable non-United States exchange on the date with respect to which NAV is being determined; provided further, that if a futures contract traded on a non-United States exchange, to the extent applicable, could not be liquidated on such day, due to the operation of daily limits (if applicable) or other rules of the exchange upon which that position is traded or otherwise, the settlement price on the most recent day on which the position could have been liquidated will be the basis for determining the market value of such position for such day. The Managing Owner may in its discretion (and under extraordinary circumstances, including, but not limited to, periods during which a settlement price of a futures contract is not available due to exchange limit orders or force majeure type events such as systems failure, natural or man-made disaster, act of God, armed conflict, act of terrorism, riot or labor disruption or any similar intervening circumstance) value any asset of a Fund pursuant to such other principles as the Managing Owner deems fair and equitable so long as such principles are consistent with normal industry standards. Interest earned on any Fund's futures brokerage account, if applicable, will be accrued at least monthly. The amount of any distribution will be a liability of such Fund from the day when the distribution is declared until it is paid.

The NAV of each Fund is calculated as of the first to settle of the corresponding Index Futures Contracts, provided that no Fund will calculate its NAV after 4 p.m. Eastern Time ("E.T."). For example, the futures exchanges on which the E-mini Standard and Poor's 500 Stock Price Index™ Futures (Long Index Futures Contracts) and the 30-Year U.S. Treasury Bond Futures (Short Index Futures Contracts) of the FactorShares 2X: S&P500 Bull/TBond Bear fund settle at 4:15 p.m. E.T. and 3 p.m. E.T., respectively. Therefore, as detailed in the table below, the FactorShares 2X: S&P500 Bull/TBond Bear fund will calculate its NAV, or NAV Calculation Time, as of 3 p.m. E.T.

Fund NAV Calculation Times (E.T.):

Fund	Long Index Futures Contract: settlement time	Short Index Futures Contract: settlement time	First to settle/NAV Calculation Time [21]
FactorShares 2X: S&P500 Bull/TBond Bear.	E-mini Standard and Poor's 500 Stock Price Index™ Futures: 4:15 p.m.	30 Year U.S. Treasury Bond Futures: 3 p.m.	3 p.m.
FactorShares 2X: TBond Bull/S&P500 Bear.	30 Year U.S. Treasury Bond Futures: 3 p.m.	E-mini Standard and Poor's 500 Stock Price Index™ Futures: 4:15 p.m.	3 p.m.
FactorShares 2X: S&P500 Bull/USD Bear.	E-mini Standard and Poor's 500 Stock Price Index™ Futures: 4:15 p.m.	U.S. Dollar Index® Futures: ..... 3 p.m	3 p.m.
FactorShares 2X: Oil Bull/S&P500 Bear [22].	Light Sweet Crude Oil Futures: 2:30 p.m.	E-mini Standard and Poor's 500 Stock Price Index™ Futures: 4:15 p.m.	2:30 p.m.
FactorShares 2X: Gold Bull/S&P500 Bear.	Gold Futures: 1:30 p.m	E-mini Standard and Poor's 500 Stock Price Index™ Futures: 4:15 p.m.	1:30 p.m.

A Fund's daily NAV may reflect the closing settlement price and/or the last traded value just before the NAV Calculation Time, as applicable, for each of its Index Futures Contracts. A Fund's daily NAV will reflect the closing settlement price for each of its Index Futures Contracts if an Index Future Contract's closing settlement price is determined at or just before the NAV Calculation Time. If the exchange on which a Fund's Index Futures Contract does not determine the closing settlement price at or just before the NAV Calculation Time, then the last traded value for that Index Futures Contract up until (but excluding) the NAV Calculation Time will be reflected in the NAV.

For example, the closing settlement price of the 30-Year U.S. Treasury Bond Futures occurs at or around 3 p.m. E.T., or just before the NAV Calculation Time for the FactorShares 2X: S&P500 Bull/TBond Bear. Accordingly, the Index Futures Contract price used to determine the NAV for 30-Year U.S. Treasury Bond Futures positions held by the FactorShares 2X: S&P500 Bull/TBond Bear will be the corresponding closing settlement price of 30-Year U.S. Treasury Bond Futures as reported by CME. However, the closing settlement price for the E-mini Standard and Poor's 500 Stock Price Index™ Futures is determined at or around 4:15 p.m. E.T., which occurs 75 minutes after the NAV Calculation Time of FactorShares 2X: S&P500 Bull/TBond Bear. Therefore, the Index Futures Contract price used to determine the NAV for E-mini Standard and Poor's 500 Stock Price Index™ Futures positions held by the FactorShares 2X: S&P500 Bull/TBond Bear will be the last traded value for the E-mini Standard and Poor's 500 Stock Price Index™ Futures up until (but excluding) 3 p.m. E.T.

In calculating the NAV of a Fund, the settlement value of a Financial Instrument is determined by applying the terms as provided under the applicable Financial Instrument. However, in the event that an underlying Index Futures Contract is not trading due to the operation of daily limits or otherwise, the Managing Owner may in its sole discretion choose to value the Fund's Financial Instruments referencing such Index Futures Contract on a fair value basis in order to calculate the Fund's NAV.

NAV per Fund Share, in respect of a Fund, is the NAV of the Fund divided by the number of its outstanding Fund Shares.

[21] The Commission previously has approved commodity-based or currency-based trust securities for which the NAV is calculated earlier than 4 p.m., E.T. *See, e.g.,* Securities Exchange Act Release Nos. 50603 (October 28, 2004), 69 FR 64614 (November 5, 2004) (SR–NYSE–2004–22) (order approving listing of streetTRACKS Gold Trust); 52843 (November 28, 2005), 70 FR 72486 (December 5, 2005) (SR–NYSE–2005–65) (order approving listing of Euro Currency Trust); and 61219 (December 22, 2009), 74 FR 68886 (December 29, 2009) (SR–NYSEArca–2009–95) (order approving listing of ETFS Platinum Trust).

[22] Because the first to settle Index Futures Contracts for the FactorShares 2X: Oil Bull/S&P500 Bear and FactorShares 2X: Gold Bull/S&P500 Bear funds are each different than the first to settle Index Futures Contracts for the remaining Funds, the NAV Calculation Time for each of the FactorShares 2X: Oil Bull/S&P500 Bear and FactorShares 2X: Gold Bull/S&P500 Bear funds differ from the remaining Funds.

Pricing Information Available on the NYSE Arca and Other Sources

According to the Registration Statements, the Index Sponsor will calculate the Indicative Index Value ("IIV") of each Index on a total return basis. In order to calculate the IIV, the Index Sponsor polls Reuters every 15 seconds of each trading day to determine the real-time value of each of the following components of each Index: Price of the underlying Long Index Futures Contracts; price of the underlying Short Index Futures Contracts; and the pro-rated risk free rate, which is the 3-month U.S. Treasury bill, with respect to each applicable Index. The Index Sponsor then applies a set of rules to the above values to create the indicative level of each Long Sub-Index and each Short Sub-Index, and in turn, each Index. The IIV and closing level of each Index and Sub-Index will be calculated until the last to settle of NYSE Arca or the last to settle of the exchanges on which the Fund's Index Futures Contracts are traded, provided, however, that no IIV will be calculated after 4:15 p.m. E.T. ("Index Calculation Time"). These rules are consistent with the rules which the Index Sponsor applies at the end of each trading day to calculate the closing level of each Index and Sub-Index. A similar polling process is applied to the U.S. Treasury bills, or any other applicable Fixed Income Instruments, to determine the indicative value of the Fixed Income Instruments held by each Fund every 15 seconds throughout the trading day.

An Index and Sub-Index value will be calculated on each business day as determined by the futures exchanges on which each Index's Long Index Futures Contract and/or a Short Index Futures Contract trades. The Index Sponsor will continue to calculate each Index and Sub-Index even on days when the futures exchanges on which each Index's Long Index Futures Contract and/or a Short Index Futures Contract trades are open and NYSE Arca is closed.

The IIV per Share of each Fund is calculated by applying the percentage price change of each Fund's holdings in futures contracts (and/or Substitute Futures and Financial Instruments, as applicable) to the last published NAV of each Fund and will be disseminated (in U.S. dollars) by one or more market data vendors every 15 seconds during the NYSE Arca Core Trading Session of 9:30 a.m. to 4 p.m. E.T.

The current trading price per Share of each Fund (quoted in U.S. dollars) will be published continuously under its own ticker symbol as trades occur throughout each trading day on the consolidated tape, Reuters and/or Bloomberg.

The Index Sponsor publishes the intra-day level of each Index and Sub-Index, which is available to subscribers. The intra-day level of each Index and Sub-Index is also published once every 15 seconds during the NYSE Arca Core Trading Session on the consolidated tape, Reuters and/or Bloomberg.

The Index Sponsor publishes the closing level of each Index and the Sub-Indexes daily at the Index Sponsor's Web site at *http://www.standardandpoors.com.* The most recent end-of-day closing level of each Index and Sub-Index is published under its own symbol as of the close of business for NYSE Arca each trading day on the consolidated tape, Reuters and/or Bloomberg, or any successor thereto.

The Managing Owner publishes the NAV of each Fund and the NAV per Share of each Fund daily. The most recent end-of-day NAV of each Fund is published under its own symbol as of the close of business on Reuters and/or Bloomberg and on the Managing Owner's Web site at *http://www.factorshares.net,* or any successor thereto. In addition, the most recent end-of-day NAV of each Fund is published the following morning on the consolidated tape.

The Funds will provide Web site disclosure of the portfolio holdings daily and will include, as applicable, the names and value (in U.S. dollars) of Index Futures Contracts, Substitute Futures and Financial Instruments, as applicable, and characteristics of these Index Futures Contracts and Substitute Futures and Financial Instruments, as applicable, and Fixed Income Instruments, and the amount of cash held in the portfolio of the Funds. This Web site disclosure of the portfolio composition of the Funds will occur at the same time as the disclosure by the Managing Owner of the portfolio composition to Authorized Participants so that all market participants are provided portfolio composition information at the same time. Therefore, the same portfolio information will be provided on the Funds' public Web site as well as in electronic files provided to Authorized Participants. Accordingly, each investor will have access to the current portfolio composition of the Funds through the Managing Owner's Web site.

Creation and Redemption of Shares

Each Fund creates and redeems Shares from time-to-time, but only in one or more Baskets. A Basket is a block of 100,000 Shares. Baskets may be created or redeemed only by Authorized Participants, as described in the Registration Statements, except that the initial Baskets will be created by the Initial Purchaser. Except when aggregated in Baskets, the Shares are not redeemable securities. Authorized Participants pay a transaction fee of $500 in connection with each order to create or redeem one or more Baskets. Authorized Participants may sell the Shares included in the Baskets they purchase from the Funds to other investors.

On any business day, an Authorized Participant may place an order with the Distributor to create one or more Baskets. For purposes of processing both purchase and redemption orders, a "business day" means any day other than a day when banks in New York City are required or permitted to be closed. Purchase orders must be placed by no later than 5 hours prior to the close of NYSE Arca, which would be customarily 11 a.m. E.T. However, from time-to-time, NYSE Arca may have an early close at, for example, 1 p.m. E.T. (*e.g.*, day after Thanksgiving). On these days, purchase orders must be placed by no later than 8 a.m. E.T., which would be 5 hours prior to the early close of NYSE Arca. The day on which the Distributor receives a valid purchase order is the purchase order date. Purchase orders are irrevocable. By placing a purchase order, and prior to delivery of such Baskets, an Authorized Participant's DTC account will be charged the non-refundable transaction fee due for the purchase order.

Determination of Required Payment

The total cash payment required to create each Basket is the NAV of 100,000 Shares of the applicable Fund as of the NAV Calculation Time, on the purchase order date. Baskets are issued as of noon, E.T., on the business day immediately following the purchase order date at the applicable NAV per Share as of the NAV Calculation Time, on the purchase order date, but only if the required payment has been timely received.

Because orders to purchase Baskets must be placed by no later than 5 hours prior to the close of NYSE Arca, but the total payment required to create a Basket will not be determined until the NAV Calculation Time on the date the purchase order is received, Authorized Participants will not know the total amount of the payment required to create a Basket at the time they submit an irrevocable purchase order for the Basket. The NAV of a Fund and the total amount of the payment required to

create a Basket could rise or fall substantially between the time an irrevocable purchase order is submitted and the NAV Calculation Time.

Redemption Procedures

The procedures by which an Authorized Participant can redeem one or more Baskets mirror the procedures for the creation of Baskets. On any business day, an Authorized Participant may place an order with the Distributor to redeem one or more Baskets. Redemption orders must be placed by no later than 5 hours prior to the close of NYSE Arca, which would be customarily 11 a.m. E.T. However, from time-to-time, NYSE Arca may have an early close at, for example, 1 p.m. E.T. On these days, redemption orders must be placed by no later than 8 a.m. E.T., which would be 5 hours prior to the early close of NYSE Arca. The day on which the Distributor receives a valid redemption order is the redemption order date. Redemption orders are irrevocable. The redemption procedures allow Authorized Participants to redeem Baskets. Individual shareholders may not redeem directly from a Fund. Instead, individual shareholders may only redeem Shares in integral multiples of 100,000 and only through an Authorized Participant.

By placing a redemption order, an Authorized Participant agrees to deliver the Baskets to be redeemed through DTC's book-entry system to the applicable Fund not later than noon, E.T., on the business day immediately following the redemption order date. By placing a redemption order, and prior to receipt of the redemption proceeds, an Authorized Participant's DTC account will be charged the non-refundable transaction fee due for the redemption order.

Determination of Redemption Proceeds

The redemption proceeds from a Fund consist of the cash redemption amount. The cash redemption amount is equal to the NAV of the number of Basket(s) of such Fund requested in the Authorized Participant's redemption order as of the NAV Calculation Time, on the redemption order date. The Distributor will instruct the Transfer Agent and the Custodian of redemption orders by close of business on the redemption order date. The Custodian will distribute the cash redemption amount at noon, E.T., on the business day immediately following the redemption order date through DTC to the account of the Authorized Participant as recorded on DTC's book-entry system, but only if the applicable Baskets have been timely received.

The redemption proceeds due from a Fund are delivered to the Authorized Participant at noon, E.T., on the business day immediately following the redemption order date if, by such time on such business day immediately following the redemption order date, the Fund's DTC account has been credited with the Baskets to be redeemed. If the Fund's DTC account has not been credited with all of the Baskets to be redeemed by such time, the redemption distribution is delivered to the extent of whole Baskets received. Any remainder of the redemption distribution is delivered on the next business day to the extent of remaining whole Baskets received if the Transfer Agent receives the fee applicable to the extension of the redemption distribution date which the Transfer Agent after consulting with the Managing Owner may, from time-to-time, determine and the remaining Baskets to be redeemed are credited to the Fund's DTC account by noon, E.T., on such next business day. Any further outstanding amount of the redemption order will be cancelled. The Distributor, after consulting with the Managing Owner, will also be authorized to deliver the redemption distribution notwithstanding that the Baskets to be redeemed are not credited to the Fund's DTC account by noon, E.T., on the business day immediately following the redemption order date if the Authorized Participant has collateralized its obligation to deliver the Baskets through DTC's book-entry system on such terms as the Managing Owner may determine from time-to-time.

Availability of Information Regarding the Shares

The current trading price per Share of each Fund (quoted in U.S. dollars) will be published continuously under its ticker symbol as trades occur throughout each trading day on the consolidated tape, Reuters and/or Bloomberg.

The NAV for each Fund will be calculated by the Administrator once a day and will be disseminated daily to all market participants at the same time. The Exchange also will disseminate on a daily basis via the Consolidated Tape Association ("CTA") information with respect to the recent NAV, and Shares outstanding. The Exchange will also make available on its Web site daily trading volume of each of the Shares. The closing price and settlement prices of the Index Futures Contracts are also readily available from the NYMEX, CME, COMEX and ICE, as applicable, and from automated quotation systems, published or other public sources, or online information services such as Bloomberg or Reuters. Quotation and last-sale information regarding the Shares will be disseminated through the facilities of the CTA.

The Web site for the Funds and/or the Exchange, which are publicly available at no charge, will contain the following information: (a) The current NAV per Share daily and the prior business day's NAV; (b) the reported closing price; (c) the Prospectus; and (d) other quantitative information.

