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FEDERAL REGISTER

Vol. 77 Wednesday,

No. 216 November 7, 2012

Pages 66703–66914

OFFICE OF THE FEDERAL REGISTER

The **FEDERAL REGISTER** (ISSN 0097–6326) is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 is the exclusive distributor of the official edition. Periodicals postage is paid at Washington, DC.

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CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1223

[CPSC Docket No. CPSC–2012–0011]

RIN 3041–AC90

Safety Standard for Infant Swings

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: Section 104(b) of the Consumer Product Safety Improvement Act of 2008 (CPSIA), part of the Danny Keysar Child Product Safety Notification Act, requires the United States Consumer Product Safety Commission (Commission, CPSC, or we) to promulgate consumer product safety standards for durable infant or toddler products. These standards are to be ''substantially the same as'' applicable voluntary standards or more stringent than the voluntary standard if the Commission concludes that more stringent requirements would further reduce the risk of injury associated with the product. In this final rule, the Commission is issuing a safety standard for infant swings, as required under section 104(b) of the CPSIA.

DATES: The rule is effective May 7, 2013 and applies to products manufactured on or after that date. The incorporation by reference of the publication listed in this rule is approved by the Director of the Federal Register as of May 7, 2013.

FOR FURTHER INFORMATION CONTACT: Keysha L. Watson, Office of Compliance and Field Operations, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; telephone (301) 504–6820; email: *kwatson@cpsc.gov.*

SUPPLEMENTARY INFORMATION:

A. Background: Section 104(b) of the CPSIA

The CPSIA was enacted on August 14, 2008. Section 104(b) of the CPSIA, part of the Danny Keysar Child Product Safety Notification Act, requires the Commission to promulgate consumer product safety standards for durable infant and toddler products. These standards are to be ''substantially the same as'' applicable voluntary standards or more stringent than the voluntary standard if the Commission concludes that more stringent requirements would further reduce the risk of injury associated with the product. The term ''durable infant or toddler product'' is defined in section 104(f)(1) of the CPSIA as a durable product intended for use, or that may be reasonably expected to be used, by children under the age of 5 years. Infant swings are one of the products specifically identified in section 104(f)(2)(K) of the CPSIA as a durable infant or toddler product.

In the **Federal Register** of February 29, 2012, the Commission published a notice of proposed rulemaking (NPR) that proposed incorporating by reference ASTM F2088–11b, *Standard Consumer Safety Specification for Infant Swings,* with several modifications to strengthen the standard. 77 FR 7011. In this document, the Commission is issuing a safety standard for infant swings, which incorporates by reference, the new voluntary standard developed by ASTM International (formerly the American Society for Testing Materials), ASTM F2088–12a, *Standard Consumer Safety Specification for Infant Swings,* with the addition of a labeling modification to strengthen the standard and a revised test method to address an omission in the voluntary standard in the test method for toy mobiles that are attached to the swing.

We summarize the final rule (including differences between the proposal and the final rule) in section F of this preamble. The information discussed in this preamble comes from CPSC staff's briefing package for the infant swing rule, which is available on the CPSC's Web site at *http://www.cpsc.gov/library/foia/foia12/brief/infantswings.pdf.*

B. The Product

1. Definition

ASTM F2088–12a, and its predecessors, ASTM F2088–11b and ASTM F2088–12, define an ''infant swing'' as ''a stationary unit with a frame and powered mechanism that enables an infant to swing in a seated position. An infant swing is intended for use with infants from birth until a child is able to sit up unassisted.'' ASTM F2088–12a, and its predecessors, ASTM F2088–11b and ASTM F2088–12, also address ''cradle swings,'' which are defined as ''an infant swing which is intended for use by a child lying flat'' and ''travel swings,'' which are defined as ''a low profile, compact swing having a distance of 6 in. or less between the underside of the seat bottom and the support surface (floor) at any point in the seat's range of motion.'' The standard was developed in response to incident data supplied by CPSC staff to address hazards such as: Swings tipping over or collapsing, structural failures, entanglement in the restraints, and entrapment in leg holes.

2. The Market

Based on a 2005 survey conducted by American Baby Group, titled, ''2006 Baby Products Tracking Study,'' and Centers for Disease Control and Prevention birth data, we estimate that approximately 2.7 million infant swings are sold in the United States each year. We estimate that there are at least 10 manufacturers or importers supplying infant swings to the U.S. market. Eight firms are domestic manufacturers, and two are domestic importers with a foreign parent company.

The Juvenile Products Manufacturers Association (JPMA) is the major U.S. trade association that represents juvenile product manufacturers and importers. The JPMA provides a certification program that allows manufacturers and importers to use the JPMA seal if they voluntarily submit their products for testing to an independent laboratory to determine if their products meet the most current ASTM voluntary standard. Currently, there are five manufacturers that sell JPMA-certified infant swings.

C. Incident Data

1. Introduction

The preamble to the NPR (77 FR 7012 through 7013) summarized the data for incidents with infant swings from January 1, 2002, through May 18, 2011. In this section, we discuss CPSC staff's analysis of incidents collected between May 19, 2011 and May 23, 2012. During that period, 351 new infant swing-related incidents were reported to the CPSC. Almost all were reported to have occurred between 2009 and 2012. The majority (333 out of 351 or 95 percent) of the reports were submitted to the CPSC by retailers and manufacturers through the CPSC's ''Retailer Reporting System.'' The remaining 18 incident reports were submitted to the CPSC from various sources, such as the CPSC Hotline, Internet reports, newspaper clippings, medical examiners, and other state/local authorities. Two of the 351 incidents were fatal, and 349 were nonfatal; 24 of the nonfatal incidents resulted in injuries.

2. Fatalities

Of the two decedents in the fatal incidents, one was a 2-month-old who died when a blanket placed in the swing obstructed his airway, and the other was a 3-month-old who died when she rolled over to a prone position onto the soft surface of the infant swing. The report did not state whether a restraint was in use at the time of the latter incident.

3. Nonfatal Incidents

There were 24 injuries reported among the 349 nonfatal incidents. Among the injured, 79 percent were 6 months old or younger; the remaining injured infants were 7 and 8 months of age. Some reports specifically mentioned the type of injury, while others only mentioned an injury with no specifics. Among the injuries specified, bumps, bruises, and lacerations were common. None required hospitalization. Most of the injuries were related to various product-related issues, such as swing seat, structural integrity, or restraint, similar to those reported and addressed in the NPR and the latest version of the voluntary standard.

4. National Injury Estimates [1]

Therewere an estimated total of 1,900 injuries (sample size = 73, coefficient of variation = 0.18) related to infant swings that were treated in U.S. hospital emergency departments during 2011. Although this reflects a decrease from the 2010 estimate of 2,200 injuries, the change was not statistically significant. Comparing with national injury estimates from the prior years, no statistically significant trend was observed over the 2002–2011 period.

No deaths were reported through the NEISS. About 78 percent of the injured were 6 months of age or younger, and about 91 percent were 12 months or younger. For the emergency department-treated injuries related to infant swings, the following characteristics occurred most frequently:

- Hazard—falls (78%); a majority of the reports did not specify the manner or cause of fall;
- Injured body part—head (62%);
- Injury type—internal organ injury (59%); and
- Disposition—treated and released (97%).

5. Hazard Pattern Characterization Based on Incident Data

The hazard patterns identified among the 351 new incident reports were similar to the hazard patterns that were identified among the incidents considered for the NPR. Most of the issues were determined to be product related. They are grouped as follows (in descending order of frequency of incidents):

- *Swing seat issues,* either seat design or seat failure, were the most commonly reported hazard, accounting for 25 percent of the 351 incident reports and four (17 percent) injuries. Seat design issues caused the seats to lean to one side, or tilt forward or backward. Seat failures resulted in seats folding up on the infant, seat pads not staying in place, or seats falling off with no other apparent component failure. With seats that leaned to one side, the infant bumped into the swing frame; with the seat failures, the infant almost always fell out of the swing.
- *Broken, detached, or loose components of the swing housing,* such as the arm, leg, motor housing, or hardware, were the next most commonly reported problems. They accounted for 24 percent of the 351 incident reports and five (21 percent) injuries.
- *Restraint issues,* either the inadequate design of the restraint or the failure of the restraint, were reported in 23 percent of the 351 reported incidents. These issues resulted in the highest proportion of injuries (10 injuries or 42 percent). Common restraint-design scenarios included: (1) Infant falling (or nearly falling) out of the seat when leaning forward or sideways; and (2) infant putting more weight toward the back of the seat, causing the seat to tilt back and the restraint failing to prevent the infant from sliding out on his/her head. Common restraint-failure scenarios included buckles or straps breaking or detaching from the product altogether.
- *Electrical or battery-related issues* were reported in 15 percent of the 351 reports. Overheating of the motor housing was the most common scenario. However, there were no injuries reported related to this issue.
- *Instability of the swing* was reported in 5 percent of the incident reports. In most of these cases, the swing was described as lifting up one leg when swinging, or tipping over completely. The latter scenario resulted in one injury.
- *Other product-related issues,* such as inadequate clearance between seat and swing frame, broken or detached toys and mobiles, and problems with swing speed, seat fabric, and assembly instructions were reported in 6 percent of the 351 incidents. One injury was reported.
- *Miscellaneous other issues* accounted for the remaining 2 percent of the 351 incident reports. This category includes the two fatalities, which were determined to be non-product-related. Also in this category were five reports with insufficient information to characterize any specific hazard, and one report of product misuse, such as the intentional removal of the restraint; these nonfatal incidents resulted in three injuries.

D. Response to Comments on the Proposed Rule

Below, we describe and respond to the comments on the proposed rule. A summary of each of the commenter's topics is presented, and each topic is followed by our response. Each ''Comment'' is numbered to help distinguish between different topics. The number assigned to each comment is for organizational purposes only, and it does not signify the comment's value, or importance, or the order in which it was received. We received 24 comments. All of the comments can be viewed on *www.regulations.gov,* by searching under the docket number of the rulemaking, CPSC–2012–0011.

[1] The source of the injury estimates is the National Electronic Injury Surveillance System (NEISS), a statistically valid injury surveillance system. NEISS injury data is gathered from emergency departments of hospitals that are selected as a probability sample of all the U.S. hospitals with emergency departments. The surveillance data gathered from the sample hospitals enable CPSC staff to make timely national estimates of the number of injuries associated with specific consumer products.

1. Slump-Over Warning Label

(*Comment 1*) Sixteen comments recommend that the text of the warning specify or clarify the hazard or the consequences of not avoiding the hazard. Comments about the need to specify the consequences of not avoiding the hazard generally recommend that the warning state explicitly that there is a risk of serious injury, death, or both. Comments about the need to clarify the hazard suggest explicit references to ''asphyxiation'' or ''choking,'' or suggest references to the slump-over position or to a hunched position with the ''chin touching chest.'' Several of the comments recommend that the warning specify the ages of the children at risk.

(*Response 1*) We believe that the current warning language requirements pertaining to the slump-over hazard are insufficient and agree that the warning should be revised to clarify the hazard and the consequences of exposure to the hazard if the consumer cannot avoid it. The current warning statement does not describe the slump-over hazard, and the formatting of the warning implies that using the swing in the most reclined seat position is an additional measure intended to address the potential for the infant user to fall or strangle in the straps. In addition, one could argue that the warning statement does not describe the probable consequences of not avoiding the slump-over hazard because the warning's reference to ''serious injury or death'' is specific to falls and strangulations.

The final rule separates the warning statement pertaining to the slump-over hazard from the warnings about falls and strangulations and strengthens this warning statement as follows:

Keep swing seat fully reclined until child is at least 4 months old AND can hold up head without help. Young infants have limited head and neck control. If seat is too upright, infant's head can drop forward, compress the airway, and result in DEATH.

2. Warning Concerning Use of Cradle Swing

(*Comment 2*) Five comments recommend that the warning should state that infants who cannot hold up their heads unassisted should use only cradle swings. One comment states that such a change would not substantially reduce the risk.

(*Response 2*) The proposed revisions to the slump-over warning statement already improve the relevant warning statement in ASTM F2088–12a, by describing the hazard more explicitly, the consequences of exposure to the hazard, and the infants who are most at risk. The language, ''*Keep swing seat fully reclined* until child is at least 4 months old AND can hold up head without help'' (emphasis added) is the part of the revised slump-over warning intended to communicate the appropriate hazard-avoidance behavior. Several comments recommend that the highlighted portion of this statement be replaced with one that instructs consumers to use only cradle swings.[2] The effectiveness of this change, therefore, depends upon whether the use of a cradle swing with these children would address more incidents than fully reclining the seat back on non-cradle swings.

As noted in the staff's briefing package for the NPR, all known swing fatalities occurred when the child was in the infant seat mode rather than the cradle mode. However, CPSC staff concluded that, for infant swings having an adjustable seat recline with a seat back angle greater than 50 degrees, fully reclining the seat back until the infant can hold up his or her head unassisted also would address the slump-over hazard. Thus, we doubt that a warning that tells consumers to use only cradle swings will be more effective than one that tells consumers to recline the seat fully.

3. Warning on All Swings

(*Comment 3*) Five comments request that all infant swings, not just reclining models with a seat back angle greater than 50 degrees, bear a warning related to the slump-over hazard. One of these comments recommends that all reclining swings, regardless of the seat back angle, warn about placing the seat in the most reclined position for infants who are younger than 3 months or who cannot hold up their heads without assistance. The remaining comments recommend that certain swings bear a warning prohibiting their use with infants who are younger than 3 months or who cannot hold up their heads without assistance. Of these, one recommends that such a warning be present on all infant swings that do not lie ''flat''; one recommends displaying the warning for all reclining swings, regardless of the seat back angle; two recommend that such a warning be present on all non-reclining models; and one of these two comments also recommends displaying the warning for all reclining models with seat back angles less than 50 degrees.

(*Response 3*) As far as the Commission knows, all infant swings currently on the market are either cradle swings or reclining swings with a maximum seat back angle greater than 50 degrees from horizontal when measured in accordance with the ASTM standard. We are unaware of any reclining swings with a maximum seat back angle less than 50 degrees from horizontal. Therefore, all reclining infant swings would bear the warning label recommending that the seat be placed in the most reclined position for infants who are younger than 4 months or who cannot hold up their heads without assistance. As noted earlier, CPSC staff has concluded that fully reclining the seat back on reclining swings with a seat back angle greater than 50 degrees addresses the slump-over hazard. Thus, although the final rule would not prevent manufacturers from including the warning on reclining swings with a maximum seat back angle less than 50 degrees from horizontal, we do not believe that mandating such a warning on these products is necessary. Cradle swings would not require the warning label because the seat back angle on these swings is not inclined enough to create the slump-over hazard.

4. Use of Pictures or Visual Aids

(*Comment 4*) Two comments recommend the use of pictures or visual aids to clarify the warning message. One of these comments suggests that this recommendation was intended for parents whose primary language is not English, or who are not familiar with measurements described in degrees.

(*Response 4*) We acknowledge that well-designed graphics might be useful to illustrate the appropriate orientation of the seat back when the infant swing is used with children 3 months old and younger. However, we are not convinced that a graphic is necessary to convey this message to most consumers, and CPSC staff's prior analyses of the incident data associated with infant swings has not revealed a pattern of incidents involving people who were not literate in English. Moreover, the design of effective graphics can be difficult. Some seemingly obvious graphics are poorly understood and can give rise to interpretations that are opposite the intended meaning (so-called ''critical confusions''). Thus, although the Commission may take action in the future if it believes graphic symbols are needed to reduce further the risk of injury associated with these products, the rule permits, but does not mandate, such supporting graphics.

Lastly, although the slump-over warning statement would be required on infant swings that have an adjustable seat recline with a seat back angle greater than 50 degrees, the warning

[2] Section 3.1.2 of ASTM F2088–12a defines a ''cradle swing'' as ''an infant swing which is intended for use by a child lying flat.''

statement itself is not required to reference this 50-degree measurement. The final rule does not include any revisions to the slump-over warning statement that would introduce reference to ''degrees.''

5. Age Recommendations To Recline Settings

(*Comment 5*) One comment recommends that the infant swing recline settings include age recommendations. However, this commenter also acknowledges that developmentally delayed infants may be endangered when the parent or caregiver follows the age-recommended settings.

(*Response 5*) The new warning label wording in the final rule explicitly directs consumers to use the swing in the most reclined position until the infant is 4 months of age and can hold their head up without help. Once the infant is able to do this, the swing can be used in any of the other settings. Therefore, adding age recommendations to the swing settings is not necessary.

6. Additional Languages on Warning Labels

(*Comment 6*) One comment recommends that the slump-over warning be required to be printed in languages in addition to English. The comment suggests that the warning should be in English and Spanish at least.

(*Response 6*) The Commission does not dismiss the potential usefulness of providing the slump-over warning and other warning information in Spanish and other non-English languages, and it recognizes that adding Spanish versions of the warnings most likely would improve warning readability among the U.S. population more than adding any other language. Nevertheless, as noted in the response to comment 4 above, CPSC staff's prior analyses of the incident data associated with infant swings has not revealed a pattern of incidents involving people who were not literate in English. Thus, although the final rule does not prohibit manufacturers from providing the required warnings in languages other than English, the available information provides no basis for mandating that manufacturers do so.

7. Additional Warning on the Label

(*Comment 7*) Two comments state that the product should include warnings about the importance of using the restraint system. One of these comments recommends the use of the phrase: ''DO NOT PLACE INFANT IN SWING WITHOUT SECURING RESTRAINTS.'' The other comment states that the warnings should ''address the risks associated with a caregiver's failure to properly employ the use of restraints while the swing is in use.'' One additional comment uses ''failing to use the restraint system'' as an example of product misuse, which should be warned against.

(*Response 7*) Section 8.3.1 of ASTM F2088–12a already warns about the potential for ''serious injury or death from infants falling or being strangled in straps'' and instructs consumers: ''[a]lways secure infant in the restraint system provided.'' In addition, the latter statement is nearly identical to the specific phrase recommended in the first comment cited in the comment summary. Thus, we believe that the current warning statements about this hazard are sufficient.

We do not believe that the product should include warnings about general product misuse. Consumers are less likely to read numerous warnings, especially about hazards that are highly unlikely. Therefore, warning about general product misuse or about numerous instances of product misuse that, individually, are very rare, would increase the likelihood that consumers will not receive the most important hazard information for the product.

8. Warnings Against Sleeping in Swings

(*Comment 8*) Three comments state that the product should warn against allowing infants to sleep in the swing. One of the comments suggests that the following language be added to the warning: ''Do not use the swing for routine sleep.''

(*Response 8*) We do not believe that warning statements about not allowing infants to sleep in the swing should be added. CPSC staff's prior review of the available incident data suggests that the angle of the seat back is more relevant to the potential for slump-over deaths and that adjusting the seat back to the most reclined position would have addressed these incidents. The warnings already include a statement about adjusting the seat back to the most reclined position for those children most at risk of slumping over, and the final rule revises the warning statement to clarify this message. Thus, we believe that warnings about not sleeping in infant swings are unlikely to reduce further the incidence of slump-over deaths; additionally, the data do not support mandating such a warning.

9. Warnings Limiting Swing Use

(*Comment 9*) One comment recommends that there be warnings about limiting the amount of time that infants spend in the swing for ''health and developmental concerns,'' namely, positional/deformational plagiocephaly and developmental delays from a lack of ''tummy time.''

(*Response 9*) Warnings are safety communications intended to inform consumers about hazards, with the ultimate goal of reducing injuries and deaths. Thus, while there may be exceptions, one generally should not provide a warning, unless a significant hazard exists. We are not aware of any reported incidents of positional/deformational plagiocephaly involving infant swings. Even if one presumes that such an association exists, CPSC staff has confirmed that this condition does not pose a hazard to infants. Similarly, developmental delays from a lack of ''tummy time'' are not hazards *per se,* and they do not directly lead to injuries or deaths. Consequently, we do not believe that this issue rises to the level that such a mandatory warning on the product is necessary.

10. Seat Deflection Warning

(*Comment 10*) One comment recommends that swings supported by a single arm include a warning about the increased likelihood of seat deflection.

(*Response 10*) We do not believe that a warning about an increased likelihood of seat deflection is necessary for single-arm infant swings. Since publication of the NPR, CPSC staff has worked with the ASTM Subcommittee on Infant Swings to develop new, improved performance requirements intended to address seat deflection. We believe that these requirements, which are part of the final rule, will effectively address the risk associated with seat deflection, and therefore, eliminate the need for a warning.

11. Electrical Cord Strangulation Warning

(*Comment 11*) One comment recommends that all swings with AC or electrical power cords include a warning label on the cords similar to that in the baby monitor standard, which warns about the strangulation hazard that such cords pose.

(*Response 11*) We do not believe that mandating a strangulation warning on the AC or electrical power cords that might accompany certain infant swings is appropriate at this time. The recently published voluntary standard for baby monitors, ASTM F2951–12, *Standard Consumer Safety Specification for Baby Monitors,* does require strangulation warnings on the cords of baby monitors, but specifies different warnings, depending on whether the product is intended to be attached to a crib or not.

For transmitters that are not intended to be attached to a crib, the warning instructs consumers to keep the cord more than 3 feet away from the child. For transmitters that are intended to be attached to a crib—a situation more analogous to an infant swing that holds the infant and has an electrical power cord attached—the warning instructs consumers to use the manufacturer-supplied protective cord covering at all times. However, infant swings are not required to provide protective coverings for electrical power cords, so it is unclear how consumers would comply with such a warning.

A general warning about the risk of strangulation from these cords when the child is in the product might be more reasonable. However, we are not aware of any incidents associated with this hazard scenario involving infant swings, which suggests that this hazard does not rise to the level that a mandatory warning is necessary. Manufacturers of infant swings with cords are free to include strangulation warnings on their cords, and we can revisit the possibility of mandating such warnings if future incident data show that doing so would be appropriate.

12. Dynamic and Static Tests

(*Comment 12*) One comment states that the CPSC-proposed rule would require the tester to use a 75-lb weight and to drop it 500 times on the swing seat. The comment questions the new test method's predictive ability to replicate real-world conditions and injuries, because, the commenter states, the ASTM standard required a 25-lb weight dropped 50 times onto the seat. Next, the comment suggests that the total number of drops could be increased beyond the current 500 drops. The total number of drops could be based on a consumer survey, asking parents how many times a day they put their baby in the swing and whether they used it for one or more babies. Lastly, the comment states that it is unclear why the test involves dropping. The force of an impact, especially with a drop mass of 75 lbs repeated 500 times, could weaken the infant swing at an unreasonable and unrepresentative rate. The comment recommends instead that the test should measure the effect of a static mass placed in the seat over a period of time. Another comment questions the 75-lb requirement in the static load test and requests the justification for this requirement.

(*Response 12*) The current ASTM standard, F2088–12a, has adopted the CPSC staff recommendation to increase the number of drops from 50 to 500 in the dynamic load test. The additional cycles were based on CPSC staff testing, which included life cycle testing. We believe a cyclic test of 500 drops is an appropriate test to evaluate the potential for structural failure in an infant swing. Continued testing beyond 500 cycles did not reveal any new issues, and it may place an unnecessary burden on the manufacturers and test labs. Additionally, the dynamic test specifies a 25-lb load not a 75-lb load, as suggested by the comment. The 25-lb load is the approximate weight of a 95th percentile 10- to 12-month-old child, and we agree with the rationale listed in the appendix of ASTM F2088–12a. The static load test included in the standard is the only test that calls for the application of a 75-lb load in the seat. The 75-lb static load has been part of the voluntary standard since its inception in 2001; this is not something newly added by the CPSC.

Finally, the dynamic test drop height is 1 inch. We consider the forces applied from this drop to be consistent with actual forces associated with swing use. Performing the dynamic test as specified in the standard ensures consistent, repeatable testing results. Together, these tests are intended to evaluate the structural integrity of the infant swing, and we believe they are sufficient to address structural issues that would occur over the life of the product.

13. Product Misassembly

(*Comment 13*) One comment states: ''Because of the constant use/storage/lending use pattern of swings, we recommend that CPSC consider including additional requirements in the standard for infant swings, such as the provisions in the crib standard that seek to reduce hardware loss or misassembly. This could include requiring hardware that doesn't back out or become loose, captive hardware, performance requirements to avoid misassembly, and a method to make sure instructions stay with the product.''

(*Response 13*) The CPSC has considered or addressed misassembly issues in the standards for bassinets, play yards, and cribs, based on reported incidents and known usage patterns. We are aware of these hazard patterns in other juvenile product incidents, but we have concluded that ASTM has sufficiently addressed these issues by requiring that all threaded fasteners connecting structural components have a locking mechanism, such as lock washers, self-locking nuts, or other features designed to prevent detachment due to vibration. A product evaluation by CPSC staff revealed that many current swing designs use other means, such as Valco-type (push) button fasteners, which are permanently attached to the respective component. In most swing designs, misassembly of a swing would make the frame overtly unstable or result in an unnatural appearance that would be obvious to the consumer. The addition of a misassembly requirement would add a testing requirement for an incident pattern that is not evident among the incidents reported and that is addressed by the existing standard.

14. Seat Deflection

(*Comment 14*) Multiple comments question the seat deflection test and how it relates to injury reduction. Individual comments suggest including a second test to account for the potential of increased deflection over the life of the product. Another comment states that the CPSC did not explain why the agency chose 4 inches as its performance requirement.

(*Response 14*) Seat deflection is a design issue that should be addressed during the product's development and verified with standard testing. The seat deflection test proposed by the Commission was a preliminary test procedure under development at the time of the NPR. CPSC staff has continued to work with ASTM to refine the seat deflection test for infant swings. ASTM's latest standard includes a new test methodology and performance requirements that measure various seat angles, as was suggested by one commenter, and it addresses satisfactorily the seat deflection issues raised by CPSC staff.

15. Electrical Requirements

(*Comment 15*) One comment states that infant swings are not designed to be operated by children. Instead, the comment states that infant swings are designed to be *used* by children, but they are designed to be *operated* by adults. Therefore, the comment asserts that infant swings are not subject to 16 CFR part 1505, *Requirements for electronically operated toys or other electrically operated articles intended for use by children.* According to the comment, third party laboratories have been interpreting 16 CFR part 1505 in this manner for many years. Adding a new interpretation to 16 CFR part 1505, the comment suggests, would create confusion and would be inconsistent with test protocols currently employed.

(*Response 15*) While the NPR proposed that swings operating from an a/c power source be required to conform to 16 CFR 1505, ASTM reworded the provision in ASTM F2088–12a to address the issue of assuring that AC

adapters meet all national safety standards. We agree with the new language contained in ASTM F2088–12a, which is being incorporated into the final rule. Therefore, it is unnecessary to include any reference to part 1505 in the final rule.

16. Compliant Product Marking

(*Comment 16*) One comment recommends that the CPSC consider adding a marking on products that are manufactured after the effective date so that consumers can clearly identify new products that meet the new mandatory standard.

(*Response 16*) A date code is already required to be on the product under section 8.1.3 of ASTM F2088–12a and under the requirements for consumer registration of durable infant or toddler products in 16 CFR 1130.3. In addition, future changes to the standard may come into effect. Because it is not practicable to delineate every change to the standard through a new mark on the product, we decline to take such action.

17. Regulation Coverage

(*Comment 17*) One comment states: ''* * * the pre-existing voluntary standards unaddressed by the new regulation is [sic] the sweeping definition that places all infant swings in the same category for children up to the age of five.''

(*Response 17*) The proposed rule and the voluntary standard both indicate that the infant swings are ''*intended for use with infants from birth until a child is able to sit up unassisted.''* The comment may have misunderstood the reference in the **Federal Register** notice, where the *''definition of a 'durable infant or toddler product' is defined in section 104(f)(1) of the CPSIA as a durable product intended for use, or that may be reasonably expected to be used, by children under the age of 5 years.''*

18. The Regulatory Flexibility Act

(*Comment 18*) One comment states that CPSC staff should try ''to obtain a more accurate number of manufacturers who do not meet the ASTM standard'' and suggests that we ''count those manufacturers that sell at major retailers that require ASTM compliance'' as well. The comment states that because ''just ten firms are making or importing swings, CPSC could easily get direct information that would more clearly identify costs.''

(*Response 18*) We have attempted to obtain accurate estimates of small firms that do not conform to the ASTM voluntary standard for infant swings and information on the likely costs of conformance. Further effort would not change the results of the analysis. Nor is it necessarily easy for firms to estimate prospectively the economic impact that a regulation will have on their costs.

(*Comment 19*) One commenter states that the regulatory flexibility analysis should consider the effect that a product recall would have on firms '' * * * that are not known to be in compliance with the voluntary standard.''

(*Response 19*) The Regulatory Flexibility Act requires an evaluation of the likely economic impacts of conforming to the standard that is being proposed, not the economic impact of violating the standard. If firms comply with the standard, recalls related to nonconformance would be avoided.

E. ASTM Voluntary Standard

ASTM F2088, ''*Standard Consumer Safety Specification for Infant Swings,''* is the voluntary standard that was developed to address the identified hazard patterns associated with the use of infant swings. Section 104(b) of the CPSIA requires the Commission to assess the effectiveness of the voluntary standard in consultation with representatives of consumer groups, juvenile product manufacturers, and other experts. We have consulted with these groups regarding the ASTM voluntary standard, ASTM F2088, throughout its development. The standard was first approved in 2001, and revised in 2003, 2008, 2009, twice in 2011, and twice in 2012. ASTM F2088–11b was the version of the standard referenced in the NPR. In response to the proposed rule, the ASTM Subcommittee on Infant Swings, in collaboration with CPSC staff, approved and published two versions of the standard since publication of the NPR, including, ASTM F2088–12a (approved on September 1, 2012, and published in September 2012), which mainly incorporates the proposed modifications in the proposed rule, with a few clarifications and modifications that strengthen the standard. ASTM F2088–12a contains more stringent requirements than its predecessor, ASTM F2088–11b, and would reduce further the risk of injury associated with infant swings.

F. Assessment of the Voluntary Standard and Description of the Final Rule

1. Changes to Requirements of the ASTM F2088 Voluntary Standard

In the NPR, the Commission proposed safety standards for infant swings based on the voluntary standard for infant swings, ASTM F2088–11b. We proposed additional requirements that were intended to strengthen the voluntary standard. *See* 77 FR 12182. Since the publication of this notice, ASTM has published two newer versions of the standard, ASTM F2088–12 and ASTM F2088 12a. The newest version, ASTM F 2088–12a, includes additional changes that were not addressed previously, modifies the CPSC proposed language, or adopts the proposal, with some differences.

The final rule incorporates by reference ASTM F2088–12a as a mandatory standard, with two modifications. Some of the more significant requirements of ASTM F2088–12a are listed below. The requirements that have been added to the ASTM voluntary standard since the NPR are in italics:

- Stability test—intended to prevent tip over. Swing models that rotate about the horizontal axis are positioned on an inclined surface with the swing facing forward and then facing backward. Swings that do not rotate about the horizontal axis are tested in the position most likely to fail. *This was modified in ASTM F2088–12 to clarify the test procedure, as proposed by the Commission in the NPR.*
- Test to prevent unintentional folding—intended to ensure that any locking/latching mechanisms remain functional after testing.
- Tests on restraint system—intended to prevent slippage and breakage during regular use.
- Requirements for cradle swing orientation—intended to ensure that the surface remains relatively flat both while in motion and while at rest.
- Requirements for *electrically powered* swings—intended to prevent leakage and otherwise protect consumers. *These requirements originally applied only to battery-operated swings but were expanded in ASTM F2088–12 to encompass all electrically powered swings, as proposed by the Commission in the NPR. ASTM F2088–12a extends the compliance requirements of all AC adaptors and includes a list of accepted national safety standards. There are also some editorial differences between the NPR and ASTM F2088–12a.*
- Requirement for toy mobiles—intended to ensure that toys within a child's reach do not detach when pulled. This requirement was new to the 2011a standard *and was modified for the 2012 standard to prevent detachment when pulled horizontally as well (as proposed in the February 2012 NPR).*

• Shoulder strap requirement—In the NPR, we proposed that shoulder straps be required for swing seats with angles greater than 50 degrees. *The seat back angle measurement procedure has been updated since the NPR. Now it addresses the issues that the CPSC proposed to address with the seat deflection test included in the NPR. Now it now addresses seats that fold up or tilt, by limiting the severity of angles created by the seat and seat back, or by requiring shoulder straps as part of the restraint system.*

• Dynamic and static load requirements—intended to ensure that the infant swing can support these loads without breaking. *The dynamic load test procedure was modified in F2088–12 to mirror proposed changes in the February 2012 NPR, including increasing the number of times the weight is dropped.*

The voluntary standard also includes: (1) Torque and tension tests to ensure that components cannot be removed; (2) requirements for several infant swing features to prevent entrapment and cuts (minimum and maximum opening size, small parts, exposed coil springs, protective components, hazardous sharp edges or points, and edges that can scissor, shear, or pinch); (3) requirements for the permanency and adhesion of labels; (4) a leg opening test to ensure that occupants cannot slide out; (5) requirements for instructional literature; and (6) restraint system requirements. Additionally, all testing must be performed without adjusting or repositioning the swing, and swings with multiple seat configurations must be placed in the most disadvantageous position for testing. The following is a discussion of how the new standard addresses the issues raised in the NPR.

a. Seat Deflection

The Commission proposed a preliminary test procedure to address the seat deflection issue and specifically asked for comments on the proposed test method in the NPR. In addition, the CPSC continued to work with ASTM to refine the seat deflection test for infant swings. ASTM F2088–12a includes new language that contains a more comprehensive requirement based on maximum seat angle specifications, which includes additional seat back angle measurements or shoulder strap requirements. We believe this requirement addresses more adequately the incidents where a child falls out of the seat due to seat deflection.

b. Stability Testing

We raised two issues in the NPR regarding stability testing and both are addressed in ASTM F2088–12a. ASTM F2088–12a has added the requirement for testing of alternative swing designs in the worst-case orientation, as recommended by the Commission. So now not only are traditional horizontal access swings tested for stability, but also nontraditional, alternative designs with other than a horizontal axis of swing motion must also be tested to the new requirements.

The second stability issue the CPSC raised was intended to refine the testing on swings with ''L-'' shaped cantilevered legs. The CPSC raised the issue out of concern that a test lab could interpret this test to require that the force be applied at the end of the ''L-'' shaped leg that is not in the vertical plane of the latch. In this case, the maximum force normally associated with folding is at the end of the leg vertically under the latch. However, after further discussions with ASTM, we have concluded that the current wording allows testing to be performed as stated in the NPR, and the proper testing location for this design is readily apparent to all involved. Therefore, the infant swing unintentional folding test statement proposed in the NPR, as a clarification to the existing test procedure, is not included in the final rule.

c. Electrical Overload Requirements

The NPR proposed electrical testing requirements to reduce the likelihood of overloading electrical components, battery leakage, or electrical failures that could lead to fire. As part of these requirements, ASTM F2088–12a does not include the following statement: ''The test shall be conducted using a new swing.'' However, the testing on swing samples is done largely independent of the electrical components. Therefore, the electrical components on a swing sample normally can be considered ''new,'' even after other components have been tested. By accepting deletion of that statement, the number of samples required to complete a test is reduced. We accept the electrical overload requirement—as stated in ASTM F2088–12a—as sufficient.

d. Dynamic Drop Test Cycles

The NPR proposed increasing the dynamic drop test cycles from 50 to 500 cycles to improve structural integrity and reveal potential structural issues of the swing components. Increasing the number of dynamic impact cycles to which the swing will be tested will reduce the possibility of structural failures, and it is expected to lead to a decrease in the number and severity of injuries. ASTM included this change in ASTM F2088–12a.

e. Modify Mobile and Toy Retention Requirements

The NPR proposed modifying mobile and toy retention requirements to allow the force to be applied in any direction at or below the horizontal plane, in the orientation most likely to fail. This change is contained in ASTM F2088–12a.

f. Other Changes to ASTM F2088–12 and 12a

In addition to the changes discussed above, in response to the NPR, ASTM made two other changes to ASTM F2088–12 and 12a, which we find acceptable. One change deals with the seat back recline fixture. ASTM accepted CPSC staff's recommendation to use steel plates—as opposed to wood boards—for the seat back recline fixture and then added more design changes to adjust the center of gravity of the fixture to approximate more accurately the weight distribution of an actual child. The device is now identified as the ''Hinged Weight Gage-Infant,'' and a drawing of the figure is included in the ASTM standard. This change will improve the accuracy of testing, and therefore, improve the safety of the standard. This change was not proposed in the NPR, but it was developed with the participation of CPSC staff.

The other issue ASTM addressed was a clarification to the AC adapters supplied with the product. ASTM F2088–12 states: ''*6.1.5 AC adapters supplied with the product must be compliant with the appropriate current national standard for AC adapters.''* ASTM received a number of comments after ASTM F2088–12 was published, asking for clarification of what ''appropriate current national standard'' meant in the requirement. ASTM added new wording and a note to make this clearer, and ASTM F2088–12a includes those changes. We find these changes to be acceptable.

2. Description of the Final Rule

a. Section 1223.1—Scope

Section 1223.1 of the final rule states that part 1223 establishes a consumer product safety standard for infant swings. We received no comments on this provision and are finalizing it without change.

b. Section 1223.2—Requirements for infant swings

Section 1223.2(a) of the final rule provides language to incorporate by reference ASTM F2088–12a, *Standard Consumer Safety Specification for*

Infant Swings. Section 1223.2(a) also provides information on how to obtain a copy of the ASTM standard or to inspect a copy of the standard at the CPSC or National Archives and Records Administration. We received no comments on this provision, but we are changing the language in the incorporation in the final rule to refer to ASTM F2088–12a, the current version of the standard.

In the NPR, § 1223.2(b) proposed to add two new requirements to ASTM F2088–11b to make the standard more stringent than the current voluntary standard and to reduce the risk of injury associated with infant swings: (1) A performance requirement and test method to address electrical overload in infant swing motors and batteries, as well as an accessible component temperature requirement and a requirement to ensure that swings that run on a/c power are safe; and (2) a performance requirement and test method to address seat deflection. We also proposed two major modifications to ASTM F2088–11b that would make the standard more stringent than the voluntary standard at that time and would reduce the risk of injury associated with infant swings: (1) An increase in the number of test cycles used in the dynamic load test, from 50 cycles to 500 cycles, and (2) a modification to the mobile test to account for mobiles that can be pulled in downward directions other than straight down vertically. Finally, in proposed § 1223.2(b) of the NPR, we proposed to clarify the test methods for the dynamic load test, the stability test, the unintentional folding test, and the seat back angle measurement method.

As discussed in the previous section of this preamble, the additional requirements in proposed § 1223.2(b) either have been incorporated into ASTM F2088–12a, or we are satisfied with ASTM's changes from the proposal or explanations regarding why some proposals were not necessary. Therefore, the language in proposed § 1223.2(b) of the NPR is no longer necessary.

Finally, as discussed previously in the response to comment 1 in section D of this preamble, we received many comments regarding the inadequacy of the slump-over warnings in section 8.3 of ASTM F2088–11b. Section 8.3 of ASTM F2088–12a contains the identical slump-over warning contained in section 8.3 of ASTM F2088–11b that we proposed in the NPR. We agree that the current warning language requirements pertaining to the slump-over hazard in ASTM F2088–12a are insufficient and that the warning should be revised to clarify the hazard and the consequences of exposure to the hazard if the consumer cannot avoid it. The warning statement required in ASTM F2088–12a does not describe the slump-over hazard, and the formatting of the warning implies that using the swing in the most reclined seat position is an additional measure intended to address the potential for the infant user to fall or strangle in the straps. In addition, one could argue that the warning statement does not describe the probable consequences of not avoiding the slump-over hazard because the warning's reference to ''serious injury or death'' is specific to falls and strangulations.

Therefore, in place of the language proposed in § 1223.2(b) of the NPR, § 1223(b)(1) of the final rule requires that infant swings must comply with the ASTM F2088–12a standard with two exceptions. In the case of the first exception to the ASTM standard, instead of complying with section 8.3.1 of ASTM F 2088–12a, infants swings are required to have warning statements for products that have an adjustable seat recline with a maximum seat back angle greater than 50 degrees from horizontal, measured in accordance with 7.13 of ASTM F 2088–12a, that address the following:

> Keep swing seat fully reclined until child is at least 4 months old AND can hold up head without help. Young infants have limited head and neck control. If seat is too upright, infant's head can drop forward, compress the airway, and result in DEATH.

Additionally, swings must have a warning statement to prevent serious injury or death from infants falling or being strangled in straps:

- Always secure infant in the restraint system provided.
- Never leave infant unattended in swing.
- Discontinue use of swing when infant attempts to climb out.
- Travel swings are required to have a warning indicating: ''Always place swing on floor. Never use on any elevated surface.''

A second exception to the requirements in ASTM F2088–12a specifies the test method for testing toy mobiles that are attached to the swing. The final rule provides new language for the test method described in section 7.12.2 of ASTM F2088–12a. We are adding this language in response to information from ASTM that ASTM had inadvertently omitted updating the test method described in section 7.12.2 of ASTM F2088–12a to reflect the latest revision that ASTM had made to the test fixture used in section 7.12.2. We have added ASTM's revised version of the test method language in the final rule text in § 1223(b)(2). This is the language that ASTM is balloting to revise section 7.12.2 in its standard.

G. Effective Date

The Administrative Procedure Act (APA) generally requires that the effective date of the rule to be at least 30 days after publication of the final rule. 5 U.S.C. 553(d). The preamble to the proposed rule indicated that the standard would become effective 6 months after publication of the rule in the **Federal Register**. We sought comment on how long it would take infant swing manufacturers to come into compliance. We received one comment stating that the Commission should ''* * * consider extending the effective date to one year to help minimize a possibility of a substantial loss of revenue from the potential product recalls on the small manufacturers and importers.'' Almost all of the requirements proposed in the NPR were incorporated into ASTM F2088–12a, and the final rule differs from the proposed rule only in the requirement that an additional warning label regarding use has been added. Therefore, we believe that an effective date of 6 months after publication of the final rule is sufficient to allow for review of the new requirements thoroughly and to ensure that new infant swings manufactured or imported after that date are in compliance with the new requirements. The 6-month effective date is consistent with the effective date established in most other rules issued under section 104 of the CPSIA. Accordingly, the final rule will be effective 6 months after publication in the **Federal Register**, unchanged from the proposed rule.

H. Testing and Certification

Once there is a safety standard in effect for infant swings, it will be unlawful for anyone to manufacture, distribute, or import an infant swing into the United States that is not in conformity with this standard. 15 U.S.C. 2068(1).

In addition, section 14(a)(2) of the CPSA, 15 U.S.C. 2063(a)(2), imposes the requirement that products subject to a children's product safety rule must be tested by a third party conformity assessment body accredited by the Commission to test the product. As discussed in section A of this preamble, section 104(b)(1)(B) of the CPSIA refers to standards issued under this section as ''consumer product safety standards.'' Under section 14(f)(1) of the CPSA, 15 U.S.C. 2063(f)(1), the term ''children's

product safety rule'' includes all standards enforced by the Commission. Thus, the infant swing standard will be a children's product safety rule, subject to third party testing and certification.

The Commission is required to issue a notice of requirements (NOR) to explain how laboratories can become CPSC-accepted third party conformity assessment bodies to test infant swings to the new safety standard. On May 24, 2012, the Commission published in the **Federal Register** the proposed rule, *Requirements Pertaining to Third Party Conformity Assessment Bodies,* 77 FR 31086, which, when finalized, would establish the general requirements and criteria concerning testing laboratories, including a list of the children's product safety rules for which the CPSC has published NORs for laboratories. The Commission proposed a new NOR for the safety standard for infant swings in that proposed rule. *See* 77 FR at 31113. The final NOR for the safety standard for infant swings will be issued once the final rule for *Requirements Pertaining to Third Party Conformity Assessment Bodies* is published in the **Federal Register**. That final rule will address the issuance of the NOR for infant swings.

I. Regulatory Flexibility Act

1. Introduction

The Regulatory Flexibility Act (RFA) requires that final rules be reviewed for their potential economic impact on small entities, including small businesses. Section 604 of the RFA requires that the Commission prepare a final regulatory flexibility analysis when it promulgates a final rule. The final regulatory flexibility analysis must describe the impact of the rule on small entities and identify any alternatives that may reduce the impact. Specifically, the final regulatory flexibility analysis must contain:

- A succinct statement of the objectives of, and legal basis for, the rule;
- A summary of the significant issues raised by public comments in response to the initial regulatory flexibility analysis, a summary of the assessment of the agency of such issues, and a statement of any changes made in the proposed rule as a result of such comments;
- A description of, and, where feasible, an estimate of, the number of small entities to which the rule will apply;
- A description of the projected reporting, recordkeeping, and other compliance requirements of the rule, including an estimate of the classes of small entities subject to the requirements and the type of professional skills necessary for the preparation of reports or records; and
- A description of the steps the agency has taken to reduce the significant economic impact on small entities, consistent with the stated objectives of applicable statutes, including a statement of the factual, policy, and legal reasons for selecting the alternative adopted in the rule, and why each one of the other significant alternatives to the rule considered by the agency, which affect the impact on small entities, was rejected.

The NPR for infant swings was based on the voluntary ASTM standard for infant swings ASTM F2088–11b. The Commission proposed several modifications, additions, and clarifications at that time. Most of the proposed changes have been incorporated into ASTM F2088–12a, which the final rule incorporates by reference, along with one additional change, modifying the slump-over warning.

2. The Market for Swings

Infant swings are typically produced and/or marketed by juvenile product manufacturers and distributors. We estimate that currently, there are at least 9 domestic manufacturers and one domestic importer supplying infant swings to the U.S. market. Infant swings from five of the 10 firms have been certified as compliant with the ASTM voluntary standard ASTM F2088–11b by JPMA, the major U.S. trade association that represents juvenile product manufacturers and importers. Two additional firms claim compliance with F2088–11b.

Information on annual sales of infant swings can be approximated using information from the 2005 survey conducted by the American Baby Group (*2006 Baby Products Tracking Study*). About 79 percent of new mothers own at least one infant swing—61 percent own full-sized infant swings, and 33 percent own smaller travel infant swings. Approximately 31 percent of full-sized infant swings and 26 percent of travel infant swings were handed down or purchased secondhand. Thus, about 69 percent of full-sized infant swings, and 74 percent of travel infant swings were acquired new. This suggests annual sales of about 2.7 million infant swings to households (.69 × .61 × 4.1 million births per year + .74 × .33 × 4.1 million births per year).

Typically, infant swings are used for only a few months early in a child's life. Therefore, we have estimated the risk of injury based on the number of infant swings in the households of new mothers. Based on data from the *2006 Baby Products Tracking Study,* approximately 3.9 million infant swings are owned by new mothers (0.61 percent own full-size × 4.1 million births + 0.33 percent own travel size × 4.1 million births). This suggests that at least 3.9 million infant swings may be available to children during the first year of their lives. During 2011, there were an estimated 1,900 emergency department-treated injuries to children under age 5 related to infant swings. Consequently, there would have been about 4.9 emergency department-treated injuries annually for every 10,000 infant swings available for use in the households of new mothers.

3. Impact of the Standard on Small Businesses

As noted earlier, there are approximately 10 domestic firms currently known to be producing or selling infant swings in the United States. Under U.S. Small Business Administration (SBA) guidelines, a manufacturer of infant swings is small if it has 500 or fewer employees, and an importer is considered small if it has 100 or fewer employees. Based on these guidelines, five domestic manufacturers are small firms. The remaining firms are four large domestic manufacturers and one large domestic importer. There may be additional unknown small manufacturers and importers operating in the U.S. market.

Small Manufacturers

The expected impact of the final rule on small manufacturers will differ based on whether their infant swings are compliant with ASTM F2088–11b. Firms whose infant swings meet the requirements of ASTM F2088–11b are generally expected to continue to do so as new versions of the standard are published, typically within 6 months, which is the amount of time JPMA allows for products in their certification program to shift to a new standard. Many of these firms are active in the ASTM standards development process, and compliance with the voluntary standard is part of an established business practice. Therefore, it is likely that firms supplying infant swings that comply with ASTM F2088–11b (which went into effect for JPMA certification purposes in May 2012) would also comply with ASTM F2088–12a by March 2013, even in the absence of a mandatory standard.

The direct impact on the three known small domestic manufacturers whose infant swings are compliant with ASTM F2088–11b is not expected to be significant. Each firm will need to

modify the slump-over warning label for their infant swings. This is not generally expected to be costly; although some firms may experience larger costs than others, depending upon their label development process, and where the warning labels are affixed on their products. One firm estimates that the one-time cost of changing their labels, including development time and materials, would be approximately $1,000 per model.

Complying with ASTM F2088–12a's requirements could necessitate product redesign for some infant swings believed not to be compliant with ASTM F2088–11b. The redesign would be minor if most of the changes involve adding straps and fasteners or using different mesh or fabric; but the redesign could be more significant if changes to the frame are required. Consequently, the final rule potentially could have a significant direct impact on the two small manufacturers of infant swings that are believed not to have conformed to ASTM F2088–11b, regardless of how they choose to meet the staff-recommended warning label requirement. One manufacturer estimated that a complete infant swing redesign would cost approximately $400,000, not including significant overhead costs, such as engineering time, which at $100 per hour, easily could increase overall redesign costs by $100,000 or more. However, a complete product redesign is unlikely to be necessary in most cases, and any direct impact may be mitigated if costs are treated as new product expenses that can be amortized.

It is possible that the two firms whose infant swings are neither certified as compliant, nor claim to be compliant with ASTM F2088–11b, in fact, are compliant with the standard. We have identified many such cases with other products. To the extent that these firms may supply compliant infant swings and have developed a pattern of compliance with the voluntary standard, the direct impact of the final rule will be less significant than described above.

Although the direct impact of the final rule should not be significant for most small manufacturers, there are indirect impacts as well. These impacts are considered indirect because they do not arise directly as a consequence of the requirements of the final rule. Nonetheless, these indirect costs could be significant. Once the final rule becomes effective, and the notice of requirements is in effect, all manufacturers will be subject to the additional costs associated with the third party testing and certification requirements. This will include the physical and mechanical test requirements specified in the final rule; lead and phthalates testing is already required, and hence, it is not included here.[3]

Based on information provided by manufacturers, additional industry input, and information obtained when staff was developing the third party testing rule, third party testing costs for ASTM F2088–12a (including toy testing, which is part of the infant swings voluntary standard) are estimated to be around $900 per model sample. Testing overseas potentially could reduce third party testing costs, but that may not always be practical.

On average, each small domestic infant swing manufacturer supplies six models of infant swings to the U.S. market annually. Therefore, if third party testing was conducted every year, third party testing costs for each manufacturer might add about $5,400 annually to the manufacturer's costs, assuming only one sample of each model had to be tested. Based on a review of firm revenues, the impact of third party testing to ASTM F2088–12a is unlikely to be significant for small manufacturers unless a large number of samples had to be tested for each model.

Small Importers

CPSC staff was unable to identify any small importers currently operating in the U.S. market. However, if any exist, they would need to find an alternate source of infant swings if their existing supplier does not come into compliance with the requirements of the staff-recommended final rule. They could also discontinue importing any noncomplying infant swings, possibly replacing them with another juvenile product. As is the case with manufacturers, importers will be subject to third party testing and certification requirements; consequently, they would experience costs similar to those for manufacturers, if their supplying foreign firm(s) does not perform third party testing.

4. Alternatives

Under section 104 of the CPSIA, one alternative that would reduce the impact on small entities would be to make the voluntary standard mandatory with no modifications. However, while this alternative would eliminate any additional costs associated with the slump-over label change in the final rule, firms supplying noncompliant infant swings could still require substantial product redesign in order to meet the voluntary standard. Because of the frequency and severity of the incidents associated with slump-over incidents, we do not recommend this alternative.

A second alternative would be to set an effective date later than 6 months. This would allow suppliers additional time to modify and/or develop compliant infant swings and spread the associated costs over a longer period of time. We generally consider 6 months sufficient time for suppliers to come into compliance with a mandatory standard; it is common in the industry, representing the amount of time that the JPMA allows for products in their ASTM certification program to shift to a new standard.

J. Paperwork Reduction Act

This rule contains information collection requirements that are subject to public comment and review by the U.S. Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The preamble to the proposed rule (77 FR 7021 through 7022) discussed the information collection burden of the proposed rule and specifically requested comments on the accuracy of our estimates. We did not receive any comments from the public concerning the information collection burden of the proposal. However, in response to a comment made by OMB, the final rule makes a modification regarding the information collection burden. OMB noted that all 10 firms identified should be considered when accounting for the labeling burden.

As indicated in the NPR (77 FR 7021 through 7022), there are 10 known firms supplying infant swings to the U.S. market. In the NPR, we estimated that five of the 10 firms already made product labels that comply with ASTM F2088. We revise our burden estimate to assume that all 10 firms already use labels on both their products and packaging, but they might need to make some modifications to their existing labels. Based on this revision, our revised burden estimate is as follows: The estimated time required to make these modifications is about 1 hour per model. Each of these firms supplies an average of five different models of infant swings; therefore, the estimated burden hours associated with labels is 1 hour × 10 firms × 5 models per firm = 50 annual hours.

We estimate that hourly compensation for the time required to create and update labels is $28.36 (U.S.

[3] Infant swing suppliers already must third party test their products to the lead and phthalate requirements. Therefore, these costs already exist and will not be affected by the final infant swings standard.

Bureau of Labor Statistics, ''Employer Costs for Employee Compensation,'' September 2011, Table 9, total compensation for all sales and office workers in goods-producing private industries: *http://www.bls.gov/ncs/*). Therefore, the estimated annual cost associated with the proposed requirements is $1,418 ($28.36 per hour × 50 hours = $1,418).

We have applied to OMB for a control number for this information collection, and we will publish a notice in the **Federal Register** providing the number when we receive approval from OMB.

K. Preemption

Section 26(a) of the Consumer Product Safety Act (CPSA), 15 U.S.C. 2075(a), provides that where a consumer product safety standard is in effect and applies to a product, no state or political subdivision of a state may either establish or continue in effect a requirement dealing with the same risk of injury unless the state requirement is identical to the federal standard. Section 26(c) of the CPSA also provides that states or political subdivisions of states may apply to the Commission for an exemption from this preemption under certain circumstances. Section 104(b) of the CPSIA refers to the rules to be issued under that section as ''consumer product safety rules,'' thus implying that the preemptive effect of section 26(a) of the CPSA would apply. Therefore, a rule issued under section 104 of the CPSIA will invoke the preemptive effect of section 26(a) of the CPSA when the rule becomes effective.

L. Environmental Considerations

The Commission's regulations provide a categorical exclusion for the Commission's rules from any requirement to prepare an environmental assessment or an environmental impact statement because they ''have little or no potential for affecting the human environment.'' 16 CFR 1021.5(c)(2). This final rule falls within the categorical exclusion, so no environmental assessment or environmental impact statement is required.

List of Subjects in 16 CFR Part 1223

Consumer protection, Imports, Incorporation by reference, Infants and children, Labeling, Law enforcement, Safety and toys.

■ Therefore, the Commission amends Title 16 of the Code of Federal Regulations by adding part 1223 to Chapter II to read as follows:

PART 1223—SAFETY STANDARD FOR INFANT SWINGS

Sec.
1223.1 Scope.
1223.2 Requirements for Infant Swings.

Authority: The Consumer Product Safety Improvement Act of 2008, Pub. L. 110–314, Sec. 104, 122 Stat. 3016 (August 14, 2008).

§ 1223.1 Scope.

This part establishes a consumer product safety standard for infant swings.

§ 1223.2 Requirements for infant swings.

(a) Except as provided in paragraph (b) of this section, each infant swing must comply with all applicable provisions of ASTM F2088—12a, Standard Consumer Safety Specification for Infant Swings, approved on September 1, 2012. The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain a copy from ASTM International, 100 Bar Harbor Drive, P.O. Box 0700, West Conshohocken, PA 19428; *http://www.astm.org.* You may inspect a copy at the Office of the Secretary, U.S. Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814, telephone 301–504–7923, or 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.*

(b)(1) Instead of complying with section 8.3.1 of ASTM F2088–12a, comply with the following:

(i) 8.3.1 The warning statements shall address the following at a minimum:

(ii) 8.3.1.1 Products having an adjustable seat recline with a maximum seatback angle greater than 50 degrees from horizontal measured in accordance with 7.13 shall address the following:

Keep swing seat fully reclined until child is at least 4 months old AND can hold up head without help. Young infants have limited head and neck control. If seat is too upright, infant's head can drop forward, compress the airway, and result in DEATH.

(iii) 8.3.1.2 To prevent serious injury or death from infants falling or being strangled in straps:

(A) Always secure infant in the restraint system provided.

(B) Never leave infant unattended in swing.

(C) Discontinue use of swing when infant attempts to climb out.

(D) Travel swings (see 3.1.11) shall address the following:

Always place swing on floor. Never use on any elevated surface.

(2) Instead of complying with section 7.12.2 of ASTM F2088–12a, comply with the following:

(i) 7.12.2 Place the back of the swing in the most upright position. Remove positioning accessories, including pillows. Position the segments of the restraint system to limit interaction with the Hinged Weight Gage—Infant (see Fig. 10) when placed in the seat. Place the Hinged Weight Gage—Infant with the hinge located at the junction of the swing back and seat bottom (see Fig. 8). Determine if the lowest point of the toy positioned over the occupant is within 25.25 in. (641.5 mm) of the top surface of the Lower Plate (see Fig. 10)—throughout the swing seat's range of motion. Proceed to 7.12.3 if the distance is 25.25 in. (641.5 mm) or less. The toy is considered out of reach and not tested to 7.12.3 if the distance is greater than 25.25 in. (641.5 mm).

(ii) [Reserved]

Dated: November 1, 2012.

Todd A. Stevenson,

Secretary, Consumer Product Safety Commission.

[FR Doc. 2012–27027 Filed 11–6–12; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2012–0946]

Special Local Regulation; Southern California Annual Marine Events for the San Diego Captain of the Port Zone

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the Special Local Regulations in 33 CFR 100.1101 from 7 a.m. to 11:30 a.m. on November 11, 2012 on Mission Bay, CA in support of the San Diego Fall Classic. This action is necessary to restrict vessel movement and provide for the safety of the participants, crew, spectators, sponsor vessels of the race, and general users of the waterway. During the enforcement period, persons and vessels are prohibited from entering into, transiting through, or anchoring within this designated race area unless authorized by the Captain of the Port, or his designated representative.

DATES: The regulations in 33 CFR 100.1101 will be enforced on November 11, 2012 from 7 a.m. until 11:30 a.m.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, call or email Petty Officer Bryan Gollogly, Waterways Management, U.S. Coast Guard Sector San Diego, CA; telephone (619) 278–7656, email *D11-PF-MarineEventsSanDiego@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the special local regulations in 33 CFR 100.1101 on November 11, 2012 from 7 a.m. to 11:30 a.m. in support of the annual San Diego Fall Classic (Item 1 on Table 1 of 33 CFR 100.1101). The Coast Guard will enforce the special local regulations on the navigable waters of Mission Bay from Fiesta Island and along the southern and western shore of Vacation Isle. The event will consist of approximately 100 participants in rowing shells ranging from 26 to 55 feet in length. Each race will consist of heats of approximately six to eight rowing shells. The sponsor will provide seven to nine safety perimeter vessels to patrol the racecourse.

Under the provisions of 33 CFR 100.1101, persons and vessels are prohibited from entering into, transiting through, or anchoring within this safety zone unless authorized by the Captain of the Port, or his designated representative. The Coast Guard may be assisted by other Federal, State, or local law enforcement agencies in enforcing this regulation.

This notice is issued under authority of 33 CFR 100.1101 and 5 U.S.C. 552(a). In addition to this notice in the **Federal Register**, the Coast Guard will provide the maritime community with extensive advance notification of this enforcement period via the Local Notice to Mariners, state, or local agencies.

Dated: October 18, 2012.

S.M. Mahoney,

Captain of the Port San Diego, United States Coast Guard.

[FR Doc. 2012–27252 Filed 11–6–12; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2012–0978]

Drawbridge Operation Regulation; Columbia River, Vancouver, WA

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Murray Morgan Bridge, also known as the South 11th Street Bridge, across the Thea Foss Waterway, mile 0.6, previously known as City Waterway, at Tacoma, WA. This deviation is necessary to perform extensive maintenance and repair work on the bridge as part a major bridge rehabilitation project. This deviation allows the bridge to remain in the closed position during construction activities.

DATES: This deviation is effective from 8 a.m. on November 10, 2012 through 8 p.m. December 21, 2012.

ADDRESSES: Documents mentioned in this preamble as being available in the docket are part of docket USCG–2012–0978 and are available online by going to *http://www.regulations.gov,* inserting USCG–2012–0978 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 email the Bridge Administrator, Coast Guard Thirteenth District; telephone 206–220–7282 email *randall.d.overton@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 City of Tacoma has requested to place the Murray Morgan Bridge (South 11th Street Bridge) in the closed or down position and to not open the bridge for vessel traffic to facilitate a major rehabilitation project on the bridge. The Murray Morgan Bridge crosses Thea Foss Waterway (previously known as City Waterway) at mile 0.6, at Tacoma, WA. The Murray Morgan Bridge is a vertical lift bridge. During this deviation the bridge will be placed in the closed or down position. There will be a debris containment system attached to the underside of the bridge for the duration of construction activities. A minimum vertical clearance of 57 feet above mean high water will be provided beneath the bridge and the attached debris containment system, at all times during the deviation period. Vessels which do not require a bridge opening may continue to transit beneath the bridge during this closure period. Under normal operations the bridge operates under 33 CFR 117.1063 which requires a two hour notice for an opening and allows the bridge to remain closed during morning and afternoon rush hours. This current deviation states the lift span of the Murray Morgan Bridge across Thea Foss Waterway, mile 0.6, need not open from 8 a.m. on November 10, 2012 through 8 p.m. December 21, 2012; except as otherwise outlined in this article and through ongoing coordination with waterway users. During this deviation period the bridge will be placed in the open position from 8 a.m. November 22 through 8 p.m. November 25, 2012 and from 8 a.m. December 8 through 8 p.m. December 9, 2012.

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: October 29, 2012.

Randall D. Overton,

Bridge Administrator.

[FR Doc. 2012–27251 Filed 11–6–12; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2012–0965]

Drawbridge Operation Regulation; China Basin, San Francisco, CA

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Third Street Drawbridge across China Basin, mile 0.0, at San Francisco, CA. The deviation is necessary to allow the public to cross the bridge to participate in the scheduled RedBull Flugtag, a community event. This deviation allows the bridge to remain in the closed-to-navigation position during the deviation period.

DATES: This deviation is effective from 9 a.m. to 6 p.m. on November 10, 2012.

ADDRESSES: Documents mentioned in this preamble as being available in the docket are part of the docket USCG–2012–0965 and are available online by going to *http://www.regulations.gov,*

inserting USCG–2012–0965 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 email David H. Sulouff, Chief, Bridge Section, Eleventh Coast Guard District; telephone 510–437–3516, email *David.H.Sulouff@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 City of San Francisco requested a temporary change to the operation of the Third Street Drawbridge, mile 0.0, over China Basin, at San Francisco, CA. The Third Street Drawbridge navigation span provides a vertical clearance of 7 feet above Mean High Water in the closed-to-navigation position. The draw opens on signal if at least one hour notice is given as required by 33 CFR 117.149. Navigation on the waterway is recreational.

The drawspan will be secured in the closed-to-navigation position 9 a.m. to 6 p.m. on November 10, 2012, to allow spectators to the RedBull Flugtag to cross the bridge during the event. This temporary deviation has been coordinated with the waterway users. No objections to the proposed temporary deviation were raised. The drawspan can be operated upon 30 minutes advance notice for emergencies requiring the passage of waterway traffic.

Vessels that can transit the bridge, while in the closed-to-navigation position, may continue to do so at any time.

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: October 23, 2012.

D.H. Sulouff,

Bridge Section Chief, Eleventh Coast Guard District.

[FR Doc. 2012–27242 Filed 11–6–12; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2011–0492; FRL– 9749–4]

Approval and Promulgation of Implementation Plans; California; Determinations of Attainment for the 1997 8-Hour Ozone Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of direct final rule.

SUMMARY: Due to the receipt of an adverse comment, EPA is withdrawing the September 14, 2012, direct final rule that makes several determinations relating to certain 1997 8-hour ozone nonattainment areas in California. EPA will address the comment in a subsequent final action based upon the proposed rulemaking action, also published on September 14, 2012. EPA will not institute a second comment period on this action.

DATES: The direct final rule published at 77 FR 56775 on September 14, 2012, is withdrawn as of November 7, 2012.

FOR FURTHER INFORMATION CONTACT: John Ungvarsky, Air Planning Office, AIR–2, EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901, telephone number (415) 972–3963, or email *ungvarsky.john@epa.gov*.

SUPPLEMENTARY INFORMATION: EPA is withdrawing the September 14, 2012 (77 FR 56775), direct final rule that makes several determinations relating to 1997 8-hour ozone nonattainment areas in California and thereby suspending certain attainment-related requirements for as long as these areas continue to meet the 1997 8-hour ozone national ambient air quality standard. The subject areas include Amador and Calaveras Counties, Chico, Kern County, Mariposa and Tuolumne Counties, Nevada County, Sutter County, and Ventura County. In the direct final rule, EPA stated that if adverse comments were received by October 15, 2012, the rule would be withdrawn and not take effect. On September 10, 2012, EPA received a comment, which it interprets as adverse and, therefore, EPA is withdrawing the direct final rule. EPA will address the comment in a subsequent final action based upon the proposed rulemaking action, also published on September 14, 2012 (77 FR 56797). EPA will not institute a second comment period on this action.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: October 29, 2012.

Jared Blumenfeld,

Regional Administrator, Region IX.

Accordingly, the amendment to 40 CFR 52.282 published in the **Federal Register** on September 14, 2012 (77 FR 56775) on page 56782 is withdrawn as of November 7, 2012.

[FR Doc. 2012–27054 Filed 11–6–12; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2012–0756; FRL–9366–8]

Fluridone; Pesticide Tolerances for Emergency Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes time-limited tolerances for residues of fluridone in or on cotton. This action is in response to EPA's granting of an emergency exemption under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) authorizing use of the pesticide on cotton. This regulation establishes a maximum permissible level for residues of fluridone in or on cotton commodities. The time-limited tolerances expire on December 31, 2014.

DATES: This regulation is effective November 7, 2012. Objections and requests for hearings must be received on or before January 7, 2013, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2012–0756, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), EPA West Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional

information about the docket available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Debra Rate, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 306–0309; email address: *rate.debra@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How Can I get electronic access to other related information?

You may access a frequently updated electronic version of 40 CFR part 180 through the Government Printing Office's e-CFR site at: *http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.*

C. How can I file an objection or hearing request?

Under section 408(g) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2012–0756 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before January 7, 2013. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2012–0756, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.htm.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

II. Background and Statutory Findings

EPA, on its own initiative, in accordance with FFDCA sections 408(e) and 408(l)(6) of, 21 U.S.C. 346a(e) and 346a(1)(6), is establishing time-limited tolerances for residues of fluridone, 1-methyl-3-phenyl-5-(3-(trifluoromethyl)phenyl)-4(1*H*)-pyridinone, its metabolites and degradates, in or on cotton, undelinted seed at 0.1 parts per million (ppm). These time-limited tolerances expire on December 31, 2014.

Section 408(l)(6) of FFDCA requires EPA to establish a time-limited tolerance or exemption from the requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA under FIFRA section 18. Such tolerances can be established without providing notice or period for public comment. EPA does not intend for its actions on FIFRA section 18 related time-limited tolerances to set binding precedents for the application of FFDCA section 408 and the safety standard to other tolerances and exemptions. Section 408(e) of FFDCA allows EPA to establish a tolerance or an exemption from the requirement of a tolerance on its own initiative, *i.e.,* without having received any petition from an outside party.

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue * * *.''

Section 18 of FIFRA authorizes EPA to exempt any Federal or State agency from any provision of FIFRA, if EPA determines that ''emergency conditions exist which require such exemption.'' EPA has established regulations governing such emergency exemptions in 40 CFR part 166.

III. Emergency Exemption for Fluridone on Cotton and FFDCA Tolerances

This is the first section 18 request received for the use of fluridone on cotton. Since the introduction of glyphosate resistant cotton in 1997, twenty-one weed species have developed resistance to glyphosate. Glyphosate-resistant palmer amaranth is the most serious of these species across all the major agronomic crops in the southern U.S. Glyphosate-resistant palmer amaranth was confirmed in Arkansas in 2006. Since 2006, it has become the most severe weed problem that Arkansas cotton producers face. Greater than 95% of Arkansas cotton and 80% of soybean contain the glyphosate tolerant gene and thus glyphosate is the base herbicide for weed control. A significant economic loss is expected to occur on nearly 25% of acres grown or about 160,000 acres.

After having reviewed the Arkansas emergency exemption application, EPA determined that an emergency condition exists for this State, and that the criteria for approval of an emergency exemption are met. EPA has authorized a specific exemption under FIFRA section 18 for the use of fluridone on cotton for control of glyphosate-resistant palmer amaranth in Arkansas.

As part of its evaluation of the emergency exemption application, EPA

assessed the potential risks presented by residues of fluridone in or on cotton. In doing so, EPA considered the safety standard in FFDCA section 408(b)(2), and EPA decided that the necessary tolerance under FFDCA section 408(l)(6) would be consistent with the safety standard and with FIFRA section 18. Consistent with the need to move quickly on the emergency exemption in order to address an urgent non-routine situation and to ensure that the resulting food is safe and lawful, EPA is issuing this tolerance without notice and opportunity for public comment as provided in FFDCA section 408(l)(6). Although these time-limited tolerances expire on December 31, 2014, under FFDCA section 408(l)(5), residues of the pesticide not in excess of the amounts specified in the tolerance remaining in or on cotton, undelinted seed after that date will not be unlawful, provided the pesticide was applied in a manner that was lawful under FIFRA, and the residues do not exceed a level that was authorized by these time-limited tolerances at the time of that application. EPA will take action to revoke these time-limited tolerances earlier if any experience with, scientific data on, or other relevant information on this pesticide indicate that the residues are not safe.

Because these time-limited tolerances are being approved under emergency conditions, EPA has not made any decisions about whether fluridone meets FIFRA's registration requirements for use on cotton or whether permanent tolerances for this use would be appropriate. Under these circumstances, EPA does not believe that this time-limited tolerance decision serves as a basis for registration of fluridone by a State for special local needs under FIFRA section 24(c). Nor does this tolerance by itself serve as the authority for persons in any State other than Arkansas to use this pesticide on the applicable crops under FIFRA section 18 absent the issuance of an emergency exemption applicable within that State. For additional information regarding the emergency exemption for fluridone, contact the Agency's Registration Division at the address provided under **FOR FURTHER INFORMATION CONTACT**.

IV. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue * * *.''

Consistent with the factors specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of, and to make a determination on, aggregate exposure expected as a result of this emergency exemption request and the time-limited tolerances for residues of fluridone on cotton, undelinted seed at 0.1 ppm. EPA's assessment of exposures and risks associated with establishing time-limited tolerances follows.

A. Toxicological Points of Departure/Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which no adverse effects are observed (the NOAEL) and the lowest dose at which adverse effects of concern are identified (the LOAEL). Uncertainty/safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates non-threshold risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *http://www.epa.gov/pesticides/factsheets/riskassess.htm.*

A summary of the toxicological endpoints for fluridone used for human risk assessment is shown in Table 1. of this unit.

TABLE 1—SUMMARY OF TOXICOLOGICAL DOSES AND ENDPOINTS FOR FLURIDONE FOR USE IN HUMAN HEALTH RISK ASSESSMENT

Exposure/scenario	Point of departure and uncertainty/safety factors	RfD, PAD, LOC for risk assessment	Study and toxicological effects
Acute dietary (females 13–49 years of age).	NOAEL = 125 mg/kg/day. UF_A = 10x UF_H = 10x FQPA SF = 1X	aRfD = 1.25 mg/kg/day. aPAD = 1.25 mg/kg/day.	Developmental toxicity—rabbit. LOAEL = 300 mg/kg/day based on increased incidences of abortions.
Chronic dietary (All populations)	NOAEL = 15 mg/kg/day. UF_A = 10x UF_H = 10x FQPA SF = 1X	cRfD = 0.15 mg/kg/day. cPAD = 0.15 mg/kg/day.	2 yr. cancer study in mice. LOAEL = 50 mg/kg/day based on increased alkaline phosphatase activity and increased incidence of heptocellular hyperplasia.

TABLE 1—SUMMARY OF TOXICOLOGICAL DOSES AND ENDPOINTS FOR FLURIDONE FOR USE IN HUMAN HEALTH RISK ASSESSMENT—Continued

Exposure/scenario	Point of departure and uncertainty/ safety factors	RfD, PAD, LOC for risk assessment	Study and toxicological effects
Incidental oral short-term (1–30 days) and intermediate-term (1–6 months) oral, dermal, and inhalation exposures.	NOAEL = 15 mg/kg/ day. UF_A = 10x UF_H = 10x	LOC for MOE = 100	2 yr. cancer study in mice (same as above).
Cancer (oral, dermal, inhalation).	Fluridone is classified as ''not likely'' to be a human carcinogen, based on the lack of evidence of carcinogenicity in mice and rats. Quantitative cancer risk assessment is not required.		

FQPA SF = Food Quality Protection Act Safety Factor. LOAEL = lowest-observed-adverse-effect-level. LOC = level of concern. mg/kg/day = milligram/kilogram/day. MOE = margin of exposure. NOAEL = no-observed-adverse-effect-level. PAD = population adjusted dose (a = acute, c = chronic). RfD = reference dose. UF = uncertainty factor. UF_A = extrapolation from animal to human (interspecies). UF_H = potential variation in sensitivity among members of the human population (intraspecies).

B. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to fluridone, EPA considered exposure under the time-limited tolerances established by this action as well as all existing fluridone tolerances in 40 CFR 180.420. EPA assessed dietary exposures from fluridone in food as follows:

i. *Acute exposure.* Such effects were identified for fluridone. In estimating acute dietary exposure for the subpopulation, females 13–49 years, EPA used food consumption information from the United States Department of Agriculture (USDA) 1994–1996 and 1998 Nationwide Continuing Surveys of Food Intake by Individuals (CSFII). As to residue levels in food, EPA used tolerance level residues, DEEM (Ver. 7.81) default processing factors (as necessary) and 100 percent crop treated (PCT) for all commodities.

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment EPA used the food consumption data from the USDA 1994–1996 and 1998 CSFII. As to residue levels in food, EPA used tolerance level residues, DEEM (Ver. 7.81) default processing factors (as necessary) and 100 PCT for all commodities.

iii. *Cancer.* Based on the data summarized in Unit IV.A., EPA has concluded that fluridone does not pose a cancer risk to humans. Therefore, a dietary exposure assessment for the purpose of assessing cancer risk is unnecessary.

iv. *Anticipated residue and PCT information.* EPA did not use anticipated residue or PCT information in the dietary assessment for fluridone. Tolerance level residues and 100 PCT were assumed for all food commodities.

2. *Dietary exposure from drinking water.* The Agency used screening level water exposure models in the dietary exposure analysis and risk assessment for fluridone in drinking water. These simulation models take into account data on the physical, chemical, and fate/transport characteristics of fluridone. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at *http://www.epa.gov/oppefed1/models/water/index.htm.*

Based on the FQPA Index Reservoir Screening Tool (FIRST) and Screening Concentration in Ground Water (SCI–GROW) models, the estimated drinking water concentrations (EDWCs) of fluridone for acute exposures are estimated to be 9.6 parts per billion (ppb) for surface water and 0.67 ppb for ground water. EDWCs of fluridone for chronic exposures for non-cancer assessments are estimated to be 2.5 ppb for surface water and 0.67 ppb for ground water.

Modeled estimates of drinking water concentrations were directly entered into the dietary exposure model. For acute dietary risk assessment, the water concentration value of 9.6 ppb was used to assess the contribution to drinking water. For chronic dietary risk assessment, the water concentration of value 2.5 ppb was used to assess the contribution to drinking water.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (*e.g.,* for lawn and garden pest control, indoor pest control, termiticides, swimming in treated water, and flea and tick control on pets).

Fluridone is currently registered for one use that could result in residential handler and residential post-application exposures: Consumer use to control aquatic weeds in ponds. EPA assessed residential exposure using the following assumptions: Residents or consumers may experience short-term (1–30 days) skin contact or inhalation exposures. These exposures are assessed through residential handler scenarios. Post-application exposures of children and adults through contact with treated swimming ponds are also anticipated. These exposures are expected to be short- and intermediate-term (1–6 months) in duration through dermal, ingestion, aural, buccal/sublingual, and nasal/orbital exposure. All residential handler and post-application scenarios from the uses of fluridone have been assessed and no risks of concern have been identified (MOE ≤100). The scenarios for residential handler and post-application exposure (combined dermal and inhalation) resulted in MOEs of 1,800 and 23,000, respectively.

Further information regarding EPA standard assumptions and generic inputs for residential exposures may be found at: *http://www.epa.gov/pesticides/trac/science/trac6a05.pdf.*

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

EPA has not found fluridone to share a common mechanism of toxicity with any other substances, and fluridone does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that fluridone does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's Web site at

http://www.epa.gov/pesticides/cumulative.

C. Safety Factor for Infants and Children

1. *In general.* Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the FQPA Safety Factor (SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional SF when reliable data available to EPA support the choice of a different factor.

2. *Prenatal and postnatal sensitivity.* Based on the results in the developmental toxicity studies in rats and rabbits and in a three-generation reproduction study, no increased sensitivity of fetuses or pups (as compared to adults) was demonstrated for fluridone. There are no concerns or residual uncertainties for prenatal/postnatal toxicity following exposure to fluridone.

3. *Conclusion.* EPA has determined that reliable data show that the safety of infants and children would be adequately protected if the FQPA SF were reduced to 1X. That decision is based on the following findings:

i. The toxicity database for fluridone is complete except for the lack of an immunotoxicity study and a neurotoxicity battery (*i.e.,* acute and subchronic neurotoxicity) that meets the new data requirements in 40 CFR part 158 for conventional pesticide registration. However, the existing toxicology database for fluridone does not show any evidence of treatment-related effects on either the nervous or the immune system. In addition, fluridone does not belong to any class of compounds (*e.g.,* the organotins, heavy metals, or halogenated aromatic hydrocarbons) that would be expected to be immunotoxic. Based on the currently available data for fluridone, the Agency expects that findings from the additional studies will not result in a lower point of departure POD than that currently in use for overall risk assessment, and therefore, a database uncertainty factor is not needed to account for the lack of these studies.

ii. There is no indication that fluridone is a neurotoxic chemical and there is no need for a developmental neurotoxicity study or additional UFs to account for neurotoxicity.

iii. There is no evidence that fluridone results in increased susceptibility in *in utero* rats or rabbits in the prenatal developmental studies or in young rats in the 2-generation reproduction study.

iv. There are no residual uncertainties identified in the exposure databases. The dietary food exposure assessment utilized 100 PCT and tolerance-level residues (established or recommended). EPA made conservative (protective) assumptions in the ground and surface water modeling used to assess exposure to fluridone in drinking water. EPA used similarly conservative assumptions to assess post-application exposure of children as well as incidental oral exposure of toddlers. These assessments will not underestimate the exposure and risks posed by fluridone.

D. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute PAD (aPAD) and chronic PAD (cPAD). For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure. Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists.

1. *Acute risk.* An acute aggregate risk assessment takes into account acute exposure estimates from dietary consumption of food and drinking water. An adverse effect resulting from a single oral exposure was identified for only the subpopulation females 13–49 years. Using the exposure assumptions described in this unit for acute exposure, EPA has concluded that acute exposure to fluridone from food and water will utilize less than 1% of the aPAD for females 13–49 years. Therefore, fluridone is not expected to pose an acute risk.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to fluridone from food and water will utilize 4% of the cPAD for children 1–2 years, the population group receiving the greatest exposure. Based on the explanation in the unit regarding residential use patterns, chronic residential exposure to residues of fluridone is not expected.

3. *Short-and Intermediate-term risk.* Short- and intermediate-term aggregate exposure takes into account short-term residential exposure or intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

Fluridone is currently registered for uses that could result in short- and intermediate-term residential exposure, and the Agency has determined that it is appropriate to aggregate chronic exposure through food and water with short- and intermediate-term residential exposures to fluridone.

Using the exposure assumptions described in this unit for short-term and intermediate-term exposures, EPA has concluded the combined short-term food, water, and residential exposures and the intermediate-term food, water, and residential exposures each result in aggregate MOEs of 290 (liquids for pouring applications + swimming exposure) to 340 (liquids for garden hose end sprayer + swimming exposure). Because EPA's level of concern for fluridone is a MOE of 100 or below, these MOEs are not of concern.

5. *Aggregate cancer risk for U.S. population.* Based on the lack of evidence of carcinogenicity in two adequate rodent carcinogenicity studies, fluridone is not expected to pose a cancer risk to humans.

6. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children, from aggregate exposure to fluridone residues.

V. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodologies (enzyme-linked immunosorbant assay (ELISA), high performance liquid chromatography with ultraviolet detection (HLPC/UV), and liquid chromatography with tandem mass spectroscopy (LC–MSMS)) are available to enforce the tolerance expression. The method may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905; email address: *residuemethods@epa.gov.*

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4).

The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level. The Codex has not established an MRL for fluridone.

VI. Conclusion

Therefore, time-limited tolerances are established for residues of fluridone, 1-methyl-3-phenyl-5-(3-(trifluoromethyl)phenyl)-4(1*H*)-pyridinone, including its metabolites and degradates, in or on cotton, undelinted seed at 0.1 ppm. This tolerance expires on December 31, 2014.

VII. Statutory and Executive Order Reviews

This final rule establishes tolerances under FFDCA sections 408(e) and 408(l)(6). The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this final rule has been exempted from review under Executive Order 12866, this final rule is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.,* nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established in accordance with FFDCA sections 408(e) and 408(l)(6), such as the tolerances in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply.

This final rule directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this final rule. In addition, this final rule does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA) (15 U.S.C. 272 note).

VIII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: October 26, 2012.

Daniel J. Rosenblatt,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR part 180 is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.420, revise paragraph (b) to read as follows:

§ 180.420 Fluridone; tolerances for residues.

* * * * *

(b) *Section 18 emergency exemptions.* Time-limited tolerances specified in the following table are established for residues of the herbicide fluridone, 1-methyl-3-phenyl-5-(3-(trifluoromethyl)phenyl)-4(1*H*)-pyridinone, including its metabolites and degradates in or on the specified agricultural commodities, resulting from use of the pesticide pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) section 18 emergency exemptions. Compliance with the tolerance levels specified below is to be determined by measuring only fluridone. The tolerances expire on the date specified in the table.

Commodity	Parts per million	Expiration date
Cotton, undelinted seed	0.1	12/31/14

* * * * *

[FR Doc. 2012–27066 Filed 11–6–12; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2012–0455; FRL–9364–8]

Metconazole; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation amends the tolerance for residues of metconazole in or on corn, sweet, stover. BASF Corporation requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective November 7, 2012. Objections and requests for hearings must be received on or before January 7, 2013, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2012–0455, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), EPA West Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Tamue L. Gibson, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 305–9096; email address: *gibson.tamue@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Printing Office's e-CFR site at *http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.*

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2012–0455 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before January 7, 2013. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2012–0455, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.htm.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of August 22, 2012 (77 FR 50661) (FRL–9358–9), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 1F7937) by BASF Corporation, 26 Davis Drive, P.O. Box 13528, Research Triangle Park, NC 27709–3528. The petition requested that the tolerance in the 40 CFR 180.617 be amended by increasing the established tolerance for residues of the fungicide metconazole, 5-[(4-chlorophenyl)-methyl]-2, 2-dimethyl-1-(1H-1, 2, 4-triazol-1-ylmethyl) cyclopentanol, measured as the sum of cis- and trans-isomers, in or on corn, sweet, stover from 4.5 parts per million (ppm) to 25.0 ppm. That document referenced a summary of the petition prepared by BASF Corporation, the registrant, which is available in the docket, *http://www.regulations.gov.* There were no comments received in response to the notice of filing.

Based upon review of the data supporting the petition, EPA has modified the proposed tolerance level by increasing the tolerance for residues of corn, sweet, stover to 30 ppm. The reason for this change is explained in Unit IV.C.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide

chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue * * *''

Consistent with FFDCA section 408(b)(2)(D), and the factors specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for metconazole including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with metconazole follows.

EPA's analysis of the impact of the proposed increase of the corn stover tolerance will have a minimal impact on exposure of livestock to metconazole and will not change the safety determination EPA made for metconazole in tolerance rulemaking published in the **Federal Register** of August 17, 2011 (76 FR 50898) (FRL–8882–7) and the initial establishment of the corn stover tolerance published in the **Federal Register** of May 7, 2009, 74 FR 21260, FRL–8408–6. In the aggregate risk assessment supporting those actions, EPA included exposure from previously established tolerances for corn and corn by-products, including corn stover (See Metconazole: Human Health Assessment for Proposed Uses on Tuberous and Corm Vegetables Subgroup 1C and Bushberry Subgroup 13–07B, EPA Docket Number EPA–HQ–OPP–2010–0621). In that risk assessment, metconazole exposure to humans due to the presence of metconazole in animal livestock feed items was calculated based on the tolerance levels in livestock commodities consumed by humans (*e.g.,* meat and milk). Tolerance levels in livestock commodities are driven by the tolerance levels in livestock feed items, taking into account the makeup of the livestock diet. EPA's analysis of the impact of raising the corn stover tolerance shows that there will be no increase in the maximum reasonably balanced dietary burden for beef cattle, swine, or poultry but a small increase for diary cattle. There is no increase for beef cattle, swine, or poultry because sweet corn stover is only a significant feed item in dairy cattle. Although there is an increase in the estimated dietary burden of metaconazole for dairy cattle associated with the proposed increase in the corn stover tolerance, the increase is relatively small (less than 15 percent) and, based on data from a cattle feeding study with metaconazole, EPA has determined that the small increase in dietary burden to dairy cattle will not result in metaconazole residues in food commodities from dairy cattle that exceed existing tolerances. Thus, despite the increase in the corn stover tolerance, the aggregate risk assessment underlying the 2009 and 2011 metconazole rulemakings, which assumed residue levels in food commodities from dairy cattle at existing tolerances levels, remains an accurate estimate of metconazole risk.

In the August 17, 2011 and May 7, 2009 **Federal Register** actions, EPA concluded that there is reasonably certainty that no harm will result to the general population and to infants and children from aggregate exposure to metconazole residues. That conclusion was based on the findings that metconazole did not pose either an acute or cancer risk and that chronic exposure to metconazole from food and water falls well below the safe exposure level for all population groups, including children 1 to 2 years old, the population group receiving the greatest exposure. Refer to the August 17, 2011 (76 FR 50898) (FRL–8882–7), **Federal Register** document, available at *http://www.regulations.gov,* for a detailed discussion of the aggregate risk assessments and determination of safety. EPA relies upon those risk assessments and the findings made in the **Federal Register** documents in support of this action.

IV. Other Considerations

A. Analytical Enforcement Methodology

An adequate high performance liquid chromatography with tandem mass spectrometry (Method D0604, entitled ''The Determination of Residues of BAS 555 F and its Metabolites in Corn and Cotton Matrices Using LC/MS/MS''), with the German multi-residue method DFG S19 as a confirmatory method, is adequate as an enforcement method. Method D0604 determines metconazole (cis—and transisomers), 1,2,4-triazole (T), triazolyalanine (TA), and triazolylacetic acid (TAA). DFG S19 uses gas chromatography/nitrogen phosphorus detection (GC/NPD) or gas chromatography/mass spectrometric detection (GC/MS). The methods may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905; email address: *residuemethods@epa.gov.*

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

The Codex has not established a MRL for metconazole on corn, sweet, stover.

C. Revisions to Petitioned-For Tolerances

Based on the analysis of the residue field trial data on field corn stover and using the Organization for Economic Cooperation and Development (OECD) tolerance calculation procedures, the tolerance for sweet corn stover was increased.

V. Conclusion

Therefore, tolerances are established for residues of metconazole, 5-[(4-chlorophenyl)-methyl]-2, 2-dimethyl-1-(1H-1, 2, 4-triazol-1-ylmethyl) cyclopentanol, measured as the sum of cis- and transisomers, in or on corn, sweet, stover at 30.0 ppm.

VI. Statutory and Executive Order Reviews

This final rule establishes tolerances under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this final rule has been exempted from review under Executive Order 12866, this final rule is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require

any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This final rule directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this final rule. In addition, this final rule does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA) (15 U.S.C. 272 note).

VII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: October 26, 2012.

Daniel J. Rosenblatt,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.617, revise the following entry in the table in paragraph (a) to read as follows:

§ 180.617 Metconazole; tolerance for residues.

(a) * * *

Commodity	Parts per million
* * * * *	
Corn, sweet, stover	30.0
* * * * *	

* * * * *

[FR Doc. 2012–27191 Filed 11–6–12; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2012–0009; FRL–9366–6]

Fluazinam; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of fluazinam in or on melon subgroup 9A and pepper/eggplant subgroup 8–10B, associated with pesticide petition (PP) 1E7959; and soybean, seed and soybean, hulls, associated with PP 2F7977. Interregional Research Project Number 4 (IR–4) and ISK Biosciences Corporation requested the tolerances associated with PPs 1E7959 and 2F7977, respectively, under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective November 7, 2012. Objections and requests for hearings must be received on or before January 7, 2013, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2012–0009, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), EPA West Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Laura Nollen, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 305–7390; email address: *Nollen.Laura@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Printing Office's e-CFR site at *http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.*

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection

or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2012–0009 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before January 7, 2013. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2012–0009, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.htm.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

II. Summary of Petitioned-For-Tolerance

In the **Federal Register** of March 14, 2012 (77 FR 15012) (FRL–9335–9), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 1E7959) by IR–4, 500 College Road East, Suite 201W, Princeton, NJ 08540. The petition requested that 40 CFR 180.574 be amended by establishing tolerances for residues of the fungicide fluazinam, (3-chloro-*N*-[3-chloro-2,6-dinitro-4-(trifluoromethyl)phenyl]-5-(trifluoromethyl)-2-pyridinamine), in or on fruiting vegetables group, pepper/eggplant subgroup 8–10B at 0.10 parts per million (ppm); and cucurbit vegetables, melon subgroup 9A at 0.08 ppm. That document referenced a summary of the petition prepared on behalf of IR–4 by ISK Biosciences Corporation, the registrant, which is available in the docket, *http://www.regulations.gov*. Comments were received on the notice of filing. EPA's response to these comments is discussed in Unit IV.C.

Additionally, in the **Federal Register** of July 25, 2012 (77 FR 43562) (FRL–9353–6), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a PP 2F7977 by ISK Biosciences Corporation, 7470 Auburn Road, Suite A, Concord, OH 44077. The petition requested that 40 CFR 180.574 be amended by establishing tolerances for residues of the fungicide fluazinam in or on soybean, seed at 0.01 ppm; and soybean, hulls at 0.02 ppm. That document referenced a summary of the petition prepared by ISK Biosciences Corporation, the registrant, which is available in the docket, *http://www.regulations.gov*. There were no comments received in response to the notice of filing.

Based upon review of the data supporting the petitions, EPA has revised the tolerances for several commodities. The reason for these changes is explained in Unit IV.D.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue * * *.''

Consistent with FFDCA section 408(b)(2)(D), and the factors specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for fluazinam including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with fluazinam follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

Following subchronic and chronic exposure to fluazinam, the liver appeared to be a primary target organ in rats, dogs, and mice. Signs of liver toxicity included changes in clinical chemistry (increased serum alkaline phosphatase and aspartate aminotransferase), increased absolute and/or relative liver weights, increased incidences of gross lesions (pale, enlarged, pitted, mottled, accentuated markings), and a variety of histopathological lesions. Treatment-related effects were also observed in other organs following subchronic and chronic exposure to fluazinam, but these effects were not consistently noted in all three species or in all studies in a given species. In a subchronic inhalation toxicity study in rats, pulmonary effects were observed at the mid and high doses. These effects included dose-related increases in lung/bronchial weights and increased incidences of alveolar macrophages and peribronchiolar proliferation in both sexes.

In the developmental toxicity study in rabbits, treatment-related maternal effects (decreased food consumption and increased liver histopathology) were noted in the absence of fetal effects. In the 2-generation rat reproduction study, decreased pup weight gain was seen at the highest dose tested, in the presence of decreased food consumption and liver histopathology in parental animals. In a developmental toxicity study in rats, fetal effects included decreases in body and placental weights, increased incidences of facial/palate clefts, diaphragmatic hernias, delayed ossification in several bone types, increases in late resorptions, as well as evidence of a greenish amniotic fluid and post-implantation loss. Maternal effects, including decreases in body weight gain/food consumption and increases in water

consumption and urogenital staining, were observed at the same dose level. In the rat developmental neurotoxicity (DNT) study, effects in pups (including decreases in body weight/body weight gain and delayed preputial separation) were noted in the absence of maternal toxicity.

In an acute neurotoxicity study in rats, effects included decreases in motor activity and soft stools; these effects were considered to be due to systemic toxicity and not a result of frank neurotoxicity. No signs of neurotoxicity were observed in two subchronic neurotoxicity studies in rat up to the highest dose tested. A neurotoxic lesion described as vacuolation of the white matter of the central nervous system was observed in subchronic and chronic studies in mice and dogs; however, this lesion was found to be reversible and is attributed to an impurity. Based on the level of this impurity in technical grade fluazinam, the risk assessment for the parent compound is considered protective of the effects noted. In an immunotoxicity study in mice, significant suppressions of anti-sheep red blood cell antibody-forming cell assay response were demonstrated at the highest dose tested.

In a rat carcinogenicity study, there was some evidence that fluazinam induced an increase in thyroid gland follicular cell tumors in male rats. There were statistically significant positive trends for thyroid gland follicular cell adenocarcinomas and combined follicular cell adenomas/adenocarcinomas. The incidences of thyroid gland adenomas seen at 100 ppm (3.8 mg/kg/day) and adenocarcinomas at 1,000 ppm were slightly outside their respective ranges for the historical controls. However, this increased incidence of thyroid tumors at 100 ppm was not observed in male rats in another chronic study. Further in the rat carcinogenicity study where these effects were seen, the animals in the lower dose groups were only microscopically examined for thyroid lesions if abnormalities were observed in that organ at gross necropsy and therefore, the incidences of thyroid tumors in the lower dose groups may have been somewhat misleading (too high). In one mouse carcinogenicity study, clear evidence of a treatment-related increase of hepatocellular tumors was observed in male mice; in another mouse carcinogenicity study, there was equivocal evidence that fluazinam may have induced an increase in hepatocellular tumors in male mice. There was no evidence of statistically significant tumor increases in female mice or rats in any study and no evidence of mutagenic activity in the submitted mutagenicity studies for fluazinam. EPA has classified fluazinam as having suggestive evidence of carcinogenicity. Due to the equivocal and inconsistent nature of the cancer response in the rat and mouse studies, the Agency determined that quantification of risk using a non-linear approach (i.e., RfD) will adequately account for all chronic toxicity, including carcinogenicity, that could result from exposure to fluazinam.

Specific information on the studies received and the nature of the adverse effects caused by fluazinam as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies can be found at *http://www.regulations.gov* in document, ''Fluazinam. Human Health Risk Assessment to Support New Uses on Soybeans, the Melon Subgroup (9–A), and the Pepper/Eggplant Subgroup (8–10B), and to Support Registration Review'' at pages 43–49 in docket ID number EPA–HQ–OPP–2012–0009.

B. Toxicological Points of Departure/Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which no adverse effects are observed (the NOAEL) and the lowest dose at which adverse effects of concern are identified (the LOAEL). Uncertainty/safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *http://www.epa.gov/pesticides/factsheets/riskassess.htm*.

A summary of the toxicological endpoints for fluazinam used for human risk assessment is shown in Table 1 of this unit. To assess short-term dermal exposure, the dermal toxicity and dermal absorption studies were used to determine a refined dermal equivalent dose (RDD). To calculate a RDD, *in vitro* results using rat skin are corrected for any differences between *in vitro* and *in vivo* absorption rates and species differences between rats and humans. This refinement in dermal absorption is important because absorption by human skin is usually lower than that by rat skin. Accordingly, the combined use of the data from three dermal absorption studies and two testing systems offers greater precision in estimating human dermal absorption, which strengthens the reliability of the dermal risk assessment.

TABLE 1—SUMMARY OF TOXICOLOGICAL DOSES AND ENDPOINTS FOR FLUAZINAM FOR USE IN HUMAN HEALTH RISK ASSESSMENT

Exposure/Scenario	Point of departure and uncertainty/safety factors	RfD, PAD, LOC for risk assessment	Study and toxicological effects
Acute dietary (Females 13–50 years of age) ...	NOAEL = 7 milligrams/kilogram/day (mg/kg/day). UF_A = 10x UF_H = 10x FQPA SF = 1x	Acute RfD = 0.07 mg/kg/day .. aPAD = 0.07 mg/kg/day	Developmental Toxicity Study—Rabbits LOAEL = 12 mg/kg/day based on increased incidence of total litter resorptions and possible increased incidence of fetal skeletal abnormalities.

TABLE 1—SUMMARY OF TOXICOLOGICAL DOSES AND ENDPOINTS FOR FLUAZINAM FOR USE IN HUMAN HEALTH RISK ASSESSMENT—Continued

Exposure/Scenario	Point of departure and uncertainty/safety factors	RfD, PAD, LOC for risk assessment	Study and toxicological effects
Acute dietary (General population including infants and children).	NOAEL = 50 mg/kg/day ..... UF_A = 10x UF_H = 10x FQPA SF = 1x	Acute RfD = 0.5 mg/kg/day .... aPAD = 0.5 mg/kg/day	Acute Neurotoxicity—Rats LOAEL = 1000 mg/kg/day based on decreased motor activity and soft stools on day of dosing.
Chronic dietary (All populations)	NOAEL = 1.1 mg/kg/day ..... UF_A = 10x UF_H = 10x FQPA SF = 1x	Chronic RfD = 0.011 mg/kg/day. cPAD = 0.011 mg/kg/day	Co-critical: Carcinogenicity—Mice LOAEL = 10.7 mg/kg/day based on liver histopathology and increased liver weight Chronic Dog LOAEL = 10 mg/kg/day based on marginal increases in the incidence of nasal dryness in females and the incidence/severity of gastric lymphoid hyperplasia in both sexes.
Dermal short-term (1 to 30 days)	Dermal study NOAEL= 10 mg/kg/day. Refined Dermal absorption rate = 2.44% UF_A = 10x UF_H = 10x FQPA SF = 1x	RDD*= 24.4 mg/kg/day ..... LOC for MOE = 100	21-Day Dermal Toxicity—Rats LOAEL= 100 mg/kg/day based on liver effects (increased AST and cholesterol levels).
Cancer (Oral, dermal, inhalation)	Non-linear RfD approach was used to assess cancer risk.		

FQPA SF = Food Quality Protection Act Safety Factor. LOAEL = lowest-observed-adverse-effect-level. LOC = level of concern. mg/kg/day = milligram/kilogram/day. MOE = margin of exposure. NOAEL = no-observed-adverse-effect-level. PAD = population adjusted dose (a = acute, c = chronic). RfD = reference dose. UF = uncertainty factor. UF_A = extrapolation from animal to human (interspecies). UF_H = potential variation in sensitivity among members of the human population (intraspecies). * A Refined Dermal Equivalent Dose (RDD) of 24.4 mg/kg/day was calculated using the dermal POD and dermal absorption data.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to fluazinam, EPA considered exposure under the petitioned-for-tolerances as well as all existing fluazinam tolerances in 40 CFR 180.574. EPA assessed dietary exposures from fluazinam in food as follows:

i. *Acute exposure.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure.

Such effects were identified for fluazinam. In estimating acute dietary exposure, EPA used food consumption information from the 2003–2008 National Health and Nutrition Examination Survey, What We Eat in America (NHANES/WWEIA). As to residue levels in food, EPA utilized tolerance-level residues, 100 percent crop treated (PCT) for all commodities, and used DEEM default processing factors, when appropriate.

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment, EPA used the food consumption data from the USDA 2003–2008 NHANES/WWEIA. As to residue levels in food, EPA utilized tolerance-level residues for all commodities except apple (for which the average field trial residue value was used), assumed 100 PCT for all commodities, and used DEEM default processing factors, when appropriate.

iii. *Cancer.* EPA determines whether quantitative cancer exposure and risk assessments are appropriate for a food-use pesticide based on the weight of the evidence from cancer studies and other relevant data. Cancer risk is quantified using a linear or non-linear approach. If sufficient information on the carcinogenic mode of action is available, a threshold or non-linear approach is used and a cancer RfD is calculated based on an earlier noncancer key event. If carcinogenic mode of action data are not available, or if the mode of action data determines a mutagenic mode of action, a default linear cancer slope factor approach is utilized. Based on the data summarized in Unit III.A., EPA has concluded that a nonlinear RfD approach is appropriate for assessing cancer risk to fluazinam. Cancer risk was assessed using the same exposure estimates as discussed in Unit III.C.1.ii.

iv. *Anticipated residue information.* Section 408(b)(2)(E) of FFDCA authorizes EPA to use available data and information on the anticipated residue levels of pesticide residues in food and the actual levels of pesticide residues that have been measured in food. If EPA relies on such information, EPA must require pursuant to FFDCA section 408(f)(1) that data be provided 5 years after the tolerance is established, modified, or left in effect, demonstrating that the levels in food are not above the levels anticipated. For the present action, EPA will issue such Data Call-Ins as are required by FFDCA section 408(b)(2)(E) and authorized under FFDCA section 408(f)(1). Data will be required to be submitted no later than 5 years from the date of issuance of these tolerances.

2. *Dietary exposure from drinking water.* The residues of concern in

drinking water for risk assessment are parent fluazinam and its degradates, including DCPA, CAPA, DAPA, HYPA, and AMPA. The Agency used screening level water exposure models in the dietary exposure analysis and risk assessment for fluazinam and its degradates in drinking water. These simulation models take into account data on the physical, chemical, and fate/transport characteristics of fluazinam and its degradates. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at *http://www.epa.gov/oppefed1/models/water/index.htm*.

Based on the First Index Reservoir Screening Tool (FIRST) and Screening Concentration in Ground Water (SCI–GROW) models, the estimated drinking water concentrations (EDWCs) of fluazinam and its degradates for surface water are estimated to be 226 parts per billion (ppb) for acute exposures and 37.8 ppb for chronic exposures. For ground water, the EDWCs are estimated to be 0.404 ppb for both acute and chronic exposures.

Modeled estimates of drinking water concentrations were directly entered into the dietary exposure model. The water concentration values of 226 ppb and 37.8 ppb were used to assess the contribution to drinking water in the acute and chronic dietary risk assessments, respectively.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (e.g., for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets). Fluazinam is currently registered for following use that could result in residential exposures: On turf at golf courses only. EPA assessed potential residential short-term post-application dermal exposure from individuals, including adults, youth (11 to <16 years old), and children (6 to <11 years old), playing golf on treated turf. The short- and intermediate-term toxicological endpoints for fluazinam are the same for the dermal route of exposure. As a result, only the short-term dermal exposure was assessed. The resulting short-term risk estimates are considered to be protective of intermediate-term exposure and risk.

Further information regarding EPA standard assumptions and generic inputs for residential exposures may be found at *http://www.epa.gov/pesticides/trac/science/trac6a05.pdf*.

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.'' EPA has not found fluazinam to share a common mechanism of toxicity with any other substances, and fluazinam does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that fluazinam does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's Web site at *http://www.epa.gov/pesticides/cumulative*.

D. Safety Factor for Infants and Children

1. *In general.* Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the FQPA Safety Factor (SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

2. *Prenatal and postnatal sensitivity.* The prenatal and postnatal toxicology database for fluazinam includes rat and rabbit developmental toxicity studies, a 2-generation reproductive toxicity study in rats, and a DNT study in the rat. There was no evidence of increased quantitative or qualitative susceptibility in the rabbit developmental toxicity study or the rat 2-generation reproductive toxicity study; however, evidence of increased qualitative susceptibility of fetuses was observed in the rat developmental toxicity study and evidence of increased quantitative susceptibility of fetuses was observed in the rat DNT study.

In the developmental toxicity study in rats, fetal effects (increased incidences of facial/palate clefts and other rare deformities in the fetuses) were observed in the presence of minimal maternal toxicity (decreased body weight gain and food consumption, and increased water consumption and urogenital staining). In the rat DNT study, decreases in body weight/body weight gain and a delay in completion of balano-preputial separation were observed in pups in the absence of maternal effects, suggesting increased quantitative susceptibility of the offspring.

3. *Conclusion.* EPA has determined that reliable data show the safety of infants and children would be adequately protected if the FQPA SF were reduced to 1X. That decision is based on the following findings:

i. The toxicity database for fluazinam is complete.

ii. There is no evidence that fluazinam results in increased susceptibility in *in utero* rabbits in the prenatal developmental studies or in young rats in the 2-generation reproduction study; however, increased qualitative susceptibility was noted in the rat developmental toxicity study. The degree of concern for the observed effects is low because fetal effects were observed only at the highest dose tested in the presence of maternal toxicity, and there is a clear NOAEL for the fetal effects seen. Additionally, the NOAEL (50 mg/kg/day) identified in the developmental toxicity study in rats is significantly higher than the NOAEL used (7 mg/kg/day) to establish the aRfD for females 13–49. Therefore, the aRfD is protective of any potential developmental effects and there are no residual uncertainties for prenatal and/or postnatal toxicity.

Additionally, while a DNT study in rat did not show evidence of neurotoxicity, the study showed evidence of increased quantitative susceptibility of offspring. Although the NOAEL for this study (2 mg/kg/day) is lower than that used for the aRfD for females 13–49 (7 mg/kg/day), the effects noted in the DNT study are considered to be postnatal effects attributable to multiple doses; therefore, the study endpoint is not appropriate for acute dietary exposures. The cRfD (0.011 mg/kg/day) is based on a lower NOAEL (1.1 mg/kg/day), and is considered to be protective of potential developmental effects. Therefore, the degree of concern is low for the observed effects and there are no residual uncertainties with regard to prenatal and/or postnatal neurotoxicity.

iii. There are no residual uncertainties identified in the exposure databases. The acute and chronic dietary food exposure assessments were performed based on 100 PCT for all commodities. Additionally, the acute assessment is based on tolerance-level residues for all commodities, and the chronic assessment is based on tolerance-level

residues for all commodities except apple (for which the average field trial value was used). These assumptions result in high-end estimates of dietary exposure. EPA made conservative (protective) assumptions in the ground water and surface water modeling used to assess exposure to fluazinam in drinking water. EPA used similarly conservative assumptions to assess post-application exposure of children. Incidental oral exposure of toddlers is not expected from any use pattern for fluazinam. These assessments will not underestimate the exposure and risks posed by fluazinam.

E. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute PAD (aPAD) and chronic PAD (cPAD). For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure. Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists.

1. *Acute risk.* Using the exposure assumptions discussed in this unit for acute exposure, the acute dietary exposure from food and water to fluazinam will occupy 28% of the aPAD for females 13–49 years old; and 21% of the aPAD for children 1–2 years old, the population group receiving the greatest exposure for the general population, including infants and children.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to fluazinam from food and water will utilize 51% of the cPAD for children 1–2 years old, the population group receiving the greatest exposure. Based on the explanation in Unit III.C.3., regarding residential use patterns, chronic residential exposure to residues of fluazinam is not expected.

3. *Short-term risk* . Short-term aggregate exposure takes into account short-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Fluazinam is currently registered for uses that could result in short-term residential exposure, and the Agency has determined that it is appropriate to aggregate chronic exposure through food and water with short-term residential exposures to fluazinam.

Using the exposure assumptions described in this unit for short-term exposures, EPA has concluded the combined short-term food, water, and residential exposures result in aggregate MOEs of 730 for children 6–<11 years old, 880 for youth 11–<16 years old, and 970 for adults. Because EPA's level of concern for fluazinam is a MOE of 100 or below, these MOEs are not of concern.

4. *Intermediate-term risk.* Intermediate-term aggregate exposure takes into account intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Based on the discussion in Unit III.C.3., short-term risk estimates are considered to be protective of intermediate-term exposure and risk.

5. *Aggregate cancer risk for U.S. population.* Based on the discussion in Unit III.A., EPA has concluded that the cPAD is protective of possible cancer effects.

6. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children from aggregate exposure to fluazinam residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

An adequate gas chromatography with electron capture detection (GC/ECD) method (6148–94–0170–MD–001) is available to enforce fluazinam tolerances on plant commodities. An adequate enforcement method for the determination of AMGT is also available. The method is a high performance liquid chromatography with ultraviolet detection (HPLC/UV) enforcement method entitled ''Method Evaluation for the Analysis of AMGT in Grapes.''

The methods may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905; email address: *residuemethods@epa.gov.*

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

The Codex has not established a MRL for fluazinam on the commodities associated with this action.

C. Response to Comments

EPA received several comments to the docket, EPA–HQ–OPP–2012–0009; however, only one of these public submissions was in response to the Notice of Filing for PP 1E7959, while the remaining comments pertained to unrelated petitions in the **Federal Register** notice. For PP 1E7959, the commenter stated that no residue should be allowed for fluazinam and that they do not support manufacture or use of this product. The Agency understands the commenter's concerns and recognizes that some individuals believe that pesticides should be banned on agricultural crops. However, the existing legal framework provided by section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA) states that tolerances may be set when persons seeking such tolerances or exemptions have demonstrated that the pesticide meets the safety standard imposed by that statute. This citizen's comment appears to be directed at the underlying statute and not EPA's implementation of it; the citizen has made no contention that EPA has acted in violation of the statutory framework. In addition, the commenter included several adverse effects they believed were seen in animal toxicology studies for fluazinam. EPA has found that there is a reasonable certainty of no harm to humans after considering the toxicological studies and the exposure levels of humans to fluazinam.

D. Revisions to Petitioned-For-Tolerances

Based on the data supporting the petitions, EPA revised the proposed tolerances on melon subgroup 9A from 0.08 ppm to 0.07 ppm; pepper/eggplant subgroup 8–10B from 0.10 ppm to 0.09 ppm; and soybean, hulls from 0.02 ppm to 0.05 ppm. The Agency revised these tolerance levels based on analysis of the residue field trial data using the Organization for Economic Cooperation and Development (OECD) tolerance calculation procedures.

V. Conclusion

Therefore, tolerances are established for residues of fluazinam, (3-chloro-*N*-[3-chloro-2,6-dinitro-4-(trifluoromethyl)phenyl]-5-(trifluoromethyl)-2-pyridinamine), in or on melon subgroup 9A at 0.07 ppm; pepper/eggplant subgroup 8–10B at 0.09 ppm; soybean, seed at 0.01 ppm; and soybean, hulls at 0.05 ppm.

VI. Statutory and Executive Order Reviews

This final rule establishes tolerances under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this final rule has been exempted from review under Executive Order 12866, this final rule is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This final rule directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this final rule. In addition, this final rule does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA) (15 U.S.C. 272 note).

VII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: October 26, 2012.

Daniel J. Rosenblatt,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.574, alphabetically add the following commodities to the table in paragraph (a)(1) to read as follows:

§ 180.574 Fluazinam; tolerances for residues.

(a) *General.* (1) * * *

Commodity	Parts per million
* * * * *	
Melon subgroup 9A	0.07
* * * * *	
Pepper/eggplant subgroup 8–10B	0.09
* * * * *	
Soybean, seed	0.01
Soybean, hulls	0.05
* * * * *	

* * * * *

[FR Doc. 2012–27198 Filed 11–6–12; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[EPA–HQ–SFUND–2012–0738; FRL–9713–1]

RIN 2050–AG73

National Oil and Hazardous Substances Pollution Contingency Plan; Revision To Increase Public Availability of the Administrative Record File

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to amend the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), to acknowledge advancements in technologies used to manage and convey information to the public. Specifically, this revision will add language to EPA regulations to broaden the technology, to include computer telecommunications or other electronic means, that the lead agency is permitted to use to make the administrative record file available to the public. By updating the language used to describe permitted technology, the lead agency will be able to serve the information needs of a broader population, while maintaining the ability to provide traditional means

of public access to the administrative record file, such as paper copies and microform. The lead agency should assess the capacity and resources of the public to utilize and maintain an electronic- or computer telecommunications-based repository to make a decision on which approach suits a specific site.

DATES: This rule is effective on February 5, 2013 without further notice, unless EPA receives adverse comment by December 7, 2012. If EPA receives adverse comment, we will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–SFUND–2012–0738, by one of the following methods:

- *www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *Email: superfund.docket@epa.gov.*
- *Fax:* 202–566–9744.
- *Mail:* U.S. Environmental Protection Agency, EPA Docket Center (EPA/DC), Superfund Docket, Mailcode: 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460.
- *Hand Delivery:* EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC 20460. Attention Docket ID No. EPA–HQ–SFUND–2012–0738. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–HQ–SFUND–2012–0738. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. 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. For additional information about EPA's public docket, visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Superfund Docket (Docket ID No. EPA–HQ–SFUND–2012–0738). This Docket Facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The Superfund Docket telephone number is (202) 566–0276. EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: For general information, contact the Superfund, TRI, EPCRA, RMP and Oil Information Center at (800) 424–9346 or TDD (800) 553–7672 (hearing impaired). In the Washington, DC metropolitan area, call (703) 412–9810 or TDD (703) 412–3323. For more detailed information on specific aspects of this direct final rule, contact Melissa Dreyfus at (703) 603–8792 (*dreyfus.melissa@epa.gov*), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460–0002, Mail Code 5204P.

SUPPLEMENTARY INFORMATION:

I. Why is EPA using a direct final rule?

EPA is publishing this rule without a prior proposed rule because we view this as a noncontroversial action and anticipate no adverse comment as this action merely adds language to 40 CFR 300.805(c) of the NCP to broaden the technology, to include computer telecommunications or other electronic means, that the lead agency is permitted to use to make the administrative record file available to the public. By updating language used to describe permitted technology, the lead agency will be able to serve the information needs of a broader population, while maintaining the ability to provide traditional means of public access, such as paper copies and microform, to the administrative record file. However, in the ''Proposed Rules'' section of today's **Federal Register,** we are also publishing a separate proposed rule to add language to broaden the technology that the lead agency is permitted to use to make the administrative record file available to the public under 40 CFR 300.805(c), if adverse comments are received on this direct final rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. For further information about commenting on this rule, see the **ADDRESSES** section of this document.

If EPA receives adverse comment, we will publish a timely withdrawal in the **Federal Register** informing the public that this direct final rule will not take effect. We would address all public comments in any subsequent final rule based on the proposed rule.

II. What should I consider as I prepare my comments for EPA?

A. *Submitting Confidential Business Information (CBI).* Do not submit this information to EPA through *www.regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with the procedures set forth in 40 CFR part 2.

B. *Tips for Preparing Your Comments.* When submitting comments, remember to:

- Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register** date and page number).
- Follow directions—The agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
- Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

• Describe any assumptions and provide any technical information and/or data that you used.

• If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

• Provide specific examples to illustrate your concerns, and suggest alternatives.

• Explain your views as clearly as possible.

• Make sure to submit your comments by the comment period deadline identified.

III. Background

A. What is CERCLA?

In 1980, Congress enacted the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601–9675 (''CERCLA'' or ''the Act''), in response to releases or substantial threats of releases of hazardous substances into the environment or releases or substantial threats of releases into the environment of any pollutant or contaminant which may present an imminent and substantial danger to the public health or welfare.

B. What is the National contingency plan?

To implement CERCLA, EPA promulgated the revised National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR part 300, on July 16, 1982 (47 FR 31180), pursuant to CERCLA section 105 and Executive Order 12316 (46 FR 42237, August 20, 1981). The NCP sets guidelines and procedures for responding to releases or substantial threats of releases of hazardous substances into the environment and releases or substantial threats of releases into the environment of any pollutant or contaminant that may present an imminent or substantial danger to the public health or welfare. EPA has revised the NCP on several occasions. The most recent comprehensive revision was on March 8, 1990 (55 FR 8666).

C. What is the administrative record?

Under CERCLA section 113(k)(1) and 40 CFR 300.800(a), the lead agency is required to establish an administrative record that ''* * * contains the documents that form the basis for the selection of a response action.'' These documents are further described in 40 CFR 300.810. In addition, CERCLA section 113(k)(2)(A) requires that EPA establish ''* * * procedures for the appropriate participation of interested persons in the development of the administrative record * * * '' for a removal action. For remedial actions, EPA ''* * * shall provide for the participation of interested persons, including potentially responsible parties, in the development of the administrative record * * *'' CERCLA section 113(k)(2)(B). That is, EPA should provide the public with an opportunity to participate in the selection of a response action. In addition, CERCLA section 117 requires EPA to allow for public comment on certain aspects of a proposed remedial action. Participation by interested persons (including affected communities) ensures that EPA (or the lead agency, if not EPA) has considered the concerns of the public, including potentially responsible parties (PRPs), in the selection of a response action.

D. How is the administrative record file [1] made available to the public?

CERCLA section 113(k)(1) requires that a copy of the administrative record be available to the public ''* * * at or near the facility at issue.'' 40 CFR 300.805(a). In addition, a docket containing the administrative record file should be located at the Regional office or other central location. 40 CFR 300.805(a). In the case of an emergency removal, the administrative record need only be available for public inspection at the central location, unless otherwise requested (*e.g.,* by a member of the public). 40 CFR 300.805(a)(5), 300.805(b). Reflective of the technology available at the time of the last revision to the NCP (March 8, 1990 (55 FR 8666)), the ''lead agency may make the administrative record file available to the public in microform.'' 40 CFR 300.805(c).

The administrative record file located at or near the site should be placed in one of the information repositories that may already exist for community involvement purposes. An information repository contains documents that relate to a Superfund site and the Superfund program in general. An information repository is required at all remedial action sites and any site where a removal action is likely to extend beyond 120 days. *See* 40 CFR 300.430(c)(2)(iii), 300.415(n)(3)(iii), 300.415(n)(4)(i). The information repository may contain information beyond the scope of the administrative record, since the documents in the administrative record file relate to a particular response action selection decision at a site. For example, an information repository might contain copies of site-specific press releases or public fact sheets.

E. What does this amendment do?

This direct final rule amends 40 CFR 300.805(c)—Location of the Administrative Record File in Subpart I—Administrative Record for Selection of Response Action of the National Oil and Hazardous Substances Pollution Contingency Plan, to acknowledge advancements in technologies used to manage and convey information to the public. Specifically, this revision will add language to broaden the technology, to include computer telecommunications or other electronic means, that the lead agency is permitted to use to make the administrative record file available to the public regarding documents that form the basis for the selection of a response action. This amendment does not limit the lead agency's ability to make the administrative record file available to the public in traditional forms such as paper and microform. The lead agency should assess the capacity and resources of the public to utilize and maintain an electronic- or computer telecommunications-based repository to make a decision on which approach suits a specific site. Based on the preferences of the community and the lead agency's assessment of the site-specific situation, the lead agency will determine whether to provide: (1) Traditional forms (e.g. paper copies; microform) (2) electronic resources, or (3) both traditional forms and electronic resources.

F. What is the basis for this amendment?

Since the passage of the CERCLA [2], as amended, the Federal government has made strides in encouraging electronically-available data. For example, the *Electronic Freedom of Information Act Amendments of 1996,*[3] amending section 552(a) of title 5, United States Code, popularly known as the *Freedom of Information Act,* provides for public access to information in an electronic format. Specifically, ''For records created on or after November 1, 1996, within one year after such date, each agency shall make such records available, including by computer telecommunications or, if

[1] Typically, EPA refers to the administrative record as the ''administrative record file'' until EPA has selected a particular response action, to avoid creating the impression that the record is complete at any time prior to the final selection decision. *See* 55 FR 8666, 8804–5 (March 6, 1990) (National Oil and Hazardous Substances Pollution Contingency Plan Preamble).

[2] 42 U.S.C. 9601–9675, as amended.

[3] The Freedom of Information Act, 5 U.S.C. 552, As Amended By Public Law No. 104–231, 110 Stat. 3048. Available online: *http://www.justice.gov/oip/foia_updates/Vol_XVII_4/page2.htm.*

computer telecommunications means have not been established by the agency, by other electronic means.''[4] In addition, ''* * * an agency shall provide the record in any form or format requested by the person if the record is readily reproducible by the agency in that form or format. Each agency shall make reasonable efforts to maintain its records in forms or formats that are reproducible for purposes of this section.''[5]

As of 2010, 99% of the over 16,800 public libraries in the U.S. had public computers connected to the internet, with an average of 16 computer stations per library. Over 85% of these libraries had public wireless internet access, with approximately 6% planning to add access over the next year.[6] However, the presence of an electronic- or computer telecommunications-based repository does not preclude establishing a traditional paper-based repository. The lead agency should always assess the capacity and resources of the specific community to utilize and maintain an electronic- or computer telecommunications-based repository. Based on the preferences of the community and the lead agency's assessment of the site-specific situation, the lead agency will determine whether to provide: (1) Traditional forms (e.g. paper copies; microform) (2) electronic resources, or (3) both traditional forms and electronic resources. Community preferences and access to technological resources may be gleaned through community interviews conducted as part of the planning for the Community Involvement Plan at a site.[7] In addition, in accordance with Section 508 of the Rehabilitation Act of 1973, as amended, the lead agency is responsible for ensuring that all electronic and information technology is accessible to persons with disabilities. This involves procuring, creating, maintaining and using electronic and information technology, including, Web sites, software, hardware, video and multimedia, and telecommunications, that is Section 508 compliant,[8] as well as incorporating other techniques to ensure accessibility.