The daily settlement prices for the Index Futures Contracts are publicly available on the Web site of the NYMEX, CME and COMEX at *http://www.cmegroup.com* and the ICE Web site at *http://www.theice.com.* In addition, various data vendors and news publications publish futures prices and data. The Exchange represents that futures quotes and last-sale information for the Index Futures Contracts are widely disseminated through a variety of major market data vendors worldwide, including Bloomberg and Reuters. In addition, the Exchange further represents that complete real-time data for the Index Futures Contracts is available by subscription from Reuters and Bloomberg. NYMEX, CME, COMEX and ICE also provide delayed futures information on current and past trading sessions and market news free of charge on their Web sites. The applicable specific contract specifications for the futures contracts are also available from such Web sites, as well as other financial informational sources.

The Funds will provide Web site disclosure of portfolio holdings daily and will include, as applicable, the names and value (in U.S. dollars) of Index Futures Contracts, Substitute Futures and Financial Instruments and characteristics of these Index Futures Contracts, Substitute Futures and Financial Instruments, as applicable, and Fixed Income Instruments, and the amount of cash held in the portfolio of the Funds. This Web site disclosure of the portfolio composition of the Funds will occur at the same time as the disclosure by the Managing Owner of the portfolio composition to Authorized Participants so that all market participants are provided portfolio composition information at the same time. Therefore, the same portfolio information will be provided on the public Web site as well as in electronic files provided to Authorized Participants. Accordingly, each investor will have access to the current portfolio composition of the Funds through the Funds' Web site.

In addition, in order to provide updated information relating to each

Fund for use by investors and market professionals, an IIV per Share of each Fund will be calculated, adjusted four times per minute throughout the NYSE Arca Core Trading Session to reflect the continuous price changes of such Fund's Index Futures Contracts, Substitute Futures and Financial Instruments, as applicable. The IIV will provide a continuously updated estimated NAV per Share and is calculated by using the prior day's closing NAV per Share of each Fund as a base and updating that value throughout the trading day to reflect changes in the value of the applicable Index Futures Contracts, Substitute Futures and Financial Instruments. The IIV disseminated during NYSE Arca Core Trading Session should not be viewed as an actual real-time update of each Fund's NAV, which is calculated only once a day.

As noted above, the IIV will be disseminated on a per Share basis by one or more major market data vendors every 15 seconds during NYSE Arca Core Trading Session. The value of a Share of a Fund may be influenced by non-concurrent trading hours between the NYSE Arca and the NYMEX, CME, COMEX and ICE Futures, which are the futures exchanges on which the Index Futures Contracts are traded (collectively, the "Futures Exchanges"). As a result, during periods when the NYSE Arca is open and one or more of the Futures Exchanges is closed, trading spreads and the resulting premium or discount on the Shares may widen and, therefore, increase the difference between the price of the Shares and the NAV of the Shares.

The Exchange believes that dissemination of the IIV provides additional information regarding each Fund that is not otherwise available to the public and is useful to professionals and investors in connection with the related Shares trading on the Exchange or the creation or redemption of such Shares.

Trading Rules

The Exchange deems the Shares to be equity securities, thus rendering trading in the Shares subject to the Exchange's existing rules governing the trading of equity securities. Shares will trade on the NYSE Arca Marketplace from 4 a.m. to 8 p.m. E.T. The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions. As provided in NYSE Arca Equities Rule 7.6, Commentary .03, the minimum price variation ("MPV") for quoting and entry of orders in equity securities traded on the NYSE Arca Marketplace is $0.01, with the exception of securities that are priced less than $1.00 for which the MPV for order entry is $0.0001.

The trading of the Shares will be subject to NYSE Arca Equities Rule 8.200, Commentary .02(e), which sets forth certain restrictions on ETP Holders acting as registered Market Makers in Trust Issued Receipts to facilitate surveillance. *See* "Surveillance" below for more information.

With respect to trading halts, the Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in the Shares. Trading may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. These may include: (1) The extent to which trading is not occurring in the underlying Index Futures Contracts, or (2) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present. In addition, trading in Shares will be subject to trading halts caused by extraordinary market volatility pursuant to the Exchange's "circuit breaker" rule[23] or by the halt or suspension of trading of the underlying Index Futures Contracts.

The Fund will meet the initial and continued listing requirements applicable to Trust Issued Receipts in NYSE Arca Equities Rule 8.200 and Commentary .02 thereto. The Exchange represents that, for the initial and continued listing of the Shares, the Shares must be in compliance with NYSE Arca Equities Rule 5.3 and Rule 10A–3 under the Act.[24] A minimum of 100,000 Shares for each Fund will be outstanding as of the start of trading on the Exchange.

The Exchange represents that the Exchange may halt trading during the day in which the interruption to the dissemination of the IIV, the Indexes, the Sub-Indexes or the value of the underlying futures contracts occurs. If the interruption to the dissemination of the IIV, the Indexes, the Sub-Indexes or the value of the underlying futures contracts persists past the trading day in which it occurred, the Exchange will halt trading no later than the beginning of the trading day following the interruption. In addition, if the Exchange becomes aware that the NAV with respect to the Shares is not disseminated to all market participants at the same time, it will halt trading in the Shares until such time as the NAV is available to all market participants.

[23] *See* NYSE Arca Equities Rule 7.12.

[24] 17 CFR 240.10A–3.

Surveillance

The Exchange intends to utilize its existing surveillance procedures applicable to derivative products, including Trust Issued Receipts, to monitor trading in the Shares. The Exchange represents that these procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and applicable Federal securities laws.

The Exchange's current trading surveillances focus on detecting securities trading outside their normal patterns. When such situations are detected, surveillance analysis follows and investigations are opened, where appropriate, to review the behavior of all relevant parties for all relevant trading violations. The Exchange is able to obtain information regarding trading in the Shares, the physical commodities included in, or options, futures or options on futures on, Shares through ETP Holders, in connection with such ETP Holders' proprietary or customer trades which they effect through ETP Holders on any relevant market. The Exchange can obtain market surveillance information, including customer identity information, with respect to transactions occurring on the NYMEX, CME and COMEX in that CME Group, Inc., the parent company of NYMEX, CME and COMEX, is a member of the Intermarket Surveillance Group ("ISG").[25] In addition, ICE is a member of ISG, and the Exchange, therefore, can obtain market surveillance information from such exchange.

In addition, for components traded on exchanges, not more than 10% of the weight of a Fund's portfolio in the aggregate shall consist of components whose principal trading market is not a member of ISG or is a market with which the Exchange does not have a comprehensive surveillance sharing agreement.

The Exchange also has a general policy prohibiting the distribution of material, non-public information by its employees.

Information Bulletin

Prior to the commencement of trading, the Exchange will inform its ETP Holders in an Information Bulletin of the special characteristics and risks

[25] For a list of the current members of ISG, *see http://www.isgportal.org.* The Exchange may obtain information from futures exchanges with which the Exchange has entered into a surveillance sharing agreement or that are ISG members. The Exchange notes that not all components of the portfolio for the Funds may trade on markets that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

associated with trading the Shares. Specifically, the Information Bulletin will discuss the following: (1) The risks involved in trading the Shares during the Opening and Late Trading Sessions when an updated IIV will not be calculated or publicly disseminated; (2) the procedures for purchases and redemptions of Shares in Creation Baskets and Redemption Baskets (and that Shares are not individually redeemable); (3) NYSE Arca Equities Rule 9.2(a), which imposes a duty of due diligence on its ETP Holders to learn the essential facts relating to every customer prior to trading the Shares; (4) how information regarding the IIV is disseminated; (5) the requirement that ETP Holders deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; and (6) trading information.

In addition, the Information Bulletin will advise ETP Holders, prior to the commencement of trading, of the prospectus delivery requirements applicable to the Funds. The Exchange notes that investors purchasing Shares directly from the Funds will receive a Prospectus. ETP Holders purchasing Shares from the Funds for resale to investors will deliver a Prospectus to such investors. The Information Bulletin will also discuss any exemptive, no-action and interpretive relief granted by the Commission from any rules under the Act.

The Information Bulletin will further advise ETP Holders that FINRA has implemented increased customer margin requirements applicable to leveraged ETFs (which include the Shares) and options on leveraged ETFs, as described in FINRA Regulatory Notices 09–53 (August 2009) and 09–65 (November 2009).

In addition, the Information Bulletin will reference that the Funds are subject to various fees and expenses described in the Registration Statements. The Information Bulletin will also reference that the CFTC has regulatory jurisdiction over the trading of futures contracts traded on U.S. markets.

The Information Bulletin will also disclose the trading hours of the Shares of the Funds and that the NAV for the Shares is calculated after 4 p.m. E.T. each trading day. The Bulletin will disclose that information about the Shares of the Funds is publicly available on the Funds' Web site.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Act,[26] in general, and furthers the objectives of Section 6(b)(5),[27] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system. The Exchange believes that the proposed rule change will facilitate the listing and trading of an additional type of exchange-traded product that will enhance competition among market participants, to the benefit of investors and the marketplace. In addition, the listing and trading criteria set forth in Rule 8.200 are intended to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR–NYSEArca–2010–121 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2010–121. 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 20549–1090 on official business days between 10 a.m. and 3 p.m. Copies of the filing will also be available for inspection and copying at the Exchange's principal office. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2010–121 and should be submitted on or before January 31, 2011.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[28]

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2011–162 Filed 1–7–11; 8:45 am]

BILLING CODE 8011–01–P

[26] 15 U.S.C. 78f(b).

[27] 15 U.S.C. 78f(b)(5).

[28] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–63639; File No. SR–ISE–2010–121]

Self-Regulatory Organizations; International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to a Market Maker Incentive Plan for Foreign Currency Options

January 4, 2011.

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 December 28, 2010, the International Securities Exchange, LLC (the "Exchange" or the "ISE") filed with the Securities and Exchange 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 ISE is proposing to extend an incentive plan for market makers in four foreign currency options ("FX Options"). The text of the proposed rule change is available on the Exchange's Web site *(http://www.ise.com),* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these

statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this proposed rule change is to extend an incentive plan for market makers in options on the New Zealand dollar ("NZD"), the Mexican peso ("PZO"), the Swedish krona ("SKA") and the Brazilian real ("BRB").[3] On August 3, 2009, the Exchange adopted an incentive plan applicable to market makers in NZD, PZO and SKA,[4] and on January 19, 2010, added BRB to the incentive plan.[5] The Exchange has since extended the date by which market makers may join the incentive plan [6] and now proposes to do so again.

In order to promote trading in these FX Options, the Exchange has an incentive plan pursuant to which the Exchange waives the transaction fees for the Early Adopter [7] FXPMM [8] and all Early Adopter FXCMMs [9] that make a market in NZD, PZO SKA and BRB for as long as the incentive plan is in effect. Further, pursuant to a revenue sharing agreement entered into between an Early Adopter Market Maker and ISE, the Exchange pays the Early Adopter FXPMM forty percent (40%) of the transaction fees collected on any customer trade in NZD, PZO SKA and BRB and pays up to ten (10) Early Adopter FXCMMs that participate in the incentive plan twenty percent (20%) of the transaction fees collected for trades between a customer and that FXCMM. Market makers that do not participate in the incentive plan are charged regular transaction fees for trades in these products. In order to participate in the incentive plan, market makers are currently required to enter into the incentive plan no later than December 31, 2010. The Exchange now proposes to extend the date by which market makers may enter into the incentive plan to March 31, 2011.

2. Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act,[10] in general, and furthers the objectives of Section 6(b)(4),[11] in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its members and other persons using its facilities. The Exchange believes the proposed rule change will permit additional market makers to join the incentive plan which in turn will generate additional order flow to the Exchange by creating incentives to trade these FX Options as well as defray operational costs for Early Adopter Market Makers.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[12] At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

[3] The Commission previously approved the trading of options on NZD, PZO, SKA and BRB. *See* Exchange Act Release No. 34–55575 (April 3, 2007), 72 FR 17963 (April 10, 2007) (SR–ISE–2006–59).

[4] *See* Exchange Act Release No. 34–60536 (August 19, 2009), 74 FR 43204 (August 26, 2009) (SR–ISE–2009–59).

[5] *See* Exchange Act Release No. 34–61459 (February 1, 2010), 75 FR 6248 (February 8, 2010) (SR–ISE–2010–07).

[6] *See* Exchange Act Release Nos. 34–60810 (October 9, 2009), 74 FR 53527 (October 19, 2009) (SR–ISE–2009–80), 34–61334 (January 12, 2010), 75 FR 2913 (January 19, 2010) (SR–ISE–2009–115), 61851 (April 6, 2010), 75 FR 18565 (April 12, 2010) (SR–ISE–2010–27), 34–62503 (July 15, 2010), 75 FR 42812 (July 22, 2010) (SR–ISE–2010–71) and 34–36045 (October 5, 2010), 75 FR 62900 (October 13, 2010) (SR–ISE–2010–100).

[7] Participants in the incentive plan are known on the Exchange's Schedule of Fees as Early Adopter Market Makers.

[8] A FXPMM is a primary market maker selected by the Exchange that trades and quotes in FX Options only. *See* ISE Rule 2213.

[9] A FXCMM is a competitive market maker selected by the Exchange that trades and quotes in FX Options only. *See* ISE Rule 2213.

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(4).

[12] 15 U.S.C. 78s(b)(3)(A)(ii).

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 No. SR–ISE–2010–121 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–ISE–2010–121. 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 such filing also will be available for inspection and copying at the principal office of the ISE. 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–ISE–2010–121 and should be submitted by January 31, 2011.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2011–163 Filed 1–7–11; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–63635; File No. SR–NYSEArca–2010–103]

Self-Regulatory Organizations; NYSE Arca, Inc.; Order Granting Approval of Proposed Rule Change Relating to the Listing and Trading of the Jefferies S&P 500® VIX Short-Term Futures ETF

January 3, 2011.

I. Introduction

On November 9, 2010, NYSE Arca, Inc. ("Exchange") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") [1] and Rule 19b–4 thereunder,[2] a proposed rule change to list and trade shares ("Shares") of the Jefferies S&P 500® VIX Short-Term Futures ETF ("Fund") of the ProShares Trust II ("Trust") under NYSE Arca Equities Rule 8.200, Commentary .02. The proposed rule change was published for comment in the **Federal Register** on November 29, 2010.[3] The Commission received no comments on the proposal. This order grants approval of the proposed rule change.

II. Description of the Proposal

The Exchange proposes to list and trade the Shares of the Fund under NYSE Arca Equities Rule 8.200, Commentary .02.[4] The Fund, which is a commodity pool and a Delaware statutory trust,[5] seeks to track changes, whether positive or negative, in the level of the S&P 500 VIX Short-Term Futures™ Index ER ("VIX Futures Index" or "Index") over time.[6] The Fund will pursue its investment objective primarily by maintaining long futures positions corresponding to the futures contracts underlying the VIX Futures Index ("VIX Futures Contracts") which trade on the CBOE Futures Exchange ("CFE"), with an aggregate notional amount equal to the Fund's total capital. In certain circumstances, as described below, the Fund may invest in one or more forward agreements or swaps ("Futures-Linked Investments"). The Fund is also intended to reflect the excess, if any, of its interest income from its investment in U.S. Treasury bills, generally with a maturity of less than one year, and other high credit quality short-term fixed-income securities, over its expenses.

Jefferies Commodity Investment Services, LLC, a Delaware limited liability company, is the Fund's promoter, and will serve as Managing Owner of the Fund. The Managing Owner will serve as the commodity pool operator and commodity trading advisor of the Fund. The Managing Owner is registered as a commodity pool operator and commodity trading advisor with the Commodity Futures Trading Commission and is a member of the National Futures Association. The Bank of New York Mellon ("Administrator") will be the administrator, custodian and transfer agent of the Fund.

The Index is designed to provide an exposure to one or more maturities of futures contracts on the CBOE Volatility Index ("Volatility Index"), which reflect implied volatility in the S&P 500® Index at various points along the volatility forward curve.[7] The Volatility Index is calculated based on the prices of put and call options on the S&P 500® Index. The VIX Futures Index is intended to reflect the returns that are potentially

[13] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 63349 (November 19, 2010), 75 FR 73145 ("Notice").

[4] Commentary .02 to NYSE Arca Equities Rule 8.200 applies to Trust Issued Receipts that invest in "Financial Instruments." The term "Financial Instruments," as defined in Commentary .02(b)(4) to NYSE Arca Equities Rule 8.200, means any combination of investments, including cash; securities; options on securities and indices; futures contracts; options on futures contracts; forward contracts; equity caps, collars and floors; and swap agreements.

[5] The Fund has filed a Pre-Effective Amendment No. 3 to its Registration Statement on Form S–1 under the Securities Act of 1933, dated August 17, 2010 (File No. 333–166283) ("Registration Statement").

[6] The VIX Futures Index, which is the excess return version of the S&P 500 VIX Short-Term Futures™ Index, was created by Standard & Poor's Financial Services, LLC ("Index Sponsor").

[7] The Volatility Index is a benchmark index designed to estimate expected volatility in large cap U.S. stocks over 30 days in the future by averaging the weighted prices of certain put and call options on the S&P 500® Index. During periods of market instability, the implied level of volatility of the S&P 500® Index typically increases and, consequently, the prices of options linked to the S&P 500® Index typically increase (assuming all other relevant factors remain constant or have negligible changes). This, in turn, causes the level of the Volatility Index to increase. Because the Volatility Index may increase in times of uncertainty, the Volatility Index is commonly known as the "fear gauge" of the broad U.S. equities market. The Volatility Index has historically had negative correlations to the S&P 500® Index. The Exchange states that the Fund is not linked to the Volatility Index, and the value of the Index and the Shares may diverge significantly from the Volatility Index.

available through an unleveraged investment in the relevant futures contract or contracts on the Volatility Index. The VIX Futures Index measures the return from a daily rolling long position in the first and second month VIX Futures Contracts, targeting a constant weighted average futures maturity of one month. The Fund will acquire and roll long positions in the first and second month VIX Futures Contracts with a view to tracking the level of the Index over time. The Fund will both roll and rebalance its holdings of VIX Futures Contracts in a manner consistent with the method described in the Registration Statement.

As stated earlier, the Fund seeks to achieve its investment objective by investing under normal market conditions in VIX Futures Contracts. In the event the Fund reaches its position accountability rules with respect to VIX Futures Contracts, the Managing Owner, may, in its commercially reasonable judgment, cause the Fund to invest in a Futures-Linked Investment referencing the particular VIX Futures Contracts, or invest in other futures contracts or a Futures-Linked Investment not based on the particular VIX Futures Contracts if such instruments tend to exhibit trading prices or returns that correlate with the VIX Futures Index or any VIX Futures Contract and will further the investment objective of the Fund.[8] The Fund may also invest in Futures-Linked Investments if the market for a specific futures contract experiences emergencies (*e.g.,* natural disaster, terrorist attack or an act of God) or disruptions (*e.g.,* a trading halt or a flash crash) to prevent the Fund from obtaining the appropriate amount of investment exposure to the affected VIX Futures Contract directly or other futures contract.[9]

The Fund does not intend to outperform the Index and is not "managed" by traditional methods, which typically involve effecting changes in the composition of the Fund's portfolio on the basis of judgments relating to economic, financial, and market considerations with a view to obtaining positive results under all market conditions. The Managing Owner will seek to cause the net asset value ("NAV") of the Fund to track the Index during periods in which the Index is flat or declining as well as when the Index is rising.

Additional information regarding the Fund and the Shares, the VIX Futures Index and underlying VIX Futures Contracts, the Volatility Index, investment strategies, risks, creation and redemption procedures, fees, portfolio holdings and disclosure policies, distributions and taxes, availability of information, trading rules and halts, and surveillance procedures, among other things, can be found in the Registration Statement and in the Notice, as applicable.[10]

III. Discussion and Commission's Findings

The Commission has carefully reviewed the proposed rule change and finds that it is consistent with the requirements of Section 6 of the Act[11] and the rules and regulations thereunder applicable to a national securities exchange.[12] In particular, the Commission finds that the proposal is consistent with Section 6(b)(5) of the Act,[13] which requires, among other things, that the Exchange's rules be designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The Commission notes that the Shares must comply with the requirements of NYSE Arca Equities Rule 8.200, Commentary .02 to be listed and traded on the Exchange.

The Commission finds that the proposal to list and trade the Shares on the Exchange is consistent with Section 11A(a)(1)(C)(iii) of the Act,[14] which sets forth Congress' finding that it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure the availability to brokers, dealers, and investors of information with respect to quotations for and transactions in securities. Quotation and last-sale information regarding the Shares will be disseminated through the facilities of the Consolidated Tape Association. In addition, the Index Sponsor will publish the intra-day level of the VIX Futures Index updated every 15 seconds during the NYSE Arca Core Trading Session of 9:30 a.m. to 4 p.m. Eastern Time ("ET") on the consolidated tape, Reuters and/or Bloomberg. The Index Sponsor will also publish the daily closing level of the VIX Futures Index as of the close of the NYSE Arca Core Trading Session.[15] The level of the Volatility Index as calculated by CBOE, updated every 15 seconds from 9:30 a.m. to 4:15 p.m. ET, is disseminated on the CBOE Web site at *http://www.cboe.com* and through major market data vendors. An updated Indicative Trust Value ("ITV") will be calculated using the prior day's closing NAV per share of the Fund as a base and updating that value throughout the NYSE Arca Core Trading Session each trading day to reflect current changes in the value of VIX Futures Contracts held by the Fund, as well as the value of any swap or forward contracts and other futures contracts held by the Fund. The ITV will be disseminated on a per-Shares basis by one or more major market data vendors every 15 seconds. Further, the Fund will provide Web site disclosure of portfolio holdings daily and will include, as applicable, the names and value (in U.S. dollars) of VIX Futures Contracts, Futures-Linked Investments, and other futures contracts, if any, and characteristics of such investments and cash equivalents, and amount of cash held in the portfolio of the Fund. The closing prices and settlement prices of VIX Futures Contracts are available from the Web sites of the CFE, automated quotation systems, published or other public sources, and on-line information services such as Bloomberg or Reuters.[16] The specific contract specifications for VIX Futures Contracts are also available on those Web sites, as well as on other financial informational sources. The CFE also provides delayed futures information on current and past trading sessions and market news free of charge on its Web site. The NAV for the Fund will be calculated by the Administrator once a day at or after 4:15 p.m. ET and will be disseminated to all market participants at the same time. The Exchange will make available on its Web site daily trading volume of the Shares, closing prices of the Shares, and number of Shares outstanding.

The Commission further believes that the proposal to list and trade the Shares is reasonably designed to promote fair disclosure of information that may be necessary to price the Shares

[8] To the extent practicable, the Fund will invest in swaps cleared through the facilities of a centralized clearing house.

[9] The Managing Owner will also attempt to mitigate the Fund's credit risk by transacting only with large, well-capitalized institutions using measures designed to determine the creditworthiness of a counterparty. The Managing Owner will take various steps to limit counterparty credit risk, as described in the Registration Statement.

[10] *See* Notice and Registration Statement, *supra* notes 3 and 5.

[11] 15 U.S.C. 78f.

[12] In approving this proposed rule change, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[13] 17 U.S.C. 78f(b)(5).

[14] 15 U.S.C. 78k–1(a)(1)(C)(iii).

[15] The Fund's Web site will display the end-of-day closing Index levels and NAV.

[16] Complete real-time data for VIX Futures Contracts is available by subscription from Reuters and Bloomberg.

appropriately and to prevent trading when a reasonable degree of transparency cannot be assured. The Commission notes that the Web site disclosure of the portfolio composition of the Fund will occur at the same time as the disclosure by the Managing Owner of the portfolio composition to Authorized Participants so that all market participants are provided portfolio composition information at the same time. In addition, if the Exchange becomes aware that the NAV with respect to the Shares is not disseminated to all market participants at the same time, the Exchange will halt trading in the Shares until such time as the NAV is available to all market participants. Further, the Exchange may halt trading during the day in which an interruption to the dissemination to the ITV, the VIX Futures Index, the Volatility Index, or the value of the underlying futures contracts occurs. If such interruption persists past the trading day in which it occurred, the Exchange will halt trading no later than the beginning of the trading day following the interruption.[17] Trading in the Shares will be subject to NYSE Arca Equities Rule 8.200, Commentary .02(e), which sets forth certain restrictions on ETP Holders acting as registered Market Makers in Trust Issued Receipts to facilitate surveillance. The Exchange represents that the Index Sponsor has implemented procedures designed to prevent the use and dissemination of material, non-public information regarding the Index.

The Exchange has represented that the Shares are deemed to be equity securities subject to the Exchange's existing rules governing the trading of equity securities. In support of this proposal, the Exchange has made representations, including:

(1) The Fund will meet the initial and continued listing requirements applicable to Trust Issued Receipts in NYSE Arca Equities Rule 8.200 and Commentary .02 thereto.

(2) The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions.

(3) The Exchange's surveillance procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and applicable Federal securities laws. In addition, with respect to Fund components traded on exchanges, not more than 10% of the weight of such components in the aggregate will consist of components whose principal trading market is not a member of the Intermarket Surveillance Group or is a market with which the Exchange does not have a comprehensive surveillance sharing agreement.

(4) Prior to the commencement of trading, the Exchange will inform its ETP Holders in an Information Bulletin of the special characteristics and risks associated with trading the Shares. Specifically, the Information Bulletin will discuss the following: (a) The risks involved in trading the Shares during the Opening and Late Trading Sessions when an updated ITV will not be calculated or publicly disseminated; (b) the procedures for purchases and redemptions of Shares in Creation Baskets and Redemption Baskets (and that Shares are not individually redeemable); (c) NYSE Arca Equities Rule 9.2(a), which imposes a duty of due diligence on its ETP Holders to learn the essential facts relating to every customer prior to trading the Shares; (d) how information regarding the ITV is disseminated; (e) the requirement that ETP Holders deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; and (f) trading information.

(5) With respect to the application of Rule 10A–3 under the Act,[18] the Trust relies on the exception contained in Rule 10A–3(c)(7).[19]

(6) A minimum of 100,000 Shares of the Fund will be outstanding as of the start of trading on the Exchange.

This approval order is based on the Exchange's representations.[20]

For the foregoing reasons, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act[21] and the rules and regulations thereunder applicable to a national securities exchange.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[22] that the proposed rule change (SR–NYSEArca–2010–103), be, and it hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[23]

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2011–161 Filed 1–7–11; 8:45 am]

BILLING CODE 8011–01–P

[17] Trading may also be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. These may include: (1) The extent to which trading is not occurring in the underlying futures contracts; or (2) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present.

[18] 17 CFR 240.10A–3.

[19] 17 CFR 240.10A–3(c)(7).

[20] The Commission notes that it does not regulate the market for futures in which the Fund plans to take positions, which is the responsibility of the CFTC. The CFTC has the authority to set limits on the positions that any person may take in futures. These limits may be directly set by the CFTC, or by the markets on which the futures are traded. The Commission has no role in establishing position limits on futures, even though such limits could impact an exchange-traded product that is under the jurisdiction of the Commission.

[21] 15 U.S.C. 78f(b)(5).

[22] 15 U.S.C. 78s(b)(2).

[23] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

Emergence Capital Partners SBIC, L.P. License No. 09/79–0454; Notice Seeking Exemption Under Section 312 of the Small Business Investment Act, Conflicts of Interest

Notice is hereby given that Emergence Capital Partners SBIC, L.P., 160 Bovet Road, Suite 300, San Mateo, CA 94402, a Federal Licensee under the Small Business Investment Act of 1958, as amended ("the Act"), in connection with the financing of a small concern, has sought an exemption under Section 312 of the Act and Section 107.730, Financings which Constitute Conflicts of Interest of the Small Business Administration ("SBA") Rules and Regulations (13 CFR 107.730). Emergence Capital Partners SBIC, L.P. proposes to provide equity financing to PivotLink, Inc., 15325 SE 30th Place, Suite 300, Bellevue, WA 98007. The financing is contemplated for working capital and general operating purposes.

The financing is brought within the purview of § 107.730(a)(1) of the Regulations because Emergence Capital Partners, L.P. and Emergence Capital Associates, L.P., Associates of Emergence Capital Partners SBIC, L.P., own more than ten percent of PivotLink, Inc. Therefore, PivotLink, Inc is considered an Associate of Emergence Capital Partners SBIC, L.P. and this transaction is considered *Financing an Associate,* requiring prior SBA approval.

Notice is hereby given that any interested person may submit written comments on the transaction within 15 days of the date of this publication to the Associate Administrator for Investment, U.S. Small Business Administration, 409 Third Street, SW., Washington, DC 20416.

Dated: December 3, 2010.

Sean J. Greene,

Associate Administrator for Investment.

[FR Doc. 2010–33273 Filed 1–7–11; 8:45 am]

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SUSQUEHANNA RIVER BASIN COMMISSION

Notice of Actions Taken at December 16, 2010, Meeting

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice of Commission Actions.

SUMMARY: As part of its regular business meeting held on December 16, 2010, in Aberdeen, Maryland, the Commission convened a public hearing, at which took the following actions: (1) Approved settlements involving two water resources projects; (2) approved and tabled certain water resources projects; and (3) rescinded approval for one water resources project.

DATES: December 16, 2010.

ADDRESSES: Susquehanna River Basin Commission, 1721 N. Front Street, Harrisburg, PA 17102–2391.

FOR FURTHER INFORMATION CONTACT: Richard A. Cairo, General Counsel, telephone: (717) 238–0423, ext. 306; fax: (717) 238–2436; e-mail: *rcairo@srbc.net;* or Stephanie L. Richardson, Secretary to the Commission, telephone: (717) 238–0423, ext. 304; fax: (717) 238–2436; e-mail: *srichardson@srbc.net.* Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: In addition to the public hearing and its related action items identified below, the following items were also presented or acted on at the business meeting: (1) Presentations on Climate Change Initiatives to Protect the Chesapeake Bay; (2) hydrologic conditions in the basin; (3) FY–2012 funding of the Susquehanna Flood Forecast and Warning System; (4) ratification/approval of grants/contracts; (5) approval of proposed natural gas related research projects; (6) a Records Retention Policy; (7) the FY–2010 Audit Report; (8) a recommendation for new independent auditors; and (9) amendment of Commission By-Laws. The Commission heard counsel's report on legal matters affecting the Commission. The Commission also convened a public hearing and took the following actions:

Public Hearing—Compliance Matters

The Commission approved a settlement in lieu of civil penalties for the following projects:

1. Chesapeake Appalachia, LLC.

2. J–W Operating Company. Pad ID: Pardee & Curtin Lumber Co. C–12H, Shippen Township, Cameron County, Pa.—$40,000.

Public Hearing—Rescission of Project Approval

1. Project Sponsor and Facility: Anadarko E&P Company LP (Pine Creek) (Docket No. 20090304), Cummings Township, Lycoming County, Pa.

Public Hearing—Projects Approved

1. *Project Sponsor and Facility:* Anadarko E&P Company LP (Pine Creek—3), Watson Township, Lycoming County, Pa. Surface water withdrawal of up to 0.720 mgd.

2. *Project Sponsor:* Aqua Pennsylvania, Inc. Project Facility: Monroe Manor Water System, Monroe Township, Snyder County, Pa. Groundwater withdrawal of up to 0.391 mgd from Well 6.

3. *Project Sponsor and Facility:* East Resources Management, LLC (Cowanesque River), Westfield Township, Tioga County, Pa. Surface water withdrawal of up to 0.375 mgd.

4. *Project Sponsor and Facility:* EXCO Resources (PA), LLC (West Branch Susquehanna River), Curwensville Borough, Clearfield County, Pa. Surface water withdrawal of up to 2.000 mgd.

5. *Project Sponsor:* Hughesville-Wolf Township Joint Municipal Authority. Project Facility: Wastewater Treatment Plant, Wolf Township, Lycoming County, Pa. Withdrawal of treated wastewater effluent of up to 0.249 mgd.

6. *Project Sponsor and Facility:* Leonard & Jean Marie Azaravich (Meshoppen Creek), Springville Township, Susquehanna County, Pa. Surface water withdrawal of up to 0.249 mgd.