EPA's Assessment of Superfund Information Repositories

EPA conducted an assessment of Superfund information repositories (IR) as part of the Office of Solid Waste and Emergency Response Community Engagement Initiative, Action 13, Part B.[9] While site information repositories were traditionally paper copies of documents maintained at locations near Superfund sites, today there are varying degrees of usage of electronic resources to store information, including CDs, DVDs and Web sites. For this assessment, EPA was interested in how the repositories are organized and maintained, as well as investigating how current technological resources could be utilized to improve public accessibility to Superfund site information and the general cost and time associated with maintaining a repository. The approach adopted for this assessment consisted of two distinct studies: (1) A survey of EPA regional practices for establishing and maintaining information repositories, and (2) an on-site assessment of the content, completeness, and organization of information repositories. The on-site assessment consisted of visits to 28 information repositories in five EPA regions to assess the content, completeness, and organization of the repositories. A complete account of the information repository assessment and findings can be found in the *Superfund Information Repository Assessment Report* (*Assessment Report*).[10]

This assessment found that despite the careful attention and time dedicated to appropriately locating and maintaining an information repository, it appears to be an under-utilized and outdated source of information for most communities. In general, community members inquire about information repositories relatively infrequently (between 1–6 times per year). The frequency of repository use seems to be highest for newly listed National Priorities List (NPL) sites and during the pre-Record of Decision phase in the Superfund remedial process. New materials and instructions are sent by the lead agency to the repository, and the repository staff is responsible for adding and removing documents. Due to the variation in organization and maintenance of repositories, there can be inconsistency between repositories. Most repositories contain useful information and are organized in such a way that specific documents can be found. However, some repositories lack important documents or are poorly organized due to public usage over the years.

In almost all repositories visited for this assessment, computers are available. Some of these computers did not have CD drives to avoid the introduction of viruses into the library computer system, or the CD drives were not functional. All of the libraries that were visited had internet access.

Permitting the lead agency to provide the administrative record file to the public via computer telecommunications or other electronic means could help to alleviate situations with document access that have been known to sometimes occur with disorganized or misplaced paper files. Electronic access to site documents will also make this information more widely available and accessible to a broader public audience. The presence of an electronic- or computer telecommunications-based repository does not preclude establishing a traditional paper-based repository. The lead agency should always assess the capacity and resources of the specific community to utilize and maintain an electronic- or computer telecommunications-based repository to make a decision on which approach suits a specific site. Based on the preferences of the community and the lead agency's assessment of the site-specific situation, the lead agency will determine whether to provide: (1) Traditional forms (e.g. paper copies; microform) (2) electronic resources, or (3) both traditional forms and electronic resources. Community preferences and access to technological resources may be gleaned through community interviews or community technical needs assessments conducted as part of the planning for the Community Involvement Plan at a site.[11]

IV. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993) and Executive Order 13563 (76 FR 3821, January 21, 2011), this action is not a ''significant regulatory action'' and is therefore not

[4] Ibid. section 552(a)(2).

[5] Ibid. section 552(a)(3)(B).

[6] U.S. Census Bureau. 2010. *Table 1154: Public Library Use of Internet: 2009 and 2010.* In: *Statistical Abstract of the United States, 2011 (30th Edition): Information & Communications: Internet Service Providers, Data Processing & Libraries.* Available online: *http://www.census.gov/compendia/statab/cats/information_communications/internet_service_providers_data_processing_libraries.html.*

[7] U.S. Environmental Protection Agency. 2011. Superfund Community Involvement Toolkit. Community Involvement Plans. Available online: *http://www.epa.gov/superfund/community/pdfs/toolkit/ciplans.pdf.*

[8] Further information on Section 508 is available online: *http://www.section508.gov.*

[9] Access information on EPA's Community Engagement Initiative online: *http://www.epa.gov/oswer/engagementinitiative/.*

[10] Access EPA's *Superfund Information Repository Assessment Report* online: *http://www.epa.gov/oswer/engagementinitiative/rr13b.pdf.*

[11] U.S. Environmental Protection Agency. 2011. Superfund Community Involvement Toolkit. Community Involvement Plans. Available online: *http://www.epa.gov/superfund/community/pdfs/toolkit/ciplans.pdf.*

subject to OMB review. This action merely adds language to 40 CFR 300.805(c) of the NCP to broaden the technology, to include computer telecommunications or other electronic means, that the lead agency is permitted to use to make the administrative record file available to the public. This action will enable the lead agency to serve the information needs of a broader population while maintaining the ability to provide traditional means of public access, such as paper copies and microform, to the administrative record file. This action does not impose any requirements on any entity, including small entities. Therefore, pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), after considering the economic impacts of this action on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. This action does not contain any unfunded mandates or significantly or uniquely affect small governments as described in Sections 202 and 205 of the Unfunded Mandates Reform Act of 1999 (UMRA) (Pub. L. 104–4). This action does not create new binding legal requirements that substantially and directly affect Tribes under Executive Order 13175 (63 FR 67249, November 9, 2000). This action does not have significant Federalism implications under Executive Order 13132 (64 FR 43255, August 10, 1999). Because this action has been exempted from review under Executive Order 12866, this final rule is not subject to Executive Order 13211, entitled Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.,* nor does it require any special considerations under Executive Order 12898, entitled Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (59 FR 7629, February 16, 1994). This action does not involve technical standards; thus, the requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272) do not apply. The Congressional Review Act, 5 U.S.C. 801 *et seq.,* generally provides that before certain actions may take effect, the agency promulgating the action must submit a report, which includes a copy of the action, to each House of the Congress and to the Comptroller General of the United States. Because this action does not contain legally binding requirements, it is not subject to the Congressional Review Act.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous waste, Hazardous substances, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: October 26, 2012

Mathy Stanislaus,

Assistant Administrator, Office of Solid Waste and Emergency Response.

For the reasons set out above, title 40, chapter I of the Code of Federal Regulations is amended as follows:

PART 300—NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN

■ 1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp.,p.351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p.193.

■ 2. Section 300.805 is amended by revising paragraph (c) to read as follows:

§ 300.805 Location of the administrative record file.

* * * * *

(c) The lead agency may make the administrative record file available to the public in microform, computer telecommunications, or other electronic means.

[FR Doc. 2012–26970 Filed 11–6–12; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 64

[Docket ID FEMA–2012–0003; Internal Agency Docket No. FEMA–8253]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: This rule identifies communities where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP) that are scheduled for suspension on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will not occur and a notice of this will be provided by publication in the **Federal Register** on a subsequent date. Also, information identifying the current participation status of a community can be obtained from FEMA's Community Status Book (CSB). The CSB is available at *http://www.fema.gov/fema/csb.shtm.*

DATES: *Effective Dates:* The effective date of each community's scheduled suspension is the third date (''Susp.'') listed in the third column of the following tables.

FOR FURTHER INFORMATION CONTACT: If you want to determine whether a particular community was suspended on the suspension date or for further information, contact David Stearrett, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2953.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase Federal flood insurance that is not otherwise generally available from private insurers. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits the sale of NFIP flood insurance unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59. Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. We recognize that some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue to be eligible for the sale of NFIP flood insurance. A notice withdrawing the

suspension of such communities will be published in the **Federal Register**.

In addition, FEMA publishes a Flood Insurance Rate Map (FIRM) that identifies the Special Flood Hazard Areas (SFHAs) in these communities. The date of the FIRM, if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may be provided for construction or acquisition of buildings in identified SFHAs for communities not participating in the NFIP and identified for more than a year on FEMA's initial FIRM for the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Administrator finds that notice and public comment procedures under 5 U.S.C. 553(b), are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives 6-month, 90-day, and 30-day notification letters addressed to the Chief Executive Officer stating that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications were made, this final rule may take effect within less than 30 days.

National Environmental Policy Act. This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Considerations. No environmental impact assessment has been prepared.

Regulatory Flexibility Act. The Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, Section 1315, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless remedial action takes place.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This rule meets the applicable standards of Executive Order 12988.

Paperwork Reduction Act. This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

■ 1. The authority citation for Part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.;* Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp.; p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp.; p. 376.

§ 64.6 [Amended]

■ 2. The tables published under the authority of § 64.6 are amended as follows:

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Region III				
Pennsylvania:				
Ashley, Borough of, Luzerne County	420596	December 13, 1974, Emerg; September 30, 1980, Reg; November 2, 2012, Susp.	Nov. 2, 2012	Nov. 2, 2012
Avoca, Borough of, Luzerne County	420597	March 7, 1975, Emerg; July 16, 1981, Reg; November 2, 2012, Susp.	do*	Do.
Bear Creek, Township of, Luzerne County.	421136	March 12, 1974, Emerg; September 29, 1978, Reg; November 2, 2012, Susp.	do	Do.
Bear Creek Village, Borough of, Luzerne County.	422756	N/A, Emerg; July 26, 2002, Reg; November 2, 2012, Susp.	do	Do.
Black Creek, Township of, Luzerne County.	420598	March 9, 1973, Emerg; September 3, 1980, Reg; November 2, 2012, Susp.	do	Do.
Buck, Township of, Luzerne County	421824	February 17, 1976, Emerg; April 15, 1981, Reg; November 2, 2012, Susp.	do	Do.
Butler, Township of, Luzerne County	420599	August 16, 1973, Emerg; December 16, 1980, Reg; November 2, 2012, Susp.	do	Do.
Conyngham, Borough of, Luzerne County.	420992	August 24, 1973, Emerg; July 16, 1980, Reg; November 2, 2012, Susp.	do	Do.
Conyngham, Township of, Luzerne County.	420600	February 9, 1973, Emerg; February 16, 1977, Reg; November 2, 2012, Susp.	do	Do.
Courtdale, Borough of, Luzerne County	420601	May 1, 1973, Emerg; June 1, 1979, Reg; November 2, 2012, Susp.	do	Do.
Dallas, Borough of, Luzerne County	421825	April 15, 1974, Emerg; January 2, 1981, Reg; November 2, 2012, Susp.	do	Do.
Dallas, Township of, Luzerne County ...	420602	September 5, 1973, Emerg; April 1, 1988, Reg; November 2, 2012, Susp.	do	Do.
Dupont, Borough of, Luzerne County ...	422250	July 29, 1974, Emerg; June 15, 1981, Reg; November 2, 2012, Susp.	do	Do.
Duryea, Borough of, Luzerne County ...	420603	January 12, 1973, Emerg; June 18, 1980, Reg; November 2, 2012, Susp.	do	Do.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Edwardsville, Borough of, Luzerne County.	420604	December 1, 1972, Emerg; April 15, 1977, Reg; November 2, 2012, Susp.	do	Do.
Exeter, Township of, Luzerne County	420606	January 19, 1973, Emerg; September 15, 1983, Reg; November 2, 2012, Susp.	do	Do.
Fairmount, Township of, Luzerne County.	421827	February 9, 1976, Emerg; April 1, 1981, Reg; November 2, 2012, Susp.	do	Do.
Fairview, Township of, Luzerne County	420993	January 23, 1974, Emerg; June 1, 1979, Reg; November 2, 2012, Susp.	do	Do.
Forty Fort, Borough of, Luzerne County	420607	November 3, 1972, Emerg; April 1, 1977, Reg; November 2, 2012, Susp.	do	Do.
Hanover, Township of, Luzerne County	420608	October 20, 1972, Emerg; May 16, 1977, Reg; November 2, 2012, Susp.	do	Do.
Hollenback, Township of, Luzerne County.	421831	September 30, 1975, Emerg; September 17, 1980, Reg; November 2, 2012, Susp.	do	Do.
Hunlock, Township of, Luzerne County	420994	November 5, 1973, Emerg; April 1, 1980, Reg; November 2, 2012, Susp.	do	Do.
Huntington, Township of, Luzerne County.	421832	July 2, 1974, Emerg; April 15, 1981, Reg; November 2, 2012, Susp.	do	Do.
Jackson, Township of, Luzerne County	420610	March 16, 1973, Emerg; September 17, 1980, Reg; November 2, 2012, Susp.	do	Do.
Jenkins, Township of, Luzerne County	420611	February 2, 1973, Emerg; May 16, 1977, Reg; November 2, 2012, Susp.	do	Do.
Kingston, Borough of, Luzerne County	420612	October 6, 1972, Emerg; June 1, 1977, Reg; November 2, 2012, Susp.	do	Do.
Kingston, Township of, Luzerne County	420613	December 22, 1972, Emerg; January 2, 1981, Reg; November 2, 2012, Susp.	do	Do.
Laflin, Borough of, Luzerne County	420995	October 4, 1973, Emerg; December 2, 1980, Reg; November 2, 2012, Susp.	do	Do.
Lake, Township of, Luzerne County	421833	October 24, 1975, Emerg; September 3, 1980, Reg; November 2, 2012, Susp.	do	Do.
Larksville, Borough of, Luzerne County	420614	March 23, 1973, Emerg; April 1, 1977, Reg; November 2, 2012, Susp.	do	Do.
Lehman, Township of, Luzerne County	420615	July 10, 1973, Emerg; December 2, 1980, Reg; November 2, 2012, Susp.	do	Do.
Luzerne, Borough of, Luzerne County	420616	March 2, 1973, Emerg; April 15, 1977, Reg; November 2, 2012, Susp.	do	Do.
Nanticoke, City of, Luzerne County	420617	April 4, 1973, Emerg; April 15, 1977, Reg; November 2, 2012, Susp.	do	Do.
Nescopeck, Borough of, Luzerne County.	420618	April 16, 1973, Emerg; February 1, 1980, Reg; November 2, 2012, Susp.	do	Do.
Nescopeck, Township of, Luzerne County.	420619	March 2, 1973, Emerg; August 1, 1980, Reg; November 2, 2012, Susp.	do	Do.
New Columbus, Borough of, Luzerne County.	421819	July 9, 1975, Emerg; March 16, 1981, Reg; November 2, 2012, Susp.	do	Do.
Newport, Township of, Luzerne County	421822	December 17, 1975, Emerg; December 2, 1980, Reg; November 2, 2012, Susp.	do	Do.
Nuangola, Borough of, Luzerne County	422272	October 15, 1975, Emerg; September 28, 1979, Reg; November 2, 2012, Susp.	do	Do.
Penn Lake Park, Borough of, Luzerne County.	422645	July 12, 1976, Emerg; December 5, 1980, Reg; November 2, 2012, Susp.	do	Do.
Pittston, City of, Luzerne County	420620	April 17, 1973, Emerg; May 2, 1977, Reg; November 2, 2012, Susp.	do	Do.
Plymouth, Borough of, Luzerne County	420622	October 27, 1972, Emerg; April 1, 1977, Reg; November 2, 2012, Susp.	do	Do.
Plymouth, Township of, Luzerne County	420623	February 2, 1973, Emerg; April 15, 1977, Reg; November 2, 2012, Susp.	do	Do.
Pringle, Borough of, Luzerne County	420624	January 19, 1973, Emerg; May 2, 1977, Reg; November 2, 2012, Susp.	do	Do.
Rice, Township of, Luzerne County	420996	December 6, 1973, Emerg; January 2, 1981, Reg; November 2, 2012, Susp.	do	Do.
Ross, Township of, Luzerne County	421835	February 9, 1976, Emerg; April 15, 1981, Reg; November 2, 2012, Susp.	do	Do.
Salem, Township of, Luzerne County	420625	May 23, 1973, Emerg; March 18, 1980, Reg; November 2, 2012, Susp.	do	Do.
Shickshinny, Borough of, Luzerne County.	420626	December 15, 1972, Emerg; December 31, 1976, Reg; November 2, 2012, Susp.	do	Do.
Union, Township of, Luzerne County	421836	February 18, 1976, Emerg; September 30, 1980, Reg; November 2, 2012, Susp.	do	Do.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
West Hazleton, Borough of, Luzerne County.	421821	June 6, 1974, Emerg; July 31, 1978, Reg; November 2, 2012, Susp.	do	Do.
West Pittston, Borough of, Luzerne County.	420628	November 24, 1972, Emerg; April 15, 1977, Reg; November 2, 2012, Susp.	do	Do.
White Haven, Borough of, Luzerne County.	420630	April 4, 1973, Emerg; August 1, 1977, Reg; November 2, 2012, Susp.	do	Do.
Wilkes-Barre, City of, Luzerne County ..	420631	December 10, 1971, Emerg; September 30, 1977, Reg; November 2, 2012, Susp.	do	Do.
Wilkes-Barre, Township of, Luzerne County.	421823	August 13, 1974, Emerg; December 2, 1980, Reg; November 2, 2012, Susp.	do	Do.
Wright, Township of, Luzerne County ...	420632	May 10, 1973, Emerg; January 16, 1981, Reg; November 2, 2012, Susp.	do	Do.
Wyoming, Borough of, Luzerne County	420633	November 3, 1972, Emerg; November 16, 1977, Reg; November 2, 2012, Susp.	.do	Do.
Region IV				
Florida:				
Bronson, Town of, Levy County	120582	April 11, 1980, Emerg; February 1, 1987, Reg; November 2, 2012, Susp.	do	Do.
Cedar Key, City of, Levy County	120373	August 6, 1975, Emerg; March 1, 1984, Reg; November 2, 2012, Susp.	do.	
Inglis, Town of, Levy County	120586	January 10, 1986, Emerg; January 10, 1986, Reg; November 2, 2012, Susp.	do	Do.
Levy County, Unincorporated Areas	120145	November 13, 1970, Emerg; March 1, 1984, Reg; November 2, 2012, Susp.	do	Do.
Otter Creek, Town of, Levy County	120592	February 8, 2005, Emerg; September 1, 2005, Reg; November 2, 2012, Susp.	do	Do.
Yankeetown, Town of, Levy County	120147	November 13, 1970, Emerg; August 20, 1971, Reg; November 2, 2012, Susp.	do	Do.
Georgia:				
Cobb County, Unincorporated Areas	130052	June 12, 1973, Emerg; January 3, 1979, Reg; November 2, 2012, Susp.	do	Do.
Marietta, City of, Cobb County	130226	September 5, 1974, Emerg; February 15, 1978, Reg; November 2, 2012, Susp.	do	Do.
Region V				
Indiana:				
Batesville, City of, Ripley County	180507	N/A, Emerg; March 9, 2010, Reg; November 2, 2012, Susp.	do	Do.
Ripley County, Unincorporated Areas ...	180221	February 11, 1976, Emerg; September 1, 1987, Reg; November 2, 2012, Susp.	do	Do.
Wisconsin:				
Chaseburg, Village of, Vernon County ..	550451	August 25, 1975, Emerg; February 4, 1981, Reg; November 2, 2012, Susp.	do	Do.
Coon Valley, Village of, Vernon County	550452	April 7, 1975, Emerg; February 4, 1981, Reg; November 2, 2012, Susp.	do	Do.
De Soto, Village of, Vernon County	550069	December 15, 1980, Emerg; January 16, 1981, Reg; November 2, 2012, Susp.	do	Do.
Genoa, Village of, Vernon County	555556	May 7, 1971, Emerg; February 26, 1972, Reg; November 2, 2012, Susp.	do	Do.
Ontario, Village of, Vernon County	550457	August 16, 1978, Emerg; N/A, Reg; November 2, 2012, Susp.	do	Do.
Readstown, Village of, Vernon County	550458	April 30, 1971, Emerg; March 16, 1976, Reg; November 2, 2012, Susp.	do	Do.
Stoddard, Village of, Vernon County	555582	April 23, 1971, Emerg; October 20, 1972, Reg; November 2, 2012, Susp.	do	Do.
Vernon County, Unincorporated Areas	550450	September 1, 1972, Emerg; September 29, 1978, Reg; November 2, 2012, Susp.	do	Do.
Viola, Village of, Vernon County	550460	December 5, 1974, Emerg; June 4, 1990, Reg; November 2, 2012, Susp.	do	Do.
Region VII				
Missouri:				
Carl Junction, City of, Jasper County ...	290179	October 28, 1975, Emerg; June 1, 1982, Reg; November 2, 2012, Susp.	do	Do.
Carterville, City of, Jasper County	290180	January 17, 1977, Emerg; July 16, 1984, Reg; November 2, 2012, Susp.	do	Do.
Cole County, Unincorporated Areas	290107	January 21, 1982, Emerg; January 21, 1982, Reg; November 2, 2012, Susp.	do	Do.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Duenweg, City of, Jasper County	290182	N/A, Emerg; April 1, 2004, Reg; November 2, 2012, Susp.	do	Do.
Jasper County, Unincorporated Areas	290807	May 15, 1987, Emerg; May 15, 1987, Reg; November 2, 2012, Susp.	do	Do.
Jefferson City, City of, Cole County	290108	April 23, 1971, Emerg; April 15, 1980, Reg; November 2, 2012, Susp.	do	Do.
Sarcoxie, City of, Jasper County	290186	May 29, 1974, Emerg; July 16, 1979, Reg; November 2, 2012, Susp.	do	Do.
Webb City, City of, Jasper County	290187	May 19, 1975, Emerg; June 1, 1982, Reg; November 2, 2012, Susp.	do	Do.
Region VIII				
North Dakota:				
Grafton, City of, Walsh County	380137	January 17, 1975, Emerg; January 16, 1981, Reg; November 2, 2012, Susp.	do	Do.
Minto, City of, Walsh County	380138	June 27, 1975, Emerg; January 16, 1981, Reg; November 2, 2012, Susp.	do	Do.
Park River, City of, Walsh County	380139	February 3, 1975, Emerg; May 1, 1980, Reg; November 2, 2012, Susp.	do	Do.
Walsh County, Unincorporated Areas	380135	March 28, 1978, Emerg; May 1, 1986, Reg; November 2, 2012, Susp.	do	Do.

*-do- = Ditto.
Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

Dated: October 17, 2012.

David L. Miller,

Associate Administrator, Federal Insurance and Mitigation Administration, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2012–27159 Filed 11–6–12; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket ID FEMA–2012–0003]

Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: Base (1% annual-chance) Flood Elevations (BFEs) and modified BFEs are made final for the communities listed below. The BFEs and modified BFEs are the basis for the floodplain management measures that each community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The date of issuance of the Flood Insurance Rate Map (FIRM) shows BFEs and modified BFEs for each community. This date may be obtained by contacting the office where the maps are available for inspection as indicated in the table below.

ADDRESSES: The final BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the modified BFEs for each community listed. These modified elevations have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Deputy Associate Administrator for Mitigation has resolved any appeals resulting from this notification.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and FIRM available at the address cited below for each community. The BFEs and modified BFEs are made final in the communities listed below. Elevations at selected locations in each community are shown.

National Environmental Policy Act. This final rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. An environmental impact assessment has not been prepared.

Regulatory Flexibility Act. As flood elevation determinations are not within the scope of the Regulatory Flexibility Act, 5 U.S.C. 601–612, a regulatory flexibility analysis is not required.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This final rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This final rule meets the applicable standards of Executive Order 12988.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is amended as follows:

PART 67—[AMENDED]

■ 1. The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.;* Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 67.11 [Amended]

■ 2. The tables published under the authority of § 67.11 are amended as follows:

State	City/town/county	Source of flooding	Location	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)Modified
Unincorporated Areas of Mineral County, Nevada Docket No.: FEMA–B–1221				
Nevada	Unincorporated Areas of Mineral County.	Cottonwood Creek	Approximately 1,400 feet north of the intersection of Marian Drive and U.S. Route 95.	#1
Nevada	Unincorporated Areas of Mineral County.	Mina Fan	Approximately 1,584 feet southwest of the intersection of Cross Street and U.S. Route 95.	#1
			Approximately 1.8 miles southwest of the intersection of 1st Street and U.S. Route 95.	#1
			Approximately 2.0 miles southwest of the intersection of Cross Street and U.S. Route 95.	#1
			Approximately 0.7 mile southwest of the intersection of 1st Street and U.S. Route 95.	#1

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

Unincorporated Areas of Mineral County

Maps are available for inspection at 105 South A Street, Suite 1, Hawthorne, NV 89415.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL) Modified	Communities affected
Cameron Parish, Louisiana, and Incorporated Areas Docket No.: FEMA–B–1020			
Calcasieu Lake	Base Flood Elevation Changes ranging from 8 to 16 feet in the form of Coastal AE/VE Zones have been made.	+8–16	Unincorporated Areas of Cameron Parish.
Grand Lake/Mermentau Lake	Base Flood Elevation Changes ranging from 8 to 11 feet in the form of Coastal AE/VE Zones have been made.	+8–11	Unincorporated Areas of Cameron Parish.
Gulf of Mexico	Base Flood Elevation Changes ranging from 6 to 22 feet in the form of Coastal AE/VE Zones have been made.	+6–22	Unincorporated Areas of Cameron Parish.
Sabine Lake	Base Flood Elevation Changes ranging from 10 to 14 feet in the form of Coastal VE Zones have been made.	+10–14	Unincorporated Areas of Cameron Parish.
White Lake	Base Flood Elevation Changes ranging from 8 to 12 feet in the form of Coastal VE Zones have been made for transects extended from White Lake into Cameron Parish from Vermillion Parish.	+8–12	Unincorporated Areas of Cameron Parish.

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

Unincorporated Areas of Cameron Parish

Maps are available for inspection at 119 Smith Circle, Cameron, LA 70631.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL) Modified	Communities affected
Williamsburg County, South Carolina, and Incorporated Areas Docket Nos.: FEMA–B–1185 and B–1207			
Apple Orchard Slough	Approximately 1.4 miles upstream of the Great Pee Dee River confluence.	+29	Unincorporated Areas of Williamsburg County.
	Approximately 2.6 miles upstream of the Great Pee Dee River confluence.	+29	
Bennett Swamp	At the Dickey Swamp confluence	+50	Unincorporated Areas of Williamsburg County.
	Approximately 1.2 miles upstream of Eddie Woods Road	+61	
Big Dam Swamp	At the upstream side of County Line Road	+20	Unincorporated Areas of Williamsburg County.
	Approximately 2.6 miles upstream of County Line Road	+24	
Birch Creek	At the downstream side of Thurgood Marshall Highway	+15	Unincorporated Areas of Williamsburg County.
	Approximately 0.5 mile upstream of Birch Creek Road	+31	
Black Mingo Creek	At the upstream side of County Line Road	+14	Unincorporated Areas of Williamsburg County.
	Approximately 2.3 miles upstream of Battery Park Road	+27	
Boggy Swamp A	At the Black Mingo Creek confluence	+25	Unincorporated Areas of Williamsburg County.
	Approximately 0.9 mile upstream of Hemingway Highway	+33	
Boggy Swamp B	Approximately 0.9 mile upstream of the Black River confluence.	+35	Unincorporated Areas of Williamsburg County.
	Approximately 3.7 miles upstream of Thurgood Marshall Highway.	+58	
Burnett Swamp	At the Black Mingo Creek confluence	+15	Unincorporated Areas of Williamsburg County.
	Approximately 1.3 miles upstream of Nesmith Road	+23	
Cain Branch	At the Newman Branch confluence	+63	Unincorporated Areas of Williamsburg County.
	At the upstream side of McIntosh Road	+67	
Camden Swamp	Approximately 0.4 mile downstream of Sims Reach Road	+28	Unincorporated Areas of Williamsburg County.
	Approximately 0.4 mile upstream of Sims Reach Road	+34	
Campbell Swamp	At the Black Mingo Creek confluence	+15	Unincorporated Areas of Williamsburg County.
	Approximately 0.6 mile upstream of Turner Road	+25	
Cedar Branch	At the Soccee Swamp confluence	+32	Unincorporated Areas of Williamsburg County.
	Approximately 511 feet upstream of Cockfield Road	+51	
Cedar Swamp	At the Black Mingo Creek confluence	+28	Unincorporated Areas of Williamsburg County.
	Approximately 0.7 mile upstream of Cedar Swamp Road	+45	
Clapps Swamp	Approximately 0.4 mile upstream of the Black River confluence.	+51	Unincorporated Areas of Williamsburg County.
	Approximately 0.7 mile upstream of Hebron Road	+69	
Clarks Creek	At the Great Pee Dee River confluence	+29	Unincorporated Areas of Williamsburg County.
	Approximately 2.8 miles upstream of the Great Pee Dee River confluence.	+29	
Dickey Swamp	Approximately 0.7 mile downstream of Old Gapway Road	+41	Unincorporated Areas of Williamsburg County.
	Approximately 416 feet downstream of Williamsburg County Highway South.	+48	
Flat Creek	At the Johnsons Swamp confluence	+35	Unincorporated Areas of Williamsburg County.
	Approximately 0.9 mile upstream of Aimwell Road	+43	
Grahams Mills Branch	At the Smiths Swamp confluence	+57	Unincorporated Areas of Williamsburg County.
	Approximately 160 feet upstream of McClary Road	+59	
Gully Branch	At the Black Mingo Creek confluence	+17	Unincorporated Areas of Williamsburg County.
	Approximately 0.8 mile upstream of the Black Mingo Creek confluence.	+23	
Headless Creek	At the Black Mingo Creek confluence	+15	Unincorporated Areas of Williamsburg County.
	Approximately 0.3 mile upstream of Nesmith Road	+22	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL) Modified	Communities affected
Hell Hole Branch	At the Birch Creek confluence	+32	Unincorporated Areas of Williamsburg County.
	Approximately 0.6 mile upstream of the Hell Hole Branch Tributary 1 confluence.	+43	
Home Swamp	At the Cedar Swamp confluence	+40	Unincorporated Areas of Williamsburg County.
	Approximately 1.0 mile upstream of the Cedar Swamp confluence.	+46	
Hughs Branch	At the Poplar Hill Branch confluence	+15	Unincorporated Areas of Williamsburg County.
	Approximately 67 feet upstream of State Highway 41/51	+28	
Indiantown Swamp	At the Black Mingo Creek confluence	+19	Town of Stuckey, Unincorporated Areas of Williamsburg County.
	Approximately 0.9 mile upstream of Mount Carmel Road	+36	
Jacks Creek	At the Black Mingo Creek confluence	+15	Unincorporated Areas of Williamsburg County.
	Approximately 0.8 mile upstream of Nesmith Road	+28	
James Branch	At the Indiantown Swamp confluence	+33	Unincorporated Areas of Williamsburg County.
	Approximately 0.6 mile upstream of the Indiantown Swamp confluence.	+36	
Johnson Branch	At the Black Mingo Creek confluence	+15	Unincorporated Areas of Williamsburg County.
	Approximately 0.6 mile upstream of the Black Mingo Creek confluence.	+20	
Johnsons Swamp	Approximately 1.2 miles downstream of Gapway Road	+15	Unincorporated Areas of Williamsburg County.
	Approximately 0.5 mile upstream of Earle Road	+34	
Kingstree Swamp	At the Black River confluence	+43	Town of Kingstree, Unincorporated Areas of Williamsburg County.
	Approximately 0.3 mile upstream of Sandy Bay Road	+48	
Lake Swamp	At the upstream side of Old Georgetown Road	+42	Unincorporated Areas of Williamsburg County.
	At the upstream side of Five Bridges Road	+58	
Log Branch	At the Johnsons Swamp confluence	+35	Unincorporated Areas of Williamsburg County.
	Approximately 0.3 mile upstream of the Johnsons Swamp confluence.	+37	
Long Branch	At the Clapps Swamp confluence	+69	Unincorporated Areas of Williamsburg County.
	Approximately 1.4 miles upstream of Twin Lakes Road	+77	
McGirts Swamp	At the Dickey Swamp confluence	+42	Unincorporated Areas of Williamsburg County.
	Approximately 101 feet upstream of Nelson Hill Road	+60	
McKnight Swamp	At the Paisley Swamp confluence	+32	Unincorporated Areas of Williamsburg County.
	Approximately 3.1 miles upstream of the Paisley Swamp confluence.	+42	
McNamee Swamp	At the Singleton Swamp confluence	+53	Unincorporated Areas of Williamsburg County.
	Approximately 1.8 miles upstream of Cade Road	+64	
Mill Branch B	At the Johnsons Swamp confluence	+27	Unincorporated Areas of Williamsburg County.
	Approximately 0.5 mile upstream of Earle Road	+34	
Mill Branch Tributary 1	At the Mill Branch B confluence	+28	Unincorporated Areas of Williamsburg County.
	Approximately 110 feet upstream of Earle Road	+35	
Mill Creek A	At the Muddy Creek confluence	+29	Unincorporated Areas of Williamsburg County.
	Approximately 100 feet upstream of Muddy Creek Road	+42	
Mount Hope Swamp	Approximately 2.9 miles upstream of the Santee River confluence.	+56	Unincorporated Areas of Williamsburg County.
	Approximately 0.8 mile upstream of Old Forreston Road	+74	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL) Modified	Communities affected
Muddy Creek	At the Clarks Creek confluence	+29	Town of Hemingway, Unincorporated Areas of Williamsburg County.
	Approximately 0.3 mile upstream of East Broad Street	+50	
Mulberry Branch	At the Dickey Swamp confluence	+50	Unincorporated Areas of Williamsburg County.
	Approximately 745 feet upstream of Mulberry Road	+52	
Murray Swamp	At the Johnsons Swamp confluence	+18	Unincorporated Areas of Williamsburg County.
	Approximately 125 feet upstream of Tad Road	+41	
Newman Branch	At the Pudding Swamp confluence	+62	Unincorporated Areas of Williamsburg County.
	Approximately 1.3 miles upstream of the Pudding Swamp confluence.	+64	
Ox Swamp	At the Black River confluence	+29	Unincorporated Areas of Williamsburg County.
	Approximately 1,635 feet upstream of U.S. Route 521	+30	
Paisley Swamp	At the Black Mingo Creek confluence	+28	Unincorporated Areas of Williamsburg County.
	At the McKnight Swamp confluence	+31	
Paisley Swamp Tributary 1	At the Paisley Swamp confluence	+31	Unincorporated Areas of Williamsburg County.
	Approximately 1,300 feet upstream of Cade Road	+36	
Paisley Swamp Tributary 2	At the Paisley Swamp confluence	+32	Unincorporated Areas of Williamsburg County.
	Approximately 0.7 mile upstream of the Paisley Swamp confluence.	+34	
Poplar Hill Branch	At the Black Mingo Creek confluence	+15	Unincorporated Areas of Williamsburg County.
	Approximately 0.7 mile upstream of Radio Road	+26	
Pudding Swamp	At the Black River confluence	+54	Unincorporated Areas of Williamsburg County.
	Approximately 2.0 miles upstream of Burgess Crossing Road.	+64	
Rocky Ford Swamp	At the McGirts Swamp confluence	+48	Unincorporated Areas of Williamsburg County.
	Approximately 0.7 mile upstream of the McGirts Swamp confluence.	+58	
Roper Branch	At the Big Dam Swamp confluence	+21	Unincorporated Areas of Williamsburg County.
	At the upstream side of County Line Road	+21	
Singleton Swamp	At the Lake Swamp confluence	+48	Unincorporated Areas of Williamsburg County.
	Approximately 0.8 mile upstream of Five Bridges Road	+56	
Sleeper Branch	At the Big Dam Swamp confluence	+21	Unincorporated Areas of Williamsburg County.
	Approximately 0.4 mile upstream of the Big Dam Swamp confluence.	+21	
Smith Swamp	At the downstream side of Browns Ferry Road	+9	Unincorporated Areas of Williamsburg County.
	Approximately 3.6 miles upstream of Browns Ferry Road	+28	
Smiths Swamp	At the Singleton Swamp confluence	+57	Unincorporated Areas of Williamsburg County.
	Approximately 2.4 miles upstream of Tomlinson Road	+74	
Soccee Swamp	At the Clarks Creek confluence	+29	Unincorporated Areas of Williamsburg County.
	Approximately 1.3 miles upstream of Hemingway Highway	+35	
Spring Branch A	At the Clapps Swamp confluence	+65	Unincorporated Areas of Williamsburg County.
	Approximately 826 feet upstream of Spring Bank Road	+71	
Spring Gully	At the Black River confluence	+23	Unincorporated Areas of Williamsburg County.
	Approximately 1.5 miles upstream of the Black River confluence.	+28	
Stony Run Branch	Approximately 1,013 feet downstream of U.S. Route 521	+37	Unincorporated Areas of Williamsburg County.
	Approximately 3.0 miles upstream of U.S. Route 521	+54	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL) Modified	Communities affected
Thorntree Swamp	Approximately 0.5 mile downstream of U.S. Route 521	+38	Town of Lane, Unincorporated Areas of Williamsburg County.
	Approximately 0.8 mile upstream of 10th Street	+70	
Turkey Creek	At the Black Mingo Creek confluence	+27	Unincorporated Areas of Williamsburg County.
	Approximately 1.3 miles upstream of Battery Park Road	+33	
Unnamed Tributary 1	At the Pudding Swamp confluence	+58	Unincorporated Areas of Williamsburg County.
	Approximately 0.7 mile upstream of McIntosh Road	+77	
Unnamed Tributary 10	At the Mount Hope Swamp confluence	+56	Unincorporated Areas of Williamsburg County.
	Approximately 1.3 miles upstream of the Mount Hope Swamp confluence.	+61	
Unnamed Tributary 18	At the Johnsons Swamp confluence	+25	Unincorporated Areas of Williamsburg County.
	At the upstream side of Oakridge Road	+29	
Unnamed Tributary 2	At the Singleton Swamp confluence	+48	Unincorporated Areas of Williamsburg County.
	Approximately 0.5 mile upstream of the Singleton Swamp confluence.	+54	
Unnamed Tributary 20	At the Johnsons Swamp confluence	+23	Unincorporated Areas of Williamsburg County.
	At the upstream side of County Line Road	+23	
Unnamed Tributary 22	At the Johnsons Swamp confluence	+20	Unincorporated Areas of Williamsburg County.
	Approximately 0.4 mile upstream of the Johnsons Swamp confluence.	+22	
Unnamed Tributary 24	At the Birch Creek confluence	+19	Unincorporated Areas of Williamsburg County.
	Approximately 0.4 mile upstream of the Birch Creek confluence.	+24	
Unnamed Tributary 27	At the Smith Swamp confluence	+25	Unincorporated Areas of Williamsburg County.
	At the downstream side of County Line Road	+31	
Unnamed Tributary 29	At the Burnett Swamp confluence	+15	Unincorporated Areas of Williamsburg County.
	Approximately 0.9 mile upstream of the Burnett Swamp confluence.	+37	
Unnamed Tributary 3	At the Lake Swamp confluence	+48	Unincorporated Areas of Williamsburg County.
	Approximately 0.6 mile upstream of the Lake Swamp confluence.	+50	
Unnamed Tributary 37	At the Black Mingo Creek confluence	+16	Unincorporated Areas of Williamsburg County.
	Approximately 1.3 miles upstream of the Black Mingo Creek confluence.	+24	
Unnamed Tributary 44	At the Soccee Swamp confluence	+29	Unincorporated Areas of Williamsburg County.
	At the upstream side of County Line Road	+37	
Unnamed Tributary 49	At the Muddy Creek confluence	+34	Town of Hemingway, Unincorporated Areas of Williamsburg County.
	Approximately 1,160 feet upstream of East Broad Street	+49	
Unnamed Tributary 50	At the Black River confluence	+42	Town of Kingstree, Unincorporated Areas of Williamsburg County.
	Approximately 0.6 mile upstream of Eastland Avenue	+61	
Unnamed Tributary 50_2	At the Unnamed Tributary 50 confluence	+46	Town of Kingstree, Unincorporated Areas of Williamsburg County.
	Approximately 0.6 mile upstream of Eastland Avenue	+60	
Unnamed Tributary 6	Approximately 200 feet downstream of County Line Road	+38	Unincorporated Areas of Williamsburg County.
	Approximately 250 feet upstream of Claire Road	+44	
Unnamed Tributary 7	At the Soccee Swamp confluence	+29	Unincorporated Areas of Williamsburg County.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL) Modified	Communities affected
Unnamed Tributary 9	Approximately 0.6 mile upstream of East Lawrimore Road	+43	Unincorporated Areas of Williamsburg County.
	At the Mount Hope Swamp confluence	+70	
Walden Branch	Approximately 0.4 mile upstream of Old Forreston Road	+76	Unincorporated Areas of Williamsburg County.
	At the Black Mingo Creek confluence	+15	
	Approximately 1.0 mile upstream of the Black Mingo Creek confluence.	+17	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

Town of Hemingway
Maps are available for inspection at 110 South Main Street, Hemingway, SC 29554.
Town of Kingstree
Maps are available for inspection at 401 North Longstreet Street, Kingstree, SC 29556.
Town of Lane
Maps are available for inspection at 345 South Lane Road, Lane, SC 29564.
Town of Stuckey
Maps are available for inspection at 17 Cobra Drive, Hemingway, SC 29554.

Unincorporated Areas of Williamsburg County
Maps are available for inspection at 147 West Main Street, Kingstree, SC 29556.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: October 12, 2012.

James A. Walke,

Acting Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2012–27150 Filed 11–6–12; 8:45 am]

BILLING CODE 9110–12–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 10–156; MB Docket No. 08–97; RM–11428]

Radio Broadcasting Services; Crowell, Knox City, Quanah, and Rule, TX

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Audio Division modified the FM Table of Allotments by substituting Channel 293A for vacant Channel 291A at Knox City, Texas; Channel 288C2 for vacant Channel 239C2 at Rule, Texas; Channel 255C3 for vacant Channel 293C3 at Crowell, Texas; and Channel 251C3 for vacant Channel 255C3 at Quanah, Texas. Channel 255C3 can be allotted to Crowell, Texas at reference coordinates 34–03–58 NL and 99–43–52 WL, at a site 9.2 km (5.7 miles) north of Crowell. Channel 293A can be allotted to Knox City, Texas at reference coordinates 33–25–55 NL and 99–47–43 WL, at a site 2.7 km (1.6 miles) northeast of Knox City. Channel 251C3 can be allotted at Quanah, Texas at reference coordinates 34–24–09 NL and 99–46–02 WL, at a site 11.9 km (7.4 miles) north of Quanah. Channel 288C2 can be allotted at Rule, Texas at reference coordinates 33–10–29 NL and 99–49–26 WL, at a site 6.6 km (4.1 miles) east of Rule. See **SUPPLEMENTARY INFORMATION,** *supra.*

DATES: Effective November 7, 2012.

FOR FURTHER INFORMATION CONTACT: Rolanda F. Smith or Nazifa Sawez, Media Bureau, (202) 418–2700.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order,* adopted January 27, 2010, and released January 29, 2010. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY–A257, 445 Twelfth Street SW., Washington, DC 20554. This document may also be purchased from the Commission's duplicating contractors, Best Copy and Printing, Inc., 445 12th Street SW., Room CY–B402, Washington, DC 20554, telephone 1–800–378–3160 or via email *www.BCPIWEB.com.* This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

The allotment changes that were adopted herein was subject to the final outcome of proceedings in MM Docket No. 00–148, and none of the vacant channels allocated in this proceeding will be available for auction until final resolution in MM Docket No. 00–148. In this instance, the proceedings in MM Docket No. 00–148 are considered final. *See Quanah, Texas, et al,* 76 FR 42573, published July 19, 2011. Thus, the FM broadcast construction permits for Channel 288C2 at Rule, Texas (MM–FM957–C2) and Channel 255C3 at Crowell, Texas (MM–FM1034–C3) will be auctioned in the upcoming FM Auction 94, scheduled for March 26, 2013. Channel 293A at Knox City, Texas and Channel 251C3 at Quanah, Texas will be auctioned in a future FM auction that will be announced in a subsequent Commission Order.

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

Federal Communications Commission.

Nazifa Sawez,

Assistant Chief, Audio Division, Media Bureau.

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.202 [Amended]

■ 2. Section 73.202(b), the Table of FM Allotments under Texas, is amended by removing Channel 293C3 at Crowell and by adding Channel 255C3 at Crowell; by removing Channel 291A at Knox City and by adding Channel 293A at Knox City; by removing Channel 255C3 at Quanah and by adding Channel 251C3 at Quanah; and by removing Channel 239C2 at Rule and by adding Channel 288C2 at Rule.

[FR Doc. 2012–27195 Filed 11–6–12; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 120919471–2584–01]

RIN 0648–BC59

Temporary Rule to Increase the Commercial Annual Catch Limit for South Atlantic Yellowtail Snapper

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

ACTION: Temporary rule; emergency action.

SUMMARY: NMFS issues this temporary rule to increase the commercial annual catch limit (ACL) for yellowtail snapper, as requested by the South Atlantic Fishery Management Council (Council). NMFS has determined that the commercial ACL may be increased from 1,142,589 lb (518,270 kg) to 1,596,510 lb (724,165 kg). This temporary rule will be effective for 180 days, unless superseded by subsequent rulemaking, although NMFS may extend the rule's effectiveness for an additional 186 days pursuant to the Magnuson-Stevens Act. The intent of this temporary rule is to preserve a significant economic opportunity for the yellowtail snapper component of the South Atlantic snapper-grouper fishery that might otherwise be foregone and to help achieve optimum yield (OY) for the fishery.

DATES: This temporary rule is effective November 7, 2012, through May 6, 2013. Comments may be submitted through December 7, 2012.

ADDRESSES: You may submit comments on the temporary rule identified by ''NOAA–NMFS–2012–0207'' by any of the following methods:

- *Electronic submissions:* Submit electronic comments via the Federal e-Rulemaking Portal: *http://www.regulations.gov.* Follow the ''Instructions'' for submitting comments.
- *Mail:* Kate Michie, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701.

Instructions: All comments received are a part of the public record and will generally be posted to *http://www.regulations.gov* without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information. NMFS will accept anonymous comments (enter N/A in the required field if you wish to remain anonymous).

To submit comments through the Federal e-Rulemaking Portal: *http://www.regulations.gov,* enter ''NOAA–NMFS–2012–0207'' in the search field and click on ''search.'' After you locate the temporary rule, click the ''Submit a Comment'' link in that row. This will display the comment web form. You can then enter your submitter information (unless you prefer to remain anonymous), and type your comment on the web form. You can also attach additional files (up to 10MB) in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

Comments received through means not specified in this rule will not be considered.

For further assistance with submitting a comment, see the ''Commenting'' section at *http://www.regulations.gov/#!faqs* or the Help section at *http://www.regulations.gov.*

Electronic copies of the documents in support of this temporary rule may be obtained from the Southeast Regional Office Web site at *http://sero.nmfs.noaa.gov/sf/SASnapperGrouperHomepage.htm.*

FOR FURTHER INFORMATION CONTACT: Kate Michie, Southeast Regional Office, NMFS, telephone: 727–824–5305, email: *Kate.Michie@noaa.gov.*

SUPPLEMENTARY INFORMATION: NMFS and the Council manage the snapper-grouper fishery off the southern Atlantic states under the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP). The Council prepared the FMP and NMFS implements the FMP through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Section 305(c) of the Magnuson-Stevens Act (16 U.S.C. 1855(c)) provides the legal authority for the promulgation of emergency regulations.

Background

The final rule for the Comprehensive Annual Catch Limit Amendment (Comprehensive ACL Amendment) to the Fishery Management Plan (FMP) for the Snapper-Grouper Fishery of the South Atlantic Region, and several other plans (77 FR 15916, March 16, 2012), effective April 16, 2012, implemented, in part, ACLs and accountability measures (AMs) for yellowtail snapper, as required by National Standard 1 of the Magnuson-Stevens Act. The commercial ACL for yellowtail snapper implemented through the final rule for the Comprehensive ACL Amendment is 1,142,589 lb (518,270 kg), round weight. The AM implemented through that rule states that the commercial sector will close if commercial landings reach or are projected to reach the commercial ACL.

On September 4, 2012 (77 FR 53776), NMFS published a temporary rule to close the commercial sector for yellowtail snapper in the South Atlantic on September 11, 2012, because NMFS determined that the commercial ACL for yellowtail snapper would be reached by that date. However, updated information revealed that yellowtail snapper could remain open for additional time until the ACL was reached. NMFS announced through a Fishery Bulletin on September 10, 2012, the cancellation of the previously announced closure. NMFS published a temporary rule on September 13, 2012 (77 FR 56563) with similar information. This would have been the first time yellowtail snapper would have closed in season since the ACL was first implemented in April 2012.

A new stock assessment for yellowtail snapper was completed by the Florida Fish and Wildlife Conservation Commission (FWCC), Fish and Wildlife Research Institute (FWRI), in May 2012,

and reviewed by the Center for Independent Experts. The assessment indicates that the stock is not overfished nor undergoing overfishing. Results of the stock assessment suggest that the ABC could increase, which could allow an increase in the commercial ACL and positive social and economic benefits to commercial fishermen and dealers. The assessment was reviewed by the SSC on October 10, 2012. The SSC recommended the ABC for yellowtail snapper could increase to 4,050,000 lb (1,837,049 kg) based on the assessment. The South Atlantic Comprehensive ACL Amendment and the Generic ACL Amendment to the Red Drum, Reef Fish Resources, Shrimp, and Coral and Coral Reefs FMPs for the Gulf of Mexico (Generic ACL Amendment) (76 FR 82044, December 29, 2011) allocated 25 percent of the yellowtail snapper ABC to the Gulf of Mexico and 75 percent of the yellowtail snapper ABC to the South Atlantic. The Comp ACL Amendment and Generic ACL Amendment set the ABC equal to the ACL. Therefore, the ABC/ACL for the Gulf of Mexico would be 1,012,500 lb (459,262 kg), round weight, and the ABC/ACL for the South Atlantic would be 3,037,500 lb (1,377,787 kg), round weight. In the South Atlantic, the commercial allocation is 52.56 percent and the recreational allocation is 47.44 percent, which results in a commercial ACL of 1,596,510 lb (724,165 kg), round weight, and a recreational ACL of 1,596,510 lb (724,165 kg), round weight. Therefore, NMFS has determined that the commercial ACL for yellowtail snapper may increase to 1,596,510 lb (724,165 kg), round weight.

The Council and NMFS are developing Regulatory Amendment 15 to the FMP to implement the increased commercial ACL for yellowtail snapper on a permanent basis. This regulatory amendment is expected to become effective sometime in 2013. Pursuant to section 305(c) of the Magnuson-Stevens Act, this temporary rule may be effective for not more than 180 days after publication. However, it can be extended for an additional 186 days provided that the public has an opportunity to comment on the rule. Therefore, NMFS is soliciting public comment on this temporary rule, and may extend these measures for up to an additional 186 days if Regulatory Amendment 15 is not effective before then.

Need for This Temporary Rule

At its September 2012 meeting, the Council requested that NMFS promulgate emergency regulations to adjust the commercial ACL for yellowtail snapper based on the results of the May 2012 stock assessment conducted by FWRI, the SSC's anticipated October 2012 ABC recommendation, and the current commercial and recreational sector allocations. This temporary rule for emergency action is necessary to preserve a significant economic opportunity that otherwise might be foregone.

NMFS' Policy Guidelines for the Use of Emergency Rules (62 FR 44421, August 21, 1997) list three criteria for determining whether an emergency exists. This emergency rule is promulgated under those criteria. Specifically, in order to promulgate an emergency rule, NMFS' policy guidelines require that an emergency:

(1) Result from recent, unforeseen events or recently discovered circumstances; and

(2) Present serious conservation or management problems in the fishery; and

(3) Can be addressed through emergency regulations for which the immediate benefits outweigh the value of advance notice, public comment, and deliberative consideration of the impacts on participants to the same extent as would be expected under the normal rulemaking process.

The unforeseen circumstance in this case is that a new stock assessment has recently been completed by the FWRI providing new information on the status of yellowtail snapper. The assessment indicates that the stock is neither overfished nor undergoing overfishing, and that additional yellowtail snapper may be harvested without negatively impacting the stock.

Harvest of yellowtail snapper is very close to reaching the current commercial sector ACL. Not increasing the commercial ACL for yellowtail snapper, based on the latest stock assessment, could result in negative economic impacts for those who depend on the commercial harvest of yellowtail snapper, especially in the Florida Keys.

Finally, the immediate benefit of implementing this emergency action outweighs the value of advance notice and public comment. The Southeast Fisheries Science Center has projected that if this rule is not implemented the commercial yellowtail snapper ACL would be reached in October 2012. NMFS must implement this temporary rule immediately to allow for the continued commercial harvest of this increased portion of the commercial ACL to give fishermen the opportunity to achieve OY for the fishery.

Classification

This action is issued pursuant to section 305(c) of the Magnuson-Stevens Act, 16 U.S.C. 1855(c). The Assistant Administrator for Fisheries, NOAA (AA), has determined that this temporary rule is necessary to preserve a significant economic opportunity that otherwise might be foregone for the yellowtail snapper component of the South Atlantic snapper-grouper fishery and is consistent with the Magnuson-Stevens Act and other applicable laws.

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

The AA finds good cause under 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment because they would be contrary to the public interest. The Southeast Fisheries Science Center has projected that the commercial yellowtail snapper ACL would be reached in October 2012. Failure to increase the commercial ACL for yellowtail snapper would result in unnecessary adverse economic impacts for those dependent upon the commercial harvest of yellowtail snapper, especially in the Florida Keys. NMFS must implement this temporary rule immediately to allow for continued commercial harvest of this increased portion of the commercial ACL to give fishermen the opportunity to achieve OY for the fishery. Comments submitted on this temporary rule through the Federal e-Rulemaking Portal: *http://www.regulations.gov* and received by NMFS no later than December 7, 2012, will be considered during an extension of this temporary rule.

For the reasons listed above, the AA also finds good cause to waive the 30-day delay in effectiveness of the action under 5 U.S.C. 553(d)(3).

Because prior notice and opportunity for public comment are not required for this rule by 5 U.S.C. 553 or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* are inapplicable. Accordingly, no Regulatory Flexibility Analysis is required and none has been prepared.

List of Subjects in 50 CFR Part 622

Fisheries, Fishing, Puerto Rico, Reporting and recordkeeping requirements, Virgin Islands.

Dated: November 1, 2012.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, performing the functions and duties of the Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 622 is amended as follows:

PART 622—FISHERIES OF THE CARIBBEAN, GULF, AND SOUTH ATLANTIC

■ 1. The authority citation for part 622 continues to read as follows:

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

■ 2. In § 622.49, paragraph (b)(14)(i) is suspended and paragraph (b)(14)(iii) is added to read as follows:

§ 622.49 Annual catch limits (ACLs), annual catch targets (ACTs), and accountability measures (AMs).

* * * * *

(b) * * *

(14) * * *

(iii) *Commercial sector*—(A) If commercial landings for yellowtail snapper, as estimated by the SRD, reach or are projected to reach the commercial ACL of 1,596,510 lb (724,165 kg), round weight, the AA will file a notification with the Office of the Federal Register to close the commercial sector for the remainder of the fishing year. On and after the effective date of such a notification, all sale or purchase of yellowtail snapper is prohibited and harvest or possession of this species in or from the South Atlantic EEZ is limited to the bag and possession limit. This bag and possession limit applies in the South Atlantic on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, without regard to where such species were harvested, *i.e.,* in state or Federal waters.

(B) If commercial landings exceed the ACL, and yellowtail snapper is overfished, based on the most recent Status of U.S. Fisheries Report to Congress, the AA will file a notification with the Office of the Federal Register, at or near the beginning of the following fishing year to reduce the ACL for that following year by the amount of the overage in the prior fishing year.

* * * * *

[FR Doc. 2012–27247 Filed 11–6–12; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 0907301205–0289–02]

RIN 0648–XC156

Fisheries of the Northeastern United States; Atlantic Herring Fishery; Sub-ACL (Annual Catch Limit) Harvested for Management Area 1A

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is closing the directed herring fishery in Management Area 1A, because 95 percent of the catch limit for that area has been caught. Effective 1200 hr, November 5, 2012, federally permitted vessels may not fish for, catch, possess, transfer, or land more than 2,000 lb (907.2 kg) per calendar day of Atlantic herring in or from Area 1A until January 1, 2013, when the 2013 allocation for Area 1A becomes available.

DATES: Effective 1200 hr local time, November 5 2012, through December 31, 2012.

FOR FURTHER INFORMATION CONTACT: Lindsey Feldman, Fishery Management Specialist, (978) 675–2079.

SUPPLEMENTARY INFORMATION: Regulations governing the Atlantic herring (herring) fishery are found at 50 CFR part 648. The regulations require annual specification of the overfishing limit, acceptable biological catch, annual catch limit (ACL), optimum yield, domestic harvest and processing, U.S. at-sea processing, border transfer, and the sub-ACL for each management area. The 2012 Domestic Annual Harvest was set as 91,200 metric tons (mt); the sub-ACL allocated to Area 1A for the 2012 fishing year (FY) was 26,546 mt and 0 mt of the sub-ACL was set aside for research in the 2010–2012 specifications (75 FR 48874, August 12, 2010). However, due to an over-harvest in Area 1A in 2010, the FY 2012 sub-ACL in Area 1A was revised to 24,668 mt on February 24, 2012 (77 FR 10978, February 24, 2012).

Section 648.201 requires the Administrator, Northeast Region, NMFS (Regional Administrator), to monitor the herring fishery in each of the four management areas designated in the Fishery Management Plan for the herring fishery and, based on dealer reports, state data, and other available information, to determine when the harvest of herring is projected to reach 95 percent of the management area sub-ACL. When such a determination is made, NMFS must publish notification in the **Federal Register** and prohibit herring vessel permit holders from fishing for, catching, possessing, transferring, or landing more than 2,000 lb (907.2 kg) of herring per trip or landing more than once per calendar day in or from the specified management area for the remainder of the closure period. Transiting Area 1A with more than 2,000 lb (907.2 kg) of herring on board is allowed under the conditions described below.

The Regional Administrator has determined, based on dealer reports and other available information that 95 percent of the total herring sub-ACL allocated to Area 1A for 2012 is projected to be harvested on November 5, 2012. Therefore, effective 1200 hr local time, November 5, 2012, federally permitted vessels may not fish for, catch, possess, transfer, or land more than 2,000 lb (907.2 kg) of herring per trip (and landing herring no more than once per calendar day) in or from Area 1A through December 31, 2012. Vessels may transit through Area 1A with more than 2,000 lb (907.2 kg) of herring on board, provided such herring was not caught in Area 1A and provided all fishing gear aboard is stowed and not available for immediate use as stated in § 648.23(b). Effective 1200 hr, November 5, 2012, federally permitted dealers are also advised that they may not purchase herring from federally permitted herring vessels that harvest more than 2,000 lb (907.2 kg) of herring from Area 1A through 2400 hr local time, December 31, 2012.

Classification

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

The Assistant Administrator for Fisheries, NOAA (AA), finds good cause pursuant to 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment because it would be impracticable and contrary to the public interest. This action closes the herring fishery for Management Area 1A until January 1, 2013, under current regulations. The regulations at § 648.201(a) require such action to ensure that herring vessels do not exceed the revised 2012 sub-ACL allocated to Area 1A. The herring fishery opened for the 2012 fishing year on January 1, 2012. Data indicating the herring fleet will have landed at least 95 percent of the revised 2012 sub-ACL

allocated to Area 1A have only recently become available. If implementation of this closure is delayed to solicit prior public comment, the sub-ACL for Area 1A for this fishing year can be exceeded, thereby undermining the conservation objectives of the FMP and requiring any excess to be subtracted from the Area 3 sub-ACL for the fishing year following the total catch determination. The AA further finds, pursuant to 5 U.S.C. 553(d)(3), good cause to waive the 30-day delayed effectiveness period for the reasons stated above.

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

Dated: November 1, 2012.

Lindsay Fullenkamp,

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

[FR Doc. 2012–27215 Filed 11–2–12; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 77, No. 216
Wednesday, November 7, 2012

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.

BUREAU OF CONSUMER FINANCIAL PROTECTION

12 CFR Part 1026

[Docket No. CFPB–2012–0039]

RIN 3170–AA28

Truth in Lending (Regulation Z)

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Proposed rule; request for public comment.

SUMMARY: The Bureau of Consumer Financial Protection (Bureau) is proposing to amend Regulation Z, which implements the Truth in Lending Act (TILA), and the official interpretation to the regulation, which interprets the requirements of Regulation Z. Regulation Z generally prohibits a card issuer from opening a credit card account for a consumer, or increasing the credit limit applicable to a credit card account, unless the card issuer considers the consumer's ability to make the required payments under the terms of such account. Regulation Z currently requires that issuers consider the consumer's independent ability to pay, regardless of the consumer's age; in contrast, TILA expressly requires consideration of an independent ability to pay only for applicants who are under the age of 21. The Bureau requests comment on proposed amendments that would remove the independent ability-to-pay requirement for consumers who are 21 and older, and permit issuers to consider income to which such consumers have a reasonable expectation of access.

DATES: Comments must be received on or before January 7, 2013.

ADDRESSES: You may submit comments, identified by Docket No. CFPB–2012–0039 or Regulatory Identification Number (RIN) 3170–AA28, by any of the following methods:

- *Electronic: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail/Hand Delivery/Courier:* Monica Jackson, Office of the Executive Secretary, Bureau of Consumer Financial Protection, 1700 G Street NW., Washington, DC 20552.

All submissions must include the agency name and docket number or RIN for this rulemaking. In general, all comments received will be posted without change to *http://www.regulations.gov.* In addition, comments will be available for public inspection and copying at 1700 G Street NW., Washington, DC 20552, on official business days between the hours of 10 a.m. and 5 p.m. Eastern Time. You can make an appointment to inspect the documents by calling (202) 435–7275.

All comments, including attachments and other supporting materials, will become part of the public record and subject to public disclosure. Sensitive personal information, such as account numbers or social security numbers, should not be included. Comments will not be edited to remove any identifying or contact information.

FOR FURTHER INFORMATION CONTACT: Andrea Edmonds, Senior Counsel, Office of Regulations, Bureau of Consumer Financial Protection, 1700 G Street NW., Washington, DC 20552, at (202) 435–7000.

SUPPLEMENTARY INFORMATION:

I. Background

The Credit Card Accountability Responsibility and Disclosure Act of 2009 (Credit Card Act) was signed into law on May 22, 2009.[1] The Credit Card Act primarily amended the Truth in Lending Act (TILA) and instituted new substantive and disclosure requirements to establish fair and transparent practices for open-end consumer credit plans.

The Credit Card Act added TILA section150 which states that ''[a] card issuer may not open any credit card account for any consumer under an open end consumer credit plan, or increase any credit limit applicable to such account, unless the card issuer considers the ability of the consumer to make the required payments under the terms of such account.'' [2] The Credit Card Act also added TILA section 127(c)(8), which applies special requirements for consumers under the age of 21. Section 127(c)(8)(A) provides that ''[n]o credit card may be issued to, or open end consumer credit plan established by or on behalf of, a consumer who has not attained the age of 21, unless the consumer has submitted a written application to the card issuer'' that meets certain specific requirements.[3] Section 127(c)(8)(B) sets forth those requirements and provides that ''an application to open a credit card account by a consumer who has not attained the age of 21 as of the date of submission of the application shall require * * * (i) the signature of a cosigner, including the parent, legal guardian, spouse, or any other individual who has attained the age of 21 having a means to repay debts incurred by the consumer in connection with the account, indicating joint liability for debts incurred by the consumer in connection with the account before the consumer has attained the age of 21; or * * * (ii) submission by the consumer of financial information, including through an application, indicating an independent means of repaying any obligation arising from the proposed extension of credit in connection with the account.'' [4]

On January 12, 2010, the Board of Governors of the Federal Reserve System (Board) issued a final rule (January 2010 Final Rule) implementing new TILA Sections 150 and 127(c)(8) in a new 12 CFR 226.51.[5] The general rule in § 226.51(a) provided, in part, that ''[a] card issuer must not open a credit card account for a consumer under an open-end (not home-secured) consumer credit plan, or increase any limit applicable to such account, unless the card issuer considers the ability of the consumer to make the required minimum periodic payments under the terms of the account based on the consumer's income or assets and current obligations.'' [6] Consistent with the statute, § 226.51(b) set forth a special rule for consumers who are less than 21 years old and provided, in part, that a card issuer may not open a credit card account for a consumer less than 21 years old unless the consumer has submitted a written application and the card issuer has either: (i) Financial

[1] Public Law 111–24, 123 Stat. 1734 (2009).

[2] 15 U.S.C. 1665e.

[3] 15 U.S.C. 1637(c)(8)(A).

[4] 15 U.S.C. 1637(c)(8)(B).

[5] *See* 75 FR 7658, 7719–7724, 7818–7819, 7900–7901 (Feb. 22, 2010).

[6] *Id.* at 7818.

information indicating the consumer has an independent ability to make the required minimum periodic payments on the proposed extension of credit in connection with the account; or (ii) a signed agreement of a cosigner, guarantor, or joint applicant that meets certain conditions.[7] Accordingly, consistent with the statute, the Board's rule required that consumers under 21 years of age demonstrate an independent ability to pay, while the general rule applicable to consumers 21 and over did not impose a similar independence requirement. The Board's rule became effective on February 22, 2010.

On March 18, 2011, the Board issued a final rule amending § 226.51(a) to apply the independent ability-to-pay requirement to all consumers, regardless of age (March 2011 Final Rule).[8] The Board adopted this change, in part, in response to concerns regarding card issuers prompting applicants to provide ''household income'' on credit card applications. To address this specific concern, in addition to adopting an independent ability-to-pay requirement for consumers who are age 21 and older, the Board clarified in amended comment 51(a)(1)–4.iii that consideration of information regarding a consumer's household income does not by itself satisfy the requirement in § 226.51(a) to consider the consumer's independent ability to pay. The Board stated that in its view it would be inconsistent with the language and intent of section 150 of TILA to permit card issuers to establish a consumer's ability to pay based on the income or assets of individuals who are not responsible for making payments on the account.[9] The Board's amendments to § 226.51 became effective on October 1, 2011.[10]

Rulemaking authority for sections 150 and 127(c)(8) of TILA transferred to the Bureau on July 21, 2011, pursuant to the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act).[11] On December 22, 2011, the Bureau issued an interim final rule to reflect its assumption of rulemaking authority over Regulation Z.[12] The interim final rule made only technical changes to Regulation Z, such as noting the Bureau's authority and renumbering Regulation Z as 12 CFR Part 1026.[13]

Since the Bureau's assumption of responsibility for TILA and Regulation Z, members of Congress and others have expressed concerns about § 1026.51 and the implementation of the ability-to-pay provisions of the Credit Card Act. In particular, they objected to the Board's extension of the ''independent'' ability-to-pay standard in section 127(c)(8) of TILA to consumers who are 21 or older, and expressed specific concerns about the impact of the Board's March 2011 Final Rule on the ability of spouses and partners who do not work outside the home to obtain credit card accounts. These groups urged the Bureau to further study or reconsider the application of the ''independent'' standard set forth in section 127(c)(8) of TILA—which, they noted, the statute applies only to consumers who are under 21—more generally to consumers who are 21 and older.[14] As discussed further elsewhere in this **Federal Register** notice, the Bureau believes that the most appropriate reading of sections 150 and 127(c)(8) is that the ''independent'' ability-to-pay standard set forth in section 127(c)(8) was intended to apply only to consumers who are under the age of 21. Accordingly, the Bureau believes that § 1026.51(a), as currently in effect, may unduly limit the ability of certain individuals who are 21 or older to obtain credit and is proposing amendments to Regulation Z that it believes are more consistent with the plain language and intent of the Credit Card Act.

II. Legal Authority

The Bureau is issuing this proposal pursuant to its authority under TILA and the Dodd-Frank Act. Effective July 21, 2011, section 1061 of the Dodd-Frank Act transferred to the Bureau the ''consumer financial protection functions'' previously vested in certain other Federal agencies. The term ''consumer financial protection functions'' is defined to include ''all authority to prescribe rules or issue orders or guidelines pursuant to any Federal consumer financial law, including performing appropriate functions to promulgate and review such rules, orders, and guidelines.'' [15] TILA is a Federal consumer financial law.[16] Accordingly, effective July 21, 2011, except with respect to persons excluded from the Bureau's rulemaking authority by sections 1027 and 1029 of the Dodd-Frank Act, the authority of the Board to issue regulations pursuant to TILA transferred to the Bureau.

TILA, as amended by the Dodd-Frank Act, authorizes the Bureau to ''prescribe regulations to carry out the purposes of [TILA].'' [17] These ''regulations may contain such additional requirements, classifications, differentiations, or other provisions, and may provide for such adjustments and exceptions for any class of transactions,'' that in the Bureau's judgment are ''necessary or proper to effectuate the purposes of [TILA], to prevent circumvention or evasion thereof, or to facilitate compliance therewith.'' [18]

III. Summary of the Proposed Rule

Section 1026.51 Ability To Pay

Overview

The Bureau is proposing to amend 12 CFR 1026.51 and the official interpretation to the regulation in order to address concerns that, in light of the statutory framework established by sections 150 and 127(c)(8) of TILA, current § 1026.51(a) may be unduly limiting the ability of certain individuals 21 or older, including spouses or partners who do not work outside the home, to obtain credit.[19]

51(a) General Rule

Section 1026.51(a) sets forth the general ability-to-pay rule that

[7] *Id.*

[8] 76 FR 22948, 22974–22977 (Apr. 25, 2011). The Board proposed this provision for comment in November 2010. 75 FR 67458, 67473–67475 (Nov. 2, 2010).

[9] 76 FR 22948, 23020–23021.

[10] *Id.* at 22948.

[11] Public Law 111–203, 124 Stat. 1376 (2010).

[12] 76 FR 79768 (Dec. 22, 2011).

[13] Accordingly, the provision addressed in this proposal is cited as 12 CFR 1026.51.

[14] *See, e.g.,* Written Statement of Ashley Boyd, MomsRising, U.S. House Subcommittee on Financial Institutions and Consumer Credit Hearing on ''An Examination of the Federal Reserve's Final Rule on the CARD Act's 'Ability to Repay' Requirement'' (June 6, 2012), *available at http://financialservices.house.gov/uploadedfiles/hhrg-112-ba15-wstate-aboyd-20120606.pdf;* Letter from Representatives Maloney, Slaughter, Bachus, and Frank to Raj Date (December 5, 2011), *available at http://maloney.house.gov/press-release/reps-maloney-slaughter-bachus-and-frank-call-cfpb-study-impact-credit-card-act%E2%80%99s-.*

[15] Public Law 111–203, 124 Stat. 1376 (2010), section 1061(a)(1). Effective on the designated transfer date, the Bureau was also granted ''all powers and duties'' vested in each of the Federal agencies, relating to the consumer financial protection functions, on the day before the designated transfer date. *Id.* section 1061(b)(1).

[16] Public Law. 111–203, section 1002(14) (defining ''Federal consumer financial law'' to include the ''enumerated consumer laws''); *id.* section 1002(12) (defining ''enumerated consumer laws'' to include TILA).

[17] Public Law 111–203, section 1100A(2); 15 U.S.C. 1604(a).

[18] *Id.*

[19] The Bureau notes that several comments on its notice regarding streamlining of inherited regulations (76 FR 75825 (Dec. 5, 2011)) discussed aspects of § 1026.51 that are not being addressed in this proposal. The Bureau is continuing to consider comments on other aspects of § 1026.51; accordingly, commenters on this proposal should limit their comments to the amendments being specifically proposed herein by the Bureau.

implements section 150 of TILA.[20] Currently, § 1026.51(a)(1)(i) provides that a card issuer must not open a credit card account for a consumer under an open-end (not home-secured) consumer credit plan, or increase any limit applicable to such account, unless the card issuer considers the consumer's independent ability to make the required minimum periodic payments under the terms of the account based on the consumer's income or assets and current obligations. Section 1026.51(a)(1)(ii) further provides that card issuers must establish and maintain reasonable written policies and procedures to consider a consumer's independent income or assets and current obligations, and that such policies and procedures must include consideration of at least one of: the ratio of debt obligations to income; the ratio of debt obligations to assets; or the income the consumer will have after paying debt obligations. Finally, § 1026.51(a)(1)(ii) states that it would be unreasonable for a card issuer to not review any information about a consumer's income, assets, or current obligations, or to issue a credit card to a consumer who does not have any independent income or assets. Comments 51(a)(1)(i)–1 through 51(a)(1)(i)–6 set forth additional guidance on compliance with the requirements of § 1026.51(a)(1).

The Bureau is proposing to amend § 1026.51(a) in two related respects. First, the Bureau is proposing to remove all references to an ''independent'' ability to pay from § 1026.51(a)(1) and the associated commentary. Second, as discussed in more detail below, the Bureau is proposing to permit issuers to consider income or assets to which an applicant who is 21 or older—and thus subject to § 1026.51(a) rather than § 1026.51(b)—has a reasonable expectation of access. The Bureau's proposal would clarify by examples in the commentary those circumstances in which the expectation of access is deemed to be reasonable or unreasonable.

As discussed above in the Background section of this **Federal Register** notice, the independence requirement was added to § 1026.51(a), and thus made applicable to applicants 21 or older, in the Board's March 2011 Final Rule. In the supplementary information to the March 2011 Final Rule, the Board acknowledged concerns from members of Congress, card issuers, trade associations and consumers that application of an ''independent income'' standard might restrict access to credit for consumers who do not work outside the home, including certain married women.[21] Ultimately, however, the Board concluded that application of this standard would not diminish access to credit for this population of married women and others who do not work outside the home.[22] In particular, the Board suggested that an issuer's request for ''income'' would protect credit access for these populations. However, information made available to the Bureau after the rule went into effect raises several questions about the Board's assumption in this respect.

Specifically, the Bureau has become aware that several issuers have denied card applications from otherwise creditworthy individuals based on the applicant's stated income. Credit bureau data, including data regarding payment history and size of payment obligations, suggest that some of these applicants had demonstrable access to funding sources. Although the Bureau does not have direct evidence of precisely who the unsuccessful applicants are, indirect evidence suggests a meaningful proportion of these denials may have involved applicants who do not work outside the home but who have a spouse or partner who does work outside the home. The Bureau bases this conclusion on summary data from a number of issuers on denials of credit card applications from otherwise creditworthy individuals due to the applicants' stated income.

The Bureau also does not believe that section 150 of TILA requires consideration of the ''independent'' ability to pay for applicants who are 21 or older. Section 150 of TILA refers to ''the ability of the consumer to make the required payments under the terms of the account'' and does not expressly include an independence requirement. In contrast, section 127(c)(8)(B)(ii) of TILA, which sets forth analogous requirements that apply to consumers who are under 21, expressly requires that the consumer demonstrate ''an independent means of repaying any obligation arising from the proposed extension of credit * * *.'' The Bureau believes that the better reading of section 150 of TILA, in light of section 127(c)(8), is that it does not impose an independence requirement in the ability-to-pay provision for consumers who are 21 or older.[23]

The Bureau notes that the Board came to the contrary conclusion that, because section 150 of TILA requires card issuers to consider ''the ability of *the consumer* to make the required payments'' (emphasis added), it indicates that Congress intended card issuers to consider only the ability to pay of the consumer or consumers who are responsible for making payments on the account.[24] The Board further noted that, to the extent that card issuers extend credit based on the income of persons who are not liable on the account, it would be consistent with the purposes of section 150 of TILA to restrict this practice.[25]

The Bureau agrees with the Board that the application of an overly broad standard under section 150 of TILA could undermine the purposes of the statute by permitting issuers to open accounts for consumers based on income or assets of other individuals in cases where reliance on such income or assets would not reasonably reflect the consumer's ability to use such income or assets to make payments on a credit card debt. Therefore, as discussed below, the Bureau is proposing additional guidance to clarify when reliance on a third party's income or assets would be considered unreasonable and, accordingly, could not be used to satisfy § 1026.51(a). However, the Bureau also believes that there are other situations in which it is quite reasonable to rely on the income or assets of a third party in assessing an applicant's ability to pay. Nothing in the text of TILA section 150 suggests that it was intended to impose a blanket prohibition on extending credit in the latter circumstances. Rather, the plain language of section 150 of TILA suggests that it was intended to impose a more flexible standard than the independent ability-to-pay requirement of section 127(c)(8).

Accordingly, given the likely impact of the Board's March 2011 Final Rule on

[20] Section 127(c)(8) of TILA, which sets forth a special rule for consumers who have not attained the age of 21, is implemented in § 1026.51(b) of Regulation Z.

[21] 76 FR 22948, 22976.

[22] *Id.*

[23] The Bureau notes that section 127(c)(8)(B) of TILA itself also sets forth two different ability-to-pay standards, depending on the age of the individual; the Bureau believes that this further suggests that Congress did not intend to apply an independent ability-to-pay requirement to individuals who are 21 or older. Section 127(c)(8)(B)(i) sets forth the standard that applies to an individual age 21or older who is serving as a cosigner or otherwise assuming liability on an account being opened by a consumer who is under 21. Section 127(c)(8)(B)(i) states that such over-21 cosigner or similar party must ''hav[e] a means to repay debts incurred by the consumer in connection with the account.'' In contrast, as discussed above, section 127(c)(8)(B)(ii) requires the under-21 consumer to submit financial information ''indicating an independent means of repaying any obligation arising from the proposed extension of credit in connection with the account.''

[24] *See* 76 FR 22975.

[25] *See id.*

the access to credit for spouses or partners who do not work outside the home, and based on the Bureau's statutory interpretation of sections 127(c)(8) and 150 of TILA, the proposed rule would remove references to an ''independent'' ability to pay from § 1026.51(a)(1) and the commentary to § 1026.51(a)(1).

Although the Bureau believes that removing the independent ability-to-pay requirement from § 1026.51(a)(1) best promotes consistency with the statute and will help to mitigate unintended impacts of the rule on spouses or partners who do not work outside the home, the Bureau also believes that it is important to clarify in more detail the income or assets on which a card issuer may rely in order to comply with § 1026.51(a). Therefore, the Bureau is proposing to amend § 1026.51(a)(1)(ii) to clarify that the consideration of a consumer's current income or assets may include any income or assets to which the consumer has a reasonable expectation of access. The Bureau believes that the purposes of section 150 of TILA are best effectuated by placing limitations on the income or assets on which an issuer may rely when opening new credit card accounts or increasing credit limits for consumers who are 21 or older; accordingly, the proposed rule and proposed commentary would clarify that there are certain sources of income or assets on which it would be unreasonable for an issuer to rely.[26]

Current comment 51(a)(1)–4 sets forth guidance regarding the consideration of income and assets under § 1026.51(a). The proposed rule would replace current comment 51(a)(1)–4 with new comments 51(a)(1)–4 through –6; current comments 51(a)(1)–5 and –6 would be renumbered as comments 51(a)(1)–7 and –8. Amended comment 51(a)(1)(i)–4 would generally incorporate portions of existing comment 51(a)(1)–4.ii, which provides guidance on the income or assets that may be considered for purposes of § 1026.51(a), with reorganization for clarity. In addition, for consistency with proposed § 1026.51(a)(1)(ii), proposed comment 51(a)(1)–4 would be revised to expressly provide that a card issuer may consider any income and assets to which an applicant, accountholder, cosigner, or guarantor who is or will be liable for debts incurred on the account has a reasonable expectation of access.

Proposed comment 51(a)(1)–5 would generally incorporate portions of existing comment 51(a)(1)–4.i and –4.iii, which provide guidance on the sources of information about a consumer's income and assets on which a card issuer may rely. Currently, comment 51(a)(1)–4.iii provides that if a card issuer requests on its application forms that applicants provide their income without reference to household income (such as by requesting ''income'' or ''salary''), the card issuer may rely on the information provided by applicants to satisfy the requirements of § 1026.51(a). Proposed comment 51(a)(1)–5.i would similarly provide that card issuers may rely on information provided by applicants in response to a request for ''salary,'' ''income,'' or ''assets.'' In addition, proposed comment 51(a)(1)–5.i would clarify that, for purposes of § 1026.51(a), card issuers also may rely on information provided by applicants in response to a request for ''available income,'' ''accessible income,'' or other language requesting that the applicant provide information regarding current or reasonably expected income and/or assets or any income and/or assets to which the applicant has a reasonable expectation of access.

The Bureau notes that it is retaining in proposed comment 51(a)(1)–5.i existing guidance regarding requests by issuers for ''household income.'' Proposed comment 51(a)(1)–5.i would state that card issuers may not rely solely on information provided in response to a request for ''household income''; rather, the card issuer would need to obtain additional information about the applicant's income (such as by contacting the applicant). The Bureau believes that it would be inappropriate to permit an issuer to rely on the income of one or more third parties when opening a credit card account for a consumer merely because the applicant(s) and the other individual(s) share a residence. For example, a household might consist of two roommates who do not have access to one another's income or assets. The Bureau believes that in this case it generally would be inappropriate to permit one roommate to rely on the income or assets of the other; however, given that they share a household, it is possible that one roommate applicant might interpret the request for ''household income'' to include the other roommate's income.

Proposed comment 51(a)(1)–6 would provide further guidance on when it is permissible to consider a household member's income for purposes of § 1026.51(a).[27] Proposed comment 51(a)(1)–6 sets forth four illustrative examples regarding the consideration of a household member's income. Three of the proposed examples describe circumstances in which the Bureau believes that the applicant has a reasonable expectation of access to a household member's income. Proposed comment 51(a)(1)–6.i notes that if a household member's salary is deposited into a joint account shared with the applicant, an issuer is permitted to consider that salary as the applicant's income for purposes of § 1026.51(a). Proposed comment 51(a)(1)–6.ii assumes that the household member regularly transfers a portion of his or her salary, which in the first instance is directly deposited into an account to which the applicant does not have access, from that account into a second account to which the applicant does have access. The applicant then uses the account to which he or she has access for the payment of household or other expenses. An issuer is permitted to consider the portion of the salary deposited into the account to which the applicant has access as the applicant's income for purposes of § 1026.51(a). The third example in proposed comment 51(a)(1)–6.iii assumes that no portion of the household member's salary is deposited into an account to which the applicant has access. However, the household member regularly uses that salary to pay for the applicant's expenses. The example clarifies that an issuer is permitted to consider the household member's salary as the applicant's income for purposes of § 1026.51(a) because the applicant has a reasonable expectation of access to that salary.

The final example in proposed comment 51(a)(1)–6.iv describes a situation in which the consumer's expectation of access would not be deemed to be reasonable. The example states that no portion of the household member's salary is deposited into an account to which the applicant has access, the household member does not regularly use that salary to pay for the applicant's expenses, and no Federal or State statute or regulation grants the applicant an ownership interest in that salary. The proposed comment clarifies that an issuer would not be permitted to consider the household member's salary

[26] The Bureau also is proposing several nonsubstantive, technical changes to § 1026.51(a)(1)(ii) for clarity.

[27] For simplicity and ease of reference, the proposed examples in comment 51(a)(1)–6 address scenarios involving two individuals who reside in the same household (*i.e.,* the applicant and another individual). The examples refer to the second member of the applicant's household as a ''household member.'' However, the Bureau notes that the proposed rule and commentary also would apply to households in which more than two individuals reside.

as the applicant's income for purposes of § 1026.51(a).

The Bureau solicits comment on whether the examples set forth in proposed comment 51(a)(1)–6 are appropriate, as well as on whether there are additional examples that should be included.

As noted above, the Bureau is merely renumbering current comment 51(a)(1)–5—which concerns ''current obligations''—as comment 51(a)(1)–7. However, the Bureau solicits comment on whether additional guidance on this subject is appropriate or necessary in light of the proposed changes to § 1026.51(a) and the official interpretation to that subsection.

51(b) Rules Affecting Young Consumers

Section 1026.51(b) implements section 127(c)(8) of TILA and sets forth special ability-to-pay rules for consumers who are under the age of 21. Section 1026.51(b)(1) currently provides that a card issuer may not open a credit card account under an open-end (not home-secured) consumer credit plan for a consumer less than 21 years old unless the consumer has submitted a written application and the card issuer has either: (i) Financial information indicating the consumer has an independent ability to make the required minimum periodic payments on the proposed extension of credit in connection with the account, consistent with § 1026.51(a); or (ii) a signed agreement of a cosigner, guarantor, or joint applicant, who is at least 21 years old, to be either secondarily liable for any debt on the account incurred before the consumer has attained the age of 21 or jointly liable with the consumer for any debt on the account, and financial information indicating that such cosigner, guarantor, or joint applicant has the independent ability to make the required minimum periodic payments on such debts, consistent with § 1026.51(a).

The Bureau is proposing several amendments to § 1026.51(b) for conformity with the proposed amendments to § 1026.51(a) discussed above. First, § 1026.51(b)(1)(i) currently provides that a card issuer may open a credit card account for an underage consumer if the card issuer has ''[f]inancial information indicating the consumer has an independent ability to make the required minimum periodic payments on the proposed extension of credit in connection with the account, *consistent with paragraph (a) of this section.*'' (Emphasis added.) As discussed above, the proposal would remove the independence standard from the general ability-to-pay test in § 1026.51(a), but § 1026.51(b) would continue to require that underage consumers without a cosigner or similar party have an independent ability to pay, consistent with section 127(c)(8) of TILA. Accordingly, the Bureau is proposing to delete the phrase ''consistent with paragraph (a) of this section'' from § 1026.51(b)(1)(i), to reflect the difference in ability to pay standards for consumers who are 21 or older and consumers who are under the age of 21. Similarly, the Bureau is proposing to delete from § 1026.51(b)(1)(ii)(B) a reference to the independent ability to pay of a cosigner, guarantor, or joint applicant who is 21 or older, because proposed § 1026.51(a) would require only that consumers who are 21 or older have the ability to pay, consistent with the guidance set forth in § 1026.51(a), rather than the independent ability to pay.

The Bureau is proposing several new comments to specifically explain how the independent ability-to-pay standard under § 1026.51(b)(1)(i) differs from the more general ability-to-pay standard in § 1026.51(a). Proposed comment 51(b)(1)(i)–1 would generally mirror proposed comment 51(a)(1)–4 and would address sources of income and assets that an issuer may consider, except that it would not include references to income and assets to which the applicant has only a reasonable expectation of access. For example, proposed comment 51(b)(1)(i)–1.i would note that, because § 1026.51(b)(1)(i) requires that the consumer who has not attained the age of 21 have an independent ability to make the required minimum periodic payments, the card issuer may only consider the current or reasonably expected income and assets of an applicant or accountholder who is less than 21 years old under § 1026.51(b)(1)(i). In addition, proposed comment 51(b)(1)(i)–1.i would specifically note that the card issuer may not consider income or assets to which an applicant, accountholder, cosigner, or guarantor, in each case who is under the age of 21 and is or will be liable for debts incurred on the account, has only a reasonable expectation of access under § 1026.51(b)(1)(i).

Proposed comment 51(b)(1)(i)–2 would generally mirror comment 51(a)(1)–5, with several amendments to reflect the different ability-to-pay standard for consumers who are under 21. For example, proposed comment 51(b)(1)(i)–2.i would state that card issuers may rely on information provided by applicants in response to a request for ''salary,'' ''income,'' ''assets,'' or other language requesting that the applicant provide information regarding current or reasonably expected income and/or assets. The proposed comment would further provide, however, that card issuers may not rely solely on information provided in response to a request for ''available income,'' ''accessible income,'' or ''household income.'' Instead, the card issuer would need to obtain additional information about an applicant's income (such as by contacting the applicant).

The Bureau recognizes that, as a practical matter, a card issuer will likely use a single application form for all consumers, regardless of age. In such circumstances, the Bureau notes that card issuers might choose to ask a series of questions regarding income in order to gather enough information to satisfy both of the different standards that apply to consumers depending on whether a particular applicant has attained the age of 21. For example, a card issuer might provide two separate blanks on its application form, one prompting applicants to provide their ''income,'' and the other prompting applicants for ''other accessible income.'' The Bureau solicits comment on how, as a practical matter, card issuers are likely to prompt consumers for income and assets in light of the different standards that the proposal applies based on a consumer's age. The Bureau further solicits comment on whether additional clarification or guidance on this issue is necessary in the rule or the commentary.

Proposed comment 51(b)(1)(i)–3 would set forth the same four factual scenarios that are provided in proposed comment 51(a)(1)–6 and would explain how income and assets would be treated in those scenarios pursuant to the independent ability-to-pay test in § 1026.51(b). The Bureau solicits comment on whether the examples set forth in comment 51(b)(1)(i)–3 are appropriate, as well as on whether there are additional examples that should be included.

Finally, the Bureau is proposing to amend existing comment 51(b)(1)–2 and to redesignate it as comment 51(b)(1)(ii)–1. Existing comment 51(b)(1)–2 states that information regarding income and assets that satisfies the requirements of § 1026.51(a) satisfies the requirements of § 1026.51(b)(1). The Bureau notes that, as proposed, income and assets that satisfy the requirements of § 1026.51(a) might no longer satisfy the requirements under § 1026.51(b) for an applicant who is under the age of 21; however, income and assets that satisfy the requirements of § 1026.51(a) would satisfy the ability-

to-pay requirements of § 1026.51(b)(1)(ii)(B) (*i.e.,* those that apply to a cosigner, guarantor, or joint applicant who is 21 or older). Proposed comment 51(b)(1)(ii)–1 would accordingly state that information regarding income and assets that satisfies the requirements of § 1026.51(a) also satisfies the requirements of § 1026.51(b)(1)(ii)(B).

The Bureau notes that one consequence of the proposed rule is that a spouse or partner who does not work outside the home who is 21 or older could rely on income to which that consumer has a reasonable expectation of access. In many cases, spouses or partners who do not work outside the home who are 21 or older could, accordingly, rely on the income of a working spouse or partner and could open a new credit card account without needing a cosigner, guarantor, or joint applicant. However, the proposed rule would not permit an applicant who is under the age of 21 to rely on income or assets that are merely accessible; accordingly, the Bureau expects that in some cases, depending on the specific circumstances, nonworking spouses or partners under the age of 21 may need to apply jointly with their income-earning spouse or partner or to offer that spouse or partner as a guarantor on the account. The Bureau believes that this outcome is consistent with the independent ability-to-pay standard that section 127(c)(8) of TILA applies to applicants who have not attained the age of 21. At the same time, the Bureau understands that the proposed rule may make it more difficult for spouses or partners under 21 who do not work outside the home to obtain credit, as compared to spouses or partners who are 21 or older who do not work outside the home.

The Bureau solicits comment on whether additional guidance is appropriate or necessary to clarify application of the rule to applicants under the age of 21, particularly spouses or partners who do not work outside the home. If such clarification is warranted, the Bureau solicits comment on how such guidance could be provided in a manner consistent with both section 127(c)(8) of TILA, the Equal Credit Opportunity Act, and Regulation B.[28] The Bureau notes that a prohibition on discrimination based on marital status is a long-standing and fundamental tenet of fair lending law and, given that section 127(c)(8) of TILA imposes a more stringent independent ability-to-pay standard on applicants who are under the age of 21 than on those who are 21 or older, the Bureau believes it would be inappropriate to apply the ''reasonable expectation of access'' income standard to all applicants who are under 21.

IV. Section 1022(b)(2) of the Dodd-Frank Act

In developing the proposed rule, the Bureau has considered the potential benefits, costs, and impacts,[29] and has consulted or offered to consult with the prudential regulators and the Federal Trade Commission, including regarding consistency with any prudential, market, or systemic objectives administered by such agencies.

The proposal would amend § 1026.51(a) to permit the consideration, for applicants 21 or older, of income and assets to which the applicant has a reasonable expectation of access. Currently, § 1026.51(a) requires that issuers consider the consumer's independent ability to make the required minimum periodic payments under the terms of the account, based on the consumer's income or assets.

The proposal would allow issuers to extend credit (either open credit card accounts under open end consumer credit plans, or increase credit limits applicable to such accounts) in circumstances where they are currently prohibited from doing so, notably in response to applications from consumers 21 or older that rely on income or assets to which the applicant only has a reasonable expectation of access. Extensions of credit based on the consideration of such income or assets would likely benefit both covered persons (the creditors) and consumers (the applicants) since in most circumstances, creditors would not extend credit, nor would adult applicants accept the offer were it not in the mutual interest of both parties. While in theory certain consumer and issuer behaviors could lead to situations where consumers enter into credit contracts that are harmful to their own financial situation, it seems unlikely that preventing creditors from extending credit in such situations would prevent many such cases, while it may prevent many mutually beneficial transactions. At present, the Bureau does not have data with which to quantify the relative credit performance of applicants who received credit on the basis of income or assets to which the applicant had only a reasonable expectation of access compared to other types of applicants. The Bureau seeks data on the prevalence of such applications and evidence regarding the performance of such loans.

The proposal itself does not impose additional compliance costs on covered persons since all methods of compliance under current law will remain available to covered persons if the proposal is adopted,[30] and a covered person who is in compliance with current law need not take any additional action if the proposal is adopted.

Finally, the proposed rule would have no unique impact on insured depository institutions or insured credit unions with $10 billion or less in assets as described in section 1026 of the Dodd-Frank Act, nor would the proposed rule have a unique impact on rural consumers.

The Bureau requests comments on the potential benefits, costs, and impacts of the proposal.

V. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, requires each agency to consider the potential impact of its regulations on small entities, including small businesses, small governmental units, and small not-for-profit organizations.[31] The RFA defines a ''small business'' as a business that meets the size standard developed by the Small Business Administration pursuant to the Small Business Act.[32]

The RFA generally requires an agency to conduct an initial regulatory flexibility analysis (IRFA) and a final regulatory flexibility analysis (FRFA) of any rule subject to notice-and-comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities.[33] The Bureau also is subject to certain additional procedures under the RFA

[28] 15 U.S.C. 1691 *et seq.;* 12 CFR part 1002.

[29] Specifically, section 1022(b)(2)(A) of the Dodd-Frank Act calls for the Bureau to consider the potential benefits and costs of a regulation to consumers and covered persons, including the potential reduction of access by consumers to consumer financial products or services; the impact on insured depository institutions and credit unions with $10 billion or less in total assets as described in section 1026 of the Act; and the impact on consumers in rural areas. This discussion considers the impacts of the proposed rule relative to existing law.

[30] While proposed § 1026.51(a) would permit a card issuer to consider a third party's income or assets to which a consumer has a reasonable expectation of access, an issuer also would be permitted to continue to consider only the applicant's independent ability to pay.

[31] 5 U.S.C. 601 *et seq.* The Bureau is not aware of any governmental units or not-for-profit organizations to which the proposal would apply.

[32] 5 U.S.C. 601(3). The Bureau may establish an alternative definition after consultation with the Small Business Administration and an opportunity for public comment. *Id.*

[33] 5 U.S.C. 603–605.

involving the convening of a panel to consult with small business representatives prior to proposing a rule for which an IRFA is required.[34]

An IRFA is not required for the proposal because the proposal, if adopted, would not have a significant economic impact on any small entities. The Bureau does not expect the proposal to impose costs on covered persons. All methods of compliance under current law will remain available to small entities if the proposal is adopted. Thus, a small entity that is in compliance with current law need not take any additional action if the proposal is adopted.

Accordingly, the undersigned certifies that this proposal, if adopted, would not have a significant economic impact on a substantial number of small entities.

VI. Paperwork Reduction Act

This proposal would amend Regulation Z, 12 CFR 1026. The collections of information related to Regulation Z have been previously reviewed and approved by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act of 1995 (PRA) [35] and assigned OMB Control Number 3170–0015. Under the PRA, the Bureau may not conduct or sponsor, and a person is not required to respond to, an information collection unless the information collection displays a valid control number assigned by OMB. As discussed below, the Bureau does not believe that this proposed rule would impose any new collection of information or any increase to the previously approved estimated burden associated with the information collections in Regulation Z.

If this proposal to amend Regulation Z is adopted, card issuers will be permitted, but not required, to consider additional sources of income and assets for purposes of § 1026.51(a), when evaluating an application for a new credit card account under an open-end (not home-secured) consumer credit plan. The Bureau believes that any burden associated with updating compliance under the proposed provisions is already accounted for in the previously approved burden estimates associated with the collection in Regulation Z under the Board's January 2010 Final Rule estimates, which were incorporated by reference in the Board's March 2011 Final Rule.[36]

Accordingly, for the reasons stated above, the Bureau estimates that there would not be an increase in the one-time or ongoing burden to comply with the requirements under proposed § 1026.51.

Although the Bureau does not believe that the proposed rule imposes any new collection of information or any increase to the previously approved estimated burden associated with the collections in Regulation Z, the Bureau solicits comment on the proposed modification to § 1026.51 or any other aspect of the proposal for purposes of the PRA. Comments on the collection of information requirements should be sent to the Office of Management and Budget, Attention: Desk Officer for the Consumer Financial Protection Bureau, Office of Information and Regulatory Affairs, Washington, DC 20503 or via the Internet to *http://oira_submission@omb.eop.gov,* with copies to the Bureau at the Consumer Financial Protection Bureau (Attention: PRA Office), 1700 G Street NW., Washington, DC 20552, or by the Internet to *CFPB_Public_PRA@cfpb.gov.* All comments will become a matter of public record.

Text of Proposed Revisions

Certain conventions have been used to highlight the proposed changes to the text of the regulation and official interpretation. New language is shown inside ►bold-faced arrows◄, while language that would be deleted is set off with **[**bold-faced brackets**]**.

List of Subjects in 12 CFR Part 1026

Advertising, Consumer protection, Credit, Credit unions, Mortgages, National banks, Reporting and recordkeeping requirements, Savings associations, Truth in lending.

Authority and Issuance

For the reasons set forth in the preamble above, the Bureau proposes to amend part 1026 of Chapter X in Title 12 of the Code of Federal Regulations as follows:

PART 1026—TRUTH IN LENDING (REGULATION Z)

1. The authority citation for part 1026 continues to read as follows:

Authority: 12 U.S.C. 5512, 5581; 15 U.S.C. 1601 *et seq.*

Subpart G—Special Rules Applicable to Credit Card Accounts and Open-End Credit Offered to College Students

2. Section 1026.51 is amended by revising paragraphs (a)(1) and (b)(1) as follows:

§ 1026.51 Ability to Pay.

(a) *General rule.* (1)(i) *Consideration of ability to pay.* A card issuer must not open a credit card account for a consumer under an open-end (not home-secured) consumer credit plan, or increase any credit limit applicable to such account, unless the card issuer considers the consumer's **[**independent**]** ability to make the required minimum periodic payments under the terms of the account based on the consumer's income or assets and ►the consumer's◄ current obligations.

(ii) *Reasonable policies and procedures.* Card issuers must establish and maintain reasonable written policies and procedures to consider a consumer's ►income or assets and a consumer's current obligations, which may include any income and assets to which the consumer has a reasonable expectation of access◄ **[**independent income or assets and current obligations**]**. Reasonable policies and procedures to consider a consumer's **[**independent**]** ability to make the required payments include the consideration of at least one of the following: The ratio of debt obligations to income; the ratio of debt obligations to assets; or the income the consumer will have after paying debt obligations. It would be unreasonable for a card issuer to not review any information about a consumer's ►current obligations,◄ income, ►or ◄ assets **[**, or current obligations**]**, or to issue a credit card to a consumer who does not have any **[**independent**]** income or assets.

* * * * *

(b) *Rules affecting young consumers.* (1) *Applications from young consumers.* A card issuer may not open a credit card account under an open-end (not home-secured) consumer credit plan for a consumer less than 21 years old, unless the consumer has submitted a written application and the card issuer has:

(i) Financial information indicating the consumer has an independent ability to make the required minimum periodic payments on the proposed extension of credit in connection with the account**[**, consistent with paragraph (a) of this section**]**; or

(ii)(A) A signed agreement of a cosigner, guarantor, or joint applicant who is at least 21 years old to be either secondarily liable for any debt on the account incurred by the consumer before the consumer has attained the age of 21 or jointly liable with the consumer for any debt on the account; and

(B) Financial information indicating such cosigner, guarantor, or joint applicant has the **[**independent**]** ability

[34] 5 U.S.C. 609.

[35] 44 U.S.C. 3501 *et seq.*

[36] *See* 75 FR 7658, 7791 (Feb. 22, 2010) for the Board's burden analysis under the Paperwork Reduction Act. *See* also 76 FR 22948, 22996 (Apr. 25, 2011).

to make the required minimum periodic payments on such debts, consistent with paragraph (a) of this section.

(2) *Credit line increases for young consumers.* If a credit card account has been opened pursuant to paragraph (b)(1)(ii) of this section, no increase in the credit limit may be made on such account before the consumer attains the age of 21 unless the cosigner, guarantor, or joint applicant who assumed liability at account opening agrees in writing to assume liability on the increase.

3. In Supplement I to part 1026 under *Section 1026.51 Ability to Pay:*

A. Under subheading *51(a) General rule* and subheading *51(a)(1)(i) Consideration of ability to pay:*

i. Paragraphs 1, 2, and 4 are revised.

ii. Paragraphs 5 and 6 are redesignated as paragraphs 7 and 8 respectively.

iii. New paragraphs 5 and 6 are added.

B. Under subheading *51(b)(1) Applications from young consumers:*

i. Paragraph 2 is removed.

ii. Add subheading *Paragraph 51(b)(1)(i),* and paragraphs 1 through 3.

iii. Add subheading *Paragraph 51(b)(1)(ii)* and paragraph 1.

The revisions and additions read as follows:

Supplement I to Part 1026—Official Interpretations

* * * * *

Section 1026.51—Ability To Pay

51(a) General Rule

51(a)(1) Consideration of Ability To Pay

1. *Consideration of additional factors.* Section 1026.51(a) requires a card issuer to consider a consumer's [independent] ability to make the required minimum periodic payments under the terms of an account based on the consumer's [independent] income or assets and current obligations. The card issuer may also consider consumer reports, credit scores, and other factors, consistent with Regulation B (12 CFR part 1002).

2. *Ability to pay as of application or consideration of increase.* A card issuer complies with § 1026.51(a) if it bases its determination regarding a consumer's [independent] ability to make the required minimum periodic payments on the facts and circumstances known to the card issuer at the time the consumer applies to open the credit card account or when the card issuer considers increasing the credit line on an existing account.

* * * * *

►4. *Consideration of income and assets.* For purposes of § 1026.51(a):

i. A card issuer may consider any current or reasonably expected income and assets of the consumer or consumers who are applying for a new account or will be liable for debts incurred on that account, including a cosigner or guarantor. Similarly, when a card issuer is considering whether to increase the credit limit on an existing account, the card issuer may consider any current or reasonably expected income and assets of the consumer or consumers who are accountholders, cosigners, or guarantors, and are liable for debts incurred on that account. A card issuer may also consider any income and assets to which an applicant, accountholder, cosigner, or guarantor who is or will be liable for debts incurred on the account has a reasonable expectation of access.

ii. Current or reasonably expected income includes, for example, current or expected salary, wages, bonus pay, tips, and commissions. Employment may be full-time, part-time, seasonal, irregular, military, or self-employment. Other sources of income include interest or dividends, retirement benefits, public assistance, alimony, child support, or separate maintenance payments. Assets include savings accounts or investments.

iii. Consideration of the income and assets of authorized users, household members, or other persons who are not liable for debts incurred on the account does not satisfy the requirement to consider the consumer's income or assets, unless the consumer has a reasonable expectation of access to such income or assets or a Federal or State statute or regulation grants a consumer who is liable for debts incurred on the account an ownership interest in such income and assets.

5. *Information regarding income and assets.* For purposes of § 1026.51(a), a card issuer may consider the consumer's income and assets based on the following information:

i. Information provided by the consumer in connection with the account, including information provided by the consumer through the application process. For example, card issuers may rely on information provided by applicants in response to a request for ''salary,'' ''income,'' ''assets,'' ''available income,'' ''accessible income,'' or other language requesting that the applicant provide information regarding current or reasonably expected income and/or assets or any income and/or assets to which the applicant has a reasonable expectation of access. However, card issuers may not rely solely on information provided in response to a request for ''household income.'' Instead, the card issuer would need to obtain additional information about an applicant's income (such as by contacting the applicant).

ii. Information provided by the consumer in connection with any other financial relationship the card issuer or its affiliates have with the consumer (subject to any applicable information-sharing rules).

iii. Information obtained through third parties (subject to any applicable information-sharing rules).

iv. Information obtained through any empirically derived, demonstrably and statistically sound model that reasonably estimates a consumer's income and/or assets, including any income and/or assets to which the consumer has a reasonable expectation of access.

6. *Examples of considering income.* Assume that an applicant is not employed but shares a household with another individual (the ''household member'') who is employed. The applicant is age 21 or older so § 1026.51(b) does not apply.

i. If the household member's salary is deposited into a joint account shared with the applicant, a card issuer may consider that salary to be the applicant's income for purposes of § 1026.51(a).

ii. The household member's salary is deposited into an account to which the applicant does not have access. However, the household member regularly transfers a portion of that salary into an account to which the applicant does have access, which the applicant uses for the payment of household or other expenses. A card issuer is permitted to consider the portion of the salary deposited into the account to which the applicant has access as the applicant's income for purposes of § 1026.51(a).

iii. No portion of the household member's salary is deposited into an account to which the applicant has access. However, the household member regularly uses that salary to pay for the applicant's expenses. A card issuer is permitted to consider the household member's salary to be the applicant's income for purposes of § 1026.51(a) because the applicant has a reasonable expectation of access to that salary.

iv. No portion of the household member's salary is deposited into an account to which the applicant has access, the household member does not regularly use that salary to pay for the applicant's expenses, and no Federal or State statute or regulation grants the applicant an ownership interest in that salary. A card issuer is not permitted to consider the household member's salary

as the applicant's income for purposes of § 1026.51(a).◄

[4. *Income and assets.* i. *Sources of information.* For purposes of § 1026.51(a), a card issuer may consider the consumer's income and assets based on:

A. Information provided by the consumer in connection with the credit card account under an open-end (not home-secured) consumer credit plan;

B. Information provided by the consumer in connection with any other financial relationship the card issuer or its affiliates have with the consumer (subject to any applicable information-sharing rules);

C. Information obtained through third parties (subject to any applicable information-sharing rules); and

D. Information obtained through any empirically derived, demonstrably and statistically sound model that reasonably estimates a consumer's income and assets.

ii. *Income and assets of persons liable for debts incurred on account.* For purposes of § 1026.51(a), a card issuer may consider any current or reasonably expected income and assets of the consumer or consumers who are applying for a new account and will be liable for debts incurred on that account. Similarly, when a card issuer is considering whether to increase the credit limit on an existing account, the card issuer may consider any current or reasonably expected income and assets of the consumer or consumers who are accountholders and are liable for debts incurred on that account. A card issuer may also consider any current or reasonably expected income and assets of a cosigner or guarantor who is or will be liable for debts incurred on the account. However, a card issuer may not use the income and assets of an authorized user or other person who is not liable for debts incurred on the account to satisfy the requirements of § 1026.51, unless a Federal or State statute or regulation grants a consumer who is liable for debts incurred on the account an ownership interest in such income and assets. Information about current or reasonably expected income and assets includes, for example, information about current or expected salary, wages, bonus pay, tips, and commissions. Employment may be full-time, part-time, seasonal, irregular, military, or self-employment. Other sources of income could include interest or dividends, retirement benefits, public assistance, alimony, child support, or separate maintenance payments. A card issuer may also take into account assets such as savings accounts or investments.

iii. *Household income and assets.* Consideration of information regarding a consumer's household income does not by itself satisfy the requirement in § 1026.51(a) to consider the consumer's independent ability to pay. For example, if a card issuer requests on its application forms that applicants provide their ''household income,'' the card issuer may not rely solely on the information provided by applicants to satisfy the requirements of § 1026.51(a). Instead, the card issuer would need to obtain additional information about an applicant's independent income (such as by contacting the applicant). However, if a card issuer requests on its application forms that applicants provide their income without reference to household income (such as by requesting ''income'' or ''salary''), the card issuer may rely on the information provided by applicants to satisfy the requirements of § 1026.51(a).]

►7◄ [5]. *Current obligations.* A card issuer may consider the consumer's current obligations based on information provided by the consumer or in a consumer report. In evaluating a consumer's current obligations, a card issuer need not assume that credit lines for other obligations are fully utilized.

►8◄ [6]. *Joint applicants and joint accountholders.* With respect to the opening of a joint account for two or more consumers or a credit line increase on such an account, the card issuer may consider the collective ability of all persons who are or will be liable for debts incurred on the account to make the required payments.

* * * * *

51(b)(1) Applications From Young Consumers

* * *

►*Paragraph 51(b)(1)(i).*

1. *Consideration of income and assets for young consumers.* For purposes of § 1026.51(b)(1)(i):

i. A card issuer may consider any current or reasonably expected income and assets of the consumer or consumers who are applying for a new account or will be liable for debts incurred on that account, including a cosigner or guarantor. Similarly, when a card issuer is considering whether to increase the credit limit on an existing account, the card issuer may consider any current or reasonably expected income and assets of the consumer or consumers who are accountholders, cosigners, or guarantors and are liable for debts incurred on that account. However, because § 1026.51(b)(1)(i) requires that the consumer who has not attained the age of 21 have an independent ability to make the required minimum periodic payments, the card issuer may only consider the current or reasonably expected income and assets of an applicant or accountholder who is less than 21 years old under § 1026.51(b)(1)(i). The card issuer may not consider income or assets to which an applicant, accountholder, cosigner, or guarantor, in each case who is under the age of 21 and is or will be liable for debts incurred on the account, has only a reasonable expectation of access under § 1026.51(b)(1)(i).

ii. Current or reasonably expected income includes, for example, current or expected salary, wages, bonus pay, tips, and commissions. Employment may be full-time, part-time, seasonal, irregular, military, or self-employment. Other sources of income include interest or dividends, retirement benefits, public assistance, alimony, child support, or separate maintenance payments. Assets include savings accounts or investments.

iii. Consideration of the income and assets of authorized users, household members, or other persons who are not liable for debts incurred on the account does not satisfy the requirement to consider the consumer's income or assets, unless a Federal or State statute or regulation grants a consumer who is liable for debts incurred on the account an ownership interest in such income and assets.

2. *Information regarding income and assets for young consumers.* For purposes of § 1026.51(b)(1)(i), a card issuer may consider the consumer's income and assets based on the following information:

i. Information provided by the consumer in connection with the account, including information provided by the consumer through the application process. For example, card issuers may rely on information provided by applicants in response to a request for ''salary,'' ''income,'' ''assets,'' or other language requesting that the applicant provide information regarding current or reasonably expected income and/or assets. However, card issuers may not rely solely on information provided in response to a request for ''available income,'' ''accessible income,'' or ''household income.'' Instead, the card issuer would need to obtain additional information about an applicant's income (such as by contacting the applicant).

ii. Information provided by the consumer in connection with any other financial relationship the card issuer or its affiliates have with the consumer (subject to any applicable information-sharing rules).

iii. Information obtained through third parties (subject to any applicable information-sharing rules).

iv. Information obtained through any empirically derived, demonstrably and statistically sound model that reasonably estimates a consumer's income and/or assets.

3. *Examples of considering income for young consumers.* Assume that an applicant is not employed but shares a household with another individual (the ''household member'') who is employed. The applicant is under the age of 21 so § 1026.51(b) does apply.

i. If the household member's salary is deposited into a joint account shared with the applicant, a card issuer may consider that salary to be the applicant's income for purposes of § 1026.51(b)(1)(i).

ii. The household member's salary is deposited into an account to which the applicant does not have access. However, the household member regularly transfers a portion of that salary into an account to which the applicant does have access, which the applicant uses for the payment of household or other expenses. Whether a card issuer may consider the portion of the salary that is deposited into the account to be the applicant's income for purposes of § 1026.51(b)(1)(i) depends on whether a Federal or state Statute or regulation grants the applicant an ownership interest in the account to which the applicant has access.

iii. No portion of the household member's salary is deposited into an account to which the applicant has access. However, the household member regularly uses that salary to pay for the applicant's expenses. A cards issuer may not consider the household member's salary as the applicant's income for purposes of § 1026.51(b)(1)(i) because the salary is not current or reasonably expected income of the applicant.

iv. No portion of the household member's salary is deposited into an account to which the applicant has access, the household member does not regularly use that salary to pay for the applicant's expenses, and no Federal or State statute or regulation grants the applicant an ownership interest in that salary. The card issuer may not consider the household member's salary to be the applicant's income for purposes of § 1026.51(b)(1)(i).

Paragraph 51(b)(1)(ii)

1. *Financial information.* Information regarding income and assets that satisfies the requirements of § 1026.51(a) also satisfies the requirements of § 1026.51(b)(1)(ii)(B) and card issuers may rely on the guidance in comments 51(a)(1)–4, –5, and –6 for purposes of determining whether a cosigner, guarantor, or joint applicant who is at least 21 years old has the ability to make the required minimum periodic payments in accordance with § 1026.51(b)(1)(ii)(B). [*See* comment 51(a)(1)–4.] ◀.

* * * * *

Dated: October 17, 2012.

Richard Cordray,

Director, Bureau of Consumer Financial Protection.

[FR Doc. 2012–26008 Filed 11–6–12; 8:45 am]

BILLING CODE 4810–AM–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2012–1161; Directorate Identifier 2011–NM–277–AD]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede an existing airworthiness directive (AD) that applies to certain The Boeing Company Model 737–200, –200C, –300, –400 and –500 series airplanes. The existing AD currently requires a one-time mid-frequency eddy current (MFEC) inspection, a low frequency eddy current (LFEC) inspection, and a detailed inspection for damage or cracking of stringer S–4L and S–4R lap joints and stringer clips between body station (BS) 540 and BS 727, and follow-on inspections and repair if necessary. Since we issued that AD, we have received reports of cracking of the lap joint lower row. This proposed AD would instead require repetitive external eddy current inspections for cracking of certain fuselage crown lap joints and corrective actions; internal eddy current and detailed inspections for cracking of certain fuselage crown lap joints, and repair if necessary; and detailed inspections of certain stringer clips, and replacement with new stringer clips if necessary. This proposed AD would also add airplanes to the applicability. We are proposing this AD to detect and correct cracking of the fuselage lap joints, which could result in sudden decompression of the airplane.

DATES: We must receive comments on this proposed AD by December 24, 2012.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, 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.

For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; 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, WA. 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 proposed 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: Wayne Lockett, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6447; fax: 425–917–6590; email: *wayne.lockett@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2012–1161; Directorate Identifier 2011–NM–277–AD'' at the beginning of

your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed 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 proposed AD.

Discussion

On April 18, 2003, we issued AD 2003–08–15, Amendment 39–13128 (68 FR 20341, April 25, 2003), for certain The Boeing Company Model 737–200, –200C, –300, –400 and –500 series airplanes. That AD requires a one-time MFEC, LFEC, and detailed inspection for damage or cracking of stringer S–4L and S–4R lap joints and stringer clips between BS 540 and BS 727, and follow-on inspections and repair if necessary. That AD resulted from a report indicating that, during a walk-around inspection on a Model 737–200 series airplane with 60,333 total flight cycles, a 23-inch-long crack was found in the lower row of the stringer S–4L lap joint between BS 616 and BS 639. Cracking was also found between the tear straps and in the skin locations common to the tear straps. Additionally, we received a report of significant cracking on stringer S–4R of the lap joint between BS 600 and BS 727 on a Model 737–300 series airplane having 52,400 total flight cycles. We issued that AD to detect and correct cracking of the fuselage lap joints, which could result in sudden decompression of the airplane.

Actions Since Existing AD 2003–08–15, Amendment 39–13128 (68 FR 20341, April 25, 2003) Was Issued

Since we issued AD 2003–08–15, Amendment 39–13128 (68 FR 20341, April 25, 2003), we have received reports of lap joint lower row cracking on airplanes that were not subject to inspections in AD 2002–07–08, Amendment 39–12702 (67 FR 17917, April 12, 2002). We are proposing to supersede AD 2003–08–15 to provide inspections for these airplanes.

Relevant Service Information

We reviewed Boeing Alert Service Bulletin 737–53A1255, Revision 2, dated August 7, 2012. For information on the procedures and compliance times, see this service information at *http://www.regulations.gov* by searching for Docket No. FAA–2012–* * *.

Other Relevant Rulemaking

These crown lap joint inspections are currently also contained in the following service bulletins, which are mandated by AD 2002–07–08, Amendment 39–12702 (67 FR 17917, April 12, 2002):

- Boeing Service Bulletin 737–53A1177, Revision 4, dated September 2, 1999;
- Boeing Service Bulletin 737–53A1177, Revision 5, dated February 15, 2001; and
- Boeing Service Bulletin 737–53A1177, Revision 6, dated May 31, 2001.

Boeing chose to add the needed inspections for the airplanes not covered by AD 2002–07–08 to the service information included in AD 2003–08–15, Amendment 39–13128 (68 FR 20341, April 25, 2003), due to the large scope of changes that would be needed to revise Boeing Service Bulletin 737–53A1177, Revision 6, dated May 31, 2001. We are considering further rulemaking to remove reference to those crown lap joint inspections from that AD.

FAA's Determination

We are proposing 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.

Proposed AD Requirements

This proposed AD would retain none of the requirements of AD 2003–08–15, Amendment 39–13128 (68 FR 20341, April 25, 2003). This proposed AD would include new inspection requirements, reduce certain inspection thresholds, and add repetitive inspections. This proposed AD would also add airplanes to the applicability statement of the existing AD. This proposed AD would require accomplishing the actions specified in the service information described previously.

The phrase ''related investigative actions'' might be used in this proposed AD. ''Related investigative actions'' are follow-on actions that (1) are related to the primary actions, and (2) are actions that further investigate the nature of any condition found. Related investigative actions in an AD could include, for example, inspections.

In addition, the phrase ''corrective actions'' might be used in this proposed AD. ''Corrective actions'' are actions that correct or address any condition found. Corrective actions in an AD could include, for example, repairs.

Costs of Compliance

We estimate that this proposed AD affects 307 airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Number of airplanes	Cost on U.S. operators
Internal inspection	Up to 303 work-hours × $85 per hour = $25,755.	$0	$25,755	307	$7,906,785
External inspection	Up to 10 work-hours × $85 per hour = $850.	0	850	307	260,950

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

We have determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would 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 the 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.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 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 removing airworthiness directive (AD) 2003–08–15, Amendment 39–13128 (68 FR 20341, April 25, 2003), and adding the following new AD:

The Boeing Company: Docket No. FAA–2012–1161; Directorate Identifier 2011–NM–277–AD.

(a) Comments Due Date

The FAA must receive comments on this AD action by December 24, 2012.

(b) Affected ADs

This AD supersedes AD 2003–08–15, Amendment 39–13128 (68 FR 20341, April 25, 2003).

(c) Applicability

This AD applies to The Boeing Company Model 737–200, –200C, –300, –400, and –500 series airplanes; certificated in any category; as specified in Boeing Alert Service Bulletin 737–53A1255, Revision 2, dated August 7, 2012.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by reports of cracking of the lap joint lower row. We are issuing this AD to detect and correct cracking of the fuselage lap joints, which could result in sudden decompression of the airplane.

(f) Compliance

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

(g) External Crown Lap Joint Inspection and Repair

For airplanes on which the lap splice modification specified in AD 2002–07–08, Amendment 39–12702 (67 FR 17917, April 12, 2002), has not been accomplished, except as required by paragraph (l)(1) and (l)(2) of this AD: At the applicable times specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1255, Revision 2, dated August 7, 2012, do an external eddy current inspection for cracking in the crown lap joints, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1255, Revision 2, dated August 7, 2012. At the intervals specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1255, Revision 2, dated August 7, 2012, repeat the inspections, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1255, Revision 2, dated August 7, 2012. If any cracking is found in a lap joint, before further flight, repair, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1255, Revision 2, dated August 7, 2012.

(h) Optional Internal Inspections for Mid-Bay Fastener Locations

As an option to confirm cracks found during the inspections required by paragraph (g) of this AD, do an internal mid-frequency eddy current (MFEC) inspection for cracking in the lap joint fastener row between tear straps of the crown lap and do a detailed inspection of the lap joint lower fastener row for cracking, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1255, Revision 2, dated August 7, 2012.

(i) Internal Crown Lap Joint Inspection and Repair

For airplanes on which the lap splice modification specified in AD 2002–07–08, Amendment 39–12702 (67 FR 17917, April 12, 2002) has not been accomplished: At the times specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1255, Revision 2, dated August 7, 2012, except as required by paragraphs (l)(1) and (l)(2) of this AD, do an internal MFEC, low frequency eddy current (LFEC), and detailed inspection for cracking in the crown lap joints and stringer clips, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1255, Revision 2, dated August 7, 2012.

(1) If any cracking is found in any lap joint, before further flight, repair, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1255, Revision 2, dated August 7, 2012.

(2) If any cracking is found in any stringer clip, before further flight, replace the stringer clip with a new stringer clip, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1255, Revision 2, dated August 7, 2012.

(3) Repeat the inspections at the intervals specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1255, Revision 2, dated August 7, 2012.

(j) Optional Inspections for Tear Strap Locations Only

As an option to confirm cracks found while doing the inspections required by paragraph (i) of this AD, do an open-hole inspection for cracking at the tear strap locations, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1255, Revision 2, dated August 7, 2012.

(k) Terminating Action

(1) Accomplishing a repair of a crown lap joint in accordance with Boeing Alert Service Bulletin 737–53A1255, Revision 2, dated August 7, 2012, terminates the inspections required by paragraphs (g) and (i) of this AD for the repaired area only.