7. *Project Sponsor and Facility:* LHP Management, LLC (Fishing Creek—Clinton Country Club), Bald Eagle Township, Clinton County, Pa. Modification to increase surface water withdrawal up to 0.999 mgd (Docket No. 20090906).

8. *Project Sponsor and Facility:* Linde Corporation (Lackawanna River), Fell Township, Lackawanna County, Pa. Surface water withdrawal of up to 0.905 mgd.

9. *Project Sponsor and Facility:* Ultra Resources, Inc. (Pine Creek), Pike Township, Potter County, Pa. Modification to increase surface water withdrawal up to 0.936 mgd (Docket No. 20090332).

Public Hearing—Project Tabled

1. *Project Sponsor and Facility:* Peoples Financial Services Corp. (Tunkhannock Creek), Tunkhannock Township, Wyoming County, Pa. Application for surface water withdrawal of up to 0.990 mgd.

Authority: Pub. L. 91–575, 84 Stat. 1509 et seq., 18 CFR parts 806, 807, and 808.

Dated: December 22, 2010.

Thomas W. Beauduy,

Deputy Executive Director.

[FR Doc. 2011–151 Filed 1–7–11; 8:45 am]

BILLING CODE 7040–01–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Highway in Minnesota

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Limitation on Claims for Judicial Review of Actions by FHWA and Other Federal Agencies

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 on US Highway 14 from I–35 in the City of Owatonna, Steele County to Highway 56 near the City of Dodge Center, Dodge County, Minnesota. The proposed improvements include reconstruction and capacity expansion of US 14 as a rural four-lane divided freeway section, including 12.3 miles on a new alignment south of the Dakota, Minnesota, and Eastern Railroad corridor. Those actions grant 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 of the proposed highway project will be barred unless the claim is filed within 180 days from the date this notice is published in the **Federal Register**. If the Federal law that authorizes judicial review of a claim provides a time period of less than 180 days for filing such a claim, than that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: For FHWA: Mr. Derrell Turner, Division Administrator, Federal Highway Administration, 380 Jackson Street, Suite 500, Saint Paul, MN 55101, Telephone (651) 291–6100, e-mail: *Derrell.turner@dot.gov.* The Minnesota Division Office's normal business hours at 7:30 a.m. to 4 p.m. (Central Time). For the Minnesota Department of Transportation (Mn/DOT): Heather Lukes, PE, Project Manager, District 6, 2900 48th Street NW, Rochester, MN 55901–5848, Telephone: (507) 286–7694, E-mail: *Heather.Lukes@state.mn.us.*

SUPPLEMENTARY INFORMATION: Notice is hereby given that the FHWA and other Federal agencies have take final agency actions by issuing approvals for the following highway project in Minnesota: US Highway 14 from I–35 in the City of Owatonna, Steele County to Highway 56 near the City of Dodge Center, Dodge County, Minnesota. The Final Environmental Impact Statement (EIS) was approved by FHWA on July 30, 2010. The Record of Decision for this project was approved on November 3, 2010.

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. 4321–4351]; Federal-Aid Highway Act [23 U.S.C. 109].

2. *Land:* Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303]; Landscaping and Scenic Enhancement (Wildflowers) [23 U.S.C. 319].

3. *Wildlife:* Endangered Species Act [16 U.S.C. 1531–1544 and Section 1536]; Fish and Wildlife Coordination Act [15 U.S.C. 661–667(d)]; Migratory Bird Treaty Act [16 U.S.C. 703–712].

4. *Historic and Cultural Resources:* Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) *et seq.*]; Archaeological and Historic Preservation Act [16 U.S.C. 469–469(c)].

5. *Social and Economic:* Civil Rights Act of 1964 [42 U.S.C. 2000(d)-2000(d)(1)]; Farmland Policy Protection Act (FPPA) [7 U.S.C. 4201–4209].

6. *Safe Drinking Water Act (SDWA)* [42 U.S.C. 300(f)-300(j)(6)]; Flood Disaster Protection Act [42 U.S.C. 4001–4128].

7. *Executive Orders:* E.O. 11990, Protection of Wetlands; E.O. 11988, Floodplain Management; E.O. 12898, Federal Actions to Address Environmental Justice in Minority and Low Income Populations; E.O. 11593, Protection and Enhancement of Cultural Resources; E.O. 13007, Indian Sacred Sites; E.O. 13287, Preserve America; E.O. 13175, Consultation and Coordination with Indian Tribal Governments; E.O. 11514, Protection and Enhancement of Environmental Quality; E.O. 13112, Invasive Species.

(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: December 28, 2010.

Derrell Turner,

Division Administrator, Federal Highway Administration, Saint Paul, Minnesota.

[FR Doc. 2011–158 Filed 1–7–11; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2010–0413]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of Applications for exemptions; request for comments.

SUMMARY: FMCSA announces receipt of applications from 16 individuals for exemption from the vision requirement in the Federal Motor Carrier Safety Regulations. If granted, the exemptions would enable these individuals to qualify as drivers of commercial motor vehicles (CMVs) in interstate commerce without meeting the Federal vision standard.

DATES: Comments must be received on or before February 9, 2011.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2010–0413 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket numbers for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's Privacy Act Statement for the FDMS published in the **Federal Register** on January 17, 2008 (73 FR 3316), or you may visit *http://edocket.access.gpo.gov/2008/pdf/E8–785.pdf.*

FOR FURTHER INFORMATION CONTACT: Dr. Mary D. Gunnels, Director, Medical Programs, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue, SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the Federal Motor Carrier Safety Regulations for a 2-year period if it finds "such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption." FMCSA can renew exemptions at the end of each 2-year period. The 16 individuals listed in this notice have each requested such an exemption from the vision requirement in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce. Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting an exemption will achieve the required level of safety mandated by statute.

Qualifications of Applicants

Michael L. Ballantyne

Mr. Ballantyne, age 55, has had refractive amblyopia in his right eye since birth. The best corrected visual acuity in his right eye is 20/200 and in his left eye, 20/20. Following an examination in 2010, his optometrist noted, "In my medical opinion has

sufficient vision to operate commercial vehicle." Mr. Ballantyne reported that he has driven straight trucks for 30 years, accumulating 750,000 miles. He holds a Class B Commercial Driver's License (CDL) from Missouri. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Terry Brown

Mr. Brown, 47, has had amblyopia in his left eye due to an injury sustained in 1996. The best corrected visual acuity in his right eye is 20/20 and in his left eye, 20/400. Following an examination in 2010, his optometrist noted, "The vision is more than adequate in his right eye to perform his duties as a commercial truck driver." Mr. Brown reported that he has driven straight trucks for 2 years, accumulating 20,000 miles and tractor-trailer combinations for 20 years accumulating 1.4 million miles. He holds a Class D operator's license from South Carolina. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Delbert M. Carson

Mr. Carson, 65, has had histoplasmosis in his right eye since birth. The best corrected visual acuity in his right eye is 20/800 and in his left eye, 20/25. Following an examination in 2010, his optometrist noted, "In my medical opinion, Mr. Delbert Carson has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Carson reported that he has driven tractor-trailer combinations for 43 years, accumulating 430 million miles. He holds a Class F operator's license from South Carolina. His driving record for the last 3 years shows no crashes and one conviction for a moving violation in a CMV. He exceeded the speed limit by 13 mph.

Wingson Chang

Mr. Chang, 39, has had refractive amblyopia in his left eye since childhood. The best corrected visual acuity in his right eye is 20/20 and in his left eye, 20/60. Following an examination in 2010, his optometrist noted, "In my medical opinion, Mr. Chang has sufficient vision with both eyes working together to perform the driving tasks required to operate a commercial vehicle." Mr. Chang reported that he has driven straight trucks for 21 years, accumulating 7.6 million miles. He holds a Class B CDL from New Jersey. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Richard C. Dickinson

Mr. Dickinson, 55, has had amblyopia in his right eye since birth. The best corrected visual acuity in his right eye is 20/50 and in his left eye, 20/20. Following an examination in 2010, his optometrist noted, "This is to certify that, in my opinion, Richard C. Dickinson has sufficient vision to perform driving tasks required to operate a commercial vehicle." Mr. Dickinson reported that he has driven straight trucks for 6 years, accumulating 30,000 miles and tractor-trailer combinations for 6 years accumulating 30,000 miles. He holds a Class B CDL from Georgia. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Richard A. Guthrie

Mr. Guthrie, 52, has had a prosthetic left eye since childhood. The best corrected visual acuity in his right eye is 20/20. Following an examination in 2010, his optometrist noted, "In my opinion, Richard has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Guthrie reported that he has driven straight trucks for 15 years, accumulating 300,000 miles and tractor-trailer combinations for 20 years accumulating 700,000 miles. He holds a Class D operator's license from Montana. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Kenneth L. Handy

Mr. Handy, 68, has had nuclear sclerosis cataract and amblyopia in his right eye since childhood. The best corrected visual acuity in his right eye is 20/250 and in his left eye, 20/20. Following an examination in 2010, his ophthalmologist noted, "I believe he has sufficient vision to perform driving tasks required to operate a commercial vehicle." Mr. Handy reported that he has driven straight trucks for 8 years, accumulating 200,000 miles. He holds a Class B CDL from Iowa. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Thomas J. Ivins

Mr. Ivins, 53, has had central serous retinopathy in his left eye since 2004. The best corrected visual acuity in his right eye is 20/20 and in his left eye, 20/100. Following an examination in 2010, his optometrist noted, "In my opinion, Mr. Ivins has sufficient vision to perform the tasks required to safely operate a commercial vehicle." Mr. Ivins reported that he has driven straight trucks for 5 years, accumulating 312,500 miles and tractor-trailer combinations for 28 years accumulating 5 million miles. He holds a Class A CDL from Florida. His driving record for the last 3 years shows no crashes and one conviction for a moving violation in a CMV. He exceeded the speed limit by 9 mph.

Byron K. Lavender

Mr. Lavender, 44, has had ambloypia in his right eye since childhood. The best corrected visual acuity in his right eye is 20/100 and in his left eye, 20/15. Following an examination in 2010, his optometrist noted, "In my opinion, Bryon has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Lavender reported that he has driven straight trucks for 20 years, accumulating 800,000 miles. He holds a Class B CDL from Ohio. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Victor M. McCants

Mr. McCants, 43, has had macular drusen in his right eye since 1997. The visual acuity in his right eye is 20/50 and in his left eye, 20/20. Following an examination in 2010, his optometrist noted, "With 20/20 vision obtained without any glasses and 140 degrees peripheral vision, I feel he should not have any trouble driving a commercial vehicle." Mr. McCants reported that he has driven tractor-trailer combinations for 17 years, accumulating 816,000 miles. He holds a Class A CDL from Alabama. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

William K. Otwell

Mr. Otwell, 47, has had complete loss of vision in his right eye since childhood. The best corrected visual acuity in his right eye is light perception and in his left eye, 20/20. Following an examination in 2010, his optometrist noted, "I feel that his vision is adequate to operate a commercial vehicle." Mr. Otwell reported that he has driven straight trucks for 16 years, accumulating 720,000 miles. He holds a Class B CDL from Louisiana. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Donald R. Pointer

Mr. Pointer, 32, has had a prosthetic left eye since childhood. The visual acuity in his right eye is 20/20.

Following an examination in 2010, his optometrist noted, "It is my medical opinion that Mr. Pointer has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Pointer reported that he has driven straight trucks for 5 years, accumulating 13,000 miles. He holds a Class A CDL from Colorado. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Steve A. Reece

Mr. Reece, 48, has had a retinal detachment in his left eye due to an injury sustained in 1991. The best corrected visual acuity in his right eye is 20/20 and in his left eye, 20/200. Following an examination in 2010, his ophthalmologist noted, "I feel that his vision should be sufficient to perform the driving tasks he has been doing for the past 19 years." Mr. Reece reported that he has driven straight trucks for 25 years, accumulating 200,000 miles and tractor-trailer combinations for 21 years accumulating 1 million miles. He holds a Class A CDL from Missouri. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Thomas S. Roth

Mr. Roth, 50, has had a prosthetic right eye since childhood. The visual acuity in his right eye is hand motion and in his left eye, 20/20. Following an examination in 2010, his optometrist noted, "In my medical opinion and the guidelines set by the State of Pennsylvania, Mr. Roth has sufficient vision to perform the drivers tasks required to operate a commercial vehicle." Mr. Roth reported that he has driven straight trucks for 27 years, accumulating 405,000 miles and tractor-trailer combinations for 24 years accumulating 120,000 miles. He holds a Class A CDL from Delaware. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Mark A. Steckmyer

Mr. Steckmyer, 47, has had optic atrophy secondary to optic neuritis in his left eye since 1984. The visual acuity in his right eye is 20/20 and in his left eye, count- finger vision. Following an examination in 2010, his optometrist noted, "He has sufficient vision to perform driving tasks required to operate a commercial vehicle due to the stable and longstanding nature of his injury." Mr. Steckmyer reported that he has driven straight trucks for 8 years, accumulating 70,200 miles. He holds a Class B CDL from Kentucky. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

James M. Tennyson

Mr. Tennyson, 60, has had Kerataconus and a failed corneal graft in his left eye since birth. The best corrected visual acuity in his right eye is 20/25 and in his left eye, hand motion. Following an examination in 2010, his ophthalmologist noted, "I feel in my professional opinion that with his visual acuity he will be able to operate a commercial vehicle." Mr. Tennyson reported that he has driven straight trucks for 44 years, accumulating 528,000 miles. He holds a Class C operator's license from Maryland. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. The Agency will consider all comments received before the close of business February 9, 2011. Comments will be available for examination in the docket at the location listed under the **ADDRESSES** section of this notice. The Agency will file comments received after the comment closing date in the public docket, and will consider them to the extent practicable.

In addition to late comments, FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should monitor the public docket for new material.

Issued on: December 29, 2010.

Larry W. Minor,

Associate Administration, Office of Policy.

[FR Doc. 2011–245 Filed 1–7–11; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA–2010–0355]

Qualification of Drivers; Exemption Applications; Diabetes Mellitus

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt twenty-one individuals from its rule prohibiting persons with insulin-treated diabetes mellitus (ITDM) from operating commercial motor vehicles (CMVs) in interstate commerce. The exemptions will enable these individuals to operate CMVs in interstate commerce.

DATES: The exemptions are effective *January 10, 2011.* The exemptions expire on January 10, 2013.

FOR FURTHER INFORMATION CONTACT: Dr. Mary D. Gunnels, Director, Medical Programs, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Room W64–224, Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: *http://www.regulations.gov.*

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* and/or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy Act: Anyone may search the electronic form of all comments received into any of DOT's dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, or other entity). You may review DOT's Privacy Act Statement for the Federal Docket Management System (FDMS) published in the **Federal Register** on January 17, 2008 (73 FR 3316), or you may visit *http://edocket.access.gpo.gov/2008/pdf/E8-785.pdf.*

Background

On November 15, 2010, FMCSA published a notice of receipt of Federal diabetes exemption applications from twenty-one individuals and requested comments from the public (75 FR 69734). The public comment period closed on December 15, 2010 and one comment was received.

FMCSA has evaluated the eligibility of the twenty-one applicants and determined that granting the exemptions to these individuals would achieve a level of safety equivalent to, or greater than, the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(3).

Diabetes Mellitus and Driving Experience of the Applicants

The Agency established the current standard for diabetes in 1970 because several risk studies indicated that drivers with diabetes had a higher rate of crash involvement than the general population. The diabetes rule provides that "A person is physically qualified to drive a commercial motor vehicle if that person has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control" (49 CFR 391.41(b)(3)).

FMCSA established its diabetes exemption program, based on the Agency's July 2000 study entitled "A Report to Congress on the Feasibility of a Program to Qualify Individuals with Insulin-Treated Diabetes Mellitus to Operate in Interstate Commerce as Directed by the Transportation Act for the 21st Century." The report concluded that a safe and practicable protocol to allow some drivers with ITDM to operate CMVs is feasible. The September 3, 2003 (68 FR 52441) **Federal Register** notice in conjunction with the November 8, 2005 (70 FR 67777) **Federal Register** notice provides the current protocol for allowing such drivers to operate CMVs in interstate commerce.