(2) Accomplishing the modification of the crown lap joints in accordance with any of the service bulletins specified in paragraphs (k)(2)(i), (k)(2)(ii), and (k)(2)(iii) of this AD terminates the inspections required by paragraphs (g) and (i) of this AD for the modified area only.

(i) Boeing Service Bulletin 737–53A1177, Revision 4, dated September 2, 1999.

(ii) Boeing Service Bulletin 737–53A1177, Revision 5, dated February 15, 2001.

(iii) Boeing Service Bulletin 737–53A1177, Revision 6, dated May 31, 2001.

(l) Exceptions

(1) Where paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1255, Revision 2, dated August 7, 2012, states a compliance time ''from the Revision 1 date of this service bulletin,'' this AD requires a compliance time ''after the effective date of this AD.''

(2) Where the ''condition'' column, in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1255, Revision 2, dated August 7, 2012, specifies airplanes with certain flight cycles ''at the Revision 1 date of this service bulletin,'' for this AD the condition is for airplanes with corresponding flight cycles ''as of the effective date of this AD.''

(m) Credit for Previous Actions

This paragraph provides credit for the actions required by paragraphs (g), (h), (i), and (j) of this AD, if those actions were performed before the effective date of this AD

using Boeing Alert Service Bulletin 737–53A1255, Revision 1, dated November 7, 2011, which is not incorporated by reference in this AD.

(n) Alternative Methods of Compliance (AMOCs)

(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 emailed to: *9–ANM-Seattle-ACO-AMOC-Requests@faa.gov.*

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding 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.

(4) AMOCs approved for paragraphs (a), (b), (c), (d), and (e) of AD 2002–07–08, Amendment 39–12702 (67 FR 17917, April 12, 2002) before the effective date of this AD, are approved for the corresponding requirements of paragraphs (g), (i), and (k) of this AD.

(5) As of the effective date of this AD, any AMOCs approved for paragraphs (g) and (i) of this AD are approved as AMOCs for the corresponding requirements of paragraphs (a), (b), (c), (d), and (e) of AD 2002–07–08, Amendment 39–12702 (67 FR 17917, April 12, 2002).

(o) Related Information

(1) For more information about this AD, contact Wayne Lockett, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6447; fax: 425–917–6590; email: *wayne.lockett@faa.gov.*

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; 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, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on October 31, 2012.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2012–27141 Filed 11–6–12; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2012–1162; Directorate Identifier 2012–NM–002–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all Airbus Model A330–200 Freighter, A330–200, A330–300, A340–200, A340–300, A340–500, and A340–600 series airplanes. This proposed AD was prompted by several reports of a burning smell and/or smoke in the cockpit during cruise phase leading, in some cases, to diversion to alternate airports. This proposed AD would require an inspection to identify the installed windshields and replacement of any affected windshield. We are proposing this AD to prevent significantly increased workload for the flightcrew, which could, under some flight phases and/or circumstances, constitute an unsafe condition.

DATES: We must receive comments on this proposed AD by December 24, 2012.

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, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, 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; email *airworthiness.A330–A340@airbus.com;* Internet *http://www.airbus.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 Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations 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: Vladimir Ulyanov, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone (425) 227–1138; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2012–1162; Directorate Identifier 2012–NM–002–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on 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 proposed AD.

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2011–0242, dated December 19, 2011 (corrected February 15, 2012), (referred to after this

as ''the MCAI''), to correct an unsafe condition for the specified products.

The MCAI states:

Several operators have reported cases of burning smell and/or smoke in the cockpit during cruise phase leading in some cases to diversion.

Findings have shown that the cause of these events is the burning of the Saint-Gobain Sully (SGS) windshield connector terminal block.

This condition, if not corrected, could significantly increase the flight crew workload which would, under some flight phases and/or circumstances, constitute an unsafe condition.

For the reasons described above, this [EASA] AD requires the identification of the installed windshields and replacement of the affected part.

* * * * *

You may obtain further information by examining the MCAI in the AD docket.

Relevant Service Information

Airbus has issued the following service bulletins.

- Airbus Service Bulletin A330–56–3009, Revision 01, including Appendices 01, 02, and 03, dated January 27, 2011 (for Model A330–201, –202, –203, –223, –223F, –243, –243F, –301, –302, –303, –321, –322, –323, –341, –342, and –343 airplanes).
- Airbus Service Bulletin A340–56–4008, including Appendices 01, 02, and 03, dated May 4, 2010 (for Model A340–211, –212, –213, –311, –312, and –313 airplanes).
- Airbus Service Bulletin A340–56–5002, including Appendices 01, 02, and 03, dated May 4, 2010 (for Model A340–541 and –642 airplanes).

The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

Costs of Compliance

Based on the service information, we estimate that this proposed AD would affect about 55 products of U.S. registry. We also estimate that it would take about 2 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $9,350, or $170 per product.

In addition, we estimate that any necessary follow-on actions would take about 10 work-hours and require parts costing $0, for a cost of $850 per product. Where the service information lists required parts costs that are covered under warranty, we have assumed that there will be no charge for these parts. As we do not control warranty coverage for affected parties, some parties may incur costs higher than estimated here. We have no way of determining the number of products that may need these actions.

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 proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would 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 proposed regulation:

1. Is not a ''significant regulatory action'' under Executive Order 12866;

2. Is not a ''significant rule'' under the 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.

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 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:

Airbus: Docket No. FAA–2012–1162; Directorate Identifier 2012–NM–002–AD.

(a) Comments Due Date

We must receive comments by December 24, 2012.

(b) Affected ADs

None.

(c) Applicability

This AD applies to airplanes identified in paragraphs (c)(1) and (c)(2) of this AD, certificated in any category, all manufacturer serial numbers.

(1) Airbus Model A330–201, –202, –203, –223, –223F, –243, –243F, –301, –302, –303, –321, –322, –323, –341, –342, and –343 airplanes.

(2) Airbus Model A340–211, –212, –213, –311, –312, –313, –541, and –642 airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 56, Windows.

(e) Reason

This AD was prompted by several reports of a burning smell and/or smoke in the cockpit during cruise phase leading, in some cases, to diversion to alternate airports. We are proposing this AD to prevent significantly increased workload for the flightcrew, which could, under some flight phases and/or circumstances, constitute an unsafe condition.

(f) Compliance

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

(g) Inspection

Within 1,200 flight hours after the effective date of this AD, inspect to identify the

manufacturer, the part number, and the serial number of the left-hand (LH) and right-hand (RH) windshields installed on the airplane, in accordance with the Accomplishment Instructions of the applicable Airbus service information identified in paragraph (g)(1), (g)(2), or (g)(3) of this AD. A review of airplane delivery or maintenance records is acceptable in lieu of this inspection if the manufacturer, part number, and serial number of the installed windshields can be conclusively determined from that review.

(1) For Model A330–201, –202, –203, –223, –223F, –243, –243F, –301, –302, –303, –321, –322, –323, –341, –342, and –343 airplanes: Airbus Service Bulletin A330–56–3009, Revision 01, including Appendix 01, excluding Appendices 02 and 03, dated January 27, 2011.

(2) For Model A340–211, –212, –213, –311, –312, and –313 airplanes: Airbus Service Bulletin A340–56–4008, including Appendix 01, excluding Appendices 02 and 03, dated May 4, 2010.

(3) For Model A340–541 and –642 airplanes: Airbus Service Bulletin A340–56–5002, including Appendix 01, excluding Appendices 02 and 03, dated May 4, 2010.

(h) Replacement

If it is found during the inspection required by paragraph (g) of this AD that any installed LH or RH windshield was manufactured by Saint-Gobain Sully (SGS) and the part number and serial number are identified in the applicable Airbus service information identified in paragraph (g)(1), (g)(2), or (g)(3) of this AD: Within 9 months or 1,200 flight hours after the effective date of this AD, whichever occurs first, replace all affected LH and RH windshields, in accordance with the Accomplishment Instructions of the applicable Airbus service information identified in paragraph (h)(1), (h)(2), or (h)(3) of this AD.

(1) For Model A330–201, –202, –203, –223, –223F, –243, –243F, –301, –302, –303, –321, –322, –323, –341, –342, and –343 airplanes: Airbus Service Bulletin A330–56–3009, Revision 01, including Appendix 01, excluding Appendices 02 and 03, dated January 27, 2011.

(2) For Model A340–211, –212, –213, –311, –312, and –313 airplanes: Airbus Service Bulletin A340–56–4008, including Appendix 01, excluding Appendices 02 and 03, dated May 4, 2010.

(3) For Model A340–541 and –642 airplanes: Airbus Service Bulletin A340–56–5002, including Appendix 01, excluding Appendices 02 and 03, dated May 4, 2010.

(i) Credit for Previous Actions

This paragraph provides credit for the actions required by paragraphs (g) and (h) of this AD for Model A330–201, –202, –203, –223, –223F, –243, –243F, –301, –302, –303, –321, –322, –323, –341, –342, and –343 airplanes, if those actions were performed before the effective date of this AD using Airbus Service Bulletin A330–56–3009, dated May 4, 2010, which is not incorporated by reference in this AD.

(j) Parts Installation Limitation

As of the effective date of this AD, do not install on an airplane any affected windshield from SGS and having a part number and serial number as identified in the applicable service information identified in paragraphs (j)(1), (j)(2), and (j)(3) of this AD, unless a suffix ''U'' is present at the end of the S/N.

(1) For Model A330–201, –202, –203, –223, –223F, –243, –243F, –301, –302, –303, –321, –322, –323, –341, –342, and –343 airplanes: Airbus Service Bulletin A330–56–3009, Revision 01, including Appendix 01, excluding Appendices 02 and 03, dated January 27, 2011.

(2) For Model A340–211, –212, –213, –311, –312, and –313 airplanes: Airbus Service Bulletin A340–56–4008, including Appendix 01, excluding Appendices 02 and 03, dated May 4, 2010.

(3) For Model A340–541 and –642 airplanes: Airbus Service Bulletin A340–56–5002, including Appendix 01, excluding Appendices 02 and 03, dated May 4, 2010.

(k) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) Alternative Methods of Compliance (AMOCs): The Manager, International Branch, ANM–116, Transport Airplane Directorate, 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 International Branch, send it to ATTN: Vladimir Ulyanov, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone (425) 227–1138; fax (425) 227–1149. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

(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.

(l) Related Information

(1) Refer to MCAI European Aviation Safety Agency Airworthiness Directive 2011–0242, dated December 19, 2011 (corrected February 15, 2012), and the service information identified in paragraphs (k)(1)(i) through (k)(1)(iii) of this AD, for related information.

(i) Airbus Service Bulletin A330-56–3009, Revision 01, including Appendix 01, excluding Appendices 02 and 03, dated January 27, 2011.

(ii) Airbus Service Bulletin A340–56–4008, including Appendix 01, excluding Appendices 02 and 03, dated May 4, 2010.

(iii) Airbus Service Bulletin A340–56–5002, including Appendix 01, excluding Appendices 02 and 03, dated May 4, 2010.

(2) For service information identified in this AD, 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; email *airworthiness.A330–A340@airbus.com;* Internet *http://www.airbus.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.

Issued in Renton, Washington, on October 31, 2012.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2012–27142 Filed 11–6–12; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2012–1159; Directorate Identifier 2012–NM–028–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain Airbus Model A310–203, –204, –222, –304, –322, and –324 airplanes. This proposed AD was prompted by a design review of the fuel tank access covers and analyses comparing compliance of the access covers to different tire burst models. 'Type 21' panels located within the debris zone revealed that they could not sustain the impact of the tire debris. This proposed AD would require modifying the wing manhole surrounds and replacing certain fuel access panels. We are proposing this AD to prevent a possibility of a fire due to tire debris impact on the fuel access panels.

DATES: We must receive comments on this proposed AD by December 24, 2012.

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, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, 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; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.You* may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. 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 Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations 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: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone (425) 227–2125; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2012–1159; Directorate Identifier 2012–NM–028–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on 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 proposed AD.

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2012–0016, dated January 26, 2012 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> Following a design review of the fuel tank access covers and further analyses aiming at comparing compliance of the access covers to different tyre burst models, panels 'Type 21' revealed to be a matter of concern when located within the tyre debris zone. It has been demonstrated that ''Type 21' Super Plastic Formed (SPF) panels for fuel access, installed on left hand (LH) and right hand (RH) wings at manhole positions No. 1 and No. 2 of A310 aeroplanes pre-MSN500 could not sustain in an acceptable manner the impact of tyre debris.
>
> This condition, if not corrected, could result, following tyre debris impact, in fuel leaking and consequently fire on that area of the aeroplane.
>
> For the reasons described above, this [EASA] AD requires the replacement of SPF 'Type 21' access panels with [type 11 access panels with]'Type 11A' [associated clamp plates] or 'Type 21R' access panels and concurrent modification of the manhole surrounds at positions No.1 and No.2 to prevent re-installation of ''Type 21' panels at those positions.

You may obtain further information by examining the MCAI in the AD docket.

Relevant Service Information

Airbus has issued Service Bulletin A310–57–2033, dated July 15, 1989, and Mandatory Service Bulletin A310–57–2097, Revision 01, dated September 29, 2011. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

Costs of Compliance

Based on the service information, we estimate that this proposed AD would affect about 56 products of U.S. registry. We also estimate that it would take about 40 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour. Required parts would cost about $6,340 per product. Where the service information lists required parts costs that are covered under warranty, we have assumed that there will be no charge for these parts. As we do not control warranty coverage for affected parties, some parties may incur costs higher than estimated here. Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $545,440, or $9,740 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 proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would 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 proposed regulation:

1. Is not a ''significant regulatory action'' under Executive Order 12866;

2. Is not a ''significant rule'' under the 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.

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 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:

Airbus: Docket No. FAA–2012–1159; Directorate Identifier 2012–NM–028–AD.

(a) Comments Due Date

We must receive comments by December 24, 2012.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Model A310–203, –204, –222, –304, –322, and –324 airplanes, certificated in any category, manufacturer serial numbers 0378, 0392, 0399, 0404, 0406, 0407, 0409, 0410, 0412, 0413, 0416, 0418, 0419, 0421, 0422, 0424, 0425, 0427, 0428, 0429, 0431, 0432, 0434 to 0437 inclusive, 0439, 0440, 0441, 0443 to 0449 inclusive, 0451 to 0454 inclusive, 0456, 0457, 0458, 0467, 0472, 0473, 0475, 0476, 0478, 0480 to 0485 inclusive, and 0487 to 0499 inclusive.

(d) Subject

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

(e) Reason

This AD was prompted by a design review of the fuel tank access covers and analyses comparing compliance of the access covers to different tire burst models. 'Type 21' panels located within the debris zone revealed that they could not sustain the impact of the tire debris. We are proposing this AD to prevent a possibility of a fire due to tire debris impact on the fuel access panels.

(f) Compliance

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

(g) Actions

Within 60 months after the effective date of this AD, do the actions specified in paragraph (g)(1) or (g)(2) of this AD.

(1) Modify the wing manhole surrounds and replace the super plastic formed (SPF) 'Type 21' fuel access panels at positions 1 and 2 on the left- and right-hand wings with 'Type 11' fuel access panels with associated 'Type 11A' clamp plates, in accordance with the Accomplishment Instructions of Airbus Mandatory Service Bulletin A310–57–2097, Revision 01, dated September 29, 2011.

(2) Modify the wing manhole surrounds and replace the SPF 'Type 21' fuel access panels at positions 1 and 2 on the left- and right-hand wings with 'Type 21R' fuel access panels, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A310–57–2033, dated July 15, 1989.

(h) Parts Installation Prohibition

After accomplishing the modification required by paragraph (g) of this AD, no person may install SPF 'Type 21' fuel access panels at positions 1 and 2 on the left- and right-hand wings, on any airplane.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, Transport Airplane Directorate, 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 International Branch, send it to ATTN: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone (425) 227–2125; fax (425) 227–1149. Information may be emailed to: *9–ANM–116–AMOC–REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

(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.

(j) Related Information

(1) Refer to MCAI European Aviation Safety Agency Airworthiness Directive 2012–0016, dated January 26, 2012, and the service information specified in paragraphs (j)(1)(i) and (j)(1)(ii) of this AD, for related information.

(i) Airbus Service Bulletin A310–57–2033, dated July 15, 1989.

(ii) Airbus Mandatory Service Bulletin A310–57–2097, Revision 01, dated September 29, 2011.

(2) For service information identified in this AD, 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; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.* You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on October 30, 2012.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2012–27124 Filed 11–6–12; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2012–1160; Directorate Identifier 2012–NM–096–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain Model A330–200, –300 and –200 Freighter series airplanes; and all Model A340–200 and –300 series airplanes. This proposed AD was prompted by a determination that the bonding lead from a certain isolation valve to a frame was too close to an electrical harness, which might cause chafing between the electrical harness and the associated bonding lead. This chafing could lead to a short circuit of the isolation valve and consequent non-closure of the isolation valve, which would prevent the air-flow to be shut-off in case of fire. This proposed AD would require modifying the bonding lead installation of the isolation valve. We are proposing this AD to prevent such chafing, which could result in non-closure of the isolation valve in the event of a fire and consequent damage to the airplane and injury to its occupants.

DATES: We must receive comments on this proposed AD by December 24, 2012.

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, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, 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; email airworthiness.A330–A340@airbus.com; Internet *http://www.airbus.com.* You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. 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 Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations 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: Vladimir Ulyanov, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1138; fax 425–227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2012–1160; Directorate Identifier 2012–NM–096–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on 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 proposed AD.

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2012–0090, dated May 22, 2012 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> It was noticed in production that the bonding lead from the isolation valve 283HN to Frame (FR) 64, between Stringer (STGR) 33 and STGR 34, was too close to the electrical harness 5871VB. The results of the technical investigations carried out by Airbus determined that this insufficient clearance may cause chafing between the electrical harness 5871VB and the associated bonding lead.
>
> This condition, if not corrected, could lead to a short circuit of the isolation valve and consequent non-closure of the isolation valve 283HN, which would prevent the air flow to be shut-off in case of fire, potentially resulting in damage to the aeroplane and injury to its occupants.
>
> For the reasons described above, this [EASA] AD requires the installation of a new bonding bracket and new bonding lead at STGR33, between FR64 and FR65 introduced by Airbus modification (mod.) 201500, or mod. 201681 in production, or Airbus Service Bulletin (SB) A330–21–3165, SB A330–21–3160 or SB A340–21–4152 in service.
>
> In addition, for aeroplanes already modified in accordance with the instructions of Airbus SB A330–21–3165 or SB A340–21–4152 at original issue or Revision 01, it [this EASA AD] requires accomplishment of the additional work (additional wiring connected to the structure of the aeroplane).

You may obtain further information by examining the MCAI in the AD docket.

Relevant Service Information

Airbus has issued the following service bulletins:

- Mandatory Service Bulletin A330–21–3160, dated August 4, 2011.
- Mandatory Service Bulletin A330–21–3165 Revision 02, dated March 29, 2012.
- Mandatory Service Bulletin A340–21–4152, Revision 02, dated March 29, 2012.

The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

Costs of Compliance

Based on the service information, we estimate that this proposed AD would affect about 58 products of U.S. registry. We also estimate that it would take about 6 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour. Required parts would cost about $66 per product. Where the service information lists required parts costs that are covered under warranty, we have assumed that there will be no charge for these parts. As we do not control warranty coverage for affected parties, some parties may incur costs higher than estimated here. Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $33,408, or $576 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 proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would 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 proposed regulation:

1. Is not a ''significant regulatory action'' under Executive Order 12866;

2. Is not a ''significant rule'' under the 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.

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 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:

Airbus: Docket No. FAA–2012–1160; Directorate Identifier 2012–NM–096–AD.

(a) Comments Due Date

We must receive comments by December 24, 2012.

(b) Affected ADs

None.

(c) Applicability

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

(1) Model A330–201, –202, –203, –223, –243, –301, –302, –303, –321, –322, –323, –341, –342, and –343 airplanes, all manufacturer serial numbers, except for airplanes on which Airbus modification 201500 has been embodied in production.

(2) Model A330–223F and –243F airplanes, all manufacturer serial numbers, except for airplanes on which Airbus modification 201681 has been embodied in production.

(3) Model A340–211, –212, –213, –311, –312, and –313 airplanes, all manufacturer serial numbers.

(d) Subject

Air Transport Association (ATA) of America Code 21, Air conditioning.

(e) Reason

This AD was prompted by a determination that the bonding lead from a certain isolation valve to a frame was too close to an electrical harness, which might cause chafing between the electrical harness and the associated bonding lead. This chafing could lead to a short circuit of the isolation valve and consequent non-closure of the isolation valve, which would prevent the air-flow to be shut-off in case of fire. We are issuing this AD to prevent such chafing, which could result in non-closure of the isolation valve in the event of a fire and consequent damage to the airplane and injury to its occupants.

(f) Compliance

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

(g) Bonding Lead Installation Modification

Within 48 months after the effective date of this AD, modify the bonding lead installation of isolation valve 283HN, in accordance with the Accomplishment Instructions of the applicable service bulletin specified in paragraph (g)(1), (g)(2), or (g)(3) of this AD.

(1) Airbus Mandatory Service Bulletin A330–21–3165, Revision 02, dated March 29, 2012 (for Model A330–201, –202, –203, –223, –243, –301, –302, –303, –321, –322, –323, –341, –342, and –343 airplanes).

(2) Airbus Mandatory Service Bulletin A330–21–3160, dated August 4, 2011 (for Model A330–223F and –243F airplanes).

(3) Airbus Mandatory Service Bulletin A340–21–4152, Revision 02, dated March 29, 2012 (for Model A340–211, –212, –213, –311, –312, and –313 airplanes).

(h) Bonding Lead Additional Work Modification

For airplanes that have already been modified, prior to the effective date of this AD, as specified in Airbus Mandatory Service Bulletin A330–21–3165, dated September 27, 2011; or Mandatory Service Bulletin A330–21–3165, Revision 01, dated November 21, 2011; or according to Airbus Mandatory Service Bulletin A340–21–4152, dated September 27, 2011; or Airbus Mandatory Service Bulletin A340–21–4152, Revision 01, dated November 21, 2011: Within 48 months after the effective date of this AD, perform the ''Additional Work,'' as specified in the Accomplishment Instructions of Airbus Mandatory Service Bulletin A330–21–3165 Revision 02, dated March 29, 2012; or Airbus Mandatory Service Bulletin A340–21–4152, Revision 02, dated March 29, 2012; as applicable.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, Transport Airplane Directorate, 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 International Branch, send it to ATTN: Vladimir Ulyanov, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1138; fax 425–227–1149. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

(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.

(j) Related Information

(1) Refer to MCAI European Aviation Safety Agency Airworthiness Directive 2012–0090, dated May 22, 2012, and the following service information, for related information.

(i) Airbus Mandatory Service Bulletin A330–21–3160, dated August 4, 2011.

(ii) Airbus Mandatory Service Bulletin A330–21–3165 Revision 02, dated March 29, 2012.

(iii) Airbus Mandatory Service Bulletin A340–21–4152, Revision 02, dated March 29, 2012.

(2) For service information identified in this AD, 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; email *airworthiness.A330-A340@airbus.com;* Internet *http://www.airbus.com.* You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on October 30, 2012.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2012–27125 Filed 11–6–12; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2012–0942; Directorate Identifier 2012–NE–24–AD]

RIN 2120–AA64

Airworthiness Directives; Pratt & Whitney Canada Corp. Turboshaft Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain serial number Pratt & Whitney Canada Corp. (P&WC) PW206B, PW206B2, PW206C, PW207C, PW207D, PW207D1, PW207D2, and PW207E turboshaft engines. This proposed AD was prompted by the discovery that certain power turbine (PT) disks were made to specific heat codes that may not achieve the maximum in-service life. This proposed AD would require re-identification of the PT disk to a part number (P/N) with a lower life limit. We are proposing this AD to prevent possible uncontained PT disk failure and loss of helicopter control.

DATES: We must receive comments on this proposed AD by January 7, 2013.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
- *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:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* 202–493–2251.

For service information identified in this AD, contact Pratt & Whitney Canada Corp., 1000 Marie-Victorin, Longueuil, Quebec, Canada, J4G 1A1; phone 800–268–8000; fax 450–647–2888; Web site: *www.pwc.ca.* You may view the referenced service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

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 proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (phone: 800–647–5527) is the same as the Mail address provided in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: James Lawrence, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: 781–238–7176; fax: 781–238–7199; email: *james.lawrence@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2012–0942; Directorate Identifier 2012–NE–24–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on 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 with FAA personnel concerning this proposed AD. Using the search function of the Web site, anyone can find and read the comments in any of our dockets, including, if provided, the name of the individual who sent the comment (or signed the comment on behalf of an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

Discussion

Transport Canada, which is the aviation authority for Canada, has issued Canada AD CF–2012–23, dated July 26, 2012 (referred to hereinafter as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> Certain power turbine (PT) disks, part number (P/N) 3044188–01, made to specific heat codes may not achieve the established maximum in-service life when installed in Turbomachinery Assembly P/N 3058588. The PT disk in-service life for engines using this specific PT disk and compressor turbine (CT) vane combination is reduced when operated in a particular temperature and speed environment.

You may obtain further information by examining the MCAI in the AD docket.

Relevant Service Information

P&WC has issued Alert Service Bulletin No. PW200–72–A28311, Revision 2, dated July 24, 2012. P&WC has also issued Engine Maintenance Manual (EMM) Temporary Revisions AL–3, AL–4, AL -12, AL–13, AL–16, AL–18, AL–19, and AL–20, all dated June 5, 2012. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of Canada, and is approved for operation in the United States. Pursuant to our bilateral agreement with Canada, they have notified us of the unsafe condition described in the MCAI and service information referenced above. We are issuing this proposed AD because we evaluated all information provided by Canada and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

This proposed AD would require re-identification of the PT disk to a P/N with a lower life limit.

Differences Between This Proposed AD and the MCAI

The MCAI requires the re-identification or replacement of affected PT disks for engines with other than Turbomachinery Assembly P/N 3058588 installations. This proposed AD would not.

Costs of Compliance

We estimate that this proposed AD would affect about 83 engines installed on helicopters of U.S. registry. We also estimate that it would take about 4 hours per engine to comply with this proposed AD. The average labor rate is $85 per hour. Prorated parts life will cost about $8,900. Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $766,920.

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 proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would 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 proposed regulation:

1. Is not a ''significant regulatory action'' under Executive Order 12866;

2. Is not a ''significant rule'' under the 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.

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 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):

Pratt & Whitney Canada Corp. (Formerly Pratt & Whitney Canada Inc.): Docket No. FAA–2012–0942; Directorate Identifier 2012–NE–24–AD.

(a) Comments Due Date

We must receive comments by January 7, 2013.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Pratt & Whitney Canada Corp. (P&WC) model PW206B, PW206B2, PW206C, PW207C, PW207D, PW207D1, PW207D2, and PW207E turboshaft engines.

(d) Reason

This AD was prompted by certain power turbine (PT) disks, part number (P/N) 3044188–01, made to specific heat codes that may not achieve the established maximum in-service life when installed in Turbomachinery Assembly P/N 3058588. The PT disk in-service life for engines using this specific PT disk and compressor turbine vane combination is reduced when operated in a particular temperature and speed environment. We are issuing this AD to prevent possible uncontained PT disk failure and loss of helicopter control.

(e) Actions and Compliance

Unless already done, do the following actions.

(f) Affected PT Disks Installed With Turbomachinery Assembly P/N 3058588 Installation

(1) For any PT disk P/N 3044188–01 that is listed by serial number (S/N) in Table 1 of P&WC Alert Service Bulletin (ASB) No. PW200–72–A28311, Revision 2, dated July 24, 2012, and, that is installed or that had previously been installed with Turbomachinery Assembly P/N 3058588 installation, do the following:

(i) Remove the PT disk P/N 3044188–01 from service before it reaches 10,000 cycles-since-new (CSN).

(ii) Re-identify the PT disk to P/N 3072542–01, at the next engine shop visit, not to exceed 10,000 CSN on the PT disk, before reinstalling it in any engine. Use paragraphs 3.B.(1) through 3.B.(1)(b)*4* of the Accomplishment Instructions of P&WC ASB No. PW200–72–A28311, Revision 2, dated July 24, 2012, to do the re-identification.

(iii) After re-identification of the PT disk to P/N 3072542–01, retain the total cycles accumulated as P/N 3044188–01. The cycles remaining on the re-identified P/N 3072542–01 PT disk must be calculated using the difference between the published life limit of P/N 3072542–01 and the total number of cycles accumulated as P/N 3044188–01. The maximum in-service life of PT disk P/N 3072542–01 is 10,000 CSN.

(2) After the effective date of this AD, do not install any PT disk P/N 3044188–01 that is listed in Table 1 of P&WC ASB No. PW200–72–A28311, Revision 2, dated July 24, 2012, in any engine with Turbomachinery Assembly P/N 3058588 installation, unless the PT disk has been re-identified to P/N 3072542–01. Use paragraphs 3.B.(1) through 3.B.(1)(b)*4* of the Accomplishment Instructions of P&WC ASB No. PW200–72–A28311, Revision 2, dated July 24, 2012, to do the PT disk re-identification.

(g) Credit for Actions Accomplished in Accordance With Previous Service Information

You may take credit for the re-identification of the PT disk that is required by this AD if you performed the re-identification before the effective date of this AD using P&WC ASB No. PW200–72–A28311, dated March 1, 2012, or P&WC ASB No. PW200–72–A28311, Revision 1, dated March 22, 2012.

(h) Alternative Methods of Compliance (AMOCs)

The Manager, Engine Certification Office, may approve AMOCs for this AD. Use the procedures found in 14 CFR 39.19 to make your request.

(i) Related Information

(1) For more information about this AD, contact James Lawrence, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: 781–238–7176; fax: 781–238–7199; email: *james.lawrence@faa.gov.*

(2) Refer to Transport Canada AD CF–2012–23, dated July 26, 2012, and P&WC Alert Service Bulletin No. PW200–72–A28311, Revision 2, dated July 24, 2012, for related information.

(3) The Engine Maintenance Manual (EMM) Temporary Revisions (TRs) listed in Table 1 to paragraph (i)(3) pertain to the subject of this AD.

TABLE 1 TO PARAGRAPH (i)(3)—EMM TRS

EMM P/Ns:	TR Nos.:
3071602	AL–3, AL–4.
3043612	AL–12, AL–13.
3043322	AL–16.
3039732	AL–18, AL–19.
3038324	AL–20.

(4) For service information identified in this AD, contact Pratt & Whitney Canada Corp., 1000 Marie-Victorin, Longueuil, Quebec, Canada, J4G 1A1; phone: 800–268–8000; fax: 450–647–2888; Web site: *www.pwc.ca.* You may view the referenced service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

Issued in Burlington, Massachusetts, on October 29, 2012.

Colleen M. D'Alessandro,

Assistant Manager, Engine & Propeller Directorate, Aircraft Certification Service.

[FR Doc. 2012–27169 Filed 11–6–12; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2012–1006; Directorate Identifier 2012–NE–28–AD]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce Deutschland Ltd & Co KG Turbojet Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain Rolls-Royce Deutschland Ltd & Co KG (RRD) Spey 511–8 turbojet engines. This proposed AD was prompted by a recent quality review determination that bolts with reduced material properties may have been installed in some engines. This proposed AD would require inspection and replacement if necessary, of affected bolts, and if any bolt is found broken, inspection of the adjacent disc(s) for damage. We are proposing this AD to prevent uncontained turbine disc fracture and damage to the airplane.

DATES: We must receive comments on this proposed AD by January 7, 2013.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
- *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:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* 202–493–2251.

For service information identified in this proposed AD, contact Rolls-Royce Deutschland Ltd & Co KG, Eschenweg 11, Dahlewitz, 15827 Blankenfelde-Mahlow, Germany; telephone: 49 0 33–7086–1883; fax: 49 0 33–7086–3276. You may view the referenced service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

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 proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (phone: 800–647–5527) is the same as the Mail address provided in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Frederick Zink, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: 781–238–7779; fax: 781–238–7199; email: *frederick.zink@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2012–1006; Directorate Identifier 2012–NE–28–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on 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 with FAA personnel concerning this proposed AD. Using the search function of the Web site, anyone can find and read the comments in any of our dockets, including, if provided, the name of the individual who sent the comment (or signed the comment on behalf of an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA AD 2012–0158, dated August 22, 2012 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> The results of a recent quality review of low pressure turbine (LPT) support assembly, high pressure turbine (HPT) bearing support assembly and HPT air seal sleeve bolts identified that, before installation, those bolts are not subjected to a complete quality inspection. As a consequence, bolts with reduced material properties may have been installed in some engines.
>
> This condition, if not detected and corrected, could lead to failure of a bolt, potentially causing turbine disc fracture and release of high-energy debris, possibly resulting in damage to the aeroplane and/or injury to the occupants.

You may obtain further information by examining the MCAI in the AD docket.

Relevant Service Information

RRD has issued Alert Service Bulletin No. Sp72–A1068, Revision 1, dated June 11, 2012. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of This Proposed AD

This product has been approved by EASA, and is approved for operation in the United States. Pursuant to our bilateral agreement with the European Community, EASA has notified us of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all information provided by EASA and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design. This proposed AD would require inspection and replacement if necessary, of affected bolts, and if any bolt is found broken, inspection of the adjacent disc(s) for damage.

Costs of Compliance

We estimate that this proposed AD would affect about six engines installed on airplanes of U.S. registry. We also estimate that it would take about 2 hours per engine to comply with this proposed AD. The average labor rate is $85 per hour. Required parts would cost about $860 per engine. Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $6,180.

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 proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would 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 proposed regulation:

1. Is not a ''significant regulatory action'' under Executive Order 12866;

2. Is not a ''significant rule'' under the 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 proposed AD and placed it in the AD docket.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 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:

Rolls-Royce Deutschland Ltd & Co KG (Formerly Rolls-Royce Deutschland GmbH, Formerly Rolls-Royce plc): Docket No. FAA–2012–1006; Directorate Identifier 2012–NE–28–AD.

(a) Comments Due Date

We must receive comments by January 7, 2013.

(b) Affected Airworthiness Directives (ADs)

None.

(c) Applicability

This AD applies to Rolls-Royce Deutschland Ltd & Co KG (RRD) Spey 511–8 turbojet engines, serial numbers 8847, 8853, 8879, 8989, 8994, and 9817, with a date of the last shop visit before November 15, 2007.

(d) Reason

This AD was prompted by a recent quality review determination that bolts with reduced material properties may have been installed in some engines. We are issuing this AD to prevent uncontained turbine disc fracture and damage to the airplane.

(e) Actions and Compliance

Unless already done, do the following actions for engines with a date of the last shop visit before November 15, 2007:

(1) Within 4,500 engine cycles accumulated since that last engine shop visit, inspect the bolts installed in the low-pressure turbine (LPT) support assembly, high-pressure turbine (HPT) bearing support assembly, and HPT air seal sleeve.

(2) If engine cycles accumulated since the last engine shop visit is more than 4,400 cycles on the effective date of this AD, inspect the bolts installed in the LPT support assembly, HPT bearing support assembly, and HPT air seal sleeve within 100 engine cycles.

(3) If any broken bolt, brown bolt, or bolt with a rough oxidized surface is identified, replace all bolts with new bolts before further flight.

(4) If any bolt is found broken in the LPT support assembly, inspect the LPT stage 2 disc for damage before further flight.

(5) If any bolt is found broken in the HPT shaft air seal sleeve, inspect the HPT stage 1 disc for damage before further flight.

(6) Within 30 days after the inspection, report the inspection findings to RRD service engineering. Guidance on reporting can be found in RRD Alert Service Bulletin No. Sp72–A1068, Revision 1, dated June 11, 2012.

(f) Installation Prohibition

After the effective date of this AD, do not install any LPT support assembly, HPT bearing support assembly, or HPT air seal sleeve into any engine, or any engine onto an airplane, unless the bolts have been inspected and replaced if necessary, and the LPT stage 2 disc and HPT stage 1 disc have been inspected if necessary, as specified in paragraph (e) of this AD.

(g) Definition

For the purpose of this AD, a shop visit is when the engine is inducted into the shop for any maintenance involving the separation of pairs of major mating engine flanges (lettered flanges). However, the separation of engine flanges solely for the purposes of transporting the engine without subsequent engine maintenance is not an engine shop visit.

(h) Paperwork Reduction Act Burden Statement

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.

(i) Alternative Methods of Compliance (AMOCs)

The Manager, Engine Certification Office, FAA, may approve AMOCs to this AD. Use the procedures found in 14 CFR 39.19 to make your request.

(j) Related Information

(1) For more information about this AD, contact Frederick Zink, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: 781–238–7779; fax: 781–238–7199; email: *frederick.zink@faa.gov*.

(2) Refer to European Aviation Safety Agency AD 2012–0158, dated August 22, 2012, and RRD Alert Service Bulletin Sp72–A1068, for related information.

(3) For service information identified in this AD, contact Rolls-Royce Deutschland Ltd & Co KG, Eschenweg 11, Dahlewitz, 15827 Blankenfelde-Mahlow, Germany; telephone: 49 0 33–7086–1883; fax: 49 0 33–7086–3276. You may view the referenced service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

(k) Material Incorporated by Reference

None.

Issued in Burlington, Massachusetts, on October 26, 2012.

Colleen M. D'Alessandro,

Assistant Manager, Engine & Propeller Directorate, Aircraft Certification Service.

[FR Doc. 2012–27170 Filed 11–6–12; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2012–1100; Directorate Identifier 2012–NE–29–AD]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce Deutschland Ltd & Co KG Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain Rolls-Royce Deutschland Ltd & Co KG (RRD) BR700–710 series turbofan engines. This proposed AD was prompted by service experience that demonstrated premature wear of the splined coupling on the fuel pump. This proposed AD would require replacement of the affected fuel pump splined couplings. We are proposing this AD to prevent failure of the engine and loss of the airplane.

DATES: We must receive comments on this proposed AD by January 7, 2013.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
- *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:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* (202) 493–2251.

For service information identified in this proposed AD, contact Rolls-Royce Deutschland Ltd & Co KG, Eschenweg 11, Dahlewitz, 15827 Blankenfelde-Mahlow, Germany; telephone: 49 0 33–7086–1883; fax: 49 0 33–7086–3276. You may review copies of the referenced service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

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 proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (phone: (800) 647–5527) is the same as the Mail address provided in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Frederick Zink, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; email: *frederick.zink@faa.gov;* phone: 781–238–7779; fax: 781–238–7199.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2012–1100; Directorate Identifier 2012–NE–29–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on 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 with FAA personnel concerning this proposed AD. Using the search function of the Web site, anyone can find and read the comments in any of our dockets, including, if provided, the name of the individual who sent the comment (or signed the comment on behalf of an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive No. 2012–0161, dated August 24, 2012 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> In-service experience of RRD BR700–710 fuel pump installed on the rear face of the accessory gearbox identified premature wear of the splined coupling, which caused damage to the splined coupling. This condition, if not corrected, could lead to failure of engine fuel supply, likely resulting in an uncommanded in-flight shutdown and consequently reduced control of the aeroplane.

You may obtain further information by examining the MCAI in the AD docket.

Relevant Service Information

RRD has issued Alert Non-Modification Service Bulletin SB–BR700–72–A900509, Revision 3, dated August 2, 2012. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of This Proposed AD

This product has been approved by EASA and is approved for operation in the United States. Pursuant to our bilateral agreement with the European Community, EASA has notified us of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all information provided by EASA and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

Costs of Compliance

We estimate that this proposed AD would affect about 1,040 engines installed on airplanes of U.S. registry. We also estimate that it would take about 6 work-hours per engine to comply with this proposed AD. The average labor rate is $85 per work-hour. Required parts would cost about $1,035 per engine. Based on these figures, we estimate the cost of this proposed AD to U.S. operators to be $1,606,800.

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 proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would 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 proposed regulation:

1. Is not a ''significant regulatory action'' under Executive Order 12866;

2. Is not a ''significant rule'' under the 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 proposed AD and placed it in the AD docket.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 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:

Rolls-Royce Deutschland Ltd & Co KG (Formerly Rolls-Royce Deutschland GmbH, and BMW Rolls-Royce plc): Docket No. FAA–2012–1100; Directorate Identifier 2012–NE–29–AD.

(a) Comments Due Date

We must receive comments by January 7, 2013.

(b) Affected Airworthiness Directives (ADs)

None.

(c) Applicability

This AD applies to Rolls-Royce Deutschland Ltd & Co KG (RRD) BR700–710A1–10 and BR700–710A2–20 turbofan engines, all serial numbers, and BR700–710C4–11 turbofan engines that have either of the following hardware configuration standards engraved on the engine data plate:

(1) standard 710C4–11, RRD Alert Non-Modification Service Bulletin (NMSB) SB–BR700–72–101466 standard not incorporated, or

(2) standard 710C4–11/10, RRD Alert NMSB SB–BR700–72–101466 standard incorporated.

(d) Reason

This AD was prompted by service experience that demonstrated premature wear of the splined coupling on the fuel pump. We are issuing this AD to prevent failure of the engine and loss of the airplane.

(e) Actions and Compliance

Unless already done, do the following.

(1) After the effective date of this AD, replace the fuel pump splined coupling as follows and every 4,000 hours time in service (TIS) thereafter:

(i) If the engine has 3,750 hours TIS or more, within 250 hours TIS.

(ii) If the engine has less than 3,750 hours TIS, before reaching 4,000 hours TIS.

(2) If you replaced the engine fuel pump splined coupling before the effective date of this AD, replace the fuel pump splined coupling before reaching 4,000 hours TIS since last replacement, or before further flight, whichever comes later.

(f) Installation Prohibition

After the effective date of this AD, do not approve for return to service any engine with a fuel pump with an affected splined coupling that has accumulated 4,000 hours TIS, or any airplane with an engine with an affected fuel pump splined coupling installed that has accumulated 4,000 hours TIS.

(g) Alternative Methods of Compliance (AMOCs)

The Manager, Engine Certification Office, FAA, may approve AMOCs to this AD. Use the procedures found in 14 CFR 39.19 to make your request.

(h) Related Information

(1) For more information about this AD, contact Frederick Zink, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; email: *frederick.zink@faa.gov*; phone: 781–238–7779; fax: 781–238–7199.

(2) Refer to MCAI Airworthiness Directive No. 2012–0161, dated August 24, 2012, and RRD Alert NMSB SB–BR700–72–A900509, Revision 3, dated August 2, 2012, for related information.

(3) For service information identified in this AD, contact Rolls-Royce Deutschland Ltd & Co KG, Eschenweg 11, Dahlewitz, 15827 Blankenfelde-Mahlow, Germany; telephone: 49 0 33–7086–1883; fax: 49 0 33–7086–3276. You may review copies of the referenced service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

Issued in Burlington, Massachusetts, on October 26, 2012.

Colleen M. D'Alessandro,

Assistant Manager, Engine & Propeller Directorate, Aircraft Certification Service.

[FR Doc. 2012–27108 Filed 11–6–12; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2012–1158; Directorate Identifier 2011–NM–232–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede an existing airworthiness directive (AD) that applies to all Airbus Model A300 and A310 series airplanes; and Model A300 B4–600, B4–600R, and F4–600R series airplanes, and Model A300 C4–605R Variant F airplanes (collectively called A300–600 series airplanes). The existing AD currently requires revising the Airworthiness Limitations section of the Instructions for Continued Airworthiness to incorporate new and revised structural inspections and inspection intervals. Since we issued that AD, Airbus has revised certain ALI documents, which require more restrictive maintenance requirements and airworthiness limitations. This proposed AD would revise the maintenance program to incorporate the limitations section. We are proposing this AD to prevent fatigue cracking, damage, or corrosion in principal structural elements, which could result in reduced structural integrity of the airplane.

DATES: We must receive comments on this proposed AD by December 24, 2012.

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, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, 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; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.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 Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations 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: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone (425) 227–2125; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2012–1158; Directorate Identifier 2011–NM–232–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on 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 proposed AD.

Discussion

On May 2, 2011, we issued AD 2011–10–17, Amendment 39–16698 (76 FR 27875, May 13, 2011). That AD required actions intended to address an unsafe condition on the products listed above.

Since we issued AD 2011–10–17, Amendment 39–16698 (76 FR 27875, May 13, 2011), Airbus has revised certain ALI documents, which require more restrictive maintenance requirements and airworthiness limitations. The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2011–0198, dated October 19, 2011 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> The airworthiness limitations applicable to the Damage Tolerant Airworthiness Limitation Items (DT ALIs) are currently listed in Airbus ALI Documents, which are referenced in the A300, A310 and A300–600 Airworthiness Limitations Section (ALS) Part 2.
>
> Airbus have recently revised the A300–600 and A310 ALI Documents, and these issues have been approved by EASA. The Airbus A300–600 ALI Document issue 13 and temporary revision (TR) 13.1 and the A310 ALI document issue 08 introduce more restrictive maintenance requirements and airworthiness limitations, which have been identified as mandatory actions for continued airworthiness.
>
> EASA AD 2009–0155 [which corresponds to FAA AD 2011–10–17, Amendment 39–16698 (76 FR 27875, May 13, 2011)] required compliance with the maintenance requirements and associated airworthiness limitations defined in the following documents:
>
> —AIRBUS A300 ALI Document issue 04,
>
> —AIRBUS A310 ALI Document issue 07, and
>
> —AIRBUS A300–600 ALI Document issue 12.
>
> For the reasons described, this EASA AD retains the requirements of EASA AD 2009–0155, which is superseded, and requires compliance with the airworthiness limitations defined in the Airbus A300–600 ALI Document issue 13 and TR13.1, and the A310 ALI document issue 08.

You may obtain further information by examining the MCAI in the AD docket.

Relevant Service Information

Airbus has issued the following service information. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

- Airbus A310 Airworthiness Limitation Items Document, AI/SE–M2/95A.1309/07, Issue 8, dated October 2010 (for Model A310–203, –204, –221, –222, –304, –322, –324, and –325 airplanes).
- Airbus A300–600 Airworthiness Limitation Items Document, AI/SE–M2/95A.1310/07, Issue 13, dated October 2010 (Model A300 B4–601, B4–603, B4–620, B4–622, B4–605R, B4–622R, F4–605R, F4–622R, and C4–605R Variant F airplanes).
- Airbus Temporary Revision 13.1, dated February 2011, to the Airbus A300–600 Airworthiness Limitation Items Document, AI/SE–M2/95A.1310/07, Issue 13, dated October 2010 (for Model A300 B4–601, B4–603, B4–620, B4–622, B4–605R, B4–622R, F4–605R, F4–622R, and C4–605R Variant F airplanes).

FAA's Determination and Requirements of This Proposed AD

These products have been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of these same type designs.

This proposed AD requires revisions to certain operator maintenance documents to include new actions (*e.g.,* inspections). Compliance with these actions is required by section 91.403(c) of the Federal Aviation Regulations (14 CFR 91.403(c)). For airplanes that have been previously modified, altered, or repaired in the areas addressed by these inspections, an operator might not be able to accomplish the actions described in the revisions. In this situation, to comply with 14 CFR 91.403(c), the operator must request approval of an alternative method of compliance (AMOC) in accordance with the provisions of paragraph (u)(1) of this proposed AD. The request should include a description of changes to the required actions that will ensure the continued damage tolerance of the affected structure.

Costs of Compliance

Based on the service information, we estimate that this proposed AD would affect about 170 products of U.S. registry.

The actions that are required by AD 2011–10–17, Amendment 39–16698 (76 FR 27875, May 13, 2011), and retained in this proposed AD take about 1 work-hour per product, at an average labor rate of $85 per work hour. Based on these figures, the estimated cost of the

currently required actions is $85 per product.

We estimate that it would take about 1 work-hour per product to comply with the new basic requirements of this proposed AD. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $14,450, or $85 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 proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would 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 proposed regulation:

1. Is not a ''significant regulatory action'' under Executive Order 12866;

2. Is not a ''significant rule'' under the 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.

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 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 removing airworthiness directive (AD) 2011–10–17, Amendment 39–16698 (76 FR 27875, May 13, 2011), and adding the following new AD:

Airbus: Docket No. FAA–2012–1158; Directorate Identifier 2011–NM–232–AD.

(a) Comments Due Date

We must receive comments by December 24, 2012.

(b) Affected ADs

This AD supersedes AD 2011–10–17, Amendment 39–16698 (76 FR 27875, May 13, 2011), which superseded AD 2007–04–11, Amendment 39–14943 (72 FR 8604, February 27, 2007); AD 2007–20–03, Amendment 39–15213 (72 FR 54536, September 26, 2007); and AD 2007–25–02, Amendment 39–15283 (72 FR 69612, December 10, 2007). AD 2007–04–11 superseded AD 96–13–11, Amendment 39–9679 (61 FR 35122, July 5, 1996).

(c) Applicability

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

(1) Model A300 B2–1A, B2–1C, B4–2C, B2K–3C, B4–103, B2–203, and B4–203 airplanes.

(2) Model A310–203, –204, –221, –222, –304, –322, –324, and –325 airplanes.

(3) Model A300 B4–601, B4–603, B4–620, B4–622, B4–605R, B4–622R, F4–605R, F4–622R, and C4–605R Variant F airplanes.

(d) Subject

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

(e) Reason

This AD was prompted by revisions of certain Airbus Airworthiness Limitation Items (ALI) documents, which require more restrictive maintenance requirements and airworthiness limitations. We are issuing this AD to prevent fatigue cracking, damage, or corrosion in principal structural elements, which could result in reduced structural integrity of the airplane.

(f) Compliance

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

(g) Retained Maintenance Program Revision

This paragraph restates the requirements of paragraph (g) of AD 2011–10–17, Amendment 39–16698 (76 FR 27875, May 13, 2011). Within one year after August 9, 1996 (the effective date of AD 96–13–11, Amendment 39–9679 (61 FR 35122, July 5, 1996)), replace the revision of the maintenance program with the inspections, inspection intervals, repairs, and replacements defined in Airbus Industrie A300 Supplemental Structural Inspection Document, Revision 2, dated June 1994. Accomplish the actions specified in the service bulletins identified in Section 6, ''SB Reference List,'' in Airbus Industrie A300 Supplemental Structural Inspection Document, Revision 2, dated June 1994, at the times specified in those service bulletins. The actions are to be accomplished in accordance with those service bulletins. Accomplishing the initial ALI tasks required by paragraph (r) of this AD terminates the actions required by this paragraph.

(1) For airplanes that have exceeded the threshold specified in any of the service bulletins identified in Section 6, ''SB Reference List,'' in Airbus Industrie A300 Supplemental Structural Inspection Document, Revision 2, dated June 1994: Accomplish the actions specified in those service bulletins within the grace period specified in those service bulletins. The grace period is to be measured from August 9, 1996 (the effective date of AD 96–13–11, Amendment 39–9679 (61 FR 35122, July 5, 1996)).

(2) For airplanes that have exceeded the threshold specified in any of the service bulletins identified in Section 6, ''SB Reference List,'' in Airbus Industrie A300 Supplemental Structural Inspection Document, Revision 2, dated June 1994, and a grace period is not specified in that service bulletin: Accomplish the actions specified in that service bulletin within 1,500 flight cycles after August 9, 1996 (the effective date of AD 96–13–11, Amendment 39–9679 (61 FR 35122, July 5, 1996)).

(h) Retained Revision of the Maintenance Inspection Program

This paragraph restates the requirements of paragraphs (h) and (i) of AD 2011–10–17, Amendment 39–16698 (76 FR 27875, May 13, 2011).

(1) For airplanes identified in paragraph (c)(1) of this AD: Within 12 months after April 3, 2007 (the effective date of AD 2007–04–11, Amendment 39–14943 (72 FR 8604, February 27, 2007), replace the revision of the maintenance program required by paragraph (g) of this AD with the supplemental structural inspections, inspection intervals, and repairs defined in Airbus A300 Airworthiness Limitation Items Document SEM2/95A.1090/05, Issue 3, dated September 2005, as revised by Airbus A300 Temporary Revision (TR) 3.1, dated April 2006. Accomplish the actions specified in

Airbus A300 Airworthiness Limitation Items Document SEM2/95A.1090/05, Issue 3, dated September 2005, as revised by Airbus A300 TR 3.1, dated April 2006, at the times specified in that ALI, except as provided by paragraph (h)(2) of this AD. The actions must be accomplished in accordance with Airbus A300 Airworthiness Limitation Items Document SEM2/95A.1090/05, Issue 3, dated September 2005, as revised by Airbus A300 TR 3.1, dated April 2006. Accomplishing the initial ALI tasks required by paragraph (r) of this AD terminates the actions required by this paragraph.

(2) For airplanes identified in paragraph (c)(1) of this AD that have exceeded the threshold or intervals specified in the Airbus A300 Airworthiness Limitation Items Document SEM2/95A.1090/05, Issue 3, dated September 2005, for the application tolerance on the first interval for new and revised requirements and have exceeded 50 percent of the intervals specified in sections D and E of Airbus A300 Airworthiness Limitation Items Document SEM2/95A.1090/05, Issue 3, dated September 2005: Do the actions within 6 months after April 3, 2007 (the effective date of AD 2007–04–11, Amendment 39–14943 (72 FR 8604, February 27, 2007)).

(i) Retained Corrective Actions

This paragraph restates the requirements of paragraph (j) of AD 2011–10–17, Amendment 39–16698 (76 FR 27875, May 13, 2011). Damaged, cracked, or corroded structure detected during any inspection done in accordance with the Airbus A300 Airworthiness Limitation Items Document SEM2/95A.1090/05, Issue 3, dated September 2005, must be repaired, before further flight, in accordance with Airbus A300 Airworthiness Limitation Items Document SEM2/95A.1090/05, Issue 3, dated September 2005, as revised by Airbus A300 TR 3.1, dated April 2006, except as provided by paragraph (j) of this AD; or other data meeting the certification basis of the airplane which is approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or by the European Aviation Safety Agency (EASA) (or its delegated agent).

(j) Retained Exception

This paragraph restates the requirements of paragraph (k) of AD 2011–10–17, Amendment 39–16698 (76 FR 27875, May 13, 2011). Where the Airbus A300 Airworthiness Limitation Items Document SEM2/95A.1090/05, Issue 3, dated September 2005, specifies contacting Airbus for appropriate action: Before further flight, repair the damaged, cracked, or corroded structure using a method approved by either the Manager, International Branch, ANM–116; or the EASA (or its delegated agent).

(k) Retained No Fleet Sampling

This paragraph restates the requirements of paragraph (l) of AD 2011–10–17, Amendment 39–16698 (76 FR 27875, May 13, 2011). Although Airbus A300 Airworthiness Limitation Items Document SEM2/95A.1090/05, Issue 3, dated September 2005, specifies to do a ''Sampling Concept'' in section B, this AD prohibits the use of such a sampling program and requires all affected airplanes of the fleet to be inspected.

(l) Retained No Reporting

This paragraph restates the exception specified in paragraph (m) of AD 2011–10–17, Amendment 39–16698 (76 FR 27875, May 13, 2011). Although Airbus A300 Airworthiness Limitation Items Document SEM2/95A.1090/05, Issue 3, dated September 2005, specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(m) Retained Actions and Compliance

This paragraph restates the requirements of paragraph (n) of AD 2011–10–17, Amendment 39–16698 (76 FR 27875, May 13, 2011). For airplanes identified in paragraph (c)(3) of this AD: Within 3 months after October 31, 2007 (the effective date AD 2007–20–03, Amendment 39–15213 (72 FR 54536, September 26, 2007)), revise the Airworthiness Limitations Section (ALS) of the Instructions for Continued Airworthiness (ICA) to incorporate Airbus A300–600 Airworthiness Limitation Items Document AI/SE–M2/95A.0502/06, Issue 11, dated April 2006. The tolerance (grace period) for compliance (specified in paragraph 2 of Section B—Program Rules) with Airbus A300–600 Airworthiness Limitation Items Document AI/SE–M2/95A.0502/06, Issue 11, dated April 2006, is within 2,000 flight cycles after October 31, 2007 (the effective date AD 2007–20–03), provided that none of the following is exceeded. Accomplishing the initial ALI tasks required by paragraph (r) of this AD terminates the actions required by this paragraph.

(1) Thresholds or intervals in the operator's current approved maintenance schedule that are taken from a previous ALI issue, if existing, and are higher than or equal to those given in Airbus A300–600 Airworthiness Limitation Items Document AI/SE–M2/95A.0502/06, Issue 11, dated April 2006.

(2) 8 months after October 31, 2007 (the effective date AD 2007–20–03, Amendment 39–15213 (72 FR 54536, September 26, 2007)).

(3) 50 percent of the intervals given in Airbus A300–600 Airworthiness Limitation Items Document AI/SE–M2/95A.0502/06, Issue 11, dated April 2006.

(4) Any application tolerance given in the task description of Airbus A300–600 Airworthiness Limitation Items Document AI/SE–M2/95A.0502/06, Issue 11, dated April 2006.

(n) Retained Revision of the ALS of the ICA

This paragraph restates the requirements of paragraph (o) of AD 2011–10–17, Amendment 39–16698 (76 FR 27875, May 13, 2011). For airplanes identified in paragraph (c)(2) of this AD: Within 3 months after January 14, 2008 (the effective date of AD 2007–25–02, Amendment 39–15283 (72 FR 69612, December 10, 2007)), do the actions specified in paragraphs (n)(1) and (n)(2) of this AD. Accomplishing the initial ALI tasks required by paragraph (r) of this AD terminates the actions required by this paragraph.

(1) Revise the ALS of the ICA to incorporate the structural inspections and inspection intervals defined in Airbus A310 Airworthiness Limitations Items Document, AI/SE–M2/95A.0263/06, Issue 6, dated April 2006 (approved by the EASA on May 31, 2006). Accomplish the actions specified in Airbus A310 Airworthiness Limitations Items Document, AI/SE–M2/95A.0263/06, Issue 6, dated April 2006, at the times specified in Airbus A310 Airworthiness Limitations Items Document, AI/SE–M2/95A.0263/06, Issue 6, dated April 2006, except as provided by paragraph (o) of this AD. Thereafter, except as provided by paragraphs (n)(2) and (s) of this AD, no alternative structural inspection intervals may be approved. The actions specified in Airbus A310 Airworthiness Limitations Items Document, AI/SE–M2/95A.0263/06, Issue 6, dated April 2006, must be accomplished in accordance with Airbus A310 Airworthiness Limitations Items Document, AI/SE–M2/95A.0263/06, Issue 6, dated April 2006.

(2) Revise the ALS of the ICA to incorporate the new and revised structural inspections and inspection intervals defined in Airbus TR 6.1, dated November 2006 (approved by the EASA on December 12, 2006), to Airbus A310 Airworthiness Limitations Items Document, AI/SE–M2/95A.0263/06, Issue 6, dated April 2006. Thereafter, except as provided by paragraph (s) of this AD, no alternative structural inspection intervals may be approved.

(o) Retained Exception to Issue 6 of the A310 ALI Document

This paragraph restates the requirements of paragraph (p) of AD 2011–10–17, Amendment 39–16698 (76 FR 27875, May 13, 2011). The tolerance (grace period) for compliance with Airbus A310 Airworthiness Limitations Items Document, AI/SE–M2/95A.0263/06, Issue 6, dated April 2006, is within 1,500 flight cycles after January 14, 2008 (the effective date of AD 2007–25–02, Amendment 39–15283 (72 FR 69612, December 10, 2007)), provided that none of the following is exceeded.

(1) Thresholds or intervals in the operator's current approved maintenance schedule that are taken from a previous ALI issue, if existing, and are higher than or equal to those given in Airbus A310 Airworthiness Limitations Items Document, AI/SE–M2/95A.0263/06, Issue 6, dated April 2006.

(2) 18 months after January 14, 2008 (the effective date of AD 2007–25–02, Amendment 39–15283 (72 FR 69612, December 10, 2007)).

(3) 50 percent of the intervals given in Airbus A310 Airworthiness Limitations Items Document, AI/SE–M2/95A.0263/06, Issue 6, dated April 2006.

(4) Any application tolerance specified in Section D of Airbus A310 Airworthiness Limitations Items Document, AI/SE–M2/95A.0263/06, Issue 6, dated April 2006.

(p) Retained Corrective Actions

This paragraph restates certain requirements of paragraph (q) of AD 2011–10–17, Amendment 39–16698 (76 FR 27875, May 13, 2011). Damaged, cracked, or corroded structure detected during any inspection done in accordance with Airbus A310 Airworthiness Limitations Items

Document, AI/SE–M2/95A.0263/06, Issue 6, dated April 2006, must be repaired, before further flight, in accordance with Airbus A310 Airworthiness Limitations Items Document, AI/SE–M2/95A.0263/06, Issue 6, dated April 2006; or in accordance with other data meeting the certification basis of the airplane that has been approved by either the Manager, International Branch, ANM–116, or the EASA (or its delegated agent). Where Airbus A310 Airworthiness Limitations Items Document, AI/SE–M2/95A.0263/06, Issue 6, dated April 2006, specifies to contact Airbus for appropriate action: Before further flight, repair the damaged, cracked, or corroded structure using a method approved by either the Manager, International Branch, ANM–116; or the EASA (or its delegated agent).