These twenty-one applicants have had ITDM over a range of 1 to 23 years. These applicants report no severe hypoglycemic reactions resulting in loss of consciousness or seizure, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning symptoms, in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the past 5 years. In each case, an endocrinologist verified that the driver has demonstrated a willingness to properly monitor and manage his/her diabetes mellitus, received education related to diabetes management, and is on a stable insulin regimen. These drivers report no other disqualifying conditions, including diabetes-related complications. Each meets the vision standard at 49 CFR 391.41(b)(10).

The qualifications and medical condition of each applicant were stated and discussed in detail in the November 15, 2010, **Federal Register** notice and they will not be repeated in this notice.

Discussion of Comments

FMCSA received one comment in this proceeding. The comment was considered and discussed below.

The Pennsylvania Department of Transportation stated that it had reviewed the driving record for Robert V. Boltz and were in favor of granting a Federal diabetes exemption to this individual.

Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the diabetes standard in 49 CFR 391.41(b)(3) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. The exemption allows the applicants to operate CMVs in interstate commerce.

To evaluate the effect of these exemptions on safety, FMCSA considered medical reports about the applicants' ITDM and vision, and reviewed the treating endocrinologists' medical opinion related to the ability of the driver to safely operate a CMV while using insulin.

Consequently, FMCSA finds that in each case exempting these applicants from the diabetes standard in 49 CFR 391.41(b)(3) is likely to achieve a level of safety equal to that existing without the exemption.

Conditions and Requirements

The terms and conditions of the exemption will be provided to the applicants in the exemption document and they include the following: (1) That each individual submit a quarterly monitoring checklist completed by the treating endocrinologist as well as an annual checklist with a comprehensive medical evaluation; (2) that each individual reports within 2 business days of occurrence, all episodes of severe hypoglycemia, significant complications, or inability to manage diabetes; also, any involvement in an accident or any other adverse event in a CMV or personal vehicle, whether or not it is related to an episode of hypoglycemia; (3) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (4) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the certification when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

Conclusion

Based upon its evaluation of the twenty-one exemption applications, FMCSA exempts, Roger H. Allen, Thomas H. Baalmann, Jerry A. Barber, Robert V. Boltz, Hulie A. Brandvold, Richard E. Crum, Marc A. Cunningham, Terry D. Cunningham, William S. Dawson, Dean A. Dalessandro, Albert H. Feldt, Christopher J. Grause, Shannon A. Griffin, Edward M. Houston, John R. MacDougall, Carlos E. Martinez, Matthew M. Rollins, Shawn G. Sherman, Mark W. Shuff, Steven M. Simpson and James H. Smith from the ITDM standard in 49 CFR 391.41(b)(3), subject to the conditions listed under "Conditions and Requirements" above.

In accordance with 49 U.S.C. 31136(e) and 31315 each exemption will be valid for two years unless revoked earlier by FMCSA. The exemption will be revoked if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315. If the exemption is still effective at the end of the 2-year period, the person may apply to FMCSA for a renewal under procedures in effect at that time.

Issued on: December 29, 2010.

Larry W. Minor,

Associate Administrator, Office of Policy.

[FR Doc. 2011–247 Filed 1–7–11; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2010–0427]

Qualification of Drivers; Exemption Applications; Diabetes Mellitus

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of applications for exemption from the diabetes mellitus standard; request for comments.

SUMMARY: FMCSA announces receipt of applications from 15 individuals for exemption from the prohibition against persons with insulin-treated diabetes mellitus (ITDM) operating commercial motor vehicles (CMVs) in interstate commerce. If granted, the exemptions would enable these individuals with ITDM to operate CMVs in interstate commerce.

DATES: Comments must be received on or before *February 9, 2011.*

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2010–0427 using any of the following methods:

• *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.

• *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

• *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

• *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket numbers for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Federal Docket Management System (FDMS) is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, *etc.*). You may review DOT's Privacy Act Statement for the FDMS published in the **Federal Register** on January 17, 2008 (73 FR 3316), or you may visit *http://edocket.access.gpo.gov/2008/pdf/E8-785.pdf.*

FOR FURTHER INFORMATION CONTACT: Dr. Mary D. Gunnels, Director, Medical Programs, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue, SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the Federal Motor Carrier Safety Regulations for a 2-year period if it finds "such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption." The statute also allows the Agency to renew exemptions at the end of the 2-year period. The 15 individuals listed in this notice have recently requested such an exemption from the diabetes prohibition in 49 CFR 391.41(b)(3), which applies to drivers of CMVs in interstate commerce. Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by the statutes.

Qualifications of Applicants

Alvin H. Banghart

Mr. Banghart has had ITDM since 2007. His endocrinologist examined him in 2010 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years; understands diabetes management and monitoring; has stable control of his diabetes using insulin; and is able to drive a CMV safely. Mr. Banghart meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2010 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Nebraska.

Neal S. Faulkner

Mr. Faulkner, 50, has had ITDM since 2006. His endocrinologist examined him in 2010 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years; understands diabetes management and monitoring; has stable control of his diabetes using insulin; and is able to drive a CMV safely. Mr. Faulkner meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2010 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Vermont.

Stephen D. Ford

Mr. Ford, 51, has had ITDM since 2005. His endocrinologist examined him in 2010 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years; understands diabetes management and monitoring; has stable control of his diabetes using insulin; and is able to drive a CMV safely. Mr. Ford meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2010 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from South Carolina.

Jason J. Hamilton

Mr. Hamilton, 35, has had ITDM since 2010. His endocrinologist examined him in 2010 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years; understands diabetes management and monitoring; has stable control of his diabetes using insulin; and is able to drive a CMV safely. Mr. Hamilton meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2010 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Arizona.

Robert D. Hamrick

Mr. Hamrick, 58, has had ITDM since 2009. His endocrinologist examined him in 2010 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years; understands diabetes management and monitoring; has stable control of his diabetes using insulin; and is able to drive a CMV safely. Mr. Hamrick meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2010 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Oregon.

Harlan L. Janssen

Mr. Janssen, 61, has had ITDM since 2009. His endocrinologist examined him

in 2010 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years; understands diabetes management and monitoring; has stable control of his diabetes using insulin; and is able to drive a CMV safely. Mr. Janssen meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2010 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Minnesota.

Vincent J. Laird

Mr. Laird, 51, has had ITDM since 2010. His endocrinologist examined him in 2010 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years; understands diabetes management and monitoring; has stable control of his diabetes using insulin; and is able to drive a CMV safely. Mr. Laird meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2010 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Pennsylvania.

Steven J. Lefebvre

Mr. Lefebvre, 41, has had ITDM since 1979. His endocrinologist examined him in 2010 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years; understands diabetes management and monitoring; has stable control of his diabetes using insulin; and is able to drive a CMV safely. Mr. Lefebvre meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2010 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from New York.

Mitchell J. Moore

Mr. Moore, 37, has had ITDM since 2010. His endocrinologist examined him in 2010 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years; understands diabetes management and monitoring; has stable control of his diabetes using insulin; and is able to drive a CMV safely. Mr. Moore meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2010 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Colorado.

James R. Parker

Mr. Parker, 51, has had ITDM since 2010. His endocrinologist examined him in 2010 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years; understands diabetes management and monitoring; has stable control of his diabetes using insulin; and is able to drive a CMV safely. Mr. Parker meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2010 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from New Jersey.

Charles C. Quast

Mr. Quast, 59, has had ITDM since 2010. His endocrinologist examined him in 2010 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years; understands diabetes management and monitoring; has stable control of his diabetes using insulin; and is able to drive a CMV safely. Mr. Quast meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2010 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Illinois.

James E. Steele

Mr. Steele, 52, has had ITDM since 2010. His endocrinologist examined him in 2010 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years; understands diabetes management and monitoring; has stable control of his diabetes using insulin; and is able to drive a CMV safely. Mr. Steele meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2010 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Tennessee.

Kole B. Stevens

Mr. Stevens, 21, has had ITDM since 2000. His endocrinologist examined him in 2010 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years; understands diabetes management and monitoring; has stable control of his diabetes using insulin; and is able to drive a CMV safely. Mr. Stevens meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2010 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Maine.

Timothy D. Swanson

Mr. Swanson, 63, has had ITDM since 1978. His endocrinologist examined him in 2010 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years; understands diabetes management and monitoring; has stable control of his diabetes using insulin; and is able to drive a CMV safely. Mr. Swanson meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2010 and certified that he has stable nonproliferative and stable proliferative diabetic retinopathy. He holds a Class E operator's license from Florida.

Raymond E. Williams

Mr. Williams, 62, has had ITDM since 2000. His endocrinologist examined him in 2010 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or

more) severe hypoglycemic episodes in the last 5 years; understands diabetes management and monitoring; has stable control of his diabetes using insulin; and is able to drive a CMV safely. Mr. Williams meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2010 and certified that he does not have diabetic retinopathy. He holds an operator's license from Indiana.

Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before the close of business on the closing date indicated in the date section of the notice.

FMCSA notes that section 4129 of the Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users requires the Secretary to revise its diabetes exemption program established on September 3, 2003 (68 FR 52441).[1] The revision must provide for individual assessment of drivers with diabetes mellitus, and be consistent with the criteria described in section 4018 of the Transportation Equity Act for the 21st Century (49 U.S.C. 31305).

Section 4129 requires: (1) Elimination of the requirement for 3 years of experience operating CMVs while being treated with insulin; and (2) establishment of a specified minimum period of insulin use to demonstrate stable control of diabetes before being allowed to operate a CMV.

In response to section 4129, FMCSA made immediate revisions to the diabetes exemption program established by the September 3, 2003 notice. FMCSA discontinued use of the 3-year driving experience and fulfilled the requirements of section 4129 while continuing to ensure that operation of CMVs by drivers with ITDM will achieve the requisite level of safety required of all exemptions granted under 49 U.S.C. 31136(e).

Section 4129(d) also directed FMCSA to ensure that drivers of CMVs with ITDM are not held to a higher standard than other drivers, with the exception of limited operating, monitoring and medical requirements that are deemed medically necessary. The FMCSA concluded that all of the operating, monitoring and medical requirements set out in the September 3, 2003 notice, except as modified, were in compliance with section 4129(d). Therefore, all of the requirements set out in the September 3, 2003 notice, except as modified by the notice in the **Federal Register** on November 8, 2005 (70 FR 67777), remain in effect.

Issued on: December 30, 2010.

Larry W. Minor,

Associate Administrator, Office of Policy.

[FR Doc. 2011–250 Filed 1–7–11; 8:45 am]

BILLING CODE P

[1] Section 4129(a) refers to the 2003 notice as a "final rule." However, the 2003 notice did not issue a "final rule" but did establish the procedures and standards for issuing exemptions for drivers with ITDM.

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2010–0287]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of Final Disposition.

SUMMARY: FMCSA announces its decision to exempt 15 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs). The exemptions will enable these individuals to operate commercial motor vehicles (CMVs) in interstate commerce without meeting the prescribed vision standard. The Agency has concluded that granting these exemptions will provide a level of safety that is equivalent to, or greater than, the level of safety maintained without the exemptions for these CMV drivers.

DATES: The exemptions are effective January 10, 2011. The exemptions expire on January 10, 2013.

FOR FURTHER INFORMATION CONTACT: Dr. Mary D. Gunnels, Director, Medical Programs, (202)366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue, SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m. Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at *http://www.regulations.gov*.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, *etc.*). You may review DOT's Privacy Act Statement for the FDMS published in the **Federal Register** on January 17, 2008 (73 FR 3316), or you may visit *http://edocket.access.gpo.gov/2008/pdf/E8-785.pdf*.

Background

On November 15, 2010, FMCSA published a notice of receipt of exemption applications from certain individuals, and requested comments from the public (75 FR 69737). That notice listed 15 applicants' case histories. The 15 individuals applied for exemptions from the vision requirement in 49 CFR 391.41(b)(10), for drivers who operate CMVs in interstate commerce.

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for a 2-year period if it finds "such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption." The statute also allows the Agency to renew exemptions at the end of the 2-year period. Accordingly, FMCSA has evaluated the 15 applications on their merits and made a determination to grant exemptions to each of them.

Vision and Driving Experience of the Applicants

The vision requirement in the FMCSRs provides:

A person is physically qualified to drive a commercial motor vehicle if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber (49 CFR 391.41(b)(10)).

FMCSA recognizes that some drivers do not meet the vision standard, but

have adapted their driving to accommodate their vision limitation and demonstrated their ability to drive safely. The 15 exemption applicants listed in this notice are in this category. They are unable to meet the vision standard in one eye for various reasons, including amblyopia, complete loss of vision, loss of an eye, corneal scarring, histoplasmosis and prosthesis. In most cases, their eye conditions were not recently developed. 14 of the applicants were either born with their vision impairments or have had them since childhood. The individual who sustained his vision condition as an adult has had it for one year.

Although each applicant has one eye which does not meet the vision standard in 49 CFR 391.41(b)(10), each has at least 20/40 corrected vision in the other eye, and in a doctor's opinion, has sufficient vision to perform all the tasks necessary to operate a CMV. Doctors' opinions are supported by the applicants' possession of valid commercial driver's licenses (CDLs) or non-CDLs to operate CMVs. Before issuing CDLs, States subject drivers to knowledge and skills tests designed to evaluate their qualifications to operate a CMV.

All of these applicants satisfied the testing standards for their State of residence. By meeting State licensing requirements, the applicants demonstrated their ability to operate a commercial vehicle, with their limited vision, to the satisfaction of the State. While possessing a valid CDL or non-CDL, these 15 drivers have been authorized to drive a CMV in intrastate commerce, even though their vision disqualified them from driving in interstate commerce. They have driven CMVs with their limited vision for careers ranging from 4 to 37 years. In the past 3 years, 3 of the drivers were involved in crashes or convicted of moving violations in a CMV.

The qualifications, experience, and medical condition of each applicant were stated and discussed in detail in the November 15, 2010 notice (75 FR 69737).

Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the vision standard in 49 CFR 391.41(b)(10) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. Without the exemption, applicants will continue to be restricted to intrastate driving. With the exemption, applicants can drive in interstate commerce. Thus, our analysis focuses on whether an equal or greater level of safety is likely to be achieved by permitting each of these drivers to drive in interstate commerce as opposed to restricting him or her to driving in intrastate commerce.

To evaluate the effect of these exemptions on safety, FMCSA considered not only the medical reports about the applicants' vision, but also their driving records and experience with the vision deficiency.

To qualify for an exemption from the vision standard, FMCSA requires a person to present verifiable evidence that he/she has driven a commercial vehicle safely with the vision deficiency for the past 3 years. Recent driving performance is especially important in evaluating future safety, according to several research studies designed to correlate past and future driving performance. Results of these studies support the principle that the best predictor of future performance by a driver is his/her past record of crashes and traffic violations. Copies of the studies may be found at Docket Number FMCSA–1998–3637.

We believe we can properly apply the principle to monocular drivers, because data from the Federal Highway Administration's (FHWA) former waiver study program clearly demonstrate the driving performance of experienced monocular drivers in the program is better than that of all CMV drivers collectively (*See* 61 FR 13338, 13345, March 26, 1996). The fact that experienced monocular drivers demonstrated safe driving records in the waiver program supports a conclusion that other monocular drivers, meeting the same qualifying conditions as those required by the waiver program, are also likely to have adapted to their vision deficiency and will continue to operate safely.

The first major research correlating past and future performance was done in England by Greenwood and Yule in 1920. Subsequent studies, building on that model, concluded that crash rates for the same individual exposed to certain risks for two different time periods vary only slightly (*See* Bates and Neyman, University of California Publications in Statistics, April 1952). Other studies demonstrated theories of predicting crash proneness from crash history coupled with other factors. These factors—such as age, sex, geographic location, mileage driven and conviction history—are used every day by insurance companies and motor vehicle bureaus to predict the probability of an individual experiencing future crashes (*See* Weber, Donald C., "Accident Rate Potential: An Application of Multiple Regression Analysis of a Poisson Process," Journal of American Statistical Association, June 1971). A 1964 California Driver Record Study prepared by the California Department of Motor Vehicles concluded that the best overall crash predictor for both concurrent and nonconcurrent events is the number of single convictions. This study used 3 consecutive years of data, comparing the experiences of drivers in the first 2 years with their experiences in the final year.

Applying principles from these studies to the past 3-year record of the 15 applicants, two of the applicants were convicted for a moving violation and two of the applicants was involved in a crash. All the applicants achieved a record of safety while driving with their vision impairment, demonstrating the likelihood that they have adapted their driving skills to accommodate their condition. As the applicants' ample driving histories with their vision deficiencies are good predictors of future performance, FMCSA concludes their ability to drive safely can be projected into the future.

We believe that the applicants' intrastate driving experience and history provide an adequate basis for predicting their ability to drive safely in interstate commerce. Intrastate driving, like interstate operations, involves substantial driving on highways on the interstate system and on other roads built to interstate standards. Moreover, driving in congested urban areas exposes the driver to more pedestrian and vehicular traffic than exists on interstate highways. Faster reaction to traffic and traffic signals is generally required because distances between them are more compact. These conditions tax visual capacity and driver response just as intensely as interstate driving conditions. The veteran drivers in this proceeding have operated CMVs safely under those conditions for at least 3 years, most for much longer. Their experience and driving records lead us to believe that each applicant is capable of operating in interstate commerce as safely as he/she has been performing in intrastate commerce. Consequently, FMCSA finds that exempting these applicants from the vision standard in 49 CFR 391.41(b)(10) is likely to achieve a level of safety equal to that existing without the exemption. For this reason, the Agency is granting the exemptions for the 2-year period allowed by 49 U.S.C. 31136(e) and 31315 to the 15 applicants listed in the notice of November 15, 2010 (75 FR 69737).

We recognize that the vision of an applicant may change and affect his/her ability to operate a CMV as safely as in

the past. As a condition of the exemption, therefore, FMCSA will impose requirements on the 16 individuals consistent with the grandfathering provisions applied to drivers who participated in the Agency's vision waiver program.

Those requirements are found at 49 CFR 391.64(b) and include the following:

(1) That each individual be physically examined every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the standard in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the certification when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

Discussion of Comments

FMCSA received no comments in this proceeding.

Conclusion

Based upon its evaluation of the 15 exemption applications, FMCSA exempts, Robert W. Blankenship, Bryan K. Deborde, Jr., Michael K. Engemann, Peter R. Gonzalez, John W. Harbaugh, Michael E. Herrera, Jr., William E. Jacobs, Perry D. Jensen, Joseph L. Jones, Gary L. Nicholas, James G. Pitchford, Virgil R. Story, John A. Thomas, Jr., Richard L. Totels, and James B. Woolwine from the vision requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above (49 CFR 391.64(b)).

In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for 2 years unless revoked earlier by FMCSA. The exemption will be revoked if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

If the exemption is still effective at the end of the 2-year period, the person may apply to FMCSA for a renewal under procedures in effect at that time.

Issued on: December 29, 2010.

Larry W. Minor,

Associate Administrator, Office of Policy.

[FR Doc. 2011–240 Filed 1–7–11; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Preparation of Environmental Impact Statement for Transit Improvements in the US 90A/Southwest Rail Corridor in Metropolitan Houston, TX

AGENCY: Federal Transit Administration (FTA), Department of Transportation (DOT).

ACTION: Notice of Intent to prepare an Environmental Impact Statement.

SUMMARY: The Federal Transit Administration (FTA) and the Metropolitan Transit Authority of Harris County (METRO) intend to prepare an Environmental Impact Statement (EIS) in accordance with the National Environmental Policy Act (NEPA), to evaluate the proposed transit improvements in the US 90A/Southwest Rail corridor in the Houston metropolitan area (Harris County). The US 90A/Southwest Rail corridor extends approximately eight miles from the vicinity of the Fannin South Station at the southern terminus of the existing METRORail Red Line to West Sam Houston Tollway (Beltway 8) in Missouri City, Texas. The proposed scope of the EIS, including the project's purpose and need, an initial set of alternatives proposed for evaluation, and the significant impacts to be considered, are presented below. A public scoping process seeking comment on the scope of the EIS is announced below.

DATES: *Comment Due Date:* Written comments on the scope of the EIS, including the project's purpose and need, and the alternatives and impacts to be considered should be sent to the Metropolitan Transit Authority of Harris County (METRO) no later than March 11, 2011. *See* **ADDRESSES** below.

Scoping Meeting Dates: Public Scoping meetings for the US 90A/Southwest Rail Corridor Transit Project will be held on February 14, 2011, February 15, 2011, February 16, 2011 and February 22, 2011. *See* **ADDRESSES** below for meeting times and locations. Presentation of the study corridor and the proposed scope of the study will be made at the meetings, followed by an opportunity for the public to ask question or make comments on the project's purpose and need, the alternatives to be evaluated and the impacts to be assessed. Scoping information material will be available on the project Web site at *http://www.ridemetro.org* and at the meeting and may also be obtained in advance of the meeting by contacting METRO at the address identified in **ADDRESSES** below. Any person who requires language interpretation or special communication accommodations is encouraged to contact the METRO Community Outreach Hotline at (713) 739–4018 at least 72 hours prior to the scoping meeting. The location for the meetings will be accessible to persons with disabilities.

ADDRESSES: Written comments should be sent to:

Edmund Petry, Lead Environmental Planner, METRO Infrastructure & Service Development, 1900 Main Street, Houston, Texas 77002.

You can also obtain information and contact METRO about issues for the US 90A/Southwest Rail Corridor Transit Project from the project Web site at *http://www.ridemetro.org.* Scoping meetings will be held at the following locations:

Meeting 1: February 14, 2011 from 2 p.m. to 4 p.m.

Houston-Galveston Area Council (Agency Scoping), 3777 Timmons, Conference Room A 2nd Floor, Houston, TX 77027.

Meeting 2: February 15, 2011 from 11 a.m. to 2 p.m.

Waterside Café, TMC Commons Area, 6550 Bertner STE: 1, Houston, TX 77030.

Meeting 3: February 15, 2011 from 6 p.m. to 8 p.m.

Missouri City Community Center, 1522 Texas Parkway, Missouri City, TX 77489.

Meeting 4: February 16, 2011 from 6 p.m. to 8 p.m.

The Power Center, Southeast Ballroom, 12401 S. Post Oak Road, Houston, TX 77045.

Meeting 5: February 22, 2011 from 6 p.m. to 8 p.m.

Westbury High School, Atrium, 11911 Chimney Rock, Houston, TX 77035.

FOR FURTHER INFORMTION CONTACT: Daisy Mather, Environmental Protection Specialist, FTA Region VI, 819 Taylor Street, Ft. Worth, Texas 76102, Telephone (817) 978–0550.

SUPPLEMENTARY INFORMATION:

Scoping

METRO and FTA invite all interested individuals and organizations, and Federal, State, Native American Tribal, regional, and local governmental agencies to comment on the scope of the

EIS, including the project's purpose and need, the alternatives to be studied, the impacts to be evaluated, and the assessment methods to be used.

Comments may address (1) the project's purpose and need, (2) feasible alternatives that may better achieve the project's purpose and need with fewer adverse impacts, and (3) any significant environmental or community impacts relating to the alternatives.

NEPA scoping (Title 40 of the Code of Federal Regulations [CFR] 1501.7) has specific and fairly limited objectives, one of which is to identify the significant issues associated with alternatives that will be examined in detail in the document, while simultaneously limiting consideration and development of issues that are not truly significant. It is in the NEPA scoping process that potentially significant environmental and community impacts—those that give rise to the need to prepare an environmental impact statement—should be identified; impacts that are deemed not to be significant need not be developed extensively in the context of the impact statement, thereby keeping the statement focused on impacts of consequence consistent with the ultimate objectives of the NEPA implementing regulations—"to make the environmental impact statement process more useful to decision makers and the public; and to reduce paperwork and the accumulation of extraneous background data, in order to emphasize the need to focus on real environmental issues and alternatives * * * [by requiring] impact statements to be concise, clear, and to the point, and supported by evidence that agencies have made the necessary environmental analyses." Executive Order 11991, May 24, 1977.

Once the scope of the environmental study, including significant environmental issues to be addressed, is settled, an annotated outline of the document will be prepared and shared with interested agencies and the public. The outline serves at least three worthy purposes, including (1) documenting the results of the scoping process; (2) contributing to the transparency of the process; and (3) providing a clear roadmap for concise development of the environmental document.

Purpose and Need for the Project

The US 90A/Southwest Rail Corridor Transit Project has been identified in the 2035 Regional Transportation Plan Update (2035 RTP Update) of the Houston-Galveston Area Council (H–GAC) and the *METRO Solutions 2025 Plan* (METRO, August 2003) as a priority transportation investment.

The US 90A/Southwest Rail corridor continues to increase in population and employment with limited traffic capacity on existing streets and highways resulting in increased travel time, delays, and air pollution. Portions of the US 90A/Southwest Rail corridor are already densely developed. New development and redevelopment is occurring along the corridor and is expected to generate increased travel demand. In particular, high density, mixed use developments are planned in the corridor.

Travel patterns in the corridor are influenced by US 59 as it connects the southwestern end of the study area in Fort Bend County to Downtown Houston and the Texas Medical Center (TMC). Much of the growth in traffic along US 59 is a result of residential growth in Fort Bend County, as well as an increase in population and employment in major activity centers in Houston, including Downtown Houston and the TMC. High levels of congestion on US 59 result in traffic being diverted onto US 90A and the local road network.

Over the past few decades, both Fort Bend County and Harris County have experienced steady and significant population and employment growth. Future projections indicate that the rate of growth will continue to be high over the next 25–30 years, particularly in Fort Bend County. By 2035, population in the study area is projected to increase by 46 percent from 21,903 to 31,897, households by 49 percent from 8,079 to 12,039, and employment by 42 percent from 24,157 to 34,242. H–GAC, 2008.

Growth is generating greater demand than can be met by existing transportation facilities and other planned improvements. Transit improvements in the US 90A/Southwest Rail corridor will fill an important role in meeting the overall mobility needs for southwest Houston.

The strongest travel pattern in the US 90A/Southwest Rail corridor currently exists to and from the TMC, with 27,174 daily trips. This relationship is projected to continue and daily trips are projected to increase to 31,855 by 2035. There are also important existing travel patterns between the study area and destinations such as Uptown/Galleria (18,752), Downtown (11,924), and Greenway Plaza (10,642) and these are all projected to increase substantially by 2035—to Uptown/Galleria (23,913), Downtown (18,620), and Greenway Plaza (15,166). H–GAC 2005 and 2035 Person Trip Tables.

US 90A/Southwest Rail Corridor Transit Project would connect important employment areas such as Downtown Houston and the Texas Medical Center (TMC) (with 130,000 and 74,000 jobs respectively) with the cities of Missouri City and Stafford (with a combined population of nearly 100,000 residents and 32,000 jobs) U.S. Census Bureau, 2007 and 2008. The US 90A/Southwest Rail Project would also link Fort Bend County/southwest Harris County and other major activity centers currently served by the existing METRORail Red Line, including several college campuses (the University of Houston, Houston Community College and Rice University) and cultural, sports and entertainment complexes (Reliant Park, Minute Maid Park, Toyota Center, the Houston Zoo, and the Museum District).

METRO does provide bus service in the US 90A/Southwest Rail corridor; however buses operate in mixed-flow traffic on city streets for a portion of their route. As a result, bus travel times are influenced by roadway congestion which is anticipated to increase. Peak period bus travel times can be as much as 30 percent longer than travel times during off-peak periods. In addition to slower peak period travel times, the reliability of bus service in the US 90A/Southwest Rail corridor is influenced by traffic incident-induced congestion and delays.

The Houston metropolitan area is a severe nonattainment area for the eight-hour ground level ozone standard for air quality. At a minimum, transportation improvements must not degrade air quality and should strive to reduce mobile source emissions in the future. Providing alternatives to automobile travel is a key ingredient in reducing mobile source emissions.

The purpose of the proposed project is to improve mobility, accessibility, and system linkage between the major residential areas in Missouri City and Stafford with major employment centers, such as Downtown Houston and the TMC. The proposed transit improvement would provide a high speed transit alternative to the traffic congestion in the corridor and further the implementation of the METRO Rail Expansion Program.

A key component of service in the US 90A/Southwest Rail Corridor Transit Project would be the regional connectivity that it would offer. The proposed US 90A/Southwest Rail corridor transit service would connect to the existing METRORail Red Line, which would provide access to Downtown, Midtown, the Museum District and other major activity centers. Good connectivity to mainline transit

service is important for maintaining and expanding transit ridership. Without convenient transit network access, ridership in the US 90A/Southwest Rail corridor would be adversely affected by decreased bus speeds and increased travel times directly attributable to increased traffic congestion.

Project Location and Environmental Setting

The study area is located within the Houston urban area and is defined as being within the roughly 5-mile wide travel corridor that contains US 90A/Southwest Rail. The majority of the study area is within Harris County, with a small portion within Fort Bend County. The corridor is about eight miles long, linking the City of Houston and the City of Missouri City. It extends from the Fannin South Station at the southern terminus of the existing METRORail Red Line to West Sam Houston Tollway (Beltway 8) and US 90A.

US 90A, a major northeast-to-southwest highway, runs the length of the study area. IH–610 borders the study area on the north and Beltway 8 borders the study area on the west. The study area is bisected by the Union Pacific (UP) freight railroad; the study area parallels the UP Glidden subdivision and is intersected by the UP Terminal subdivision.

Alternatives

Preliminary alternatives identified include a No Build Alternative and various Build Alternatives. Additional alternatives may emerge from comments received during the scoping process. Technology alternatives will be addressed during the EIS process including those alternatives that would require use of Federal Railroad Administration (FRA) compliant rail vehicles, such as would be case with Build Alternative 3 below. The initial list of alternatives proposed for consideration is as follows:

No Build Alternative: This alternative includes all transportation facilities and services programmed for implementation by 2030. This alternative includes highway and roadway improvements, as well as transit facilities. The H–GAC *2035 RTP* serves as the basis for defining the elements of the No Build Alternative. The No Build Alternative proposes no major transit or transportation improvements in the US 90A/Southwest Rail corridor.

Alternative 1—North of UP Railroad—Buffalo Lakes/West Bellfort: This light rail transit (LRT) alternative begins in the vicinity of Beltway 8 and US 90A and runs northeast along the north side of the UP Railroad right-of-way. It turns north and runs through the future Buffalo Lakes development. At West Bellfort Road, it turns east and follows West Bellfort Road to Fannin Street, where it turns north to connect to the existing METRORail Red Line. A Hillcroft/West Airport Alignment Option turns north at Hillcroft Street and then east onto West Airport Boulevard. After crossing Chimney Rock Road, it merges back along the north side of the UP Railroad right-of-way.

Alternative 2—North of UP Railroad/Fannin: This LRT alternative begins in the vicinity of Beltway 8 and US 90A and runs northeast along the north side of the UP Railroad right-of way. At Fannin Street it turns north to connect to the existing METRORail Red Line. A Hillcroft/West Airport Alignment Option turns north at Hillcroft Street and then east onto West Airport Boulevard. After crossing Chimney Rock Road, it merges back along the north side of the UP Railroad right-of-way.

Alternative 3—UP Right-of-Way—Fannin: This commuter rail alternative begins in the vicinity of Beltway 8 and US 90A and runs northeast within the UP Railroad right-of-way. At Fannin, it turns north to connect to the existing METRORail Red Line.

Alternative 4—Between UP Railroad and US 90A—Buffalo Lakes/West Bellfort: This LRT alternative begins in the vicinity of Beltway 8 and US 90A and runs northeast between the UP Railroad and US 90A. It turns north and runs through the future Buffalo Lakes development. At West Bellfort Road, it turns east and follows West Bellfort Road to Fannin Street, where it turns north and connects to the existing METRORail Red line.

Alternative 5—South of US 90A—Buffalo Lakes/West Bellfort: This LRT alternative begins in the vicinity of Beltway 8 and US 90A and runs northeast along the south side of the US 90A. It turns north and runs through the future Buffalo Lakes development. At West Bellfort Road, it turns east and follows West Bellfort Road to Fannin Street, where it turns north to connect to the existing METRORail Red Line.