(q) Retained Reporting Requirement

This paragraph restates the requirements of paragraph (r) of AD 2011–10–17, Amendment 39–16698 (76 FR 27875, May 13, 2011). If any damage that exceeds the allowable limits specified in Airbus A310 Airworthiness Limitations Items Document, AI/SE–M2/95A.0263/06, Issue 6, dated April 2006, is detected during any inspection required by this AD: At the applicable time specified in paragraph (q)(1) or (q)(2) of this AD, submit a report of the finding to Airbus, Customer Service Directorate, Attn: Department Manager Maintenance Engineering, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; email: *sched.maint@airbus.com.* The report must include the ALI task reference, airplane serial number, the number of flight cycles and flight hours on the airplane, identification of the affected structure, location and description of the finding including its size and orientation, and the circumstance of detection and inspection method used.

(1) If the inspection was done after January 14, 2008 (the effective date of AD 2007–25–02, Amendment 39–15283 (72 FR 69612, December 10, 2007)): Submit the report within 30 days after the inspection.

(2) If the inspection was accomplished prior to January 14, 2008 (the effective date of AD 2007–25–02, Amendment 39–15283 (72 FR 69612, December 10, 2007)): Submit the report within 30 days after January 14, 2008 (the effective date of AD 2007–25–02).

(r) Retained Revision of the ALS of the ICA

This paragraph restates the requirements of paragraph (s) of AD 2011–10–17, Amendment 39–16698 (76 FR 27875, May 13, 2011). Within 3 months after June 17, 2011 (the effective date of AD 2011–10–17): Revise the maintenance program to incorporate the structural inspections and inspection intervals defined in the applicable ALI document listed in table 1 to paragraph (r) of this AD. Thereafter, except as provided by paragraphs (u) and (s) of this AD, no alternative structural inspections and inspection intervals may be approved. The actions must be accomplished in accordance with the applicable issue of the ALI. The initial ALI tasks must be done at the times specified in the applicable ALI document listed in table 1 to paragraph (r) of this AD. Accomplishing the applicable initial ALI tasks constitutes terminating action for the requirements of paragraphs (g) through (q) of this AD for that airplane only. Doing the actions required by paragraph (s) of this AD terminates the requirements of this paragraph.

TABLE 1 TO PARAGRAPH (R) OF THIS AD—AIRWORTHINESS LIMITATIONS ITEMS DOCUMENT

Model	Document	Issue	Date
A300	Airbus A300 Airworthiness Limitation Items Document AI/SE–M2/95A.1308/07	4	June 2008.
A310	Airbus A310 Airworthiness Limitation Items Document AI/SE-M2/95A.1309/07	7	June 2008.
A300–600	Airbus A300–600 Airworthiness Limitation Items Document AI/SE-M2/95A.1310/07.	12	June 2008.

(s) New Maintenance Program Revision

Within 3 months after the effective date of this AD, do the applicable revision specified in paragraph (s)(1) or (s)(2) of this AD. The initial compliance times for the actions specified in the documents specified in paragraphs (s)(3), (s)(4), and (s)(5) of this AD are at the applicable compliance time specified in the document specified in paragraphs (s)(3), (s)(4), and (s)(5) of this AD, or within 3 months after the effective date of this AD, whichever occurs later; except for actions identified in both documents for the Model A300–600 series airplanes, use the applicable compliance time specified in Airbus TR 13.1, dated February 2011, to the Airbus A300–600 Airworthiness Limitation Items Document AI/SE–M2/95A.1310/07, Issue 13, dated October 2010. Accomplishing the applicable initial actions constitutes terminating action for the requirements of paragraph (r) of this AD for that airplane only.

(1) For Model A310 series airplanes: Within 3 months after the effective date of this AD, revise the maintenance program to incorporate the actions (*e.g.,* modifications and structural inspections) and compliance times defined in Airbus A310 Airworthiness Limitation Items Document AI/SE–M2/95A.1309/07, Issue 8, dated October 2010.

(2) For Model A300–600 series airplanes: Within 3 months after the effective date of this AD, revise the maintenance program to incorporate the structural inspections and inspection intervals defined in Airbus A300–600 Airworthiness Limitation Items Document AI/SE–M2/95A.1310/07, Issue 13.1, dated February 2011.

(3) For Model A310 series airplanes: Airbus A310 Airworthiness Limitation Items Document AI/SE–M2/95A.1309/07, Issue 8, dated October 2010.

(4) For Model A300–600 series airplanes: Airbus A300–600 Airworthiness Limitation Items Document AI/SE–M2/95A.1310/07, Issue 13, dated October 2010.

(5) TR 13.1, dated February 2011, to the Airbus A300–600 Airworthiness Limitation Items Document AI/SE–M2/95A.1310/07, Issue 13, dated October 2010.

(t) New Alternative Inspections and Inspection Intervals Limitation

After accomplishing the revision required by paragraph (s) of this AD, no alternative actions (*e.g.,* inspections) or intervals may be used unless the actions or intervals are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (u) of this AD.

(u) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) Alternative Methods of Compliance (AMOCs): The Manager, International Branch, ANM–116, 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 International Branch, send it to ATTN: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone (425) 227–2125; fax (425) 227–1149. Information may be emailed to: 9–ANM–116–AMOC–REQUESTS@faa.gov. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

(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.

(v) Related Information

Refer to MCAI EASA Airworthiness Directive 2011–0198, dated October 19, 2011, and the service information specified in paragraphs (v)(1) through (v)(12) of this AD, for related information.

(1) Airbus A300 Airworthiness Limitation Items Document AI/SE–M2/95A.1308/07, Issue 4, dated June 2008.

(2) Airbus A300 Airworthiness Limitation Items Document SEM2/95A.1090/05, Revision 3, dated September 2005.

(3) Airbus A300–600 Airworthiness Limitation Items Document AI/SE–M2/95A.0502/06, Revision 11, dated April 2006.

(4) Airbus A300–600 Airworthiness Limitation Items Document AI/SE–M2/95A.1310/07, Issue 13, dated October 2010.

(5) Airbus A300–600 Airworthiness Limitation Items Document AI/SE–M2/95A.1310/07, Revision 12, dated June 2008.

(6) Airbus A310 Airworthiness Limitation Items Document AI/SE–M2/95A.1309/07, Issue 8, dated October 2010.

(7) Airbus A310 Airworthiness Limitation Items Document AI/SE–M2/95A.1309/07, Revision 7, dated June 2008.

(8) Airbus A310 Airworthiness Limitations Items Document AI/SE–M2/95A.0263/06, Revision 6, dated April 2006.

(9) Airbus Industrie A300 Structural Inspection Document, Revision 2, dated June 1994.

(10) Airbus Temporary Revision 13.1, dated February 2011, to Airbus A300–600 Airworthiness Limitation Items Document AI/SE–M2/95A.1310/07, Revision 13, dated October 2010.

(11) Airbus Temporary Revision 3.1, dated April 2006, including attachment, dated April 2006, and including attachments dated September 2005, to Airbus A300 Airworthiness Limitation Items, Document SEM2/95A.1090/05, Issue 3, dated September 2005.

(12) Airbus Temporary Revision 6.1, including pages 1 and 2 of Section D and page 1 of Section E, dated November 2006, to Airbus A310 Airworthiness Limitations Items Document, AI/SE–M2/95A.0263/06, Issue 6, dated April 2006.

Issued in Renton, Washington, on October 30, 2012.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2012–27126 Filed 11–6–12; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Parts 764 and 766

[Docket No. 120207107–2565–01]

RIN 0694–AF59

Time Limit for Completion of Voluntary Self-Disclosures and Revised Notice of the Institution of Administrative Enforcement Proceedings

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Proposed rule.

SUMMARY: This proposed rule would require that the final, comprehensive narrative account required in voluntary self-disclosures (VSDs) of violations of the Export Administration Regulations (EAR) be submitted to the Office of Export Enforcement within 180 days of the initial VSD notification. This proposed rule also would authorize the use of delivery services other than registered or certified mail for providing notice of the issuance of a charging letter instituting an administrative enforcement proceeding under the EAR. It also would remove the phrase ''if delivery is refused'' from a provision relating to determining the date of service of notice of a charging letter's issuance based on an attempted delivery to the respondent's last known address. The Bureau of Industry and Security is proposing these changes to be better able to resolve administrative enforcement proceedings in a timely manner and provide more efficient notice of administrative charging letters.

DATES: Comments must be received no later than January 7, 2013.

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

- Federal eRulemaking Portal: *http://www.regulations.gov.* The identification number for this rulemaking is BIS–2012–0043.
- By email directly to *publiccomments@bis.doc.gov.* Include RIN 0694–AF59 in the subject line.
- By mail or delivery to Regulatory Policy Division, Bureau of Industry and Security, U.S. Department of Commerce, Room 2099B, 14th Street and Pennsylvania Avenue NW., Washington, DC 20230. Refer to RIN 0694–AF59.

FOR FURTHER INFORMATION CONTACT: Special Agent Kirk Flashner, Office of Export Enforcement, Bureau of Industry and Security, U.S. Department of Commerce, Room H4514, 14th Street and Pennsylvania Avenue NW., Washington, DC 20230. Tel: (202) 482–1208. Facsimile: (202) 482–5889.

SUPPLEMENTARY INFORMATION:

Background

The Bureau of Industry and Security (BIS), Office of Export Enforcement (OEE), investigates possible violations of the Export Administration Regulations (EAR) and orders, licenses, and authorizations issued thereunder. These investigations may result in allegations of violations that may be settled, adjudicated in an administrative enforcement proceeding, or referred to the Department of Justice for possible criminal prosecution. This rule proposes three changes to the EAR. One change addresses voluntary self-disclosures in connection with OEE's conduct of investigations. The other two changes address service of notice in administrative enforcement proceedings.

Proposed Change Regarding Voluntary Self-Disclosures

Section 764.5 of the EAR provides a procedure whereby parties that believe that they may have committed a violation of the EAR can voluntarily disclose the facts of the potential violations to OEE. Such disclosures that meet the requirements of § 764.5 typically are afforded ''great weight'' by BIS, relative to other mitigating factors, in determining what administrative sanctions, if any, to seek. Section 764.5 requires an initial notification, which is to include a description of the general nature and extent of the suspected violations, and is followed at a later date by a thorough review and narrative account of the suspected violations, including all relevant supporting documentation. If the person making the initial notification subsequently completes the narrative account, the disclosure is deemed to have been submitted to OEE on the date of the initial notification. The date of the initial notification may be significant because information provided to OEE may only be considered a voluntary disclosure if the information ''is received by OEE for review prior to the time that OEE or another United States Government agency has learned of the same or substantially similar information from another source and has commenced an investigation or inquiry in connection with that information.'' 15 CFR 764.5(b)(3).

Currently, § 764.5 of the EAR does not include a specific time limit within which a narrative account must be submitted to OEE. Too often, initial notifications are not promptly followed by comprehensive narrative accounts, and as a result, OEE must maintain open files on voluntary disclosures for extended periods of time without making sufficient progress towards resolving the matter disclosed. To address these situations and promote expeditious resolution of self-disclosed violations, BIS proposes to set a 180-day deadline for persons who have submitted an initial notification to complete and submit the final narrative report to OEE. The Director of OEE could extend this 180-day time deadline, at his or her discretion, if U.S. Government interests would be served by an extension or upon a showing by the party making the disclosure that more time is reasonably necessary to complete the narrative account. Some illustrative examples of circumstances that might warrant additional time include the following.

- Records or information from multiple entities and/or jurisdictions are

needed to complete the narrative account.

• Material changes occur in the business, such as a bankruptcy, large layoffs, or a corporate acquisition or restructuring, and present difficulties in gaining access to, or analysis of, information needed to complete the narrative account.

• A pending U.S. Government determination (such as a commodity jurisdiction determination or a classification request) is needed to complete the narrative account.

The Director of OEE may place conditions on his or her approval of an extension. For example, while BIS generally obtains an agreement to toll the statute of limitations at the time that an initial notification is filed, in response to a request for an extension of the 180-day deadline, the Director of OEE may require a tolling agreement, if one has not already been obtained, to cover any violations disclosed in the initial notification or discovered during the review conducted to prepare the narrative account. The Director of OEE also has discretion to require the disclosing person to undertake specific interim remedial compliance measures as a condition of granting an extension to the 180-day deadline.

Failure to meet either the 180-day deadline or an extended deadline granted by the Director of OEE would not be an additional violation of the EAR. However, that failure may reduce or eliminate the mitigating impact of the voluntary disclosure. The 180-day deadline serves as an incentive to the disclosing party, as meeting the deadline will allow information contained in the narrative account to be credited by OEE as having been voluntarily disclosed on the date of the initial notification, even if the information was not explicitly described in that initial notification. This new rule is consistent with the notion of an initial notification, which rewards promptness and which acknowledges that a disclosing party might not be able to identify all of the possible violations of the EAR at the time an initial notification was made.

Imposing a deadline to complete voluntary disclosures is consistent with the practices of other agencies. The International Traffic in Arms Regulations imposes a 60-day deadline (22 CFR 127.12(c)). Similarly, the Department of the Treasury's Office of Foreign Assets Control also imposes time constraints by requiring that disclosures be made within a reasonable time following the initial notification. Based on its experience with voluntary self-disclosures, BIS believes that 180 days is ample time to complete the narrative account in most instances and that requests for extensions will normally not be necessary or justified.

Proposed Changes Regarding Providing Notice of the Institution of Administrative Enforcement Proceedings

Section 766.3 of the EAR sets forth the procedures for instituting administrative enforcement proceedings. Those procedures include issuing a charging letter, which constitutes the formal administrative complaint. The charging letter sets forth the essential facts about the alleged violations and certain other information about the case, and informs the respondent that failure to answer the charges will be treated as a default. Respondents must be notified of the issuance of a charging letter by one of the methods listed in § 766.3(b) of EAR. One allowable method is mailing a copy of the letter by registered or certified mail to the respondent's last known address. BIS proposes to add as an authorized method of notification, sending a copy of the charging letter to the respondent's last known address by express mail or by a commercial courier or delivery service. BIS is proposing to make this change to facilitate the process of notifying the respondent in cases where the respondent's last known address is in a country with a postal service that is inefficient or unreliable or in which postal delivery tracking information is not available. It will also allow BIS to select an efficient and effective method of notifying the respondent of the issuance of the charging letter. Moreover, unlike registered and certified mail, reputable commercial courier or delivery services and the U.S. Postal Service's express mail use point-by-point tracking or similar electronic tracking methods to provide detailed records of a parcel's delivery or attempted delivery. The use of services that provide detailed tracking information for parcels sent outside the United States will enable BIS to track and monitor the delivery status of pending notifications more efficiently and effectively.

Respondents are required to answer a charging letter within 30 days of being served with notice of its issuance. Currently the date of service of notice is determined under § 766.3(c) by the date of delivery, or of attempted delivery if delivery is refused. BIS proposes to remove the phrase ''if delivery is refused'' from § 766.3(c) of the EAR. This proposed rule eliminates the requirement that an attempted delivery must involve documentation that the delivery was ''refused.'' The phrase ''is refused'' focuses on registered and certified mail, which include a postcard-sized hard-copy receipt that is returned to the sender after delivery or attempted delivery. This proposed rule provides for the use of reliable mail or delivery services that do not use such a hard-copy return receipt system and can efficiently and effectively track deliveries and attempted deliveries. In addition, BIS has found that in some instances foreign postal services do not return the receipt even though the parcel or package has been not been returned, including in situations where the respondent subsequently contacts BIS about the charging letter. Moreover, some foreign postal services do not list ''refused'' as an option on a pre-printed return receipt or do not record other information when the package containing the charging letter is returned, including in situations when the package has been returned opened. This proposed change to § 766.3(c) would better enable BIS to determine the date of service of notice of issuance of charging letters sent to entities located in foreign countries.

Since August 21, 2001, the Export Administration Act of 1979, as amended, has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (3 CFR, 2001 Comp. 783 (2002)), as extended most recently by the Notice of August 15, 2012, 77 FR 49699 (August 16, 2012), has continued the EAR in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.). BIS continues to carry out the provisions of the Export Administration Act, as appropriate and to the extent permitted by law, pursuant to Executive Order 13222.

Rulemaking Requirements

1. Executive Orders 13563 and 12866 direct 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). This rule is consistent with the goals of Executive Order 13563. This rule has been determined not to be a significant rule for purposes of Executive Order 12866.

2. Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501, *et seq.,* unless that collection of

information displays a currently valid Office of Management and Budget (OMB) control number. This proposed rule involves an approved information collection entitled ''Procedure for Voluntary Self-Disclosure of Violations'' (OMB control number 0694–0058). BIS believes that the changes to the voluntary disclosure procedures that this rule proposes would have no material effect on the burden imposed by this collection. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden to Jasmeet Seehra, Office of Management and Budget (OMB), by email to *jseehra@omb.eop.gov* or by fax to (202) 395–7285; and to the Regulatory Policy Division, Bureau of Industry and Security, Department of Commerce, Room 2099B, 14th Street and Pennsylvania Ave. NW., Washington, DC 20230 or by email to *publiccomments@bis.doc.gov* referencing RIN 0694–AF59 in the subject line.

3. The Regulatory Flexibility Act (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 601 *et seq.,* generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to the notice and comment rulemaking requirements under the Administrative Procedure Act (5 U.S.C. 553) or any other statute. Under section 605(b) of the RFA, however, if the head of an agency certifies that a rule will not have a significant impact on a substantial number of small entities, the statute does not require the agency to prepare a regulatory flexibility analysis. Pursuant to section 605(b), the Chief Counsel for Regulations, Department of Commerce, submitted a memorandum to the Chief Counsel for Advocacy, Small Business Administration, certifying that this proposed rule will not have a significant impact on a substantial number of small entities.

This proposed rule would make three changes to the EAR. The first change would require that parties making voluntarily self-disclosures of violations of the EAR complete the process within 180 days of making the initial notification or obtain an extension from OEE. The second change would add delivery by express mail and commercial couriers and delivery services as an acceptable method of serving administrative charging letters on respondents. The third change would remove the words ''if delivery is refused'' from one section to account for carriers with electronic tracking capabilities. The legal and factual background for these changes is detailed in the preamble to this proposed rule and not repeated here.

The first proposed change would merely set a deadline of 180 days from the initial disclosure for parties to submit the narrative account that completes the disclosure as part of a voluntary self-disclosure. It makes no changes to the volume or nature of the information that an entity making a voluntary self-disclosure must submit to BIS. It does not create any new substantive requirements, but merely places a reasonable deadline on parties seeking to obtain the benefits of voluntary self-disclosure. If the disclosing party needs more than 180 days, the party may request an extension of time from the Director of OEE. Although this proposed change may place some additional burden on parties making voluntary self-disclosures, that burden would not be significant.

The second proposed change would allow BIS to use delivery services other than certified or registered mail to effect service of charging letters, or amendments and supplements thereto. This rule makes no changes to any of the actions that any small entity or any entity must make in response to an administrative charging letter or any supplement or amendment thereto. The only potential impact on members of the public is the method by which they would receive notification, and this cannot be considered a significant impact on any entity outside of BIS.

The third proposed change would remove the words ''if delivery is refused'' from § 766.3(c). This change is being made to update the EAR to allow the use of carriers that track shipments, which in turn better enables BIS to determine the date of service notifying respondents, foreign entities in particular, that a charging letter has been issued. Like the previous proposed change, this would not impose any burden on a member of the public.

Although BIS cannot state with certainty the number of small entities that would be affected by this rule, any economic impact would be negligible. This rule does not increase any of the information that any party must provide in connection with a voluntary self-disclosure of an EAR violation. It merely requires the disclosing party to complete the comprehensive narrative account of the violations within 180 days of submitting the initial notification. BIS believes that 180 days would be an adequate amount of time for most voluntary self-disclosures. In those instances where additional time is needed to complete the narrative account, the rule provides that the Director of OEE may extend the 180-day deadline. In addition, BIS believes that the proposed change to allow for delivery by a commercial courier or delivery service is necessary in some cases to effect service abroad. Similarly, the proposed removal of the requirement that an attempted delivery is insufficient absent documentation that the respondent ''refused'' the delivery is necessary because express mail and reputable commercial courier or delivery services provide detailed tracking information concerning deliveries and attempted deliveries, and because some foreign postal delivery services may not document a refusal. Because none of these proposed changes would have a significant impact on a substantial number of small entities, an initial regulatory flexibility analysis is not required and none has been prepared.

List of Subjects

15 CFR Part 764

Administrative practice and procedure, Exports, Law enforcement, Penalties.

15 CFR Part 766

Administrative practice and procedure, Confidential business information, Exports, Law enforcement, Penalties.

For the reasons stated in the preamble, parts 764 and 766 of the Export Administration Regulations (15 CFR parts 730 through 774) are proposed to be amended as follows.

PART 764—[AMENDED]

1. The authority citation paragraph for part 764 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 15, 2012, 77 FR 49699 (August 16, 2012).

2. Section 764.5 is amended by revising the last sentence of paragraph (c)(2)(i) and by adding three sentences immediately following that sentence to read as follows:

§ 764.5 Voluntary self-disclosure.

* * * * *

(c) * * *

(2) * * * (i) * * * If the person making the initial notification subsequently completes and submits to OEE the narrative account required by paragraph (c)(3) of this section such that OEE receives the narrative account within 180 days of its receipt of the initial notification, matters disclosed by the narrative account will be deemed to

have been disclosed to OEE on the date of the initial notification for purposes of paragraph (b)(3) of this section. The Director of OEE may extend this 180-day deadline upon a determination in his or her discretion that U.S. Government interests would be served by an extension or that the person making the initial notification has shown that more than 180 days is reasonably needed to complete the narrative account. The Director of OEE in his or her discretion may place conditions on the approval of an extension. For example, the Director of OEE may require that the disclosing person agree to toll the statute of limitations with respect to violations disclosed in the initial notification or discovered during the review to prepare the narrative account, and/or require the disclosing person to undertake specified interim remedial compliance measures. Failure to meet the deadline (either the initial 180-day deadline or an extended deadline granted by the Director of OEE) would not be an additional violation of the EAR, but such failure may reduce or eliminate the mitigating impact of the voluntary disclosure under Supp. No. 1 to this part.

* * * * *

PART 766—[AMENDED]

3. The authority citation paragraph for part 766 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 15, 2012, 77 FR 49699 (August 16, 2012).

4. Section 766.3 is amended by revising paragraphs (b)(1) and (c) to read as follows:

§ 766.3 Institution of administrative enforcement proceedings.

* * * * *

(b) * * *

(1) By sending a copy by registered or certified mail or by express mail or commercial courier or delivery service addressed to the respondent at the respondent's last known address; * * *

(c) The date of service of notice of the issuance of a charging letter instituting an administrative enforcement proceeding, or service of notice of the issuance of a supplement or amendment to a charging letter, is the date of its delivery, or of its attempted delivery by any means described in paragraph (b)(1) of this section.

Dated November 2, 2012.

Kevin J. Wolf,

Assistant Secretary for Export Administration.

[FR Doc. 2012–27206 Filed 11–6–12; 8:45 am]

BILLING CODE 3510–33–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2012–0827; FRL–9749–5]

Revisions to the California State Implementation Plan, South Coast Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve revisions to the South Coast Air Quality Management District (SCAQMD) portion of the California State Implementation Plan (SIP). These revisions concern volatile organic compound (VOC) emissions from architectural coatings. We are approving a local rule that regulates these emission sources under the Clean Air Act (CAA or the Act). We are taking comments on this proposal and plan to follow with a final action.

DATES: Any comments must arrive by December 7, 2012.

ADDRESSES: Submit comments, identified by docket number EPA–R09–OAR–2012–0827, by one of the following methods:

1. *Federal eRulemaking Portal: www.regulations.gov.* Follow the online instructions.

2. *Email: 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 *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 *www.regulations.gov* or email. *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 email directly to EPA, your email 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.

Docket: Generally, documents in the docket for this action are available electronically at *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 at *www.regulations.gov,* some information may be publicly available only at the hard copy location (e.g., copyrighted material, large maps), 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: Nicole Law, EPA Region IX, (415) 947–4126, *law.nicole@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us'' and ''our'' refer to EPA.

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I. The State's Submittal

A. What rule did the State submit?

Table 1 lists the rule addressed by this proposal with the dates that it was adopted by the local air agency and submitted by the California Air Resources Board (CARB).

TABLE 1—SUBMITTED RULES

Local agency	Rule No.	Rule title	Amended	Submitted
SCAQMD	1113	Architectural Coatings	06/03/11	09/27/11

On October 24, 2011, EPA determined that the submittal for SCAQMD Rule 1113 met the completeness criteria in 40 CFR part 51 Appendix V, which must be met before formal EPA review.

B. Are there other versions of this rule?

We approved an earlier version of Rule 1113 into the SIP on August 17, 2011 (76 FR 50891). The SCAQMD adopted revisions to the SIP-approved version on June 3, 2011 and CARB submitted them to us on September 27, 2011.

C. What is the purpose of the submitted rule revision?

VOCs help produce ground-level ozone and smog, which harm human health and the environment. Section 110(a) of the CAA requires States to submit regulations that control VOC emissions. Rule 1113 provides VOC limits for architectural coatings. The major revisions to the rule include limiting and phasing out the averaging compliance option and introducing VOC limits for previously unregulated colorants. EPA's technical support document (TSD) has more information about these rules.

II. EPA's Evaluation and Action

A. How is EPA evaluating the rule?

Generally, SIP rules must be enforceable (see section 110(a) of the Act), must require Reasonably Available Control Technology (RACT) for each category of sources covered by a Control Techniques Guidelines (CTG) document as well as each major source in nonattainment areas (see sections 182(a)(2) and (b)(2)), and must not relax existing requirements (see sections 110(l) and 193).

Guidance and policy documents that we use to evaluate requirements consistently include the following:

1. ''Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations,'' EPA, May 25, 1988 (the Bluebook).

2. ''Guidance Document for Correcting Common VOC & Other Rule Deficiencies,'' EPA Region 9, August 21, 2001 (the Little Bluebook).

3. ''Suggested Control Measure for Architectural Coatings,'' CARB, October 2007.

4. ''Improving Air Quality with Economic Incentive Programs,'' EPA, January 2001.

B. Does the rule meet the evaluation criteria?

We believe this rule is consistent with the relevant policy and guidance regarding enforceability and SIP relaxations. The TSD has more information on our evaluation.

C. EPA Recommendations To Further Improve the Rule

The TSD describes additional rule revisions that we recommend for the next time the local agency modifies the rule but are not currently the basis for rule disapproval.

D. Public Comment and Final Action

Because EPA believes the submitted rule fulfills all relevant requirements, we are proposing to fully approve it as described in section 110(k)(3) of the Act. We will accept comments from the public on this proposal for the next 30 days. Unless we receive convincing new information during the comment period, we intend to publish a final approval action that will incorporate this rule into the federally enforceable SIP.

III. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve State choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this proposed action merely proposes to approve State law as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law. 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);
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- 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 disproportionate human health or environmental effects with practical, appropriate, and legally permissible methods under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this proposed action does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the State, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: October 26, 2012.

Jared Blumenfeld,

Regional Administrator, Region IX.

[FR Doc. 2012–27226 Filed 11–6–12; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 174 and 180

[EPA–HQ–OPP–2012–0001; FRL–9367–5]

Notice of Filing of Several Pesticide Petitions Filed for Residues of Pesticide Chemicals in or on Various Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of filing of petitions and request for comment.

SUMMARY: This document announces the Agency's receipt of several initial filings of pesticide petitions requesting the establishment or modification of regulations for residues of pesticide chemicals in or on various commodities.

DATES: Comments must be received on or before December 7, 2012.

ADDRESSES: Submit your comments, identified by docket identification (ID)

number and the pesticide petition number (PP) of interest as shown in the body of this document, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.htm.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: A contact person, with telephone number and email address, is listed at the end of each pesticide petition summary. You may also reach each contact person by mail at Biopesticides and Pollution Prevention Division (BPPD) (7511P) or Registration Division (RD) (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

If you have any questions regarding the applicability of this action to a particular entity, consult the person listed at the end of the pesticide petition summary of interest.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When submitting comments, remember to:

i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).

ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low-income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticides discussed in this document, compared to the general population.

II. What action is the agency taking?

EPA is announcing its receipt of several pesticide petitions filed under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), (21 U.S.C. 346a), requesting the establishment or modification of regulations in 40 CFR part 174 and part 180 for residues of pesticide chemicals in or on various food commodities. The Agency is taking public comment on the requests before responding to the petitioners. EPA is not proposing any particular action at this time. EPA has determined that the pesticide petitions described in this document contain the data or information prescribed in FFDCA section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the pesticide petitions. After considering the public comments, EPA intends to evaluate whether and what action may be warranted. Additional data may be needed before EPA can make a final determination on these pesticide petitions.

Pursuant to 40 CFR 180.7(f), a summary of each of the petitions that are the subject of this document, prepared by the petitioner, is included in a docket EPA has created for each rulemaking. The docket for each of the petitions is available online at *http://www.regulations.gov.*

As specified in FFDCA section 408(d)(3), (21 U.S.C. 346a(d)(3)), EPA is publishing notice of the petition so that the public has an opportunity to comment on this request for the establishment or modification of regulations for residues of pesticides in or on food commodities. Further information on the petition may be obtained through the petition summary referenced in this unit.

New Tolerance

1. *PP 2E8064.* (EPA–HQ–OPP–2012–0635) Interregional Research Project Number 4 (IR–4), 500 College Rd. East, Suite 201W., Princeton, NJ 08540, requests to establish tolerances in 40 CFR part 180 for residues of the insecticide chlorantraniliprole, 3-bromo-*N*-[4-chloro-2-methyl-6-[(methylamino)carbonyl]phenyl]-1-(3-chloro-2-pyridinyl)-1*H*-pyrazole-5-carboxamide, in or on grain, cereal, group 15, except rice at 6.0 parts per million (ppm); grain, cereal, forage, fodder and straw, group 16 at 30.0 ppm; fruit, citrus, group 10–10 at 1.4 ppm; and fruit, pome, group 11–10 at 1.2

ppm. Adequate enforcement methodology (liquid chromatography/mass spectrometry/mass spectrometry—(LC/MS/MS)) is available to enforce the tolerance expression. Contact: Sidney Jackson, RD, (703) 305–7610, email address: *jackson.sidney@epa.gov.*

2. *PP 2E8065.* (EPA–HQ–OPP–2012–0775) BASF Corporation, 26 Davis Dr., P.O. Box 13528, Research Triangle Park, NC 27709–3528, requests to establish tolerances in 40 CFR part 180 for residues of the herbicide for the combined residues of saflufenacil (2-chloro-5-[3,6-dihydro-3-methyl-2,6-dioxo-4-(trifluoromethyl)-1(2*H*)-pyrimidinyl]-4-fluoro-*N*-[[methyl(1-methylethyl)amino]sulfonyl]benzamide) and its metabolites *N*-[2-chloro-5-(2,6-dioxo-4-(trifluoromethyl)-3,6-dihydro-1(2*H*)-pyrimidinyl)-4-fluorobenzoyl]-*N*′-isopropylsulfamide and *N*-[4-chloro-2-fluoro-5-({[(isopropylamino)sulfonyl] amino carbonyl)phenyl]urea, calculated as the stoichiometric equivalent of saflufenacil, in or on sugarcane, cane at 0.03 ppm; sugarcane, molasses at 0.075 ppm; and sugarcane, refined sugar at 0.045 ppm . Adequate enforcement methodology (LC/MS/MS methods D0603/02 (plants) and L0073/01 (livestock)) is available to enforce the tolerance expression. Contact: Bethany Benbow, RD, (703) 347–8072, email address: *benbow.bethany@epa.gov.*

3. *PP 2E8072.* (EPA–HQ–OPP–2012–0716) IR–4, 500 College Rd. East, Suite 201W., Princeton, NJ 08540, requests to establish tolerances in 40 CFR part 180 for residues of the insecticide fenpyroximate, (E)-1,1-dimethylethyl 4-[[[[(1,3-dimethyl-5-phenoxy-1H-pyrazol-4-yl)methylene]amino]oxy] methyl] benzoate and its Z-isomer, (Z)-1,1-dimethylethyl 4-[[[[(1,3-dimethyl-5-phenoxy-1H-pyrazol-4-yl)methylene] amino]oxy]methyl]benzoate in or on fruit, stone, group 12–12 at 2.0 ppm; fruit, small, vine climbing, except fuzzy kiwifruit, subgroup 13–07F at 1.0 ppm; and vegetable, tuberous and corm, subgroup 1C at 0.1 ppm. An enforcement method has been developed which involves extraction of fenpyroximate from crops with ethyl acetate in the presence of anhydrous sodium sulfate, dilution with methanol, and then analysis by high performance liquid chromatography (HPLC) using tandem mass spectrometric detection (HPLC/MS/MS). This is a new enforcement method. Contact: Sidney Jackson, RD, (703) 305–7610, email address: *jackson.sidney@epa.gov.*

4. *PP 2E8083.* (EPA–HQ–OPP–2012–0791) IR–4, 500 College Rd. East, Suite 201W., Princeton, NJ 08540, requests to establish tolerances in 40 CFR part 180 for residues of the herbicide linuron, (3-(3,4-dichlorophenyl)-1-methoxy-1-methylurea) and its metabolites convertible to 3,4-dichloroaniline, calculated as linuron, in or on; cilantro, dried leaves at 27 ppm; cilantro, fresh leaves at 3 ppm; dillweed, dried leaves at 7.1 ppm; dillweed, fresh leaves at 1.5 ppm; dill oil at 4.8 ppm; dill seed at 0.3 ppm; horseradish at 0.050 ppm; parsley, dried leaves at 8.3 ppm; parsley leaves at 3 ppm; and pea, dry, seed at 0.08 ppm. Adequate enforcement methods (gas chromatography/mass selective detection (GC/MSD)) are available for the determination of linuron in plant and animal commodities. A second method involves using reversed phase HPLC with MS/MS detection. Contact: Laura Nollen, RD, (703) 305–7390, email address: *nollen.laura@epa.gov.*

Amended Tolerance

1. *PP 2E8064.* (EPA–HQ–OPP–2012–0635) IR–4, 500 College Rd. East, Suite 201W., Princeton, NJ 08540, requests to concurrently delete the tolerances in 40 CFR 180.628 for residues of the insecticide chlorantraniliprole, 3-bromo-*N*-[4-chloro-2-methyl-6-[(methylamino)carbonyl]phenyl]-1-(3-chloro-2-pyridinyl)-1*H*-pyrazole-5-carboxamide, in or on mayhaw; corn, field, forage; corn, field, grain; corn, field, milled byproducts; corn, field, stover; corn, pop, forage; corn, pop, grain; corn, pop, stover; corn, sweet, forage; corn, sweet, kernel plus cobs with husk removed; corn, sweet, stover; fruit, citrus, group 10; and fruit, pome, group 11 upon approval of the tolerances listed under ''New Tolerance'' for *PP 2E8064.* Contact: Sidney Jackson, RD, (703) 305–7610, email address: *jackson.sidney@epa.gov.*

2. *PP 2E8083.* (EPA–HQ–OPP–2012–0791) IR–4, 500 College Rd. East, Suite 201W., Princeton, NJ 08540, requests to delete the regional tolerance in 40 CFR 180.184(c) for residues of the herbicide linuron, (3-(3,4-dichlorophenyl)-1-methoxy-1-methylurea) and its metabolites convertible to 3,4-dichloroaniline, calculated as linuron, in or on parsley, leaves at 0.25 ppm upon approval of the tolerances listed under ''New Tolerance'' for *PP 2E8083.* Contact: Laura Nollen, RD, (703) 305–7390, email address: *nollen.laura@epa.gov.*

New Tolerance Exemption

PP 2E8059. (EPA–HQ–OPP–2012–0795) Pioneer Hi-Bred International, Inc. (DuPont Pioneer), 7100 NW 62nd Avenue, P.O. Box 1000, Johnston, IA 50131, requests to establish an exemption from the requirement of a tolerance for residues of the Glycine max herbicide-resistant acetolactate synthase (GM–HRA) enzyme when used as an inert ingredient as part of a plant-incorporated (PIP) in or on the food and feed commodities of soybean. The petitioner believes no analytical method is needed because an exemption from the requirement of a tolerance without numerical limitation is requested for GM–HRA enzyme as expressed in soybean. Contact: Susanne Cerrelli, BBPD, (703) 308–8077, email address: *cerrelli.susanne@epa.gov.*

List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: October 26, 2012.

Daniel J. Rosenblatt,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2012–27193 Filed 11–6–12; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[EPA–HQ–SFUND–2012–0738; FRL- 9712–9]

RIN 2050–AG73]

National Oil and Hazardous Substances Pollution Contingency Plan; Revision To Increase Public Availability of the Administrative Record File

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to amend the National Oil and Hazardous Substances Pollution Contingency Plan, to acknowledge advancements in technologies used to manage and convey information to the public. Specifically, this revision will add language to EPA regulations to broaden the technology, to include computer telecommunications or other electronic means, that the lead agency is permitted to use to make the administrative record file available to the public. By updating language used to describe permitted technology, the lead agency will be able to serve the information needs of a broader population while maintaining the ability to provide traditional means of public access to the administrative record file, such as paper copies and microform. The lead agency should assess the capacity and resources of the public to utilize and maintain an electronic- or computer

telecommunications-based repository to make a decision on which approach suits a specific site.

DATES: Written comments must be received by December 7, 2012.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–SFUND–2012–0738, by one of the following methods:

- *www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *Email: superfund.docket@epa.gov.*
- *Fax:* 202–566–9744.
- *Mail:* U.S. Environmental Protection Agency, EPA Docket Center (EPA/DC), Superfund Docket, Mailcode: 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460.
- *Hand Delivery:* EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC 20460. Attention Docket ID No. EPA–HQ–SFUND–2012–0738. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–HQ–SFUND–2012–0738. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. 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. For additional information about EPA's public docket, visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Superfund Docket (Docket ID No. EPA–HQ–SFUND–2012–0738). This Docket Facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The Superfund Docket telephone number is (202) 566–0276. EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: For general information, contact the Superfund, TRI, EPCRA, RMP and Oil Information Center at (800) 424–9346 or TDD (800) 553–7672 (hearing impaired). In the Washington, DC metropolitan area, call (703) 412–9810 or TDD (703) 412–3323. For more detailed information on specific aspects of this final rule, contact Melissa Dreyfus at (703) 603–8792 (*dreyfus.melissa@epa.gov*), Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460–0002, Mail Code 5204P.

SUPPLEMENTARY INFORMATION:

I. Why is EPA issuing this proposed rule?

This document proposes to amend the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), to acknowledge advancements in technologies used to manage and convey information to the public. Specifically, this revision will add language to 40 CFR 300.805(c)—Location of the Administrative Record File in Subpart I—Administrative Record for Selection of Response Action to broaden the technology, to include computer telecommunications or other electronic means, that the lead agency is permitted to use to make the administrative record file available to the public. We have published a direct final rule to add this language in the ''Rules and Regulations'' section of this **Federal Register** because we view this as a noncontroversial action and anticipate no adverse comment. We have explained our reasons for this action in the preamble to the direct final rule.

If we receive no adverse comment, we will not take further action on this proposed rule. If we receive adverse comment, we will timely withdraw the direct final rule and it will not take effect. We would address all public comments in any subsequent final rule based on this proposed rule.

We do not intend to institute a second comment period on this action. Any parties interested in commenting must do so at this time. For further information, please see the information provided in the **ADDRESSES** section of this document.

II. What does this amendment do?

This proposed rule would amend 40 CFR 300.805(c)—Location of the Administrative Record File in Subpart I—Administrative Record for Selection of Response Action of the National Oil and Hazardous Substances Pollution Contingency Plan, to acknowledge advancements in technologies used to manage and convey information to the public. Specifically, this revision will add language to broaden the technology, to include computer telecommunications or other electronic means, that the lead agency is permitted to use to make the administrative record file available to the public regarding documents that form the basis for the selection of a response action. This amendment does not limit the lead agency's ability to make the administrative record file available to the public in traditional forms such as paper and microform. The lead agency should assess the capacity and resources of the public to utilize and maintain an electronic- or computer telecommunications-based repository to make a decision on which approach suits a specific site. Based on the preferences of the community and the lead agency's assessment of the site-specific situation, the lead agency will determine whether to provide: (1) Traditional forms (e.g. paper copies; microform), (2) electronic resources, or (3) both traditional forms and electronic resources.

III. Statutory and Executive Order Reviews

For a complete discussion of all of the administrative requirements applicable to this action, see the discussion in the ''Statutory and Executive Order Reviews'' section to the preamble for the direct final rule that is published in the Rules and Regulations section of this **Federal Register.**

Under Executive Order 12866 (58 FR 51735, October 4, 1993) and Executive

Order 13563 (76 FR 3821, January 21, 2011), this proposed action is not a ''significant regulatory action'' and is therefore not subject to OMB review. This action merely adds language to 40 CFR 300.805(c) of the NCP to broaden the technology to include computer telecommunications or other electronic means that the lead agency is permitted to use to make the administrative record file available to the public. This action will enable the lead agency to serve the information needs of a broader population while maintaining the ability to provide traditional means of public access, such as paper copies and microform, to the administrative record file. This action does not impose any requirements on any entity, including small entities. Therefore, pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), after considering the economic impacts of this action on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous waste, Hazardous substances, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: October 26, 2012.

Mathy Stanislaus,

Assistant Administrator, Office of Solid Waste and Emergency Response.

[FR Doc. 2012–26973 Filed 11–6–12; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket ID FEMA–2011–0002; Internal Agency Docket Nos. FEMA–B–7759, FEMA–B–1138 and FEMA–B–1208]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Proposed rule; correction.

SUMMARY: On January 24, 2008, September 27, 2010, and August 3, 2011, FEMA published proposed rules in the **Federal Register**. The August 3, 2011 proposed rule contained an erroneous table. This notice provides corrections to that table and combines all three notices to be used in lieu of the information published at 73 FR 4144, 75 FR 59192 and 76 FR 46705. The table provided here represents the flooding sources, location of referenced elevations, effective and modified elevations, and communities affected for Lafayette Parish, Louisiana, and Incorporated Areas. Specifically, it addresses the following flooding sources: Acadiana Coulee, Anselm Coulee, Bayou Carencro, Bayou Parc Perdue, Bayou Queue De Tortue, Beau Basin Coulee, Broadmoor Coulee, Coulee Des Poches, Coulee Fortune North, Coulee Fortune South, Coulee Ile Des Cannes, Coulee Ile Des Cannes—Lateral 1, Coulee Ile Des Cannes—Lateral 2, Coulee Ile Des Cannes—Lateral 3, Coulee Ile Des Cannes—Lateral 4, Coulee Lantier, Coulee LaSalle, Coulee Mine, Dan Dabaillion Coulee, Darby Coulee, Edith Coulee, Grand Avenue Coulee, Isaac Verot Coulee, Isaac Verot Coulee—Lateral 2, Isaac Verot Coulee—Lateral 2A, Isaac Verot Coulee—Lateral 3, Jupiter Street Coulee, Manor Park Coulee, Point Brule Coulee, Vermillion River, Webb Coulee (Lower Reach), and West Coulee Mine.

DATES: Comments are to be submitted on or before February 5, 2013.

ADDRESSES: You may submit comments, identified by Docket Nos. FEMA–B–7759, FEMA–B–1138 and FEMA–B–1208, to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–4064 or (email) *luis.rodriguez3@dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–4064 or (email) *luis.rodriguez3@dhs.gov.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) publishes proposed determinations of Base (1% annual-chance) Flood Elevations (BFEs) and modified BFEs for communities participating in the National Flood Insurance Program (NFIP), in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed BFEs and modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are minimum requirements. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in those buildings.

Correction

In the proposed rule published 76 FR 46705, in the August 3, 2011 issue of the Federal Register, FEMA published a table under the authority of 44 CFR 67.4. The table entitled ''Lafayette Parish, Louisiana, and Incorporated Areas'' addressed the flooding sources Anselm Coulee, Coulee Des Poches, Coulee LaSalle, Coulee Mine, Isaac Verot Coulee, Isaac Verot Coulee—Lateral 2, Vermillion River, and Webb Coulee Lower Reach. The table contained inaccurate information as to the location of referenced elevation and effective and modified elevation in feet. In addition, it did not include several affected communities.

In this notice, FEMA is publishing a table containing the accurate information, to address these errors. The information provided below should be used in lieu of the previously published notices for Lafayette Parish, Louisiana, and Incorporated Areas that are referenced in the summary.

Flooding source(s)	Location of referenced elevation **	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
Lafayette Parish, Louisiana, and Incorporated Areas				
Acadiana Coulee	At the Vermillion River confluence	+15	+16	City of Lafayette, Unincorporated Areas of Lafayette Parish.
	Approximately 1,189 feet upstream of Guidry Road	+27	+25	
Anselm Coulee	At the upstream side of the Vermillion River confluence.	None	+14	City of Youngsville, Unincorporated Areas of Lafayette Parish.
	At the downstream side of the Isaac Verot Coulee confluence.	None	+25	
Bayou Carencro	Approximately 1,135 upstream of Rue Carnot Road	+23	+22	Unincorporated Areas of Lafayette Parish.
	At the downstream side of Billeaux Road	None	+42	
Bayou Parc Perdue	Approximately 1.03 miles downstream of Chemin Agreable Road.	None	+17	City of Youngsville, Unincorporated Areas of Lafayette Parish.
	At the Isaac Verot Coulee—Lateral 3 confluence	None	+25	
Bayou Queue De Tortue	Approximately 2.18 miles downstream of State Route 35.	None	+17	Town of Duson, Unincorporated Areas of Lafayette Parish.
	At the intersection with Whitmore Road	None	+37	
Beau Basin Coulee	At the Vermillion River confluence	None	+20	City of Carencro, Unincorporated Areas of Lafayette Parish.
	Approximately 881 feet upstream of I–49	+40	+49	
Broadmoor Coulee	At the Vermillion River confluence	None	+16	City of Lafayette.
	At the intersection with Ambassador Caffery Parkway	None	+26	
Coulee Des Poches	At the Vermillion River confluence	+17	+18	City of Broussard, City of Lafayette, Unincorporated Areas of Lafayette Parish.
	Approximately 125 feet upstream of the South Pacific Railroad.	None	+31	
Coulee Fortune North	Approximately 400 feet downstream of Bayou Tortue Road.	+18	+15	City of Broussard, Unincorporated Areas of Lafayette Parish.
	Approximately 0.76 mile upstream of South Morgan Street.	+30	+27	
Coulee Fortune South	Approximately 700 feet downstream of U.S. Route 90 East.	None	+20	City of Broussard, Unincorporated Areas of Lafayette Parish.
	Approximately 0.57 mile upstream of Heart D Farm Road.	None	+27	
Coulee Ile Des Cannes	At the Vermilion River confluence	None	+16	City of Lafayette, City of Scott, Unincorporated Areas of Lafayette Parish.
	Approximately 0.53 mile upstream of Cocodrill Road	None	+39	
Coulee Ile Des Cannes—Lateral 1.	At the Coulee Ile Des Cannes confluence	None	+19	Unincorporated Areas of Lafayette Parish.
	Approximately 0.70 mile upstream of South Fieldspan Road.	None	+28	
Coulee Ile Des Cannes—Lateral 2.	At the Coulee Ile Des Cannes confluence	+25	+24	City of Lafayette, City of Scott, Unincorporated Areas of Lafayette Parish.
	Approximately 1.27 miles upstream of Ridge Road	+30	+29	
Coulee Ile Des Cannes—Lateral 3.	Approximately 0.94 mile upstream of Coulee Ile Des Cannes confluence.	+29	+28	City of Lafayette, City of Scott, Unincorporated Areas of Lafayette Parish.
	Approximately 500 feet upstream of Mills Road	+36	+35	
Coulee Ile Des Cannes—Lateral 4.	At the Coulee Ile Des Cannes confluence	None	+27	Unincorporated Areas of Lafayette Parish.

Flooding source(s)	Location of referenced elevation **	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
	Approximately 0.66 mile upstream of D Arceneaux Road.	None	+34	
Coulee LaSalle	Approximately 0.3 mile downstream of Le Triomphe Parkway.	None	+24	City of Broussard, City of Youngsville, Unincorporated Areas of Lafayette Parish.
	Approximately 0.65 mile upstream of Cane Brake Road.	None	+25	
Coulee Lantier	At the Vermillion River confluence	None	+20	Unincorporated Areas of Lafayette Parish.
	Approximately 1,600 feet upstream of Magellan Road	None	+21	
Coulee Mine	At the Vermillion River confluence	+16	+17	City of Lafayette, City of Scott, Unincorporated Areas of Lafayette Parish.
	At the downstream side of Malapart Road	None	+46	
Dan Dabaillion Coulee	At the Vermillion River confluence	+17	+19	City of Carencro, City of Lafayette.
	At the upstream side of Guidry Lane	None	+49	
Darby Coulee	At the Vermillion River confluence	None	+14	Unincorporated Areas of Lafayette Parish.
	At the downstream side of State Route 339	None	+19	
Edith Coulee	At the upstream side of State Route 92	None	+15	Unincorporated Areas of Lafayette Parish.
	At the upstream side of East Broussard Road	None	+21	
Grand Avenue Coulee	Approximately 0.42 mile downstream of Johnston Street.	+23	+17	City of Lafayette.
	At the upstream side of Crawford Street	+30	+29	
Isaac Verot Coulee	At the Vermillion River confluence	+15	+16	City of Lafayette, Unincorporated Areas of Lafayette Parish.
	At the upstream side of the Anselm Coulee confluence.	None	+24	
Isaac Verot Coulee—Lateral 2.	At the Isaac Verot Coulee confluence	None	+24	City of Broussard, City of Lafayette, Unincorporated Areas of Lafayette Parish.
	At the downstream side of State Highway 89	None	+36	
Isaac Verot Coulee—Lateral 2A.	At the Isaac Verot Coulee—Lateral 2 confluence	None	+28	City of Lafayette, Unincorporated Areas of Lafayette Parish.
	Approximately 800 feet upstream of Becky Lane	None	+30	
Isaac Verot Coulee—Lateral 3.	At the Isaac Verot Coulee—Lateral 2 confluence	None	+25	Unincorporated Areas of Lafayette Parish.
	Approximately 250 feet upstream of Bonin Road	None	+28	
Jupiter Street Coulee	At the Webb Coulee confluence	+30	+27	City of Lafayette, Unincorporated Areas of Lafayette Parish.
	At the upstream side of the Southern Pacific Railroad	+40	+39	
Manor Park Coulee	At the Vermillion River confluence	+18	+19	City of Lafayette, Unincorporated Areas of Lafayette Parish.
	Approximately 0.68 mile upstream of Parklane Road	+18	+19	
Point Brule Coulee	Approximately 0.82 mile downstream of State Route 1252.	+22	+21	Unincorporated Areas of Lafayette Parish.
	Approximately 0.57 mile upstream of State Route 1252.	+22	+21	
Vermillion River	Approximately 600 feet upstream of the Anselm Coulee confluence.	+14	+15	City of Lafayette, Unincorporated Areas of Lafayette Parish.
	Approximately 1.5 miles upstream of State Route 726	+22	+21	
Webb Coulee (Lower Reach)	Approximately 0.75 mile upstream of the Vermillion River confluence.	+15	+16	City of Lafayette, Unincorporated Areas of Lafayette Parish.
	At the Jupiter Street Coulee confluence	+30	+27	

Flooding source(s)	Location of referenced elevation **	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
West Coulee Mine	At the Coulee Mine confluence	+36	+35	City of Lafayette, City of Scott, Unincorporated Areas of Lafayette Parish.
	Approximately 1.29 miles upstream of I–10	+36	+37	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.
** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to Luis Rodriguez, Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472.

ADDRESSES

City of Broussard
Maps are available for inspection at City Hall, 416 East Main Street, Broussard, LA 70518.

City of Carencro
Maps are available for inspection at City Hall, 210 East Saint Peter Street, Carencro, LA 70520.

City of Lafayette
Maps are available for inspection at City Hall, 705 West University Avenue, Lafayette, LA 70506.

City of Scott
Maps are available for inspection at 445 Lions Club Road, Scott, LA 70583.

City of Youngsville
Maps are available for inspection at 305 Iberia Street, Youngsville, LA 70592.

Town of Duson
Maps are available for inspection at Town Hall, 806 First Street, Duson, LA 70529.

Unincorporated Areas of Lafayette Parish
Maps are available for inspection at Lafayette City Hall Annex, 220 West Willow Street, Building B, Lafayette, LA 70502.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: October 12, 2012.

James A. Walke,

Acting Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2012–27116 Filed 11–6–12; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket ID FEMA–2011–0002; Internal Agency Docket No. FEMA–B–1214]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Proposed rule; correction.

SUMMARY: On September 14, 2011, FEMA published in the **Federal Register** a proposed rule that contained an erroneous table. This notice provides corrections to that table, to be used in lieu of the information published at 76 FR 56724. The table provided here represents the flooding sources, location of referenced elevations, effective and modified elevations, and communities affected for Rockland County, New York (All Jurisdictions). Specifically, it addresses the following flooding sources: Demarest Kill, East Branch Hackensack River, Golf Course Brook, Hackensack River, Hudson River, Minisceongo Creek, Nauraushaun Brook, North Branch Pascack Brook, Pascack Brook, Sparkill Creek, West Branch Hackensack River, and West Branch Saddle River.

DATES: Comments are to be submitted on or before February 5, 2013.

ADDRESSES: You may submit comments, identified by Docket No. FEMA–B–1214, to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–4064 or (email) *Luis.Rodriguez3@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–4064 or (email) *Luis.Rodriguez3@fema.dhs.gov.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) publishes proposed determinations of Base (1% annual-chance) Flood Elevations (BFEs) and modified BFEs for communities participating in the National Flood Insurance Program (NFIP), in accordance with section 110 of the

Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed BFEs and modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are minimum requirements. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

These proposed elevations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in those buildings.

Correction

In the proposed rule published at 76 FR 56724, in the September 14, 2011, issue of the **Federal Register**, FEMA published a table under the authority of 44 CFR 67.4. The table, entitled ''Rockland County, New York (All Jurisdictions)'' addressed the following flooding sources: Demarest Kill, East Branch Hackensack River, Golf Course Brook, Hackensack River, Minisceongo Creek, Nauraushaun Brook, North Branch Pascack Brook, Pascack Brook, Sparkill Creek, West Branch Hackensack River, and West Branch Saddle River. That table did not include the flooding source Hudson River. In this notice, FEMA is publishing a table containing the accurate information, to address these prior errors. The information provided below should be used in lieu of that previously published.

Flooding source(s)	Location of referenced elevation**	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
Rockland County, New York (All Jurisdictions)				
Demarest Kill	At the West Branch Hackensack River confluence	+95	+98	Town of Clarkstown.
	At the upstream side of Little Tor Road	+248	+247	
East Branch Hackensack River.	At the upstream side of Old Mill Road	+86	+88	Town of Clarkstown.
	Approximately 600 feet downstream of Rockland Lake	+150	+151	
Golf Course Brook	At the upstream side of Nottingham Drive	+325	+326	Village of Montebello.
	At the upstream side of Spook Rock Road	+491	+492	
Hackensack River	At the Town of Orangetown/Town of Clarkstown corporate limit.	+59	+58	Town of Clarkstown, Town of Orangetown.
	At the downstream side of Old Mill Road	+67	+66	
Hudson River	At the Village of Upper Nyack/Village of Nyack corporate limit.	None	+7	Village of Upper Nyack.
	At the Village of Upper Nyack/Town of Clarkstown corporate limit.	None	+7	
Minisceongo Creek	At the upstream side of the dam (near Gagan Road)	+10	+11	Town of Haverstraw, Village of Haverstraw, Village of West Haverstraw.
	Approximately 1,000 feet upstream of Thiels Ivy Road	None	+349	
Nauraushaun Brook	At the Hackensack River confluence	+55	+57	Town of Clarkstown, Town of Orangetown.
	Approximately 200 feet upstream of Smith Road	+295	+297	
North Branch Pascack Brook	At the Pascack Brook confluence	+350	+351	Town of Ramapo, Town of Clarkstown, Village of New Hempstead, Village of New Square, Village of Spring Valley.
	Approximately 250 feet upstream of Greenridge Way	+514	+513	
Pascack Brook	At the New Jersey state boundary	+202	+207	Town of Ramapo, Town of Clarkstown, Town of Orangetown, Village of Chestnut Ridge, Village of Kaser, Village of Spring Valley.
	At the downstream side of Grosser Lane	+580	+578	
Sparkill Creek	Approximately 350 feet downstream of Rock Road	+13	+14	Village of Piermont, Town of Orangetown.
	At the upstream side of Erie Street	+123	+124	
West Branch Hackensack River.	At the upstream side of Ridge Road	+87	+88	Town of Clarkstown.
	At the Town of Ramapo corporate limit	+297	+290	
West Branch Saddle River	At the upstream side of the New Jersey state boundary.	+324	+325	Town of Ramapo, Village of Airmont.
	Approximately 280 feet upstream of Olympia Lane	+533	+530	

Flooding source(s)	Location of referenced elevation**	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.
** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472.

ADDRESSES

Town of Clarkstown
Maps are available for inspection at the Clarkstown Town Hall, 10 Maple Avenue, New City, NY 10956.

Town of Haverstraw
Maps are available for inspection at the Haverstraw Town Hall, 1 Rosman Road, Garnerville, NY 10923.

Town of Orangetown
Maps are available for inspection at the Town of Orangetown Building Department, 20 Greenbush Road, Orangeburg, NY 10962.

Town of Ramapo
Maps are available for inspection at the Ramapo Town Hall, 237 State Route 59, Suffern, NY 10901.

Village of Airmont
Maps are available for inspection at the Village Hall, 251 Cherry Lane, Airmont, NY 10982.

Village of Chestnut Ridge
Maps are available for inspection at the Village Hall, 277 Old Nyack Turnpike, Chestnut Ridge, NY 10977.

Village of Haverstraw
Maps are available for inspection at the Haverstraw Village Hall, 40 New Main Street, Haverstraw, NY 10927.

Village of Kaser
Maps are available for inspection at the Kaser Village Hall, 15 Elyon Road, Monsey, NY 10952.

Village of Montebello
Maps are available for inspection at the Village Hall, 1 Montebello Road, Montebello, NY 10901.

Village of New Hempstead
Maps are available for inspection at the New Hempstead Village Hall, 108 Old Schoolhouse Road, New City, NY 10956.

Village of New Square
Maps are available for inspection at the Village Hall, 766 North Main Street, New Square, NY 10977.

Village of Piermont
Maps are available for inspection at the Village Hall, 478 Piermont Avenue, Piermont, NY 10968.

Village of Spring Valley
Maps are available for inspection at the Village Hall, 200 North Main Street, Spring Valley, NY 10977.

Village of Upper Nyack
Maps are available for inspection at the Village Hall, 328 North Broadway, Upper Nyack, NY 10960.

Village of West Haverstraw
Maps are available for inspection at the Village Hall, 130 Samsondale Avenue, West Haverstraw, NY 10993.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: October 12, 2012.

James A. Walke,

Acting Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2012–27117 Filed 11–6–12; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket ID FEMA–2011–0002; Internal Agency Docket No. FEMA–B–1189]

Proposed Flood Elevation Determinations for Madison County, AL and Incorporated Areas

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Proposed rule; withdrawal.

SUMMARY: The Federal Emergency Management Agency (FEMA) is withdrawing its proposed rule concerning proposed flood elevation determinations for Madison County, Alabama and Incorporated Areas.

DATES: This withdrawal is effective on November 7, 2012.

ADDRESSES: You may submit comments, identified by Docket No. FEMA–B–1189, to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–4064,

or (email) *Luis.Rodriguez3@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov.*

SUPPLEMENTARY INFORMATION: On April 18, 2011, FEMA published a proposed rulemaking at 76 FR 21695, proposing flood elevation determinations along one or more flooding sources in Madison County, Alabama. FEMA is withdrawing the proposed rulemaking and intends to publish a Notice of Proposed Flood Hazard Determinations in the **Federal Register** and a notice in the affected community's local newspaper following issuance of a revised preliminary Flood Insurance Rate Map and Flood Insurance Study report.

Authority: 42 U.S.C. 4104; 44 CFR 67.4.

Dated: September 27, 2012.

Sandra K. Knight,

Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2012–27151 Filed 11–6–12; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket ID FEMA–2010–0003; Internal Agency Docket No. FEMA–B–1085]

Proposed Flood Elevation Determinations for Wicomico County, MD, and Incorporated Areas

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Proposed rule; withdrawal.