Possible Effects

The preliminary set of alternatives that have been identified would use UPRR ROW, TXDOT ROW, newly acquired right-of-way, or a combination of each. Each of the proposed alternatives may pose different environmental concerns for analysis. Alignments using UPRR ROW could have potential impacts in the areas of freight rail operations, noise & vibration, hazardous materials, water quality, floodplains, and aesthetics. Proposed alignments that use TxDOT ROW of South Main (US 90A) could have impacts in the areas of noise & vibration, water quality, traffic, and floodplains. Newly acquired ROW could have potential environmental impacts on a broader range of categories such as wetlands, floodplains, parkland, residential and industrial property displacements, noise & vibration, threatened & endangered species, and cultural resources. The proposed project would occur in the Houston-Galveston region, which is classified as a "severe" non-attainment area for ground level zone; therefore, all alternatives would be investigated for air quality impacts.

Environmental justice issues will be examined for all alternatives, and Limited English Proficiency and Title VI requirements documented. The indirect and cumulative effects of the proposed project would also be analyzed in the EIS.

The EIS will take into account both positive and negative impacts, direct and indirect impacts, short-term and long-term impacts and site specific and corridor wide impacts. The impact evaluation will be consistent with all Federal, State, and local criteria, regulations and policies. The EIS will identify measures to avoid, minimize, and mitigate adverse environmental and community impacts. To ensure that all significant issues related to this proposed action are identified and addressed, scoping comments and suggestions are invited from all interested parties. In addition, a Public Involvement Program will include outreach to community and civic groups; periodic meetings with various local organizations; a public hearing on release of the draft EIS; and development and distribution of project newsletters.

FTA Procedures

The EIS will be prepared in accordance with NEPA and its implementing regulations issued by the Council on Environmental Quality (40 CFR parts 1500–1508) and with the FTA/Federal Highway Administration regulations "Environmental Impact and Related Procedures" (23 CFR part 771). In accordance with 23 CFR 771.105(a) and 771.133, FTA will comply with all Federal environmental laws, regulations, and executive orders applicable to the proposed project during the environmental review process to the maximum extent practicable. These requirements include, but are not limited to, the environmental and public hearing

provisions of Federal transit laws (49 U.S.C. 5323(b), and 5324), the project-level air quality conformity regulation of the U.S. Environmental Protection Agency (EPA) (40 CFR part 93), the section 404(b)(1) guidelines of EPA (40 CFR part 230), the regulation implementing section 106 of the National Historic Preservation Act (36 CFR part 800), the regulation implementing section 7 of the Endangered Species Act (50 CFR part 402), section 4(f) of the Department of Transportation Act (23 CFR part 774), and Executive Orders 12898 on environmental justice, 11988 on floodplain management, and 11990 on the protection of the wetlands.

The FTA regulations implementing NEPA, as well as provisions of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU), requires that FTA and METRO (1) invite other Federal and non-Federal agencies and Native American Tribes that may have an interest in the proposed project to become "participating agencies;" (2) provide an opportunity for involvement by participating agencies and the public to help define the purpose and need, and the range of alternatives for consideration; and (3) establish a plan for coordinating public and agency participation in, and comment on, the environmental review. It is possible that FTA and METRO will not be able to identify all Federal and non-Federal agencies and Native American Tribes that may have such an interest. Any Federal or non-Federal agency or Native American Tribe interested in the proposed project that does not receive an invitation to become a participating agency should notify at the earliest opportunity the Project Manager identified above under **ADDRESSES**.

Paperwork Reduction

The Paperwork Reduction Act seeks, in part, to minimize the cost to the taxpayer of the creation, collection, maintenance, use, dissemination, and disposition of information. Consistent with this goal and with principles of economy and efficiency in government, it is FTA policy to limit insofar as possible distribution of complete printed sets of environmental documents. Accordingly, unless a specific request for a complete printed set of environmental documents is received (preferably in advance of printing), FTA and its grantees will distribute only the executive summary of the environmental document together with a Compact Disc of the complete environmental document. A complete printed set of the environmental document will be available for review at the libraries and governments offices in the project area; an electronic copy of the complete environmental document will also be available on the project Web site at *http://www.ridemetro.org.*

Blas M. Uribe,

FTA Deputy Regional Administrator.

[FR Doc. 2011–149 Filed 1–7–11; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2010–0381

Pipeline Safety: Establishing Maximum Allowable Operating Pressure or Maximum Operating Pressure Using Record Evidence, and Integrity Management Risk Identification, Assessment, Prevention, and Mitigation

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA); DOT.

ACTION: Notice; issuance of Advisory Bulletin.

SUMMARY: PHMSA is issuing an Advisory Bulletin to remind operators of gas and hazardous liquid pipeline facilities of their responsibilities, under Federal integrity management (IM) regulations, to perform detailed threat and risk analyses that integrate accurate data and information from their entire pipeline system, especially when calculating Maximum Allowable Operating Pressure (MAOP) or Maximum Operating Pressure (MOP), and to utilize these risk analyses in the identification of appropriate assessment methods, and preventive and mitigative measures.

FOR FURTHER INFORMATION CONTACT: Alan Mayberry by phone at 202–366–5124 or by e-mail at *alan.mayberry@dot.gov.* All materials in this docket may be accessed electronically at *http://www.regulations.gov.* General information about the PHMSA Office of Pipeline Safety (OPS) can be obtained by accessing OPS's Internet home page at *http://www.phmsa.dot.gov/pipeline.*

SUPPLEMENTARY INFORMATION:

Background

PHMSA's goal is to improve the overall integrity of pipeline systems and reduce risks. To adequately evaluate risk, it is necessary to identify and evaluate the physical and operational characteristics of each individual pipeline system. To that end, the Hazardous Liquid and Gas Transmission Pipeline Integrity Management (IM) Programs were created with the following objectives:

- Ensuring the quality of pipeline integrity in areas with a higher potential for adverse consequences (high consequence areas or HCAs);
- Promoting a more rigorous and systematic management of pipeline integrity and risk by operators;
- Maintaining the government's prominent role in the oversight of pipeline operator integrity plans and programs; and
- Increasing the public's confidence in the safe operation of the nation's pipeline network.

The IM regulations supplement PHMSA's prescriptive safety regulations with requirements that are intelligent, performance based and process-oriented. One of the fundamental tenets of the IM program is that pipeline operators must be aware of the physical attributes of their pipeline as well as the physical environment that it transverses. These programs reflect the recognition that each pipeline is unique and has its own specific risk profile that is dependent upon the pipelines attributes, its geographical location, design, operating environment, the commodity being transported, and many other factors. This information is a vital component in an operator's ability to identify and evaluate the risks to its pipeline and identify the appropriate assessment tools, set the schedule for assessments of the integrity of the pipeline segments and identify the need for additional preventive and mitigative measures such as lowering operating pressures. If this information is unknown, or unknowable, a more conservative approach to operations is dictated.

An IM program must go beyond simply assessing pipeline segments and repairing defects. Improving operator IM programs, the analytical processes involved in identifying and responding to risk, and the application of assessment and development of preventive and mitigative measures is also a critical objective. In addition, the ability to integrate and analyze threat and integrity related data from many sources is essential for enhanced safety and proactive integrity management. However, some operators are not sufficiently aware of their pipeline attributes nor are they adequately or consistently assessing threats and risks as a part of their IM programs.

Over the past several years, PHMSA inspections and investigations have revealed deficiencies in individual

operators' risk analysis approaches, the integration of data into these risk assessments, the abilities to adequately support the selection of assessment methods, identification and implementation of preventive and mitigative measures, and maintenance of up-to-date risk information and findings about their pipeline segments. In particular, operators' programs fail to adequately address stress corrosion cracking, seam failure, or internal corrosion in their threat identification and risk assessments. The actual use of threat and risk information to determine assessment methods, to evaluate other preventive and mitigative measures, and to use those measures during periodic evaluation have been found to be deficient. Inspections and investigations have revealed examples where assessment methods, specific tools, and schedules were not based on a rigorous assessment of the type of threats posed by the pipeline segment, including consideration of the age, design, pipe material including seam type, coating, welding technique, cathodic protection, soil type, surrounding environment, operational history, or other relevant factors. Finally, inspections and investigations indicate that efforts to collect and integrate risk information can be inappropriately narrow, lack verification and fail to take into account relevant risk information and lessons learned from other parts of their system.

In recent pipeline accident investigations, NTSB and PHMSA have discovered indications that operator oversight of IM programs has been lacking and thereby failed to detect flaws and deficiencies in their programs. The level of self-evaluation and oversight currently being exercised by some pipeline operators is not uniformly applied. The NTSB is also concerned that pipeline operators throughout the United States may have discrepancies in their records that could potentially compromise the safe operation of their pipelines. NTSB has recommended that operators diligently and objectively scrutinize the effectiveness of their programs, identify areas for improvement, and implement corrective measures.

On January 3, 2011, NTSB recommended that PHMSA inform the pipeline industry of the circumstances leading up to and the consequences of the September 9, 2010, pipeline rupture in San Bruno, California, to ensure that both PHMSA and NTSB findings and recommendations with respect to the verification of records used to establish or adjust MAOP or MOP are expeditiously incorporated into the IM programs for pipeline operators. The pipeline rupture in San Bruno, CA involved a 30-inch-diameter natural gas transmission pipeline owned and operated by Pacific Gas and Electric Company (PG&E). The rupture occurred in a residential area killing eight people, injuring many more, and causing substantial property damage. The rupture created a crater about 72 feet long by 26 feet wide. A ruptured pipe segment about 28 feet long was found about 100 feet away from the crater. The resulting fire destroyed 37 homes and damaged 18. NTSB's preliminary findings indicate that the pipeline operator did not have an accurate basis for the MAOP calculation.

There are several methods available for establishing MAOP or MOP. A hydrostatic pressure test that stresses the pipe to a designated percent of the desired MAOP or MOP, without failure, is generally the most effective method. Hydrostatic testing requirements and restrictions for natural gas pipelines are specified in Title 49 CFR Part 192, Subpart J. Similar requirements for hazardous liquid pipelines are found in 49 CFR Part 195, Subpart E. Although hydrostatic testing is recognized to be the most direct and effective methodology for validating a MAOP or MOP, its implementation requires that operating lines be shut down, which may adversely affect customers dependent on the natural gas supplied by the pipeline, particularly if the pipe fails during the test, which could necessitate a protracted shutdown. Consequently, operators prefer to use available design, construction, inspection, testing, and other related records to calculate the valid MAOP or MOP. However, this method is susceptible to error if pipeline records are inaccurate. With respect to the portion of the pipeline that failed in the September 9, 2010, San Bruno incident, PG&E used available design, construction, inspection, testing, and other related records to calculate the MAOP. The NTSB's examination of the ruptured pipe segment and review of PG&E records revealed that although the as-built drawings and alignment sheets mark the pipe as seamless API 5L Grade X42 pipe, the pipeline in the area of the rupture was constructed with longitudinal seam-welded pipe. The ruptured pipe segment was constructed of five sections of pipe, some of which were short pieces measuring about four feet long, containing different longitudinal seam welds of various types, including single- and double-sided welds. Consequently, the short pieces of pipe of unknown specifications in the ruptured pipe segment may not have been as strong as the seamless API 5L Grade X42 steel pipe listed in PG&E's records. PG&E's records also identify Consolidated Western Steel Corporation as the manufacturer of the accident segment of Line 132. However, after physical inspection of the ruptured section, investigators were unable to confirm the manufacturing source of some of the pieces of ruptured pipe.

Integrity Management Regulatory Provisions

For hazardous liquid pipelines, § 195.452 establishes requirements for IM programs in HCAs. Section 195.452(b)(1) requires that each operator of a hazardous liquid pipeline "develop a written IM program that addresses the risks on each segment of pipeline." Section 195.452(e) defines the minimum list of risk factors that must be included in the risk assessments used to schedule segment assessments. Appendix C provides additional guidance on these risk factors. Section 195.452(f) defines the required elements of an IM program. These elements include an analysis that integrates all available information about the integrity of the entire pipeline and the consequences of a failure, including data gathered during previous integrity assessments and data gathered in conjunction with other maintenance inspections and investigations. These elements also include an identification of additional preventive and mitigative measures to protect the HCAs (§ 195.452(i)), including conducting a risk analysis in which an operator must evaluate the likelihood of a pipeline release and how it could affect the HCAs. Preventive and mitigative measures to be evaluated based on risk factors include, but are not limited to, leak detection system modifications and installation of additional Emergency Flow Restricting Devices.

For natural gas pipelines, Subpart O of 49 CFR Part 192 establishes the requirements for IM programs in HCAs. Section 192.911(c) requires that IM programs include "[a]n identification of threats to each covered pipeline segment, which must include data integration and a risk assessment." This section further requires "[a]n operator must use the threat identification and risk assessment to prioritize covered segments for assessment (§ 192.917) and to evaluate the merits of additional preventive and mitigative measures (§ 192.935) for each covered segment." Section 192.917(b) requires an operator to integrate existing data and information on the entire pipeline that could be relevant to a covered segment. In performing this data gathering and

integration, an operator must follow the requirements in ASME/ANSI B31.8S, section 4. At a minimum, an operator must gather and evaluate the set of data specified in Appendix A to ASME/ANSI B31.8S, and consider both on the covered segment and similar non-covered segments, past incident history, corrosion control records, continuing surveillance records, patrolling records, maintenance history, internal inspection records, operating stress levels, past pressure test information, soil characteristics, and all other conditions specific to each pipeline. Section 192.917(c) states that an operator must conduct a risk assessment that follows ASME/ANSI B31.8S, section 5, and considers the identified threats for each covered segment. An operator must use the risk assessment to prioritize the covered segments for the baseline and periodic reassessments, and to determine what additional preventive and mitigative measures are needed for the covered segment. Sections 192.919 and 192.921(a) further require that the operator explain why the particular assessment method for each segment was selected to address the identified threats to each covered segment. Specifically, § 192.921(a) requires the operator to select the method or methods best suited to address the identified threats to the covered segment (pipeline), which include internal inspection tool[s], pressure test, direct assessment, or other technology that an operator demonstrates can provide an equivalent understanding of the condition of the pipeline. More than one assessment method may be required to address all the threats to the covered pipeline segment. Section 192.935 requires that an operator take additional measures beyond those already required by Part 192 to prevent a pipeline failure and to mitigate the consequences of a pipeline failure in a HCA. An operator must base the additional measures on the threats the operator has identified to each pipeline segment. This section requires that an operator conduct, in accordance with one of the risk assessment approaches in ASME/ANSI B31.8S, section 5, a risk analysis of its pipeline to identify additional measures to protect the HCA and enhance public safety.

Advisory Bulletin (ADB–11–01)

To: Owners and Operators of Hazardous Liquid and Gas Pipeline Systems.

Subject: Establishing Maximum Allowable Operating Pressure or Maximum Operating Pressure Using Record Evidence, and Integrity Management Risk Identification, Assessment, Prevention, and Mitigation.

Advisory: To further enhance the Department's safety efforts and implement the NTSB's January 3, 2011, recommendation to PHMSA [P–10–1], PHMSA is issuing this Advisory Bulletin concerning establishing MAOP and MOP using record evidence and integrity management; threat and risk identification; risk assessment; risk information collection, accuracy and integration, and identification and implementation of preventive and mitigative measures.

I. Establishing MAOP or MOP Using Record Evidence

As PHMSA and NTSB recommended, operators relying on the review of design, construction, inspection, testing and other related data to calculate MAOP or MOP must assure that the records used are reliable. An operator must diligently search, review and scrutinize documents and records, including but not limited to, all as-built drawings, alignment sheets, and specifications, and all design, construction, inspection, testing, maintenance, manufacturer, and other related records. These records shall be traceable, verifiable, and complete. If such a document and records search, review, and verification cannot be satisfactorily completed, the operator cannot rely on this method for calculating MAOP or MOP. Copies of the recommendations issued by NTSB to PHMSA, PG&E, and the California Public Utilities Commission, are available in the public docket and at PHMSA's Web site: *http://www.phmsa.dot.gov/pipeline/regs/ntsb.*

II. Performing Risk Identification, Assessment, Data Accuracy, Prevention, and Mitigation

Pipeline operators are reminded of their responsibilities to identify pipeline integrity threats, perform rigorous risk analyses, integrate information, and identify, evaluate, and implement preventive and mitigative measures as required by the Federal pipeline safety regulations. Operators should thoroughly review their current IM programs and make any changes necessary to become fully compliant with the Federal pipeline safety regulations. Future, PHMSA inspections will place emphasis on the areas noted in this Advisory Bulletin.