SUMMARY: The Federal Emergency Management Agency (FEMA) is withdrawing its proposed rule concerning proposed flood elevation determinations for Wicomico County, Maryland, and Incorporated Areas.

DATES: This withdrawal is effective on November 7, 2012.

ADDRESSES: You may submit comments, identified by Docket No. FEMA–B–1085, to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov.*

SUPPLEMENTARY INFORMATION: On February 5, 2010, FEMA published a proposed rulemaking at 75 FR 5909, proposing flood elevation determinations along one or more flooding sources in Wicomico County, Maryland, and Incorporated Areas. FEMA is withdrawing the proposed rulemaking and intends to publish a Notice of Proposed Flood Hazard Determinations in the **Federal Register** and a notice in the affected community's local newspaper following issuance of a revised preliminary Flood Insurance Rate Map and Flood Insurance Study report.

Authority: 42 U.S.C. 4104; 44 CFR 67.4.

Dated: September 27, 2012.

Sandra K. Knight,

Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2012–27152 Filed 11–6–12; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket ID FEMA–2011–0002; Internal Agency Docket No. FEMA–B–1233]

Proposed Flood Elevation Determinations for Yakima County, WA, and Incorporated Areas

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Proposed rule; withdrawal.

SUMMARY: The Federal Emergency Management Agency (FEMA) is withdrawing its proposed rule concerning proposed flood elevation determinations for Yakima County, Washington, and Incorporated Areas.

DATES: This withdrawal is effective November 7, 2012.

ADDRESSES: You may submit comments, identified by Docket No. FEMA–B–1233, to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov.*

SUPPLEMENTARY INFORMATION: On November 29, 2011, FEMA published a proposed rulemaking at 76 FR 73537, proposing flood elevation determinations along one or more flooding sources in Yakima County, Washington. Because FEMA has or will be issuing a Revised Preliminary Flood Insurance Rate Map, and if necessary a Flood Insurance Study report, featuring updated flood hazard information, the proposed rulemaking is being withdrawn. A Notice of Proposed Flood Hazard Determinations will be published in the **Federal Register** and in the affected community's local newspaper.

Authority: 42 U.S.C. 4104; 44 CFR 67.4.

Dated: October 12, 2012

James A. Walke,

Acting Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2012–27156 Filed 11–6–12; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket ID FEMA–2011–0002; Internal Agency Docket No. FEMA–B–1232]

Proposed Flood Elevation Determinations for Allegheny County, PA (All Jurisdictions)

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Proposed rule; withdrawal.

SUMMARY: The Federal Emergency Management Agency (FEMA) is withdrawing its proposed rule concerning proposed flood elevation determinations for Allegheny County, Pennsylvania (All Jurisdictions).

DATES: This withdrawal is effective on November 7, 2012.

ADDRESSES: You may submit comments, identified by Docket No. FEMA–B–1232, to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov.*

SUPPLEMENTARY INFORMATION: On November 25, 2011, FEMA published a proposed rulemaking at 76 FR 72661, proposing flood elevation determinations along one or more flooding sources in Allegheny County, Pennsylvania. Because FEMA has or will be issuing a Revised Preliminary Flood Insurance Rate Map, and if necessary a Flood Insurance Study report, featuring updated flood hazard information, the proposed rulemaking is being withdrawn. A Notice of Proposed Flood Hazard Determinations will be published in the **Federal Register** and in the affected community's local newspaper.

Authority: 42 U.S.C. 4104; 44 CFR 67.4.

Dated: October 12, 2012.

James A. Walke,

Acting Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2012–27157 Filed 11–6–12; 8:45 am]

BILLING CODE 9110–12–P

Notices

Federal Register
Vol. 77, No. 216
Wednesday, November 7, 2012

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.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Privacy Act of 1974, System of Records

AGENCY: United States Agency for International Development.

ACTION: Notice to delete system of records.

SUMMARY: Pursuant to the Privacy Act of 1974 (U.S.C. 552a), as amended, the United States Agency for International Development (USAID) is deleting the AID–29 Deployment Tracking, system of records in its existing inventory.

DATES: This proposed action will be effective on December 22, 2012.

ADDRESSES: You may submit comments:

Paper Comments

- *Fax:* (703) 666–5670.
- *Mail:* Chief Privacy Officer, United States Agency for International Development, 2733 Crystal Drive, 11th Floor, Arlington, Va. 22202.

Electronic Comments

- *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the instructions on the Web site for submitting comments.
- *Email: privacy@usaid.gov*.

FOR FURTHER INFORMATION CONTACT: For general questions, please contact, USAID Privacy Office, United States Agency for International Development, 2733 Crystal Drive, 11th Floor, Arlington, VA. 22202. Email: *privacy@usaid.gov*.

SUPPLEMENTARY INFORMATION: USAID has reviewed its Privacy Act systems of records. As a result of this review, USAID is deleting the AID–29 Deployment Tracking system of records because it was never activated.

Dated: November 1, 2012.

William Morgan,

Chief Information Security Officer—Chief Privacy Officer.

DELETION: AID–29

Deployment Tracking

REASON:

Based upon a review of AID–29, it has been determined that this system is not needed since the program was never activated.

Meredith Snee,
USAID Privacy Analyst.

[FR Doc. 2012–27243 Filed 11–6–12; 8:45 am]
BILLING CODE P

AGENCY FOR INTERNATIONAL DEVELOPMENT

Senior Executive Service: Membership of Performance Review Board

ACTION: Notice.

SUMMARY: This notice lists approved candidates who will comprise a standing roster for service on the Agency's 2012 and 2013 SES Performance Review Boards. The Agency will use this roster to select SES board members, and an outside member for the convening SES Performance Review Board each year. The standing roster is as follows:

Allen, Colleen
Brause, Jon
Cappozola, Christa
Casella, Michael
Cataldo, Ann
Chan, Carol
Crumbly, Angelique
Eugenia, Mercedes
Foley, Jason
Gottlieb, Gregory
Gomer, Lisa
Horton, Jerry
McNerney, Angela
Miranda, Roberto
Moore, Franklin
Kuyumjian, Kent
O'Neill, Maura
Ostermeyer, David
Pascocello, Susan
Peters, James
Romanowski, Alina
Steele, Gloria
Vera, Mauricio
Walther, Mark
Warren, Wade
Wiggins, Sandra
Winter, Gary
Nunez-Mattocks, Aracely; Outside SES Member
Acton, John; Outside SES Member

FOR FURTHER INFORMATION CONTACT: Melissa Jackson, 202–712–1781.

Dated: November 1, 2012.

Kevin Kozlowski,

ELR Specialist, Employee & Labor Relations Division.

[FR Doc. 2012–27229 Filed 11–6–12; 8:45 am]
BILLING CODE P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

November 1, 2012.

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), *Pamela_Beverly_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.

National Institute of Food and Agriculture

Title: Application for Authorization to Use the 4–H Name and/or Emblem.

OMB Control Number: 0524–0034.

Summary of Collection: Use of the 4–H Club Name and/or Emblem is authorized by an Act of Congress, (Pub. L. 772, 80th Congress, 645, 2nd Session). Use of the 4–H Club Name and/or Emblem by anyone other than the 4–H Clubs and those duly authorized by them, representatives of the Department of Agriculture, the Land-Grant colleges and universities, and person authorized by the Secretary of Agriculture is prohibited by the provisions of 18 U.S.C. 707. The Secretary has delegated authority to the Administrator of the National Institute of Food and Agriculture (NIFA) to authorize others to use the 4–H Name and Emblem. Therefore, anyone requesting, authorization from the Administrator to use the 4–H Name and Emblem is asked to describe the proposed use in a formal application. NIFA will collect information using form NIFA–01 ''Application for Authorization to Use the 4–H Club Name or Emblem.

Need and Use of the Information: The information collected by NIFA will be used to determine if those applying to use the 4–H name and emblem are meeting the requirements and quality of materials, products and/or services provided to the public. If the information were not collected, it would not be possible to ensure that the products, services, and materials meet the high standards of 4–H, its educational goals and objectives.

Description of Respondents: Not-for-profit institutions; Business or other for-profit; Individuals or households; State, Local or Tribal Government.

Number of Respondents: 60.

Frequency of Responses: Reporting: Other (every 3 years).

Total Burden Hours: 30.

National Institute of Food and Agriculture

Title: Children, Youth, and Families at Risk (CYFAR) Year End Report.

OMB Control Number: 0524–0043.

Summary of Collection: Funding for the Children, Youth, and Families at Risk (CYFAR) is authorized under section 3(d) of the Smith-Lever Act (7 U.S.C. 341 et seq.), as amended and other relevant authorizing legislation, which provides jurisdictional basis for the establishment and operation of extension educational work for the benefit of youth and families in communities. The CYFAR funding program supports community-based programs serving children, youth, and families in at risk environments. CYFAR funds are intended to support the development of high quality, effective programs based on research and to document the impact of these programs on intended audiences which are children, youth, and families in at-risk environments.

Need and Use of the Information: The purpose of the CYFAR Year End Report is to collect the demographic and impact data from each community site in order to evaluate the impact of the programs on intended audiences. The CYFAR data is also used to respond to requests for impact information from Congress, the White House, and other Federal agencies. Data from the CYFAR annual reports is used to refine and improve program focus and effectiveness. Without the information NIFA would not be able to verify if CYFAR programs are reaching at risk, low-income audiences.

Description of Respondents: State, Local or Tribal Government.

Number of Respondents: 51.

Frequency of Responses: Reporting: Annually.

Total Burden Hours: 16,422.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2012–27149 Filed 11–6–12; 8:45 am]

BILLING CODE 3410–09–P

DEPARTMENT OF COMMERCE

Census Bureau

Proposed Information Collection; Comment Request; Generic Clearance for Master Address File (MAF) and Topologically Integrated Geographic Encoding and Referencing (TIGER) Update Activities

AGENCY: U.S. Census Bureau.

ACTION: Notice.

SUMMARY: The Department of Commerce, 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, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: To ensure consideration, written comments must be submitted on or before January 7, 2013.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via email at *jjessup@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Patricia Williams, U.S. Census Bureau, 5H020E, Washington DC 20233, 301–763–3036 (or via email at *Patricia.A.Williams@census.gov*).

SUPPLEMENTARY INFORMATION:

I. Abstract

The Census Bureau presently operates a generic clearance covering activities involving respondent burden associated with updating our Master Address File (MAF) and Topologically Integrated Geographic Encoding and Referencing (TIGER) Database (MTdb). The MTdb is the Census Bureau's integrated address geographic database. We now propose to extend the generic clearance to cover update activities we will undertake during the next three fiscal years.

Under the terms of the generic clearance, we plan to submit a request for OMB approval that will describe, in general terms, all planned activities for the entire period. We will provide information to OMB at least two weeks before the planned start of each activity giving more exact details, examples of forms, and final estimates of respondent burden. We also will file a year-end summary with OMB after the close of each fiscal year giving results of each activity conducted. The generic clearance enables OMB to review our overall strategy for MTdb updating in advance, instead of reviewing each activity in isolation shortly before the planned start.

The Census Bureau used the addresses in the MTdb for mailing and delivering questionnaires to households during the 2010 Census and will do so for the 2020 Census. These addresses are also used as a sampling frame for our demographic current surveys. Prior to Census 2000, the Census Bureau built a new address list for each decennial census. The MTdb built for the 2010 Census is designed to be kept up-to-date, thereby eliminating the need to develop a completely new address list for future censuses and surveys. The Census Bureau plans to use the MTdb

for post-Census 2010 evaluations and as a sampling frame for the American Community Survey and our other demographic current surveys. The TIGER component of the MTdb is a geographic system that maps the entire country in Census Blocks with applicable address ranges or living quarter location information. The MTdb allows us to assign each address to the appropriate Census Block, produce maps as needed and publish results at the appropriate level of geographic detail. The following are descriptions of activities we plan to conduct under the clearance for the next three fiscal years. The Census Bureau has conducted these activities (or similar ones) previously and the respondent burden remains relatively unchanged from one time to another.

Demographic Area Address Listing (DAAL)

The Demographic Area Address Listing (DAAL) program encompasses the geographic area updates for the Community Address Updating System (CAUS), the area and group quarters frame listings for many ongoing demographic surveys (the Current Population Survey, the Consumer Expenditures Survey, etc.), and any other operations which choose to use the Automated Listing and Mapping System (ALMI) for evaluations, assessments, or to collect updates for the MTdb. The CAUS program was designed to address quality concerns relating to areas with high concentrations of noncity-style addresses, and to provide a rural counterpart to the update of city-style addresses the Census Bureau will receive from the U.S. Postal Services's Delivery Sequence File. The ongoing demographic surveys, as part of the 2000 Sample Redesign Program, use the MTdb as one of several sources of addresses from which they select their samples.

The DAAL program is a cooperative effort among many divisions at the Census Bureau; it includes automated listing software, systems, and procedures that will allow us to conduct listing operations in a dependent manner based on information contained in the MTdb. The DAAL operations will be conducted on an ongoing basis in potentially any county across the country. Field Representatives (FRs) will canvass selected 2010 Census tabulation blocks in an effort to improve the address list in areas where substantial address changes may have occurred that have not been added to the MTdb through regular update operations, and/or in blocks in the area or group quarters frame sample for the demographic surveys. FRs will update existing address information and, when necessary, contact individuals to collect accurate location and mailing address information. In general, contact will occur only when the FR is adding a unit to the address list, and/or the individual's address is not posted or visible to the FR. There is no pre-determined or scripted list of questions asked as part of this listing operation. If an address is not posted or visible to the FR, the FR will ask about the address of the structure, the mailing address, and, in some instances, the year the structure was built. If the occupants of these households are not at home, the FR may attempt to contact a neighbor to determine the best time to find the occupants at home and/or to obtain the correct address information.

DAAL is an ongoing operation. Listing assignments are distributed quarterly with the work conducted throughout the time period. We expect the DAAL listing operation will be conducted throughout the entire time period of the extension.

2020 Census Research and Testing Program

The 2020 Census Research and Testing program will conduct tests from FY13 through FY15 to research methodologies to improve the efficiency and effectiveness of the 2020 Census. Among the research is Test 22, a test that will mainly involve the newly developed MAF error model. The goal of the MAF error project is to determine the components of MAF error and to develop an error model for use in measuring MAF quality. The MAF error project will use data from existing programs as well as data from Test 22 to validate the recommended solution. Test 22 is currently scheduled to be conducted in fiscal year 2013.

The MAF error project is a cooperative effort among many divisions at the Census Bureau; it includes automated software, systems, and procedures that will allow us to measure the quality of the MAF. Test 22 is currently a one-time project scheduled for fiscal year 2013. Enumerators (Listers) will canvass blocks to provide complete list of residential addresses. Listers will update existing address information and, when necessary, contact individuals to collect accurate location and mailing address information. In general, contact will occur only when the Lister is adding a unit to the address list, and/or the individual's address is not posted or visible to the Lister. Subsequent analysis will determine the coverage of the address files, which will allow for the creation of coverage measures.

The listed activities are not exhaustive of all activities that may be performed under this generic clearance. We will follow the approved procedure when submitting any additional activities not specifically listed here.

II. Method of Collection

The primary method of data collection for most operations/evaluations will be personal observation or personal interview by Census Listers, Verifiers, Enumerators or Field Representatives using the operation/evaluation's listing form or questionnaire. In some cases, the interview could be by telephone callback if no one was home during the initial visit.

III. Data

OMB Control Number: 0607–0809.

Form Number: Some form numbers for activities have not yet been assigned.

Type of Review: Regular submission.

Affected Public: Individuals or households.

Estimated Number of Respondents:
FY13: 73,177 HH
2,752 GQs
FY14: 13,177 HH
1,535 GQs
FY15: 70,777 HH
2,111 GQs

Estimated Time per Response: 3 min/HH; 10 min/GQ.

Estimated Total Annual Burden Hours:
FY13: 4,118
FY14: 915
FY15: 3,891

Estimated Total Annual Cost: The only cost to respondents is that of their time to respond.

Respondent's Obligation: Mandatory.

Legal Authority: Title 13 United States Code, Sections 141 and 193.

IV. Request for Comments

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 (including hours and cost) 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.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: November 2, 2012.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2012–27183 Filed 11–6–12; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–78–2012]

Foreign-Trade Zone 185—Culpeper County, VA Application for Reorganization Under Alternative Site Framework

An application has been submitted to the Foreign-Trade Zones (FTZ) Board (the Board) by the County of Culpeper, grantee of FTZ 185, requesting authority to reorganize the zone under the alternative site framework (ASF) adopted by the Board (15 CFR 400.2(c)). The ASF is an option for grantees for the establishment or reorganization of general-purpose zones and can permit significantly greater flexibility in the designation of new ''subzones'' or ''usage-driven'' FTZ sites for operators/users located within a grantee's ''service area'' in the context of the Board's standard 2,000-acre activation limit for a general-purpose zone project. The application was submitted pursuant to the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR part 400). It was formally docketed on November 1, 2012.

FTZ 185 was approved by the Board on May 22, 1992 (Board Order 578, 57 FR 23385, 6/3/92), and expanded on December 22, 1997 (Board Order 945, 63 FR 205, 1/5/98), and on March 7, 2008 (Board Order 1550, 73 FR 14434, 3/18/08). On April 20, 2010, the grant of authority was reissued to the County of Culpeper (Board Order 1677, 75 FR 24571, 5/5/10).

The current zone project includes the following sites: *Site 1* (78 acres)—Culpeper Business and Office Park, Route 29 and Route 666, Culpeper County; *Site 2* (104 acres)—Culpeper County Industrial Airpark, Route 29 North, Elkwood; and, *Site 3* (65 acres)—REO Distribution Services, 1 Solutions Way, Waynesboro.

The grantee's proposed service area under the ASF would be the Counties of Albemarle, Augusta, Bath, Caroline, Culpeper, Fluvanna, Greene, Highland, King George, Louisa, Madison, Nelson, Orange, Page, Rappahannock, Rockbridge, Rockingham, Shenandoah, Spotsylvania, Stafford and Warren, as described in the application. If approved, the grantee would be able to serve sites throughout the service area based on companies' needs for FTZ designation. The proposed service area is within and adjacent to the Front Royal Customs and Border Protection port of entry.

The applicant is requesting authority to reorganize its existing zone project to include all of the existing sites as ''magnet'' sites. The ASF allows for the possible exemption of one magnet site from the ''sunset'' time limits that generally apply to sites under the ASF, and the applicant proposes that Site 2 be so exempted. No subzones/usage-driven sites are being requested at this time. The application would have no impact on FTZ 185's previously authorized subzones.

In accordance with the Board's regulations, Kathleen Boyce of the FTZ Staff is designated examiner to evaluate and analyze the facts and information presented in the application and case record and to report findings and recommendations to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is January 7, 2013. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to January 22, 2013.

A copy of the application will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230–0002, and in the ''Reading Room'' section of the Board's Web site, which is accessible via *www.trade.gov/ftz.* For further information, contact Kathleen Boyce at *Kathleen.Boyce@trade.gov* or (202) 482–1346.

Dated: November 2, 2012.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2012–27284 Filed 11–6–12; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–79–2012]

Foreign-Trade Zone 147—Reading, PA Application for Reorganization Under Alternative Site Framework

An application has been submitted to the Foreign-Trade Zones (FTZ) Board (the Board) by the FTZ Corporation of Southern Pennsylvania, grantee of FTZ 147, requesting authority to reorganize the zone under the alternative site framework (ASF) adopted by the Board (15 CFR 400.2(c)). The ASF is an option for grantees for the establishment or reorganization of zones and can permit significantly greater flexibility in the designation of new subzones or ''usage-driven'' FTZ sites for operators/users located within a grantee's ''service area'' in the context of the Board's standard 2,000-acre activation limit for a zone. The application was submitted pursuant to the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on November 1, 2012.

FTZ 147 was approved by the Board on June 28, 1988 (Board Order 378, 53 FR 26094, 7/11/1988) and expanded on February 25, 1997 (Board Order 871, 62 FR 10520–10521, 3/7/1997), November 3, 2005 (Board Order 1417, 70 FR 69937, 11/18/2005) and May 29, 2009 (Board Order 1615, 74 FR 28890, 6/18/2009).

The current zone includes the following sites: *Site 1* (865 acres)—Reading Municipal Airport, 2502 Bernville Road, Reading; *Site 2* (6.64 acres)—Hamm International and KMX International, 2nd and Grand Streets, Hamburg; *Site 3* (160.71 acres)—Excelsior Industrial Park, Maiden Creek Township; *Site 4* (272.33)—International Trade District of York, York; *Site 5* (54.42 acres)—Penn Township Industrial Park, York; *Site 7* (155 acres)—Greensprings Industrial Park, 305 Green Spring Road, York; *Site 8* (152 acres)—Fairview Business Park, McCarthy Drive and Industrial Drive, Lewisberry; *Site 9* (34 acres)—Chambersburg Industrial Park, 900 Kriner Road, Chambersburg; *Site 10* (1,214 acres)—Cumberland Valley Business Park, 5121A Coffey Ave., Chambersburg; *Site 11* (310 acres)—ProLogis Park 81, I–81 and Walnut Bottom Road, Shippensburg; *Site 12* (242 acres)—LogistiCenter, Allen Road Extension and Distribution Drive, Carlisle; *Site 13* (100 acres)—Capital Business Center, 400 First Street, Middletown; *Site 14* (164 acres)—Conewago Industrial Park, 1100 Zeager

Road, Elizabethtown; *Site 16* (134 acres)—Matrix Development Group, 1201 South Antrim Way, Greencastle; *Site 17* (256 acres)—United Business Park, 7810 Olde Scotland Road, Shippensburg; *Site 18* (208 acres)—Key Logistics Park, Centerville Road, Newville; *Site 19* (292 acres)—I–81 Commerce Park, Walnut Bottoms Road, Shippensburg; *Site 20* (14.5 acres)—GlaxoSmithKline, 105 Willow Springs Lane, York; *Site 21* (4.4 acres)—Southern Cross Logistics, Inc., 2800 Concord Road Rd. Ste A, York; *Site 22* (214 acres)—Caterpillar Logistics, 600 & 601 Memory Lane, York; *Site 23* (9.17 acres)—D&D Distribution Services, 789 Kings Mill Road, York; *Site 24* (24 acres)—401 Moulstown Road, Penn Township; *Site 25* (1 acre)—633–641 Lowther Road, Lewisberry; and, *Site 26* (151 acres)—Guilford Springs Road, Guilford Township.

The grantee's proposed service area under the ASF would be Berks, Cumberland, Dauphin, Franklin, Lancaster and York Counties, as described in the application. If approved, the grantee would be able to serve sites throughout the service area based on companies' needs for FTZ designation. The proposed service area is within and adjacent to the Harrisburg Customs and Border Protection port of entry.

The applicant is requesting authority to reorganize its existing zone project to include existing sites 1–5, 7–14, 16–19 and 23–26 as ''magnet'' sites and existing sites 20–22 as ''usage-driven'' sites. The ASF allows for the possible exemption of one magnet site from the ''sunset'' time limits that generally apply to sites under the ASF, and the applicant proposes that Site 1 be so exempted. The application would have no impact on FTZ 147's previously authorized subzones.

In accordance with the Board's regulations, Elizabeth Whiteman of the FTZ Staff is designated examiner to evaluate and analyze the facts and information presented in the application and case record and to report findings and recommendations to the Board.

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is January 7, 2013. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to January 22, 2013.

A copy of the application will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230–0002, and in the ''Reading Room'' section of the Board's Web site, which is accessible via *www.trade.gov/ftz.* For further information, contact Elizabeth Whiteman at *Elizabeth.Whiteman@trade.gov* or (202) 482–0473.

Dated: November 1, 2012.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2012–27286 Filed 11–6–12; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part

Correction

In notice document 2012–26800 appearing on pages 65858–65863 in the issue of Wednesday, October 31, 2012, make the following correction:

On page 65862, in the table, in the second column, in the first entry in that column, ''9/1/11–8/31/12'' should read ''1/1/11–12/31/11''.

[FR Doc. C1–2012–26800 Filed 11–6–12; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF COMMERCE

International Trade Administration

Executive-Led Trade Mission to South Africa and Zambia

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice.

SUMMARY: The United States Department of Commerce, International Trade Administration, U.S. and Foreign Commercial Service (US&FCS) is amending notice for the Executive-Led Trade Mission to South Africa and Zambia scheduled for November 26–30, 2012, published at 77 FR 31574, May 29, 2012, to expand the eligibility to include U.S. trade associations and to set a new application deadline for trade association applicants only of November 12, 2012.

FOR FURTHER INFORMATION CONTACT: Frank Spector, Office of Domestic Operations, Trade Promotion Programs, Phone: 202–482–2054; Fax: 202–482–9000, Email: *Frank.Spector@trade.gov.*

SUPPLEMENTARY INFORMATION: The US&FCS has received applications from trade associations to participate in the Executive-Led Trade Mission to South Africa and Zambia scheduled for November 26–30, 2012, announced in the Notice published at 77 FR 31574, May 29, 2012, as previously amended by notices at 77 FR 48498 (Aug. 14, 2012) adding the water sector as a targeted sector and at 77 FR 60966 (Oct. 5, 2012) extending the original application deadline. As previously published, the notice addressed only U.S. company eligibility. In response to the interest expressed by trade associations, US&FCS is amending the notice to expand the eligibility to include U.S. trade associations and to set a new application deadline for trade association applicants only of November 12, 2012. Applications from U.S. companies were due by October 12, 2012. US&FCS has been making selection decisions on U.S. company applicants on a rolling basis since August 5, 2012. Applications will be accepted after the deadline only to the extent that space remains and scheduling constraints permit.

Amendments

For these reasons, the Fees and Expenses, Conditions for Participation, Selection Criteria for Participation, and Timeframe for Recruitment and Applications sections of the Notice of the Executive-Led Trade Mission to South Africa and Zambia are amended to read as follows:

Fees and Expenses:

After a company or trade association has been selected to participate on the mission, a payment to the U.S. Department of Commerce in the form of a participation fee is required. The participation fee is $4900 for large firms and $4,350 for small or medium-sized enterprises (SME) [1] and trade associations. The fee for each additional representative (large firm or SME/trade association) is $450. Expenses for travel, lodging, some meals, and incidentals will be the responsibility of each mission participant.

Conditions For Participation:

Applicants must submit a completed and signed mission application and supplemental application materials,

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

including adequate information on the company's (or in the case of a trade association, represented companies') products and/or services, primary market objectives, and goals for participation. If the Department of Commerce receives an incomplete application, the Department may either: Reject the application, request additional information/clarification, or take the lack of information into account when evaluating the applications.

Each applicant must also certify that the products and services it seeks to export through the mission are either produced in the United States, or, if not, are marketed under the name of a U.S. firm and have at least fifty-one percent U.S. content. In the case of a trade association, the applicant must certify that for each company to be represented by the association, the products and/or services the represented company seeks to export are either produced in the United States or, if not, marketed under the name of a U.S. firm and have at least fifty-one percent U.S. content.

Selection Criteria For Participation:

- Suitability of the company's (or in the case of a trade association, represented companies') products or services to the mission goals.
- Applicant's (or in the case of a trade association, represented companies') potential for business in South Africa and Zambia, including likelihood of exports resulting from the mission.
- Consistency of the applicant's (or in the case of a trade association, represented companies') goals and objectives with the stated scope of the mission.

Diversity of company size, sector or subsector, and location may also be considered during the review process.

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

Timeframe for Recruitment and Applications

Mission recruitment will be conducted in an open and public manner, including publication in the **Federal Register**, posting on the Commerce Department trade mission calendar—*www.ita.doc.gov/doctm/tmcal.html*—and other Internet web sites, press releases to general and trade media, direct mail, broadcast fax, notices by industry trade associations and other multiplier groups, and publicity at industry meetings, symposia, conferences, and trade shows.

Recruitment for the mission began in March 2012 and concluded October 12, 2012 for U.S. company participants. The U.S. Department of Commerce began reviewing applications and making selection decisions on a rolling basis beginning August 6, 2012, until the maximum of 20 participants is selected. For U.S. trade associations only, applications will be accepted until November 12, 2012. Applications received by U.S. companies after October 12, 2012 and by U.S. trade associations after November 12, 2012, will be considered only if space and scheduling constraints permit.

Frank Spector,

Senior International Trade Specialist.

[FR Doc. 2012–27236 Filed 11–6–12; 8:45 am]

BILLING CODE 3510–FP–P

DEPARTMENT OF COMMERCE

International Trade Administration

North American Free-Trade Agreement, Article 1904; NAFTA Panel Reviews; Request for Panel Review

AGENCY: NAFTA Secretariat, United States Section, International Trade Administration, Department of Commerce.

ACTION: Notice of First Request for Panel Review.

SUMMARY: On October 9, 2012, Eastman Chemical, Co. filed a First Request for Panel Review with the Mexican Section of the NAFTA Secretariat pursuant to Article 1904 of the North American Free Trade Agreement. Panel Review was requested of the Final Results of the Antidumping Administrative Review, regarding the importation of ethylene glycol monobutyl ether from the United States of America, regardless of country of origin. This determination was published in the *Diario Oficial de la Federacióon,* on September 11, 2012 . The NAFTA Secretariat has assigned Case Number MEX–USA–2012–1904–02 to this request.

FOR FURTHER INFORMATION CONTACT: Ellen M. Bohon, United States Secretary, NAFTA Secretariat, Suite 2061, 14th and Constitution Avenue NW., Washington, DC 20230, (202) 482–5438.

SUPPLEMENTARY INFORMATION: Chapter 19 of the North American Free-Trade Agreement (''Agreement'') established a mechanism to replace domestic judicial review of final determinations in antidumping and countervailing duty cases involving imports from a NAFTA country with review by independent binational panels. When a Request for Panel Review is filed, a panel is established to act in place of national courts to review expeditiously the final determination to determine whether it conforms with the antidumping or countervailing duty law of the country that made the determination.

Under Article 1904 of the Agreement, which came into force on January 1, 1994, the Government of the United States, the Government of Canada, and the Government of Mexico established *Rules of Procedure for Article 1904 Binational Panel Reviews* (''Rules''). These Rules were published in the **Federal Register** on February 23, 1994 (59 FR 8686).

A first Request for Panel Review was filed with the Mexican Section of the NAFTA Secretariat, pursuant to Article 1904 of the Agreement, on October 9, 2012, requesting a panel review of the determination and order described above.

The Rules provide that:

(a) A Party or interested person may challenge the final determination in whole or in part by filing a Complaint in accordance with Rule 39 within 30 days after the filing of the first Request for Panel Review (the deadline for filing a Complaint is November 8, 2012);

(b) A Party, investigating authority or interested person that does not file a Complaint but that intends to appear in support of any reviewable portion of the final determination may participate in the panel review by filing a Notice of Appearance in accordance with Rule 40 within 45 days after the filing of the first Request for Panel Review (the deadline for filing a Notice of Appearance is November 23, 2012); and

(c) The panel review shall be limited to the allegations of error of fact or law, including the jurisdiction of the investigating authority, that are set out in the Complaints filed in panel review and the procedural and substantive defenses raised in the panel review.

Dated: October 31, 2012.

Ellen M. Bohon,

United States Secretary, NAFTA Secretariat.

[FR Doc. 2012–27148 Filed 11–6–12; 8:45 am]

BILLING CODE 3510–GT–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–351–824]

Silicomanganese from Brazil: Revocation of Antidumping Duty Order

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

SUMMARY: As a result of the determination by the International Trade Commission (the ITC) that revocation of the antidumping duty (AD) order on silicomanganese from Brazil would not be likely to lead to the continuation or recurrence of material injury to an industry in the United States, the Department of Commerce (the Department) is revoking this AD order.

DATES: *Effective Date:* September 14, 2011.

FOR FURTHER INFORMATION CONTACT: Bryan Hansen or Minoo Hatten, AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–1690 or (202) 482–3683 respectively.

SUPPLEMENTARY INFORMATION:

Background

On August 1, 2011, the Department initiated and the ITC instituted sunset reviews of the AD orders on silicomanganese from Brazil, the PRC, and Ukraine pursuant to sections 751(c) and 752 of the Tariff Act of 1930, as amended (the Act).[1] As a result of its reviews, the Department found that revocation of the AD orders would likely lead to continuation or recurrence of dumping and notified the ITC of the margins of dumping likely to prevail were the orders revoked.[2]

On October 31, 2012, the ITC published its determination, pursuant to section 751(c) of the Act, that revocation of the AD order on silicomanganese from Brazil would not be likely to lead to the continuation or recurrence of material injury within a reasonably foreseeable time.[3]

Scope of the Order

The merchandise covered by the order is silicomanganese. Silicomanganese, which is sometimes called ferrosilicon manganese, is a ferroalloy composed principally of manganese, silicon and iron, and normally contains much smaller proportions of minor elements, such as carbon, phosphorus, and sulfur. Silicomanganese generally contains by weight not less than 4 percent iron, more than 30 percent manganese, more than 8 percent silicon, and not more than 3 percent phosphorous. All compositions, forms, and sizes of silicomanganese are included within the scope of the order, including silicomanganese slag, fines, and briquettes. Silicomanganese is used primarily in steel production as a source of both silicon and manganese.

Silicomanganese is currently classifiable under subheading 7202.30.0000 of the Harmonized Tariff Schedule of the United States (HTSUS). Some silicomanganese may also currently be classifiable under HTSUS subheading 7202.99.5040. The order covers all silicomanganese, regardless of its tariff classification. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the order remains dispositive.

Determination

As a result of the determination by the ITC that revocation of the AD order would not be likely to lead to continuation or recurrence of material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act, the Department is revoking the AD order on silicomanganese from Brazil. Pursuant to section 751(d)(2) of the Act and 19 CFR 351.222(i)(2)(i), the effective date of revocation is September 14, 2011 (*i.e.,* the fifth anniversary of the effective date of publication in the **Federal Register** of the most recent notice of continuation of this order).[4]

The Department will notify U.S. Customs and Border Protection, 15 days after publication of this notice, to terminate suspension of liquidation and collection of cash deposits on entries of the subject merchandise, entered or withdrawn from warehouse, on or after September 14, 2011. Entries of subject merchandise prior to the effective date of revocation will continue to be subject to suspension of liquidation and antidumping duty deposit requirements.

This notice also serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return/destruction or conversion to judicial protective order of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Failure to comply is a violation of the APO which may be subject to sanctions.

This five-year (sunset) review and notice are in accordance with section 751(d)(2) of the Act and published pursuant to section 777(i)(1) of the Act.

Dated: November 1, 2012.

Paul Piquado,

Assistant Secretary for Import Administration.

[FR Doc. 2012–27285 Filed 11–6–12; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Initiation of Five-Year (''Sunset'') Review,* 76 FR 45778 (August 1, 2011) and *Silicomanganese From Brazil, China, and Ukraine Institution of a Five-Year Review Concerning the Antidumping Duty Orders on Silicomanganese From Brazil, China, and Ukraine,* 76 FR 45856 (August 1, 2011).

[2] *See Silicomanganese From Brazil, the People's Republic of China, and Ukraine: Final Results of the Expedited Third Sunset Reviews of the Antidumping Duty Orders,* 76 FR 73587 (November 29, 2011).

[3] *See Silicomanganese From Brazil, China, and Ukraine,* 77 FR 65906 (October 31, 2012). *See also Silicomanganese from Brazil, China, and Ukraine* (Inv. Nos. 731–TA–671–673 (Third Review), USITC Publication 4354, October 2012).

[4] *See Silicomanganese from Brazil, Ukraine, and the People's Republic of China: Continuation of Antidumping Duty Orders,* 71 FR 54272 (September 14, 2006).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 100322160–2479–02]

RIN 0648–XV10

Endangered and Threatened Wildlife and Plants: Notice of 12-Month Finding on a Petition To List the Bumphead Parrotfish as Threatened or Endangered Under the Endangered Species Act (ESA)

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

ACTION: Notice of twelve-month finding listing determination and availability of status review documents.

SUMMARY: We, NMFS, announce a twelve-month finding and listing determination on a petition to list the bumphead parrotfish (*Bolbometopon muricatum*) as threatened or endangered under the Endangered Species Act (ESA). We have completed a status review of the bumphead parrotfish in response to the petition submitted by WildEarth Guardians and considered the best scientific and commercial data available. The bumphead parrotfish is a coral reef-associated species that occurs in 45 countries in the Indo-Pacific area, including some U.S. Territories. After reviewing the best scientific and commercial data available, we have determined that the bumphead parrotfish is not warranted for listing under the ESA because the species still occupies its historical range, although at a lower and declining abundance, but with biological characteristics and management measures that support the population above the viability threshold. Based on these considerations, described in more detail in this notice, we conclude that the bumphead parrotfish is not currently in danger of extinction throughout all or a significant portion of its range, and not

likely to become so within the foreseeable future.

DATES: This finding was made on November 7, 2012.

ADDRESSES: The Bumphead parrotfish status review documents (Biological Review Team Report, Management Report) are available by submitting a request to the Regulatory Branch Chief, Protected Resources Division, NMFS Pacific Islands Regional Office, 1601 Kapiolani Blvd., Suite 1110, Honolulu, HI 96814, Attn: Bumphead Parrotfish 12-month Finding. The reports are also available electronically at: *http://www.fpir.noaa.gov/PRD/prd_esa_section_4.html.*

FOR FURTHER INFORMATION CONTACT: Lance Smith, NMFS Pacific Islands Regional Office, (808) 944–258; or Dwayne Meadows, NMFS, Office of Protected Resources (301) 427–8403.

SUPPLEMENTARY INFORMATION:

Background

On January 4, 2010, we received a petition from WildEarth Guardians to list the bumphead parrotfish (*Bolbometopon muricatum*) as threatened or endangered under the Endangered Species Act of 1973. The petitioner also requested that critical habitat be designated for this species concurrent with listing under the ESA. The petition asserted that overfishing is a significant threat to bumphead parrotfish and that this species is declining across its range and is nearly eliminated from many areas. The petition also asserted that degradation of coral habitat through coral bleaching and ocean acidification threatens this species as coral is its primary food source. The petition also argued that biological traits (e.g., slow maturation and low reproductive rates), shrinking remnant populations and range reductions, effects from increasing human populations, and inadequate regulatory protection all further contribute to the risk of extinction for bumphead parrotfish. This species is listed as vulnerable by the International Union for the Conservation of Nature (IUCN; Chan *et al.,* 2007).

On April 2, 2010, we published a 90-day finding with our determination that the petition presented substantial scientific and commercial information indicating that the petitioned action may be warranted (75 FR 16713). We initiated a comprehensive status review of bumphead parrotfish to determine if the species warrants listing under the ESA. The 90-day finding requested scientific and commercial information from the public to inform a status review of the species. We received ten public responses to the 90-day Finding; the information we received was considered in the comprehensive status review as described below in the Biological Review section. The status review of bumphead parrotfish was completed jointly by our Pacific Islands Fisheries Science Center (PIFSC) and Pacific Islands Regional Office (PIRO). A Bumphead Parrotfish Biological Review Team (BRT) comprising Federal scientists from the Hawaii Cooperative Fishery Research Unit of the United States Geological Survey, and our Southwest and Pacific Islands Fisheries Science Centers completed a biological report on the species (hereafter ''BRT Report'', cited as Kobayashi *et al.,* 2011). PIRO staff completed a report on the regulatory mechanisms and conservation efforts affecting the species across its range (hereafter ''Management Report'', cited as NMFS, 2012). The BRT Report and Management Report together constitute the bumphead parrotfish status review. Both reports are available as described above [see **ADDRESSES**].

Listing Determinations Under the ESA

We are responsible for determining whether the bumphead parrotfish is threatened or endangered under the ESA (16 U.S.C. 1531 *et seq.*). Section 4(b)(1)(A) of the ESA requires us to make listing determinations based solely on the best scientific and commercial data available after conducting a review of the status of the species and after taking into account efforts being made by any state or foreign nation to protect the species. We have followed a four-step approach in making this listing determination for bumphead parrotfish: (1) Biological Review; (2) Threats Evaluation; (3) Extinction Risk Analysis; and (4) Listing Determination.

For the first step, the BRT completed a biological review of the taxonomy, distribution, abundance, life history and biology of the species (Kobayashi *et al.,* 2011). The BRT Report determined if the bumphead parrotfish is a ''species'' under the ESA. To be considered for listing under the ESA, a group of organisms must constitute a ''species,'' which is defined in section 3 of the ESA to include taxonomic species plus ''any subspecies of fish or wildlife or plants, and any distinct population segment [DPS] of any species of vertebrate fish or wildlife which interbreeds when mature.'' The BRT Report's results are summarized below under Biological Review.

For the second step, we assessed threats affecting the species' status. We did this by following guidance in the ESA that requires us to determine whether any species is endangered or threatened due to any of the following five factors: (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; or (E) other natural or manmade factors affecting its continued existence (sections 4(a)(1)(A) through (E)). The BRT Report examined factors A, B, C, and E (Kobayashi *et al.,* 2011), and the Management Report examined factor D and conservation efforts as per section 4(b) (NMFS, 2012). Results of the BRT and Management Reports with regard to the five factors are summarized below under Threats Evaluation.

For the third step, we completed an extinction risk analysis to determine the status of the species. We asked the BRT to develop an extinction risk analysis approach based on the best available information for bumphead parrotfish. Extinction risk results in Kobayashi *et al.* (2011) are based on factors A, B, C, and E of section 4(a)(1) of the ESA. Factor D (''inadequacy of existing regulatory mechanisms''); Federal, state, and foreign conservation efforts were assessed in the Management Report (NMFS, 2012), and not considered by the BRT in its extinction risk analysis for the species. Thus, a final extinction risk analysis was done by determining whether results of the BRT's extinction risk analysis would be affected by conclusions made based on the contents of the Management Report, thereby addressing the five 4(a)(1) factors as well as conservation efforts that may mitigate the impacts of threats to the species' status. The Policy for Evaluation of Conservation Efforts When Making Listing Determinations, or PECE policy (68 FR 15100; March 28, 2003) provides direction for the consideration of protective efforts identified in conservation agreements, conservation plans, management plans, or similar documents (developed by Federal agencies, state and local governments, Tribal governments, businesses, organizations, and individuals) that have not yet been implemented, or have been implemented but have not yet demonstrated effectiveness. The evaluation of the certainty of an effort's effectiveness is made on the basis of whether the effort or plan: establishes specific conservation objectives; identifies the necessary steps to reduce threats or factors for decline; includes quantifiable performance measures for

the monitoring of compliance and effectiveness; incorporates the principles of adaptive management; and is likely to improve the species' viability at the time of the listing determination. In addition, recognition through Federal government or state listing promotes public awareness and conservation actions by Federal, state, tribal governments, foreign nations, private organizations, and individuals.

For the fourth step, results of the biological review, threats evaluation, and extinction risk analysis are considered to determine whether the bumphead parrotfish qualifies for threatened or endangered status. Section 3 of the ESA defines an endangered species as ''any species which is in danger of extinction throughout all or a significant portion of its range'' and a threatened species as one ''which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.'' Thus, in the context of the ESA, the Services interpret an ''endangered species'' to be one that is presently at risk of extinction. A ''threatened species,'' on the other hand, is not currently at risk of extinction but is likely to become so. In other words, a key statutory difference between a threatened and endangered species is the timing of when a species may be in danger of extinction, either now (endangered) or within the foreseeable future (threatened). Thus, a species may be listed as threatened if it is likely to become in danger of extinction throughout all or a significant portion of its range within the foreseeable future.

Whether a species is ultimately protected as endangered or threatened depends on the specific life history and ecology of the species, the nature of threats, the species' response to those threats, and population numbers and trends. In determining whether the species meets the standard of endangered or threatened, we must consider each of the threats identified, both individually and cumulatively. For purposes of our analysis, the mere identification of factors that could impact a species negatively is not sufficient to compel a finding that ESA listing is appropriate. In considering those factors that might constitute threats, we look beyond mere exposure of the species to the factor to determine whether the species responds, either to a single threat or multiple threats in combination, in a way that causes actual impacts at the species level. In making this finding, we have considered and evaluated the best available scientific and commercial information, including information received in response to our 90-day finding.

Biological Review

This section provides a summary of the BRT Report (Kobayashi *et al.,* 2011). The BRT first reviewed the ten public comments received on the 90-day Finding and found that six of them reiterated other materials available to the BRT. Two comments argued for the existence of bumphead parrotfish DPSs in American Samoa and Guam, but no supporting biological information was provided. A DPS is evaluated for listing under the three following elements: (1) Discreteness of the population segment in relation to the remainder of the species to which it belongs; (2) The significance of the population segment to the species to which it belongs; and (3) The population segment's conservation status in relation to the Act's standards for listing (i.e., is the population segment, when treated as if it were a species, endangered or threatened?) (61 FR 4722: February 7, 1996). The BRT found insufficient information to conclude that a DPS designation was warranted for bumphead parrotfish. These two comments did, however, provide information substantiating information already available to the BRT regarding the role of fishing in the decline of bumphead parrotfish around heavily populated and/or visited areas.

The two remaining comments contained information pertinent to existing regulatory mechanisms throughout bumphead parrotfish range. This information was provided to the staff compiling the management report. Following are summaries of key biological information presented in Kobayashi *et al.* (2011).

Species Description

The bumphead parrotfish is a member of a conspicuous group of shallow-water fishes (parrotfishes in the family Scaridae, order Perciformes) that are closely associated with coral reefs (Bellwood, 1994; Randall *et al.,* 1997). Currently, 90 species in 10 genera are recognized in the parrotfish family (Bellwood, 1994; Parenti and Randall, 2000). Parrotfishes are distinguished from other fishes based on their unique dentition (dental plates derived from fusion of teeth), loss of predorsal bones, lack of a true stomach, and extended length of intestine (Randall, 2005).

The bumphead parrotfish is the largest member of the parrotfishes, growing to at least 110 cm total length (TL) (Kobayashi *et al.,* 2011) and a maximum total length of 130 cm and weighing up to 46 kg (Donaldson and Dulvy, 2004; Randall, 2005). Adults are primarily olive to blue green or grey in color with the anterior region near the head being yellow to pink in coloration (Randall, 2005). A prominent bulbous bump on the forehead, from whence the genus name is derived, is also a common feature observed in adults. The bump is sexually dimorphic, it slopes caudal to beak in females but is nearly parallel with the beak in males, and the entire bump is usually larger in males (Munoz et al., 2012). Bumphead parrotfish have been observed to reach sexual maturity at 55–65 cm TL for females and 47–55 cm TL for males (Hamilton *et al.,* 2007). Consequently, juvenile bumphead parrotfish are defined as any fish less than about 50 cm TL. Juveniles are greenish brown in color with two to three vertical rows of white spots along the flank (Bellwood and Choat, 1989; Randall, 2005). Bumphead parrotfish are distinguished from other parrotfish species by possessing two to four median predorsal scales, three rows of cheek-scales, 16–17 pectoral-fin rays, 16–18 gill rakers, and 12 precaudal vertebrae (Kobayashi *et al.,* 2011).

English common names include buffalo parrotfish, bumphead parrotfish, double-headed parrotfish, giant humphead parrotfish, green humphead parrotfish, and humphead parrotfish. Non-English common names in the Pacific include: Lendeke, Kitkita, Topa, Topa kakara, Perroquet bossu vert, Togoba, Uloto'i, Gala Uloto'i, Laea Uloto'i, Loro cototo verde, Berdebed, Kalia, Kemedukl, Kemeik, and Tanguisson. Several of these names are a reflection of the different size ranges of the fish used within a society (Adams and Dalzell, 1994; ASFIS, 2010; Aswani and Hamilton, 2004; Hamilton, 2004; Hamilton *et al.,* 2007; Helfman and Randall, 1973; Johannes, 1981).

Currently, there is no population genetic information on bumphead parrotfish. Regional variation in morphology, meristics, coloration, or behavior has not been observed. Based on modeling of pelagic egg and larvae transport, the species likely has an interconnected population structure throughout its current range, with the possible exception of both the eastern and western edges of the current range (Kobayashi *et al.,* 2011). While this conclusion is based on a single estimate of larval duration, this estimate is the best available information and is well within the range of values reported for labrids and scarids (Ishihara and Tachihara, 2011). Several empirical studies did not find a relationship between pelagic larval duration and genetic population structure (Bay *et al.,*

2006; Bowen *et al.,* 2006; Luiz *et al.,* 2012) however they and others (Saenz-Agudelo *et al.,* 2012; Treml *et al.,* 2012) all found evidence to some degree of relatively long range dispersal in species with a pelagic larval stage; as such, while pelagic larval duration is likely one of many factors that influence reef fish dispersal and connectivity, the existence of a pelagic larval life stage is likely to result in interconnected population structure to some degree. More recent work by Faurby and Barber (2012) asserts that pelagic larval duration may be a much stronger determinant of realized larval dispersal than suggested in empirical studies due to variation and uncertainty associated with calculating genetic structure. Without genetic information for bumphead parrotfish, it is impossible to confirm or deny this relationship. Additionally, Treml *et al.* (2012) found that broad-scale connectivity is strongly influenced by reproductive output and the length of pelagic larval duration across three coral reef species.

One year of current data (2009) was chosen for use in the pelagic transport simulation; although some interannual variability exists in ocean currents, PIFSC data available at Oceanwatch (*http://oceanwatch.pifsc.noaa.gov/equator_eof.html*) indicate that 2009 transitioned between high and low sea surface height anomalies and was not likely to be anomalous in any respect for the whole year considered. Although the simulation did not necessarily account for inter-annual variability of current data outside of 2009, its reliance on the entire year's current data, rather than a time-limited snapshot, increases our confidence in its projections. Sponaugle *et al.* (2012) provide a demonstration of significant agreement between modeled and observed settlement of a coral reef fish. The BRT found, and we agree, that the bumphead parrotfish is a single, well-described species that cannot be sub-divided into DPSs based on the currently available biological information (Kobayashi *et al.,* 2011). In addition to the criteria identified *supra,* DPSs may be delimited by international governmental boundaries within which differences in control of exploitation, management of habitat, conservation status, or regulatory mechanisms exist that are significant in light of Section 4(a)(1)(D) of the ESA. Because this determination involves consideration of factors outside the technical and scientific expertise of the BRT, they were not charged with determining whether distinguishing DPSs based on international political boundaries is appropriate. This aspect of DPS designation is discussed further below in the Listing Determination.

Habitat and Distribution

Adult bumphead parrotfish are found primarily on shallow (1–15 m) barrier and fringing reefs during the day and rest in caves and shallow sandy lagoon habitats at night (Donaldson and Dulvy, 2004). Extensive reef structures on the Great Barrier Reef off the east coast of Australia with adjacent lagoons appear to provide an example of optimal habitat for bumphead parrotfish (Choat, personal communication). Lihou and Herald are two isolated islands in the Coral Sea approximately 1000 km from the Great Barrier Reef with little fishing pressure. Densities of bumphead parrotfish are over an order of magnitude higher on the Great Barrier Reef compared with these two island locations (see Figure 3 in Kobayashi *et al.,* 2011adapted from Choat, unpublished data). Thus, differences in abundance between locations may be related, at least in part, to habitat and biogeographic preferences (Kobayashi et al., 2011). This highlights the importance of exposed outer reef fronts with high structural complexity along a continuous reef system with adjacent lagoons as preferred habitat. Likely limiting factors for bumphead parrotfish abundance are sheltered lagoons for recruitment, high energy forereef foraging habitat for adults, and nighttime shelter (caves) for sleeping (Kobayashi *et al.,* 2011).

Based on limited information, juvenile bumphead parrotfish habitat is thought to consist mainly of mangrove swamps, seagrass beds, coral reef lagoons, and other benthic habitats that provide abundant cover (Kobayashi *et al.,* 2011). Juvenile bumphead parrotfish in the Solomon Islands were restricted to the shallow inner lagoon while larger individuals of adult size classes (>60 cm TL) occurred predominately in passes and outer reef areas (Aswani and Hamilton, 2004; Hamilton, 2004). Densities of juveniles (< 50 mm Fork Length (FL)) were an order of magnitude higher in the inner lagoon around Cocos-Keeling in the Indian Ocean than in the central lagoon; lower numbers of juveniles occurred on the forereef. Size distributions of bumphead parrotfish at Cocos-Keeling show a dominance of small individuals in the inner lagoon with the mode at 18 mm FL. The mid-lagoon shows a bimodal distribution with a mode of 24 mm FL and another mode at 72 mm FL. The forereef size distribution consists of larger juveniles with a mode at 66 mm FL (Choat, unpublished data).

Bumphead parrotfish are found in 45 countries in the Indo-Pacific as well as disputed areas in the South China Sea. The BRT divided this range into 63 strata, which are primarily country specific, but include subsections or regions within countries in some cases. Certain geographic strata are in or near the overall range polygon, but are not known to have bumphead parrotfish (e.g., Hawaii, Johnston Atoll, Cook Islands, Tokelau, Nauru, British Indian Ocean Territory, etc.). Although data are limited, we found no evidence to conclude that historical range was significantly different from current range. We therefore conclude that the historical and current ranges are equivalent (Kobayashi *et al.,* 2011). Surveys conducted in northern Tanzania and Bolinao, Philippines both reported no bumphead parrotfish observed, however they were conducted at only a few sites within each country and absence is likely based on limited survey data (see below). McClanahan et al. (1999) specifically note that in reef surveys in Tanzania, there was no evidence for species losses.

Abundance and Density

The bumphead parrotfish is thought to have been abundant throughout its range historically (Dulvy and Polunin, 2004). Numerous reports suggest that fisheries exploitation has reduced local densities to a small fraction of their historical values in populated or fished areas (Bellwood *et al.,* 2003; Dulvy and Polunin, 2004; Hamilton, 2004; Hoey and Bellwood, 2008). Estimates of abundance throughout the entire geographic range of bumphead parrotfish are unavailable. However, efforts have been made to document the abundance of reef fishes, including bumphead parrotfish, at specific locations (Jennings and Polunin, 1995; 1996; Dulvy and Polunin, 2004). Among the non-U.S. sites examined in these studies, Australia's Great Barrier Reef had the highest observed densities of bumphead parrotfish with an estimate of 3.05 fish per km^2, followed by the Solomon Islands (1.40 fish per km^2), and Fiji (0.03 fish per km^2). Reef fish surveys from northern Tanzania and Bolinao in the Philippines did not record any bumphead parrotfish, although it should be noted that in comparison to other locations for which data are presented, these two studies represent the lowest amount of survey effort (2 survey transects each) and the highest levels of exploitation. Studies have also shown that larger individuals of reef fish species began fleeing at great distances in areas where human activity such as spearfishing occurs (e.g.,

Kulbicki 1998; Bozec *et al.* 2011), making them less detectable in visual surveys, whereas in remote and/or protected areas, the large individuals are relatively easily observed. Bozec et al.'s large fish size begin at 30cm, only half of the average size of bumpheads; however, their results indicate a general trend of the larger the fish, the greater the fleeing distance. Their results also indicate that size and shyness have combined effects on fishes' reaction to observers, with large fish tending to be more shy. Where surveys focused on species of commercial importance, the corresponding detection profiles exhibited a marked diver avoidance since commercial species are usually larger and more likely to be frightened by divers. Heavy subsistence, artisanal, and commercial fisheries were reported at all locations where bumphead parrotfish densities were less that 1 fish per km^2. Interpretation of these results is complicated by several additional methodological concerns like limited depth range of surveys, comparability of results from different survey methods, comparability of results collected over a 13 year time span, and whether or not surveys conducted can be considered representative of the entire species range (Kobayashi *et al.,* 2001). As such, while we have some information on bumphead parrotfish abundance from a few areas within the species range, the results should be interpreted and compared cautiously.

Densities of bumphead parrotfish in the Indian Ocean show a biogeographic density gradient with the highest densities adjacent to the western Australian coast, and densities decreasing to the west (Choat, unpublished data; see Figure 9 in Kobayashi *et al.* 2011). Densities at Rowley Shoals off Western Australia are similar to high densities observed on the outer Great Barrier Reef, and highlight the importance of exposed outer reef habitats with adjacent lagoons and low population density and utilization. Densities of bumphead parrotfish in the western Indian Ocean (East Africa, Seychelles) are generally lower than those observed in Australia and the western Pacific, although some areas of the Seychelles such as Farquhar Atoll and Cousin Island (Jennings, 1998) are exceptions to the gradient described above and support large densities of bumphead parrotfish. Also, large numbers of bumphead parrotfish are found in some areas of Borneo and Malaysia (e.g., Sipadan; Kobayashi *et al.,* 2011).

Surveys conducted by the Secretariat of the Pacific Community (SPC) in their Pacific Regional Oceanic and Coastal Fisheries project in 2001–2008 revealed relatively high numbers of bumphead parrotfish in Palau with slightly more than 1.5 individuals per station. Numbers in New Caledonia were approximately half of those observed in Palau. Sites in Papua New Guinea and the Federated States of Micronesia also recorded modest numbers of individuals. Low numbers in Tonga, Fiji, and the Solomon Islands may reflect fishing pressure (e.g., Dulvey and Polunin, 2004; Hamilton, 2004), while their absence from a number of locations is likely the result of the lack of suitable lagoon habitats for recruitment (i.e., Niue, Nauru) (Kobayashi *et al.,* 2011). Based on SPC data, the maximum number of individuals per school was 120 individuals in Palau and 100 individuals in New Caledonia. Overall, the average number of individuals observed per school was 8.17 fish (Kobayashi *et al.,* 2011).

In the U.S. Pacific Islands, abundance of bumphead parrotfish has been assessed since 2000 as part of PIFSC's Reef Assessment and Monitoring Program. Bumphead parrotfish were most abundant at Wake Atoll in the Pacific Remote Island Areas (PRIAs) (~300 fish per km^2), followed by Palmyra Atoll in the PRIAs (5.22 fish per km^2), Pagan Island in the Commonwealth of the Northern Mariana Islands (1.62 fish per km^2), Jarvis Island in the PRIAs (1.26 fish per km^2), Ta'u Island in American Samoa (1.08 fish per km^2), and Tutuila Island in American Samoa (0.41 fish per km^2; Kobayashi *et al.,* 2011).

In summary, the abundance of bumphead parrotfish varies widely. Sites where bumphead parrotfish are found in abundance (densities as high as 300 fish per km^2) include portions of the Great Barrier Reef Marine Park (Bellwood *et al.,* 2003), sites in the Seychelles, Wake Atoll and Palmyra Atoll, U.S. Pacific Islands, Rowley Shoals Marine Park, isolated regions of Papua New Guinea, portions of the Red Sea, protected sites in Palau, and remote sites in the Solomon Islands (Kobayashi *et al.,* 2011). Alternatively, they are relatively uncommon in parts of Fiji, Samoa, Guam, Mariana Islands, Tonga, and Solomon Islands, with many other areas at intermediate levels of abundance. Also, the BRT was unable to find abundance information in many parts of the species' range (Kobayashi *et al.,* 2011).

Contemporary Global Population Abundance

The BRT Report warns that ''There are inadequate data on bumphead parrotfish population dynamics, demography, and temporal/spatial variability to use even the most rudimentary of stock assessment models. The data simply do not exist to allow one to credibly estimate changes in population size, or even the magnitude of population size, structured over space and time in a proper framework of metapopulation dynamics and demographics'' for bumphead parrotfish. The BRT used the best available information on population density from recent (1997–2009) survey data to develop contemporary global estimates of adult bumphead parrotfish abundance. Contemporary global population estimates are based on the geographic range of bumphead parrotfish, amount of suitable adult bumphead parrotfish habitat within its range, and the density of adult bumphead parrotfish within the habitat. Population density data were available for 49 of 63 of the strata from SPC and ReefCheck underwater visual surveys. They then used a bootstrap resampling simulation approach to estimate global population density by randomly assigning from the actual density estimates one estimate to each stratum in each simulation model iteration (Kobayashi *et al.,* 2011). Uncertainty and variability are incorporated by the use of 5000 iterations of the simulation.

The BRT used the bootstrap modeling approach to develop three estimates of global abundance: (1) A ''regular-case'' estimate based on the methods described above and resulting in a best estimate of 3.9 million adults (95 percent confidence interval = 69,000–61,000,000 adults); (2) a ''worst-case'' estimate which decreased the estimated amount of available habitat and resulted in an abundance estimate of 2.2 million adults (95 percent confidence interval = 28,000–36,000,000 adults); and (3) a ''matched-case'' estimate where density estimates for the 49 strata where surveys had occurred were based on those survey data, and estimates for the other 13 strata were based on the randomization process used in the ''regular-case'' estimate. This third method resulted in an estimated abundance of 4.6 million adults (95 percent confidence interval = 17,000–67,000,000 adults). The BRT concluded, and we agree, that the regular-case estimate provides the most reliable estimate of current global abundance of bumphead parrotfish. However, all models involved large confidence intervals, and high uncertainty is associated with all three estimates. Accordingly, all population estimates are to be interpreted with caution.