Operators are also advised that PHMSA and its State partners intend to sponsor a public workshop on threat and risk identification, risk assessment, risk information collection and integration, and identification of preventive and mitigative measures. The purpose of the workshop will be to expand the industry's knowledge base about effective IM programs. At this workshop, PHMSA will discuss the progress it has seen and the challenges remaining. Operators with demonstrably effective programs will be invited to share information. Public participation will be encouraged.

A. Risk and Threat Identification

PHMSA emphasizes the need for operators to be fully cognizant of the physical and operational characteristics of their systems, understand the threats to their systems, and the risks posed by their systems. Each operator is ultimately responsible for identifying all risk factors and cannot rely solely on the factors in § 195.452(e) and Appendix C of Part 195 or § 192.917. Any operator of a hazardous liquid or gas transmission pipeline that is not fully cognizant of the location, pipe material and seam type, coating, cathodic protection history, repair history, previous pressure testing, or operational pressure history, and other assessment information, incident data, soil type and environment, operational history, or other key risk factors of a pipeline operating at or above 30% SMYS should (1) institute an aggressive program as soon as possible to obtain this information, (2) assess the risks, and (3) take the proper mitigative measures based upon the operator's IM program risk findings. In addition, if these operators do not have verified information on key risk factors, an immediate and interim mitigation measure that should be strongly considered is a pressure reduction to 80 percent of the operating pressure for the previous month, hydro testing the pipeline or creating a remediation program to identify threat risks. Operators of transmission pipelines operating below 30% SMYS should also conduct an integrity threat and risk review of these pipelines to ensure safety in HCAs. PHMSA will require an operator that has not adequately identified all threats to take mitigative measures.

B. Risk Assessment

Operators are advised to re-examine the basis for their IM assessment, as well as their MAOP or MOP calculations and documentation to meet Federal regulations in 49 CFR Parts 192 and 195. Operators must consider all significant risk factors in their risk assessments; conduct risk assessments capable of supporting identification of preventive and mitigative measures; integrate into their threat and risk

assessments all relevant risk information from prior integrity assessments, inspections, investigations, and incidents with design, construction, operational and maintenance data; to critically analyze the integrated data and incorporate the analysis into their risk assessments and integrity-related decision making; update and maintain their risk information; and to ensure that the risk information is made available throughout the organization in a form that can effectively support decisions on integrity assessment methods, tools, process and procedure changes, and schedule during the required periodic evaluations of pipeline integrity. PHMSA and its State partners intend to verify that operators have taken these actions during the course of future pipeline safety inspections and investigations.

C. Data Accuracy

Operators must review and scrutinize pipeline infrastructure documents and records, including but not limited to, all as-built drawings, alignment sheets, specifications, and all design, construction, inspection, testing, material manufacturer, operational maintenance data, and other related records, to ensure company records accurately reflect the pipeline's physical and operational characteristics. These records should be traceable, verifiable, and complete to meet §§ 192.619 and 195.302. Incomplete or partial records are not an adequate basis for establishing MAOP or MOP using this method. If such a document and records search, review, and verification cannot be satisfactorily completed, the operator may need to conduct other activities such as in-situ examination, pressure testing, and nondestructive testing or otherwise verify the characteristics of the pipeline when identifying and assessing threats or risks.

D. Risk Mitigation and Prevention

PHMSA advises operators to implement a robust IM process that includes methods best suited to address the threats and risks identified (§ 192.921(a) and § 195.452(f)). Operators must use post assessment and continuing evaluation processes to evaluate program effectiveness in identifying threats, addressing threat preventative and mitigative measures, and providing internal IM program feedback of assessment findings so the assessment process can be updated based upon threat findings.

Issued in Washington, DC, on January 4, 2011.

Jeffrey D. Wiese,

Associate Administrator for Pipeline Safety.

[FR Doc. 2011–208 Filed 1–7–11; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

Release of Waybill Data

The Surface Transportation Board has received a request from Michael Behe representing FRN, LLC (WB604–9–1/03/11) for permission to use certain data from the Board's 2009 Carload Waybill Sample. A copy of this request may be obtained from the Office of Economics.

The waybill sample contains confidential railroad and shipper data; therefore, if any parties object to these requests, they should file their objections with the Director of the Board's Office of Economics within 14 calendar days of the date of this notice. The rules for release of waybill data are codified at 49 CFR 1244.9.

Contact: Scott Decker, (202) 245–0330.

Andrea Pope-Matheson,

Clearance Clerk.

[FR Doc. 2011–155 Filed 1–7–11; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF THE TREASURY

Departmental Offices; Privacy Act of 1974, as Amended

AGENCY: Departmental Offices, Treasury.

ACTION: Notice of Proposed Privacy Act System of Records.

SUMMARY: In accordance with the Privacy Act of 1974, as amended, the Departmental Offices, U.S. Department of the Treasury ("Treasury") gives notice of the establishment of a Privacy Act System of Records.

DATES: Comments must be received no later than February 9, 2011. The new system of records will be effective February 9, 2011 unless the comments received result in a contrary determination.

ADDRESSES: Comments should be sent to Claire Stapleton, Consumer Financial Protection Bureau Implementation Team, 1801 L Street, NW., Washington, DC 20036. Comments will be made available for inspection upon written request. Treasury will make such comments available for public inspection and copying in Treasury's Library, Room 1428, Main Treasury Building, 1500 Pennsylvania Avenue, NW., Washington, DC 20220, on official business days between the hours of 10 a.m. and 5 p.m. Eastern Time. You can make an appointment to inspect comments by telephoning (202) 622–0990. All comments, including attachments and other supporting materials, will become part of the public record and subject to public disclosure. You should submit only information that you wish to make available publicly.

FOR FURTHER INFORMATION CONTACT: Claire Stapleton, Consumer Financial Protection Bureau Implementation Team, 1801 L. Street, NW., Washington, DC 20036, (202) 435–7220.

SUPPLEMENTARY INFORMATION: The Dodd-Frank Wall Street Reform and Consumer Protection Act ("Act"), Public Law 111–203, Title X, established the Consumer Financial Protection Bureau (CFPB). Once fully operational, CFPB will administer, enforce and implement Federal consumer financial protection laws, and, among other powers, will have authority to protect consumers from unfair, deceptive, and abusive practices when obtaining consumer financial products or services. The Act grants Treasury certain "interim authority" to help stand up the agency. The CFPB implementation team, currently within Treasury, will maintain the records covered by this notice.

The new systems of records described in this notice, Treasury/DO.315—CFPB Implementation Team Consumer Inquiry and Complaint Database, will be used to collect, respond to, and refer consumer inquiries and complaints concerning consumer financial products and services. A description of the new system of records follows this Notice.

The report of a new system of records has been submitted to the Committee on Oversight and Government Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Office of Management and Budget, pursuant to Appendix I to OMB Circular A–130, "Federal Agency Responsibilities for Maintaining Records About Individuals," dated November 30, 2000, and the Privacy Act, 5 U.S.C. 552a(r).

The system of records entitled, "Treasury/DO.315—CFPB Implementation Team Consumer Inquiry and Complaint Database" is published in its entirely below.

Dated: December 27, 2010.

Veronica Marco,

Acting Deputy Assistant Secretary for Privacy, Transparency, and Records.

TREASURY/DO .315

SYSTEM NAME:

CFPB Implementation Team Consumer Inquiry and Complaint Database.

SYSTEM LOCATION:

Consumer Financial Protection Bureau Implementation Team, 1801 L Street, NW., Washington, DC 20036.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by this system are individuals who submit complaints or inquiries to the CFPB Implementation Team (on their own or others' behalf); individuals on whose behalf complaints or inquiries are submitted by others (such as attorneys, members of Congress, third party advocates, and/or other governmental organizations); and individuals about whom complaints or inquiries have been received by prudential regulators, the Federal Trade Commission, other Federal agencies, and State agencies and then shared with the CFPB Implementation Team. The term "prudential regulators" refers to any Federal banking agency, as that term is defined in section 3 of the Federal Deposit Insurance Act, and the National Credit Union Administration. Information collected regarding consumer products and services is subject to the Privacy Act only to the extent that it concerns individuals; information pertaining to corporations and other business entities and organizations is not subject to the Privacy Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in the system may contain: (1) Correspondence or other information received from or made by complainants, consumers, or other individuals or entities; (2) information from the entity or individual referring the inquiry or complaint; (3) records created of verbal communications by or with complainants or other individuals; (4) information regarding third party advocates or others who submit complaints or inquiries on another's behalf; (5) information identifying the entity that is subject to the complaint or inquiry; (6) communication with or by the entity that is subject to the complaint or inquiry; (7) unique identifiers, codes, and descriptors categorizing each complaint or inquiry file; (8) information about how complaints were responded to or referred; (9) records used to respond to or refer complaints, including information in the CFPB Implementation Team's other systems of records; and (10) identifiable information regarding both the individual who is making the inquiry or complaint, and the individual on whose behalf such inquiry or complaint is made, including name, social security number, account numbers, address, phone number, e-mail address, date of birth.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 111–203, Title X, Section 1066, codified at 12 U.S.C. 5586.

PURPOSE(S):

The information in the system is being collected to enable the CFPB Implementation Team to collect, respond to, and refer complaints or inquiries regarding consumer financial products or services. The system serves as a record of the complaint or inquiry, and is used for collecting complaint or inquiry data; responding to or referring the complaint or inquiry; aggregating data that will be used to inform other functions of the CFPB Implementation Team and, as appropriate, other agencies and/or the public; and preparing reports as required by law. This system consists of complaints or inquiries received by the CFPB Implementation Team or other entities and information concerning responses to or referrals of these complaints or inquiries, as appropriate.

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) An entity that is the subject of the complaint or inquiry;

(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;

(3) A court, magistrate, or administrative tribunal pursuant to an order of a court of competent jurisdiction, where relevant or potentially relevant to a proceeding, or in connection with criminal law proceedings;

(4) Third parties to the extent necessary to obtain information needed for a response to or referral of a complaint or inquiry;

(5) Appropriate law enforcement agencies or authorities in connection with the investigation and/or prosecution of alleged civil, criminal, and administrative violations;

(6) A congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(7) The appropriate governmental, Tribal, self-regulatory or professional organizations if that organization has jurisdiction over the subject matter of the complaint or inquiry, or over the entity that is the subject of the complaint or inquiry;

(8) 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;

(9) Other Federal and nonfederal governmental supervisory or regulatory authorities when the subject matter is within such other agency's jurisdiction;

(10) The U.S. Department of Justice ("DOJ") for its use in providing legal advice to the Treasury or in representing the Treasury in a proceeding before a court, adjudicative body, or other administrative body before which the Treasury is authorized to appear, where the use of such information by the DOJ is deemed by the Treasury to be relevant and necessary to the litigation, and such proceeding names as a party or interests:

(a) The Treasury or any component thereof;

(b) Any employee of the Treasury in his or her official capacity;

(c) Any employee of the Treasury in his or her individual capacity where DOJ has agreed to represent the employee; or

(d) The United States, where the Treasury determines that litigation is likely to affect the Treasury or any of its components.

(11) The National Archives and Records Administration for use in records management inspections;

(12) A contractor or agent who needs to have access to this system of records to perform an assigned activity;

(13) Appropriate agencies, entities, and persons when (a) the Treasury suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (b) the Treasury 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 Treasury 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 Treasury's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm;

(14) Prudential regulators (including without limitation Federal banking agencies and the National Credit Union Administration), the Federal Trade Commission, other Federal agencies, and State agencies, for the purpose of facilitating the activities described in 12 U.S.C. 5493(b)(3)(D) concerning consumer financial products and services complaints;

(15) Government agencies and the public, in the form of analytic and statistical reports, summaries, or extracts in which individual identities are not revealed, in order to provide information about trends and patterns derived from information contained in complaint records; and

(16) Persons determined to be complainants and/or victims, to the extent the Treasury deems necessary, at its discretion, in order to provide such persons with information concerning the progress and/or results of the investigation or case arising from the matters of which they complained and/or of which they were a victim.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPENSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records maintained in this system are stored electronically and in file folders. Paper copies of individual records are made by the authorized CFPB Implementation Team staff.

RETRIEVABILITY:

Records are retrievable by a variety of fields including, but not limited to, the individual's name, Social Security number, complaint/inquiry case number, address, account number, transaction number, phone number, date of birth, or by some combination thereof.

SAFEGUARDS:

Access to electronic records is restricted to authorized personnel who have been issued non-transferrable access codes and passwords. Other records are maintained in locked file cabinets or rooms with access limited to those personnel whose official duties require access.

RETENTION AND DISPOSAL:

Computer and paper records will be maintained indefinitely until a records disposition schedule is approved by the National Archives Records Administration.

SYSTEM MANAGER(S) AND ADDRESS:

Consumer Financial Protection Bureau Implementation Team, 1801 L Street, NW., Washington, DC 20036.

NOTIFICATION PROCEDURE:

Individuals seeking notification and access to any record contained in this system of records, or seeking to contest its content, may inquire in writing in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix A. Address such requests to: Director, Disclosure Services, Department of Treasury, 1500 Pennsylvania Ave., NW., Washington, DC 20220.

RECORD ACCESS PROCEDURES:

See "Notification Procedures" above.

CONTESTING RECORD PROCEDURES:

See "Notification Procedures" above.

RECORD SOURCE CATEGORIES:

Information in this system is obtained from individuals and entities filing complaints and inquiries, other governmental authorities, and entities that are the subjects of complaints and inquiries.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 2011–217 Filed 1–7–11; 8:45 am]

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H.R. 5470/P.L. 111–360

To exclude an external power supply for certain security or life safety alarms and surveillance system components from the application of certain energy efficiency standards under the Energy Policy and Conservation Act. (Jan. 4, 2011; 124 Stat. 4051)

H.R. 5605/P.L. 111–361

To designate the facility of the United States Postal Service located at 47 East Fayette Street in Uniontown, Pennsylvania, as the ''George C. Marshall Post Office''. (Jan. 4, 2011; 124 Stat. 4053)

H.R. 5606/P.L. 111–362

To designate the facility of the United States Postal Service located at 47 South 7th Street in Indiana, Pennsylvania, as the ''James M. 'Jimmy' Stewart Post Office Building''. (Jan. 4, 2011; 124 Stat. 4054)

H.R. 5655/P.L. 111–363

To designate the Little River Branch facility of the United States Postal Service located at 140 NE 84th Street in Miami, Florida, as the ''Jesse J. McCrary, Jr. Post Office''. (Jan. 4, 2011; 124 Stat. 4055)

H.R. 5809/P.L. 111–364

Diesel Emissions Reduction Act of 2010 (Jan. 4, 2011; 124 Stat. 4056)

H.R. 5877/P.L. 111–365

To designate the facility of the United States Postal Service located at 655 Centre Street in Jamaica Plain, Massachusetts, as the ''Lance Corporal Alexander Scott Arredondo, United States Marine Corps Post Office Building''. (Jan. 4, 2011; 124 Stat. 4062)

H.R. 5901/P.L. 111–366

To amend the Internal Revenue Code of 1986 to authorize the tax court to appoint employees. (Jan. 4, 2011; 124 Stat. 4063)

H.R. 6392/P.L. 111–367

To designate the facility of the United States Postal Service located at 5003 Westfields Boulevard in Centreville, Virginia, as the ''Colonel George Juskalian Post Office Building''. (Jan. 4, 2011; 124 Stat. 4066)

H.R. 6400/P.L. 111–368

To designate the facility of the United States Postal Service located at 111 North 6th Street in St. Louis, Missouri, as the ''Earl Wilson, Jr. Post Office''. (Jan. 4, 2011; 124 Stat. 4067)

H.R. 6412/P.L. 111–369

Access to Criminal History Records for State Sentencing Commissions Act of 2010 (Jan. 4, 2011; 124 Stat. 4068)

H.R. 6510/P.L. 111–370

To direct the Administrator of General Services to convey a parcel of real property in Houston, Texas, to the Military Museum of Texas, and for other purposes. (Jan. 4, 2011; 124 Stat. 4069)

H.R. 6533/P.L. 111–371

Local Community Radio Act of 2010 (Jan. 4, 2011; 124 Stat. 4072)

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