Global Abundance Trends

Anecdotal accounts abound of past abundance and recent declines of bumphead parrotfish in many parts of its range (see literature cited in Kobayashi *et al.,* 2011 and NMFS, 2012). Data on appropriate spatial and temporal scales for both historical and contemporary abundances are needed to quantify historic global abundance trends. As described above, the BRT provided contemporary global abundance estimates. However, they found available historical data on such small spatial (e.g., Palau fisheries data, 1976–1990) and temporal (e.g., underwater visual data, 1997-present) scales that historical global population abundance cannot be quantitatively estimated with any reasonable confidence. In the absence of historical quantitative data, the BRT developed two estimates of historical global abundance of adult bumphead parrotfish based on the available contemporary survey data and assumptions regarding likely historic levels of density and that the amount of available habitat was the same as currently. One estimate, called the ''virgin-case'', is based on the assumption that historical density is reflected by the density of bumphead parrotfish in the transects surveys that had bumphead parrotfish present (7 percent of the 6,561 transects), while the other estimate, called ''historic-density'', assumes that historical density was 3 fish per 1000 m^2 which is derived from current densities in areas where bumphead parrotfish are considered abundant. The virgin-case estimate of historical abundance was 131.2 million adults (95 percent confidence interval = 66.5–434 million adults), while the historic-density estimate was 51 million (the BRT did not calculate estimates of precision for this estimate).

The BRT states that ''the estimates of virgin abundance and related inferences about degree of population reduction are highly speculative and subject to a great deal of uncertainty'' (Kobayashi *et al.*, 2011, p. 50). Uncertainty results from possible bias in assumed historical densities, lack of historical density data to validate the methodology on any spatial scale, the amount of habitat available historically may have been over- or under-estimated, historical ecological changes (e.g., reduction in bumphead parrotfish predators) reduce reliability, and density-dependant mechanisms may have affected bumphead parrotfish populations differently in historical times than in contemporary times (Kobayashi *et al.*, 2011; NMFS, 2011). However, the BRT's modeling results are the best available information on historical and current bumphead parrotfish population abundances. In the ''Status of Species'' conclusion, the BRT states that the global bumphead parrotfish population shows ''evidence of a large overall decline and continuing trend of decline despite lack of strong spatial coherence'' (Kobayashi *et al.*, 2011, p. 54). Based on the BRT's population modeling results and the uncertainty associated with them, we conclude that adult bumphead parrotfish have undergone a decline in historical population abundance but we are unable to quantify, with any degree of accuracy, the magnitude of that decline.

Future Abundance

In order to quantitatively predict likely future global abundance trends for adult bumphead parrotfish, spatially-explicit data on current and projected levels of the various threats to bumphead parrotfish for each strata would need to be incorporated into a population model because these threats are variable throughout the species range (e.g., some strata are unfished, some strata are heavily fished, some strata may be trending independently of human impact). These data are not currently available so we cannot reliably quantify how trends in current and future human activities and other threats will impact the population into the future. The BRT was not able to estimate future population trends by strata, and accordingly, did not attempt a future projection. As such, we conclude that future global population trends for adult bumphead parrotfish are unquantifiable at this time. However, based on the information provided in the BRT Report (Kobayashi *et al.,* 2011), we conclude that, qualitatively, the available evidence suggests a continuing trend of decline in the global abundance of bumphead parrotfish is likely to continue into the future.

Age and Growth

The bumphead parrotfish appears to have a reasonably well-characterized growth curve and approaches its maximum size at approximately 10–20 years of age with a longevity estimated at approximately 40 years. Most individuals seen in adult habitat are likely older than approximately 5 years (Kobayashi *et al.,* 2011). These estimates have been developed for bumphead parrotfish based on several studies from northeast Australia (Choat and Robertson, 2002), the western Solomon Islands (Hamilton, 2004), New Caledonia (Couture and Chauvet, 1994), and the Indo-Pacific region (Brothers and Thresher, 1985). Choat and Robertson (2002) estimated maximum age for bumphead parrotfish to be 40 years of age assuming that checks on otoliths are deposited annually, although others have estimated maximum age to range from the upper 20s to mid 30s (Hamilton, 2004). All of these estimates may be overly conservative as the largest and potentially oldest individuals observed may not have been included in the analysis (Choat and Robertson, 2002; Hamilton, 2004). In New Caledonia, Couture and Chauvet (1994) determined that bumphead parrotfish have a slow growth rate and in their sampling, the oldest individual was estimated at 16 years. With the exception of the study from New Caledonia, which used scale annuli increments, all ages were determined using otolith sections; some concern has been expressed that these two age determination methods are not equally valid. Based on limited sample size, lack of validation and/or disagreement between scale and otolith techniques, the potential exists to misestimate longevity, growth, and natural mortality for the species (Choat *et al.,* 2006).

Data collected in the western Solomon Islands suggest differential growth between sexes for bumphead parrotfish. Studies indicate that males attain a larger asymptotic size than females and growth is slow but continuous throughout life. In contrast, females exhibit more determinate growth characteristics with asymptotic size established at around age 15 years (Hamilton, 2004).

Age and growth characteristics of juvenile bumphead parrotfish are less well known than those of adults. Pelagic larval duration was estimated at 31 days using pre-transitional otolith increments from just one specimen (Brothers and Thresher, 1985).

The average size of individual bumphead parrotfish observed from SPC surveys was 59.7 cm TL (SD = 20.8), with the largest individual being 110 cm and the smallest being 14 cm. Notable size differences were observed at different locations. These size differences could reflect variable habitat-related growth conditions, recruitment problems, or some level of population structure, but more likely reflect differences in the intensity of harvest and the degree to which size structure of populations has been truncated (Kobayashi *et al.,* 2011).

Feeding

Parrotfishes as a family are primarily considered herbivores. A majority of

parrotfishes inhabiting areas around rocky substrates or coral reefs use their fused beak-like jaws to feed on the benthic community. Based on differences in morphology, parrotfishes are separated into two distinct functional groups: scrapers and excavators (Bellwood and Choat, 1990; Streelman *et al.,* 2002). Scrapers feed by taking numerous bites, removing material from the surface of the substratum, while excavators take fewer bites using their powerful jaws to remove large portions of both the substrate and the attached material with each bite. As a result of even moderate levels of foraging, both scrapers and excavators can have profound impacts on the benthic community. Thus, it is widely recognized that parrotfishes play important functional roles as herbivores and bioeroders in reef habitats (Bellwood *et al.,* 2003; Hoey and Bellwood, 2008).

Bumphead parrotfish are classified as excavators feeding on a variety of benthic organisms including corals, epilithic algae, sponges, and other microinvertebrates (Bellwood *et al.,* 2003; Calcinai *et al.,* 2005; Randall, 2005; Hoey and Bellwood, 2008). A foraging bumphead parrotfish often leaves distinct deep scars where benthic organisms and substrate have been removed. As such, their contribution as a major bioeroder is significant. A single individual is estimated to ingest more than 5 tons (27.9 kg per m^2) of reef carbonate each year (Bellwood *et al.,* 2003); hence, even small numbers of bumphead parrotfish can have a large impact on the coral reef ecosystem.

Bumphead parrotfish show little evidence of feeding selectivity; however, a significant portion (up to 50 percent) of their diet consists of live coral (Bellwood and Choat, 1990; Bellwood *et al.,* 2003; Hoey and Bellwood, 2008). On the Great Barrier Reef, bumphead parrotfish are considered major coral predators. One study documented removal of up to 13.5 kg per m^2 of live coral per year, but also that slightly more foraging activity was directed towards algae than living coral (Bellwood *et al.,* 2003). Thus, adult bumphead parrotfish are not obligate corallivores but rather generalist benthic feeders. Juvenile bumphead parrotfish diet is not well documented but likely also includes a broad spectrum of softer benthic organisms. Live coral may be relatively unimportant due to the lack of high densities of corals in some juvenile habitats. Generally, bumphead parrotfish appear to be opportunistic foragers and would likely cope with ecosystem shifts in the coral reef community, based upon their behavior and ecology. For example, shifts in benthic species composition (changes in the breakdown of hard corals, soft corals, coralline algae, fleshy algae, sponges, bryozoans, tunicates, etc.) would likely not adversely affect bumphead parrotfish given their nonselective diet (Kobayashi *et al.,* 2011).

Movements and Dispersal

Adult bumphead parrotfish movement patterns are distinct between day and night. Diurnal movement patterns are characterized by groups of individuals foraging among forereef, reef flat, reef pass, and clear outer lagoon habitats at depths of 1–30 m (Donaldson and Dulvy, 2004). The bumphead parrotfish is a gregarious species that can be observed foraging during the day in schools of 20 to more than 100 individuals (Gladstone, 1986; Bellwood *et al.,* 2003). Groups of foraging parrotfish are highly mobile and often travel distances of several kilometers throughout the day. For example, a study of adult bumphead parrotfish movements and home ranges in the Solomon Islands demonstrated that adults range up to 6 km (3.7 mi) daily from nocturnal resting sites (Hamilton, 2004). At dusk, schools of parrotfish move to nocturnal resting sites found among sheltered forereef and lagoon habitats. Bumphead parrotfish remain motionless while resting, and use caves, passages, and other protected habitat features as refuges during the night. Although bumphead parrotfish travel considerable distances while foraging, they show resting site fidelity and consistently return to specific resting sites (Aswani and Hamilton, 2004).

Dispersal of bumphead parrotfish occurs primarily by passive dispersal of pelagic fertilized eggs and larvae. Many details of the early life history of the species are unknown. In other parrotfishes, eggs are pelagic, small, and spindle shaped (1.5–3 mm long and 0.5–1 mm wide; Leis and Rennis, 1983). Time to hatching is unknown, but is likely between 20 hours and 3 days, as for other reef fishes observed spawning on the shelf-edge (Colin and Clavijo, 1988). Bumphead parrotfish pelagic ecology is unknown, but successful settlement appears to be limited to shallow lagoon habitats characterized by low-energy wave action and plant life (e.g., mangroves, seagrass, or plumose algae) (Kobayashi *et al.,* 2011). High relief coral heads (e.g., *Turbinaria*) in sheltered areas also seem to be suitable juvenile habitat (Kobayashi *et al.,* 2011). Mechanisms by which settling bumphead parrotfish larvae find these locations are unknown, although recent research on other species of coral reef fish larvae suggests that a variety of potential cues could be used for active orientation (Leis, 2007).

Connectivity in bumphead parrotfish was examined by the BRT using a computer simulation of larval transport (Kobayashi *et al.,* 2011). Surface currents at a resolution of 1 degree of latitude and longitude were used with a simulated pelagic larval duration of 31 days (Brothers and Thresher, 1985) with a settlement radius of 25 km. This settlement radius estimate was used in previous simulation work (Kobayashi, 2006; Rivera et al., 2011). If propagule survivorship is the main value being estimated, settlement distance is important as well as swimming orientation and other behaviors at the settlement stage. However, for understanding geographic linkages (as in this application), settlement distance is not a key driver of results. As discussed above, much of the recent literature on the role of pelagic larval duration in determining realized dispersal distances has resulted in mixed conclusions. There is support that pelagic larval duration can be a strong predictor of dispersal distances (Shanks *et al.,* 2003) yet a poor predictor of genetic similarity (Bay *et al.,* 2006; Bowen *et al.,* 2006; Luiz *et al.,* 2011; Weersing and Toonen, 2009). As discussed previously, studies have shown that multiple factors add to the complexity of understanding larval dispersal but they all provide evidence of some level of exchange between sub-populations that are far apart, relative to the range of the species in question. Treml *et al.* (2012) in particular, found that broad-scale connectivity is strongly influenced by reproductive output and the length of pelagic larval duration. We are aware of no morphological, life history, or other variation that would suggest population structuring. In the absence of information on complicating factors for bumphead parrotfish, the BRT's simulation of pelagic larval dispersal is the best available information with regard to population connectivity for this species.

Single-generation and multi-generation connectivity probabilities were tested. A number of sites appear to have significant potential as stepping stones with a broad range of input and output strata interconnected in a multi-generational context. Most sites with significant seeding potential are located in close proximity to other sites (e.g., east Africa, central Indo-Pacific). The BRT concluded that bumphead parrotfish likely have an interconnected population structure due to oceanographic transport of pelagic eggs

and larvae, with this effect being most pronounced near the center of the species range, but with some degree of isolation in both the eastern and western edges of the species range (Kobayashi *et al.,* 2011).

Reproductive Biology

Unlike most parrotfishes which are protogynous (sequential) hermaphrodites, bumphead parrotfish appear to be gonochoristic (unisexual). Females reach sexual maturity over a broad size range. While they begin to reach sexual maturity at about 500 mm TL, 100 percent of females attain maturity by about 700 mm TL and age 11 yrs. The size at which 50 percent of females have reached maturity is estimated at 550–650 mm TL at age 7–9 yrs (Hamilton, 2004; Hamilton *et al.,* 2007). Males also reach maturity over a wide size range similar to females, but males begin maturing at smaller sizes and younger ages than females. For example, the smallest mature male observed in age and growth studies was 470 mm TL and age 5 yrs., while the smallest mature female was 490 mm TL and age 6 yrs (Hamilton, 2004; Hamilton *et al.,* 2007).

Spawning may occur in most months of the year. Hamilton *et al.* (2007) found ripe males and females every month of an August through July sampling period in the Solomon Islands. However, females with hydrated ova, indicative of imminent spawning, were only found from February to July. Spawning may have a lunar periodicity, with most spawning occurring in the early morning around the full moon in reef passage habitats (Gladstone, 1986). Hamilton *et al.* (2007) found hydrated ova (Colin *et al.,* 2003) in females captured from reef passages and along the outer reef. Bumphead parrotfish are serial spawners with undocumented but presumably very large batch fecundity, considering the large body and gonad size coupled with small egg size (Kobayashi *et al.,* 2011).

Observations of spawning have involved a single male and female. In other parrotfishes, Thresher (1984) describes the establishment of temporary spawning territories by males, with females being courted by males as they passed through spawning territories, and an assemblage of individuals acting as a spawning school. Although Gladstone (1986) described a simple mobile group of bumphead parrotfish individuals from which pair spawning took place, others have described what appeared to be a dominant male spawning with females and smaller sneaker males attempting to participate in spawning. The putative dominant male displayed bright green coloration during spawning. The evidence that males grow to larger sizes than females (Hamilton, 2004) supports the existence of a nonrandom mating system where a reproductive advantage is conferred to larger dominant males (Ghiselin, 1969; Kobayashi *et al.,* 2011). Warner and Hoffman (1980) showed mating system and sexual composition in two parrotfish relatives is density dependent. Munoz et al. (2012) have documented male-male head-butting encounters that may serve to establish mating territories or dominance and confirm the presumed function of the larger bumps in males.

Settlement and Recruitment

As with many other aspects of bumphead parrotfish biology, little is known about the processes following settlement of larvae in the benthic environment. Juveniles appear to gradually work their way towards adult habitats on the forereef areas, but timing and duration of this movement are unknown. The smallest size at which bumpheads enter the adult population on forereef areas is approximately 40 cm TL. These large juveniles are not often seen in surveys and may remain cryptic until adopting the wide-ranging swimming and foraging behavior of adults. Certain areas, for example the Great Barrier Reef, do not appear to receive significant recruitment (Bellwood and Choat, 2011). Adults on the Great Barrier Reef are thought to originate from elsewhere (north), which may explain the latitudinal trend of decreasing abundance toward southern portions of the area (Kobayashi *et al.,* 2011).

Ecosystem Considerations

Despite typically low abundance, bumphead parrotfish can have a disproportionately large impact on their ecosystem as a result of their size and trophic role. Their role as non-selective, excavator feeders is likely important for maintaining species diversity of corals and other benthic organisms. For example, certain species of coral (i.e., plate-forming) and algae can quickly monopolize substrate if unchecked. Non-selective feeding prevents any one organism from dominating the benthic ecosystem. Hence the species may be a classic example of a keystone species. The role of bumphead parrotfish in bioerosion and sand generation is also of notable importance; this effect is clearly seen by the persistence of dead coral skeletons in areas where excavating herbivores have been reduced (Bellwood *et al.,* 2004).

Carrying Capacity

There is no evidence regarding limiting factors for bumphead parrotfish population growth, particularly under pristine conditions. Some likely limiting factors for past, present, and/or future bumphead parrotfish population growth include settlement and recruitment limitation factors (Doherty, 1983; Sale, 2004), juvenile habitat, adult sleeping habitat, requisite abundance of conspecifics for successful group foraging or reproduction, and human harvest. Most of these factors are likely to become more limiting over time (Kobayashi *et al.,* 2011).

Threats Evaluation

Threats Evaluation is the second step in the process of making an ESA listing determination for bumphead parrotfish as described above in ''Listing Determinations Under the ESA''. This step follows guidance in the ESA that requires us to determine whether any species is endangered or threatened due to any of the following five factors: (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; or (E) other natural or manmade factors affecting its continued existence (sections 4(a)(1)(A) through (E)).

The BRT Report assessed 14 specific threats according to factors A, B, C, and E as follows: for factor (A), the BRT identified three threats: adult habitat loss or degradation, juvenile habitat loss or degradation, and pollution; for factor (B), the BRT assessed harvest or harvest-related adult mortality, and capture or capture-related juvenile mortality; for factor (C), the BRT identified five threats: competition, disease, parasites, predation, and starvation; and for factor (E), the BRT discussed four threats: global warming, ocean acidification, low population effect, and recruitment limitation or variability. The BRT determined the severity, scope, and certainty for these threats at three points in time—historically (40–100 years ago or as otherwise noted in the table), currently, and in the future (40–100 years from now; Kobayashi *et al.,* 2011). Each threat/time period combination was ranked as high/medium/low severity with plus or minus symbols appended to indicate values in the upper or lower ends of these ranges, respectively.

Of the 14 threats, the BRT Report determined that five had insufficient data to determine severity, scope, or

certainty at any of the three points in time (competition, disease, parasites, starvation, and low population effect). We agree that sufficient information is not available to determine the severity of these threats. The remaining nine threats are described below by factor.

Factor D threats (related to inadequacy of existing regulatory mechanisms), were assessed in the Management Report (NMFS, 2012). Two public comments received in response to the 90-Day Finding contained information relevant to existing regulatory mechanisms that was considered in the Management Report. One comment provided information on cultural significance, harvest methods, and the importance of Marine Protected Areas (MPAs) and remote areas with limited access that may provide refuge for the species within a narrow portion of its range. The second comment provided information pertaining to existing regulatory mechanisms in some parts of the species range and the effectiveness of MPAs in providing some benefit to the species. In the Management Report, we summarized existing regulatory mechanisms in each of the 46 areas where bumphead parrotfish occur, including fisheries regulations and MPAs. Additionally, we developed a comprehensive catalog of protected areas containing coral reef and mangrove habitat within the range of the species (NMFS 2012, Appendix A–1 and A–2) and evaluated how the MPA network addresses threats to the species (NMFS 2012, Sections 2.1.2.1–46 and 4). The Management Report authors did not determine the severity, scope, and certainty for Factor D threats at three points in time—historically, currently, and in the future—as did the BRT. They compiled information on the presence of international, national, and local scale regulations and then discussed general themes and patterns that emerged in order to assess whether the inadequacy of existing regulatory mechanisms is a factor that changes the extinction risk analysis results provided by the BRT.

A. The Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range

Juvenile habitat loss or degradation was rated by the BRT as one of the two (along with adult harvest) most severe threats to bumphead parrotfish, rating its severity as ''medium'' historically and as ''high'' both currently and over a 40–100 year future time horizon. As described by the BRT, shallow mangrove, seagrass, and coral reef lagoon habitats are susceptible to pollution, modification, and increased harvest pressure, among other anthropogenic pressures. The juvenile habitat specificity of bumphead parrotfish highlights this phase of the life history as highly vulnerable (Kobayashi *et al.,* 2011).

In contrast to juvenile habitat, the BRT concluded that adult habitat loss and/or degradation is not a high priority concern, rating its severity as ''medium'' both currently and over a 40–100 year future time horizon (with a historical rating of low). Drastic morphological changes to coral reefs might impact bumphead parrotfish if high-energy zones were reduced or wave energy was diffused or if nocturnal resting/sleeping locations were no longer available (Kobayashi *et al.,* 2011). Both are quite possible under some scenarios for climate change where coral reef structures can't keep up with sea level rise and also die or experience decreased growth from increased temperature and then degrade and fail to be replaced by similar three-dimensional structure that creates both the high energy zones (reef crests) and sleeping structures. Adult bumphead parrotfish appear to be opportunistic foragers and would likely cope with ecosystem shifts in the coral reef community, based on their behavior and ecology. For example, shifts in benthic species composition (e.g., changes in the breakdown of hard corals, and the relative abundance of soft corals, coralline algae, fleshy algae, sponges, bryozoans, tunicates, etc.) would probably not adversely affect bumphead parrotfish given their nonselective diet. Some components of the coral reef ecosystem are likely more affected by the presence or absence of bumphead parrotfish than bumpheads are dependent on those ecosystem components.

The BRT concluded that pollution is not a high priority concern, rating its severity as ''low'' both historically and currently, and ''medium -'' over a 40–100 year future time horizon. Pollution events (e.g., oil spills) can be catastrophic to coral reef ecosystems. However, such events remain episodic, rare, and are usually localized in the context of a widely-distributed, mobile species. Habitat modification as a result of pollution is most likely to be an issue with juvenile habitat since it is more exposed to anthropogenic impacts because of proximity, shallowness, and tendency to be more contained (e.g., lagoons, as opposed to open coastal waters). The BRT Report expressed high concern about the effects of pollution on the quantity and quality of juvenile habitat, but expressed less concern about adult habitat since adult habitat is larger, spans a wider geographic range, and is typically a more open environment (Kobayashi *et al.,* 2011).

B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

The BRT rated harvest of adults as one of the two most severe threats (along with juvenile habitat loss) to bumphead parrotfish, with severity rated as ''high'' historically, currently, and over a 40–100 year future time horizon. In contrast to adult harvest, the BRT concluded that juvenile harvest is less of a concern, rating its severity as ''medium'', both currently and over a 40–100 year future time horizon (rated as ''nil'' historically). While the BRT rated the threat of harvest differently by life stage, we first discuss general harvesting issues applicable to both life stages, then consider specific justifications for the different rankings.

Bumphead parrotfish are highly prized throughout their range. In addition to their commercial value, bumphead parrotfish are culturally significant for many coastal communities and used in feasts for specialized ceremonial rites (Severance, pers. comm.; Riesenberg, 1968). As such, fisheries for this species have been in place since human inhabitation of these coastal regions (Johannes, 1978; 1981). Following are descriptions of life history characteristics of the species that affect vulnerability to harvest, harvest gears and methods, and summaries of harvest data from the few locales where available.

Life History Characteristics Relevant to Harvest

Immature bumphead parrotfish (40–50 cm TL, sub-adults) recruit to adult habitat (coral reef forereefs); thus, the following descriptions of life history characteristics and methods/gears relate to sub-adults and adults. Several life history characteristics increase the vulnerability of sub-adult and adult bumphead parrotfish to harvest such as nocturnal resting behavior, diurnal feeding behavior, large size and conspicuous coloration. At night, bumphead parrotfish frequently remain motionless while resting in refuge sites and they consistently return to specific resting sites. Unlike other parrotfish species, bumphead parrotfish do not excrete a mucus cocoon to rest within. Thus, resting in shallow water in large groups and returning to the same unprotected resting sites all increase vulnerability of adult bumphead parrotfish to harvest at night (NMFS, 2012). Adult bumphead parrotfish schools effectively announce their

presence by loud crunching noises associated with feeding activity, which can be heard at least several hundred meters away underwater. In addition, bumphead parrotfish may form spawning aggregations during the daytime. Thus, foraging in shallow water in schools, conspicuous foraging noise, and spawning behavior also all increase the vulnerability of adult bumphead parrotfish to harvest (NMFS, 2012).

It is likely that juvenile bumphead parrotfish are more vulnerable to harvest in populated regions based on their aggregating behavior and tendency to inhabit shallow lagoon environments. They suffer the same vulnerability from night time harvest as adults and sub-adults as they also use traditional nocturnal resting refuge sites.

Harvest Methods and Gears

Historically, fishing for bumpheads typically took place at night while fish were motionless in their nocturnal resting sites. Fishermen armed with hand spears would paddle wooden canoes or simply walk across shallow reef habitats using a torch assembled from dried coconut fronds in search of resting fish (Dulvy and Polunin, 2004). With the advent of dive lights, SCUBA, freezers, and more sophisticated spears and spear guns, the ability to exploit bumphead parrotfish has increased dramatically over the last several decades (Hamilton, 2003; Aswani and Hamilton, 2004).

Current Indo-Pacific coral reef fisheries are nearly as diverse as the species they target, and include many subsistence, commercial, and sport/recreational fisheries employing a vast array of traditional, modern, and hybrid methods and gears (Newton *et al.,* 2007; Wilkinson, 2008; Armada *et al.,* 2009; Cinner *et al.,* 2009; NMFS, 2012). This tremendous increase in fisheries using both selective and non-selective gears is a significant factor in the high severity of threat to adult bumphead parrotfish. In addition, even though many destructive gears and methods are illegal in most countries with coral reef habitat within their jurisdiction, they are still used within the range of bumphead parrotfish. Examples include blast fishing using explosives to kill or stun fish, and the use of poisons like bleach or cyanide. Blast fishing is very damaging to coral reef habitat and can result in significant time required for recovery (Fox and Caldwell, 2006).

Summary of Harvest Data

Data pertaining to harvest are sparse, incomplete, or lacking for a majority of regions across the range of bumphead parrotfish, though efforts have been made over the past 30 years to obtain fisheries harvest information at a few sites in the central and western Pacific. However, most of the available harvest data combine all parrotfish species into one category, making it difficult to identify bumphead parrotfish harvest amounts. Harvest data specific to bumphead parrotfish exist for Palau (Kitalong and Dalzell, 1994), Guam (NOAA, The Western Pacific Fisheries Information Network), Solomon Islands (Aswani and Hamilton, 2004; Hamilton, 2003), Fiji (Dulvy and Polunin, 2004), and Papua New Guinea (Wright and Richards, 1985).

In Palau, efforts to assess commercial landings of reef fishes were made from 1976 to 1990 (Kitalong and Dalzell, 1994). All harvest data were collected at the main commercial landing site and it is estimated that these data accounted for 50–70 percent of the total commercial catch. Overall, bumphead parrotfish represented 10 percent of reef fisheries landings in Palau, making it the second most important commercial reef fish. It was estimated that an average of 13 metric tons of bumphead parrotfish were sold annually during the study. The highest landings were recorded in the mid-1980s, with a maximum of 34 metric tons sold in 1984. Declines in total catch were observed following the mid-1980s, creating concern over the conservation status of bumphead parrotfish stocks. As a result, restrictions were put on the harvest of bumphead parrotfish in 1998 and it is now illegal to export, harvest, buy or sell with the intent to export bumphead parrotfish of any size in the waters of Palau.

Harvest data for Guam from creel surveys and commercial purchase records were obtained from the NOAA Western Pacific Fisheries Information Network. Creel survey data were collected from 1982 to 2009. Based on the results of the creel surveys, a total of 10 bumphead parrotfish (0.12 metric tons) were harvested in Guam during the survey period. No landings have been reported since 2001 from creel surveys. Data pertaining to commercial sales of parrotfish are provided for individual sales and, it is assumed, correspond to the same time period. As such, commercial sale data estimated a harvest of 9 fish or 0.45 metric tons from 1982 to 2009.

Solomon Islands (New Georgia Group) creel survey harvest data were obtained from August 2000 and July 2001 (Hamilton, 2003; Aswani and Hamilton, 2004). Bumphead parrotfish accounted for 60 percent of reef fish catch in Roviana lagoon (Kalikoqu). Total harvest of bumphead parrotfish was 0.63 metric tons. Fish caught ranged from 28.5 to 102.0 cm TL with a mean size of 62.7 cm TL; very few individuals were larger than 100 cm TL. There is currently a ban on harvest of any species while using SCUBA; however, there are no restrictions on the harvest of bumphead parrotfish using other extraction methods (FAO, 2006).

Harvest data for Fiji are based on the results of a fisheries development program at Kia Island carried out by the Fiji Department of Agriculture in 1970 and from the 1990 Fiji Fisheries Division Annual Report (Adams, 1969; Richards *et al.,* 1993). During the period of the fisheries development program, bumphead parrotfish accounted for 70 percent of the total reef fisheries catch and yielded 22.3 metric tons. In 1990 bumphead parrotfish accounted for 5 percent of total commercial landings and yielded 230 metric tons (Dulvy and Polunin, 2004).

In Papua New Guinea, harvest data were obtained from an assessment of a small-scale artisanal fishery conducted in the Tigak Islands (Wright and Richards, 1985). Harvest data were collected from the only commercial site for selling fish in Kavieng, New Ireland. A total of 636 bumphead parrotfish were collected during the survey period (13 months starting in November 1980) and represented 5 percent of total fisheries catch. The mean size of fish harvested was 57 cm TL.

Data pertaining to harvest of juvenile bumphead parrotfish are sparse. The BRT rated the severity of the threat of juvenile harvest as ''medium'' both currently and in the future because they define a ''medium'' level of certainty as having ''some published and unpublished data to support the conclusion this threat is likely to affect the species with the severity and geographic scope ascribed''. In other words, they felt that harvest is a legitimate threat for all size classes, however there is more evidence to support the conclusion that adult harvest is a high severity threat to the species both currently and in the future, as opposed to the lack of information available to make the same conclusion about juvenile harvest.

Bumphead parrotfish can be found in great local abundance at sites isolated from population centers or protected from exploitation (Dulvy and Polunin, 2004). Observations at remote sites, with minimal to no harvest, are not restricted to one specific geographic region but span across the geographic range of bumphead parrotfish. Sites with high human population densities and associated fisheries exploitation have

lower densities of bumphead parrotfish compared to remote and uninhabited locations (Kitalong and Dalzell, 1994; Dulvy and Sadovy, 2003; Donaldson and Dulvy, 2004; Chan *et al.,* 2007; Hoey and Bellwood, 2008). Although fisheries harvest data are sparse, the implication is that lower densities of bumphead parrotfish in more heavily populated areas may be due to fishing and other human activities. Munoz et al. (2012) provide the first scientific documentation of aggressive headbutting behavior between male bumphead parrotfish. They propose that this dramatic aspect of the species' social and reproductive behavior has gone unnoticed until now for one of two reasons: because low population densities resulting from overfishing reduce competition for resources, or because headbutting contests are common, but negative responses to humans in exploited populations preclude observations of natural behavior. However, this behavior has not been reported in many other well-studied areas with densities approaching or exceeding that of this study site, so there is not enough information to conclude in what ways this behavior may be related to population density, if any.

Harvest Conclusion

Given their vulnerability based on life history characteristics and the sparse data on harvest, the BRT concluded that the severity of threat from harvest was medium for juveniles and high for adults.

C. Disease and Predation

There is very little information on the impacts of competition, disease, parasites, and predation on bumphead parrotfish. The BRT only had enough information to rate the threat of predation, rating its severity as ''low'' historically and ''low—'' both currently and over a 40–100 year future time horizon. The lack of habitat specificity or diet specificity by this species would likely reduce the role of competitive processes. An exception might be competition for adult sleeping habitat if other large organisms (sharks, wrasses, other parrotfishes, etc.) are vying for the same nighttime shelters. Occasional predation by sharks has been discussed in several parts of this report, but this is not thought to be important for bumphead parrotfish population dynamics. There is insufficient information to conclude that any of these issues will play a significant role individually or cumulatively in the short- or long-term outlook for bumphead parrotfish populations. There is not much known about egg/larval and juvenile biology, but it is likely that predation on these earlier phases of the life-history may be a more significant issue than for adults.

D. Inadequacy of Existing Regulatory Mechanisms

Of the nine threats that the BRT was able to assess, regulatory mechanisms have limited relevance to one of them (recruitment limitation or variability under Factor E below), because regulation cannot directly control this threat or its root cause. However, regulatory mechanisms are relevant to the other threats. For the purposes of evaluating Factor D, these eight threats are grouped and referred to as follows: Habitat (juvenile habitat loss/degradation, adult habitat loss/degradation, pollution); Harvest (adult harvest, juvenile harvest, predation (harvest regulation of potential bumphead parrotfish predators)); and Climate Change (global warming, ocean acidification). Habitat Loss/Degradation and Harvest threats are regulated much differently than Climate Change threats, and thus regulatory mechanisms for these are assessed and discussed separately.

Assessment of Existing Regulatory Mechanisms Relevant to Habitat and Harvest Threats

This section summarizes the assessment of regulatory mechanisms for Habitat Loss/Degradation and Harvest threats from the Management Report (NMFS, 2012).

Because habitat and harvest threats are generally due to localized human activities, and therefore controllable by regulatory mechanisms at the national or local levels, relevant regulatory mechanisms (laws, decrees, regulations, etc., for the management of fisheries, coastal habitats, and protected areas) were assessed for the 45 countries (and disputed areas) within the range of bumphead parrotfish. These mechanisms were grouped into two categories: (1) Regulatory mechanisms for fisheries and coastal management; and (2) Additional regulations within MPAs and other relevant protected areas (e.g., mangroves). Generally, the first category encompasses a broad array of laws and decrees across many jurisdictional scales from national to local, whereas the second level consists of additional regulations that may apply within MPAs/protected areas within each jurisdiction (NMFS, 2012).

Although adult harvest is better documented than juvenile harvest, many of the gear types discussed previously may be used to harvest both adults and large juveniles. As such, regulatory mechanisms for harvest methods are not separated into methods specific to adult harvest and juvenile harvest, unless specifically noted. Thus, all types of fisheries regulations that may apply to bumphead parrotfish were researched and compiled both inside and outside protected areas, with particular emphasis on spearfishing, the primary gear type for directed fishing (NMFS, 2012).

Loss and degradation of juvenile habitat may be caused by a wide variety of activities because juveniles inhabit mangrove swamps, seagrass beds, coral reef lagoons, and likely other coastal habitats. Although adults typically occur in coral reefs, many of the impacts that exist for juvenile habitat also apply in adult habitat areas. Regulations related to the two primary habitats used by the species, mangrove swamps and coral reefs, were also researched and compiled both inside and outside of protected areas. Pollution as a threat is relevant to habitat loss and degradation for both juveniles and adults and is assessed within existing regulations for specific habitat types. Because seagrass beds are found in or near mangroves and coral reefs, they are not considered separately (NMFS, 2012).

Overall Patterns and Summary for Existing Regulatory Mechanisms

Several overall patterns emerged from the compilation and evaluation of existing regulatory mechanisms addressing Harvest and Habitat Loss/Degradation threats to bumphead parrotfish.

A wide array of regulatory mechanisms exists within the 46 areas in bumphead parrotfish range that are intended to address the threats of habitat loss/degradation and harvest for the species. Australia, Fiji, Maldives, Micronesia, Palau, and Samoa all have fisheries regulations pertaining specifically to parrotfish species, in some cases specifically bumphead parrotfish. These range from prohibition of take for all parrotfish, to size and bag limits, to seasonal restrictions, to listing as an Endangered Species (Fiji). These six countries together represent 26 percent of total coral reef habitat and 13.1 percent of mangrove habitat in the 46 areas within bumphead parrotfish range.

Twenty-four out of the 46 areas have some sort of regulations pertaining to spearfishing. These include prohibiting spearfishing altogether, prohibiting fishing with SCUBA, prohibiting fishing with lights (limiting night spearfishing), area closures, permit requirements, or various combinations of those. Some

regulations may only apply in some areas within a country or jurisdiction and some only within marine protected areas (MPAs). Those 24 areas combined represent 63.6 percent of total coral reef habitat within the 46 areas in bumphead parrotfish range, although in some cases regulations do not apply throughout the entire area of coral reef habitat.

A different set of 24 out of the 46 areas within the species range have some sort of regulatory mechanisms in place that offer some protection to mangrove habitat. These regulations include prohibition on mangrove harvest and/or sale, inclusion of mangroves in protected areas, and sustainable harvest and/or restoration requirements. Combined, these 24 areas account for 94.8 percent of mangrove habitat in the 46 areas within the range of bumphead parrotfish.

Spearfishing regulations exist in a majority (17 out of 24) of the areas within the area defined by the BRT as the significant portion of the species range (SPOIR). Regulations providing some level of protection for mangrove habitat exist in an even larger majority (19 out of 24) of areas within SPOIR.

Customary governance and management remain important in many areas throughout bumphead parrotfish range and may confer conservation benefits to the species. After intensive efforts by governments in the past to centrally manage coastal fisheries, there has been a shift in government policies from a centralized or ''top-down'' approach to restore resources to a ''bottom-up'' or community-based approach. This community-based management approach is more widespread in Oceania today than any other tropical region in the world (Johannes, 2002). We found documentation that at least 16 of the 46 areas within bumphead parrotfish range employ traditional governance systems based on customary and traditional resource management practices throughout all or part of the country, most of which are explicitly recognized and supported by their national governments. Notably, the national government in Indonesia recognizes that customary law and/or traditional management is adapted to local areas and therefore more effective than a homogeneous national law. As such, coral reef fisheries management is decentralized and delegated to the 503 Districts where District laws and regulations are based on customary law and/or traditional management. Indonesia accounts for 40 percent of mangrove habitat and 18.5 percent of coral reef habitat in the 46 areas within bumphead parrotfish range. Fenner (2012) asserts that customary marine tenure, or traditional resource management by indigenous cultures, has high social acceptance and compliance and may work fairly well for fisheries management and conservation where it is still strong.

Marine protected areas simplify management and reduce enforcement costs for fish populations where little biological information is available (Bohnsack, 1998), which makes them an attractive and viable option for reef fishery management and conservation, especially in developing countries (Russ, 2002). There has been recent rapid growth in coral reef and coastal MPAs. In 2000, there were 660 protected areas world-wide that included coral reefs (Spalding *et al.,* 2001). Mora *et al.* (2006) compiled a database in 2006 with 908 MPAs covering 18.7 percent of the world's coral reefs. The Reefs at Risk Revisited report (Burke *et al.,* 2011) indicates that now 2,679 MPAs exist (a four-fold increase in one decade),covering 27 percent of coral reefs worldwide, over 1,800 of which occur within the range of bumphead parrotfish (NMFS 2012, Appendix A–1). An estimated 25 percent of coral reef area within bumphead parrotfish range is within MPAs. Additionally, over 650 protected areas have been established throughout the range that include mangrove habitat (Spalding *et al.,* 2010; NMFS, 2012).

MPA is a broad term that can include a wide range of regulatory structures. According to Mora *et al.* (2006), 5.3 percent of global reefs were in extractive MPAs that allowed take, 12 percent were inside multi-use MPAs that were defined as zoned areas including take and no-take grounds, and 1.4 percent were in no-take MPAs, although this information is now outdated. MPAs that occur within the range of the bumphead parrotfish certainly represent different levels of protection from no-take zones to limited restrictions on fishing and other activities. There is evidence that no-take marine reserves can be successful fisheries management tools and many have been shown to increase fish populations relative to areas outside of the reserves or the same area before the reserve was established (Mosquera *et al.,* 2000; Gell and Roberts, 2003). Mosquera *et al.* (2000) note in particular that parrotfishes responded positively to protection, and species with large body size and those that are the target of fisheries (both of which describe bumphead parrotfish) respond particularly well. It is noted, however, that a very small proportion of global MPAs are no-take reserves that allow no fishing while the majority allow for some level of extraction (IUCN, 2010). Within bumphead parrotfish range, 20 percent of coral reef areas are in Australia, most of which are within the Great Barrier Reef Marine Park (GBRMP); more than 33 percent of the GBRMP areas are known as ''green zones'' within which fishing is entirely prohibited (GBRMPA, not dated). Additionally, Fiji (3.1 percent of coral reef area in bumphead range) and the Maldives (2.5 percent of coral reef in bumphead range) prohibit take of parrotfish, so coral reef areas within those jurisdictions are essentially no-take areas for bumpheads. When combined, a minimum estimate of coral reef habitat that can be considered no-take within bumphead parrotfish range is 12.2 percent (minimum because there may be additional no-take marine reserves among the rest of the 1,874 MPAs within bumphead range but Mora *et al.* (2006) were unable to systematically identify and calculate those areas). Of note here is a recently proposed network of MPAs including a large percentage of no-take areas throughout Australia's EEZ, in addition to the GBRMP. Known as the Commonwealth Marine Reserves Network, if finalized, this action would greatly increase the area of marine protected zones and maintain about ⅓ of all marine protected areas as no-take zones throughout the MPA network in Australia's EEZ (Commonwealth of Australia, 2012). No-take marine reserves simplify management and reduce enforcement costs for fish populations where little biological information is available (Bohnsack, 1998) which makes them an attractive and viable option for reef fishery management and conservation, especially in developing countries (Russ, 2002).

On a global scale, Selig and Bruno (2010) found that MPAs can be a useful tool for maintaining coral cover and that benefits resulting from MPA establishment increase over time. The Reefs at Risk Revisited report from 2011 offers effectiveness ratings for 30 percent of the 2,679 MPAs compiled therein. Within bumphead parrotfish range, 25 percent of total reef area within rated MPAs are in MPAs rated as ''effective'', defined as managed sufficiently well that local threats are not undermining natural ecosystem function; 44 percent of reef area within rated MPAs are in MPAs rated as ''partially effective'', defined as managed such that local threats were significantly lower than adjacent non-managed sites, but there still may be some detrimental effects on ecosystem

function; 30.6 percent of total reef area within rated MPAs are in MPAs rated as ''not effective'', defined as unmanaged or where management was insufficient to reduce local threats in any meaningful way. Sixty-nine percent of reef areas within MPAs are in MPAs that are unrated.

Effectiveness of protected areas depends not only on implementation and enforcement of regulations, but also on reserve design; reserves are not always created or designed with an understanding of how they will affect biological factors or how they can be designed to meet biological goals more effectively (Halpern, 2003). Even results from the same regulatory scheme can differ between species within the protected ecosystem. As such, global assessments are only moderately informative and do not reflect important considerations in MPA effectiveness on a regional or local scale. The results of one study on Guam demonstrate that a reduction in fishing pressure had a positive effect on the demography of *Lethrinus harak* through the significant accumulation of older individuals in certain areas (Taylor and McIlwain, 2010). *Lethrinus harak* is a reef fish that, similar to bumphead parrotfish, constitutes an important part of many inshore artisanal, commercial, and recreational fisheries (Carpenter and Allen, 1989). This species is easily targeted by fishers and heavily exploited. On Saipan, the abundance of *L. harak* increased 4-fold (on average) from 2000 to 2005 (Starmer *et al.,* 2008); Taylor and McIlwain (2010) attribute this increase not only to the recent ban on certain fishing methods (SCUBA spearfishing and gill, drag, and surround nets) but also the presence of well enforced MPAs. In Western Australia, contrasting effects of MPAs were observed on the abundance of two exploited reef fishes; a species of wrasse did not appear to respond to protection, while the coral trout (a sea bass) showed a significant increase in abundance after eight years of protection at two MPA sites (Nardi *et al.,* 2004). The authors note that, while MPAs are clearly an effective tool for increasing the local abundance of some reef fishes, the spatial and temporal scales required for their success may vary among species. McClanahan *et al.* (2007) studied the recovery of coral reef fishes through 37 years of protection at four marine parks in Kenya and found that parrotfish biomass initially recovered rapidly, but then exhibited some decline, primarily due to competition with more steadily increasing taxonomic groups and a decline in smaller individuals.

While a body of literature exists on MPA effectiveness, reserve size, and design, Ban *et al.* (2011) found that the majority of these studies originate from developed countries and/or present theoretical models; as such, generally accepted recommendations on MPA reserve design and management need to be adapted to the needs of developing countries. Sixty-six percent of coral reef habitat in bumphead parrotfish range is in fact in developing countries (as defined by the Human Development Index; *http://hdr.undp.org/en/countries/*). Despite the demonstrated effectiveness of no-take zones, the broader definition of MPA to include other management regimes (time/area closures, gear restrictions, zoning for controlled use and limitations) better incorporates essential social aspects of communities in developing coral reef countries (Ban et al., 2011).

MPA critics often point to problems with compliance and enforcement. MPA size can affect both its effectiveness at conserving the necessary space/resources for species to recover and compliance rates. Kritzer (2003) found that noncompliance is more prevalent around the boundaries of an MPA, and a single large MPA provides much greater stability in both protected population size and yield at high fishing mortality rates as noncompliance increases. As discussed previously, customary governance systems exist in many countries where bumpheads are found. The nature of a customary governance system would likely result in many smaller MPAs as individual villages would manage their local marine areas; however, customary governance is likely to have high compliance (Fenner, 2012). Integrating local scale management into larger regional planning schemes can further add to the effectiveness of MPAs. Examples of where this combination of traditional institution of marine protected or marine managed areas and integration of local approaches into regional or national regulation has occurred within the range of bumphead parrotfish include Fiji (Tawake *et al.,* 2001; Gell and Roberts, 2003; Ban *et al.,* 2011; Mills *et al.,* 2011;), Philippines (Eisma-Osorio *et al.,* 2009; Ban *et al.,* 2011), Solomon Islands (Game *et al.,* 2010; Ban *et al.,* 2011) American Samoa (Tuimavave, 2012) and Yap State in the Federated States of Micronesia (Gorong, 2012).

A detailed evaluation of the 1,874 MPAs within the range of bumphead parrotfish was beyond the scope of the management report. Population monitoring data are so scarce for this species across most of its range that even if these MPAs are positively affecting the species, there is no documentation to reflect these changes. The combination of local MPA establishment and customary governance and enforcement, along with the trend toward integrating local management regimes into regional scale planning in developing countries, is encouraging for conservation. Based on these factors, along with the existence of regulatory mechanisms and marine protected areas in developed countries with more capacity for enforcement, we believe that regulatory mechanisms throughout bumphead parrotfish range may confer some conservation benefit to the species, although unquantifiable, and the inadequacy of regulatory mechanisms is not a contributing factor to increased extinction risk for the species.

Assessment of Existing Regulatory Mechanisms Relevant to Climate Change Threats

In terms of coral reef protection, even if countries participating in the current international agreements to reduce greenhouse gases were able to reduce emissions enough and at a quick enough rate to meet the goal of capping increasing average global temperature at 2°C above pre-industrial levels, there would still be moderate to severe consequences for coral reef ecosystems (Hoegh-Guldberg, 1999; Bernstein *et al.,* 2007; Eakin, 2009; Leadley *et al.,* 2010). Existing regulatory mechanisms and conservation efforts targeting reduction in greenhouse gases are therefore inadequate. However, the BRT Report concludes, and we agree, that climate change threats are not thought to be primary drivers of bumphead parrotfish population dynamics, either now or over a 40–100 year future time horizon (Kobayashi *et al.,* 2011; NMFS, 2012).

Overall Conclusions Regarding Inadequacy of Existing Regulatory Mechanisms

Overall, existing regulatory mechanisms throughout the species' global range vary in effectiveness in addressing the most serious threats to the bumphead parrotfish. In many regions, a broad array of national regulatory mechanisms, increase in MPAs, and resurgence of customary management may be effective by addressing the two greatest threats to the species, including adult harvest, as described above under factor B, and loss and degradation of juvenile habitat, as described above under factor A. We note, however, that because many of these regulatory mechanisms are relatively new, their effectiveness

remains to be demonstrated. Moreover, regulatory mechanisms are not deemed effective in addressing the threat of climate change, although this threat is less important to bumphead parrotfish, as described below under factor E. In conclusion, we find that existing regulatory mechanisms are likely to have a positive, if undetermined, effect on the conservation of species, and are not a contributing factor to increased extinction risk for bumphead parrotfish.

E. Other Natural or Manmade Factors Affecting Its Continued Existence

Climate Change threats to bumphead parrotfish include global warming and ocean acidification. The BRT Report states that overall, climate change threats ''are not thought to be plausible drivers of bumphead parrotfish population dynamics, either now or in the foreseeable future''.

The BRT rated the severity of global warming as ''low'' historically, ''medium'' currently, and ''medium +'' over a 40–100 year future time horizon. The BRT assigned a medium + ranking for global warming threat severity in the future, because of the potential impact of warmer seawater temperatures on pelagic life history stages. Seawater temperature increases may affect fertilized eggs and larvae in the pelagic environment by exceeding biological tolerances, and/or indirect ecological effects, e.g., increasing oligotrophic areas (Kobayashi *et al.,* 2011).

The BRT rated the severity of ocean acidification as ''nil'' historically, ''nil +'' currently, and ''low –'' over a 40–100 year future time horizon. The impacts of ocean acidification on coral abundance and coral reefs are increasingly recognized (Hoegh-Guldberg *et al.,* 2007). However, since the bumphead parrotfish is not an obligate corallivore, it may not be directly affected by ocean acidification. This is because adult bumphead parrotfish do not appear to be food-limited or space-limited in any portion of its range. The species also appears to be adaptable to a variety of biotic and abiotic conditions, given its wide geographic range. The existing nearshore variability and the nearshore acid buffering capability both serve to reduce the effects of climate change and ocean acidification on bumphead parrotfish. Short- or long-term changes in ocean acidification are unlikely to have a strong impact on bumphead parrotfish populations unless it is via some unknown direct or indirect effect on three dimensional refuge sites or egg/larval survival and subsequent recruitment dynamics, as noted above for global warming (Kobayashi *et al.,* 2011).

The other threat considered under Factor E for which the BRT had enough information to rank severity was recruitment limitation or variability. The BRT Report evaluated the severity of this threat as ''low'' historically, ''medium'' currently, and ''medium +'' over a 40–100 year future time horizon. Areas of the Great Barrier Reef, for example, appear to be lacking juveniles. Both local retention and incoming propagules may be demographically important, although their relative importance is unknown. It remains unclear whether any shortages of juveniles reflect shortages of egg/larval supply, or instead are indicative of bottlenecks in older life history stages. Since recruitment limitation is commonly documented in other reef fish species, this is a plausible limiting factor for population growth of this species (Kobayashi *et al.,* 2011).

Synergistic Effects

In the status review, we evaluated the five factors individually and in combination to determine the risk to the species. The BRT determined that, with respect to factors A, B, C, and E, there are no data to draw conclusions or even speculate on synergistic effects among the factors. Given the lack of such data, it would be precautionary to assume that any combination of hazards will work together with a net effect greater than the sum of their separate effects. The BRT recognizes that this species is extremely data poor and should be the focus of continued study.

Existing regulatory mechanisms under Factor D can have impacts that interact with existing threats under the other four factors by potentially reducing the impacts of those threats and conferring some conservation benefit to the species by regulating the human activities posing the threat. Harvest is a threat that may be alleviated by existing regulatory mechanisms like fisheries regulations and protected areas. Harvest of adults was considered in the BRT Report to be one of the two most important threats to the short- and long-term status of bumphead parrotfish, but the BRT did not fully consider implications of existing regulatory mechanisms in the 46 areas within the current range of bumphead parrotfish addressing historical, current, or future harvest-related threats to the species. These regulatory mechanisms may provide important conservation benefits when considering the significance of the current and future impact of harvest-related threats to bumphead parrotfish, although they are unquantifiable. Similarly, habitat degradation may be alleviated or mitigated by regulatory mechanisms. A variety of regulatory mechanisms including a recent increase in protected areas (as described above) are in place throughout the range of bumphead parrotfish that may confer conservation benefit to the species by addressing this threat.

Conservation Efforts

As described above, Section 4(a)(1) of the ESA requires the Secretary to consider factors A through E above in a listing decision. In addition, Section 4(b)(1)(A) requires the Secretary to consider these five factors based upon the best available data ''after taking into account those efforts, if any, being made by any State or foreign nation * * * to protect such species, whether by predator control, protection of habitat and food supply, or other conservation practices.'' Section 4(b)(1)(A) authorizes us to more broadly take into account conservation efforts of States and foreign nations including laws and regulations, management plans, conservation agreements, and similar documents, to determine if these efforts may improve the status of the species being considered for ESA listing. The PECE policy (described above) applies to conservation efforts that have yet to be fully implemented or have yet to demonstrate effectiveness.

One purpose of the Management Report (NMFS, 2012) was to describe and assess conservation efforts for the bumphead parrotfish throughout its range. For the purposes of the status review, conservation efforts are defined as non-regulatory or voluntary conservation actions undertaken by both governmental and non-governmental organizations (NGOs, e.g., conservation groups, private companies, academia, etc.) that are intended to abate threats described in the BRT Report or are incidentally doing so. Conservation efforts with the potential to address threats to bumphead parrotfish include, but are not limited to: fisheries management plans, coral reef monitoring, coral reef resilience research, coral reef education and/or outreach, marine debris removal projects, coral reef restoration, and others. These conservation efforts may be conducted by countries, states, local governments, individuals, NGOs, academic institutions, private companies, individuals, or other entities. They also include global conservation organizations that conduct coral reef and/or marine environment conservation projects, global coral reef monitoring networks and research projects, regional or global conventions, and education and outreach projects throughout the range of bumphead

parrotfish. After taking into account these conservation efforts, as more fully discussed in the management report (NMFS, 2012), our evaluation of the Section 4(a)(1) factors is that the conservation efforts identified may confer some conservation benefit to the species, although the amount of benefit is undetermined. The conservation efforts do not at this time positively or negatively affect our evaluation of the Section 4(a)(1) factors or our determination regarding the status of the bumphead parrotfish. The Management Report also considered conservation efforts that have yet to be fully implemented or have yet to demonstrate effectiveness (under the PECE policy) and found that these conservation efforts do not at this time positively or negatively affect the species status.

Extinction Risk Analysis

The Extinction Risk Analysis is the third step in the process of making an ESA listing determination for bumphead parrotfish. For this step, we completed an extinction risk analysis to determine the status of the species. We asked the BRT to develop an extinction risk analysis approach based on the best available information for bumphead parrotfish. The extinction risk results in the BRT Report (Kobayashi *et al.,* 2011) are based on statutory factors A, B, C, and E listed under section 4(a)(1) of the ESA. Factor D (''inadequacy of existing regulatory mechanisms'') was assessed in the Management Report (NMFS, 2012) and this finding (above), and not considered by the BRT in its extinction risk analysis for the species. Thus, a final extinction risk analysis was done by determining whether the results of the BRT's extinction risk analysis would be affected by the incorporation of Factor D, thereby addressing the five 4(a)(1) factors. Following are results of the BRT's extinction risk analysis based on factors A, B, C, and E (Kobayashi *et al.,* 2011), our determination with regard to extinction risk based on factor D (NMFS 2011a), and a final extinction risk determination for bumphead parrotfish based on all five factors.

Definitions

There are two situations in which NMFS determines that a species is eligible for listing under ESA: (1) Where the species is in danger of extinction, or is likely to become in danger of extinction in the foreseeable future, throughout all its range; or (2) where the species is in danger of extinction, or is likely to become in danger of extinction in the foreseeable future, throughout a significant portion of its range (SPOIR). Accordingly, as long as the species is in danger of going extinct throughout a significant portion of its range, the entire species is subject to listing and must be protected everywhere.

The first step the BRT took in developing an approach for bumphead parrotfish extinction risk analysis was to define these spatial (SPOIR) and temporal scales for application to the analysis. Next the BRT defined a Critical Risk Threshold against which the status of the species would be compared over these spatial and temporal scales (Kobayashi *et al.,* 2011). These three key definitions are described below.

The ESA does not define the terms SPOIR or ''foreseeable future.'' In application, a portion of a species' range is generally considered ''significant'' if its contribution to the viability of the species is so important that, without that portion, the species would be in danger of extinction. Or put another way, we would not consider the portion of the range at issue to be ''significant'' if there is sufficient resiliency, redundancy, and representation elsewhere in the species' range that the species would not be in danger of extinction throughout its range if the population in that portion of the range in question disappeared. When analyzing portions of a species' range, we consider the importance of the individuals in that portion to the viability of the species in determining whether a portion is significant, and we consider the status of the species in that portion.

For purposes of the bumphead parrotfish, the BRT analyzed SPOIR based on an ecological index consisting of five criteria, summarized as: (1) Distance from the center of Indo-Pacific marine shore fish biodiversity to account for the underlying biogeographic pattern; (2) adult habitat area to account for adult habitat availability importance; (3) juvenile habitat area to account for juvenile habitat availability importance; (4) a connectivity measurement of outgoing contributions to all other geographic strata to account for demographic importance; and (5) a connectivity measurement of incoming contributions from all other geographic strata to further account for demographic importance (Kobayashi *et al.,* 2011). Analyzing the significance of the portion of the species' range in terms of its biological importance to the conservation of the species is consistent with NMFS' past practices as well as the Draft Policy on Interpretation of the Phrase ''Significant Portion of Its Range'' (76 FR 76987; December 9, 2011).

These 5 important ecological components were used in an additive fashion to construct a composite SPOIR index, the median value of which was 0.4506 over all geographic strata. Of 63 strata used by the BRT for the current range of bumphead parrotfish, 32 strata had a SPOIR index greater than the median value. These 32 strata were defined as SPOIR by the BRT, and include American Samoa, Andaman and Nicobar, Australia, Papua New Guinea, Cambodia, China, Christmas Island, Comoro Islands, East Timor, India, Indonesia, Kenya, Madagascar, Malaysia, Maldives, Mayotte, Micronesia, Mozambique, Myanmar, Timor Leste, Palau, Papua New Guinea, Paracel Islands, Philippines, Seychelles, Solomon Islands, Spratly Islands, Sri Lanka, Taiwan, Tanzania, Thailand, and Vietnam (Kobayashi *et al.,* 2011).

Following the completion of the BRT report, USFWS and NMFS published a Draft Policy on Interpretation of the Phrase ''Significant Portion of Its Range'' in the Endangered Species Act's Definitions of Endangered Species and Threatened Species (76 FR 76987; December 9, 2011). The Draft Policy has not yet been finalized as the Services continue to evaluate comments and information received during the public comment period. While the policy remains in draft form, the Services are to consider the interpretations and principles contained in the Draft Policy as non-binding guidance in making individual listing determinations, while taking into account the unique circumstances of the species under consideration. Accordingly, we have analyzed the BRT's findings in light of the Draft Policy to determine whether this affects the SPOIR determination.

We apply the following principles from the Draft Policy to this status review. First, if a species is found to be endangered or threatened in only a significant portion of its range, the entire species is listed as endangered or threatened, as appropriate, and the Act's protections apply across the species' entire range. Second, the range of a species is considered to be the general geographical area within which that species can be found at the time of the particular status determination. While lost historical range is relevant to the analysis of the status of the species, it does not constitute a significant portion of a species' range. Third, if the species is not endangered or threatened throughout all of its range, but it is endangered or threatened within a significant portion of its range, and the population in that significant portion is a valid DPS, we will list the DPS rather than the entire taxonomic species or

subspecies. Finally, a portion of the species' range is significant if its contribution to the viability of the species is so important that without that portion, its abundance, spatial distribution, productivity, and diversity would be so impaired that the species would be in danger of extinction, either currently or in the foreseeable future.

Under the Draft Policy, the determination of a portion's ''significance'' emphasizes its biological importance and contribution to the conservation of the species. When determining a portion's biological or conservation importance, we consider the species' resiliency, or those characteristics that allow it to recover from periodic disturbances. We also consider the species' redundancy (having multiple aggregations distributed across the landscape, abundance, spatial distribution) as a measure of its margin of safety to withstand catastrophic events. Finally, we consider its representation (the range of variation found in a species; spatial distribution, and diversity) as a measure of its adaptive capability.

We have reconsidered the BRT's conclusions in light of the non-binding guidance of the Draft Policy. As indicated above, the BRT determined SPOIR first by identifying and qualitatively scoring five ecologically significant components, and then by identifying the SPOIR from those strata that scored higher than the median value. We believe that the BRT's five ecologically significant components are consistent with the Draft Policy's emphasis on identifying those biological factors that are necessary to contribute to species viability—that is, abundance, spatial distribution, productivity, and diversity. For example, the identified SPOIR considered spatial structure that, if removed, would result in isolated and fragmented remaining bumphead populations. It also considered biologically important microhabitat characteristics and connectivity of subareas to adjacent portions of range, which are necessary to ensure continued productivity and diversity to respond to future environmental changes.

We note that the BRT's additive approach may not capture all possible combinations of demographic and population changes and concentrations of threats that occur currently and might occur in the future. The BRT in fact acknowledged that a combinational approach may be more useful to determine SPOIR, but that it was not possible with the limited information currently available.

Our next step in this evaluation under the Draft Policy was to review all of the available information used in completing this status review to identify any portions of the range of the species that warrant further consideration (76 FR 77002; December 9, 2011). We evaluated whether substantial information indicated ''that (i) the portions may be significant [within the meaning of the Draft Policy] and (ii) the species [occupying those portions] may be in danger of extinction or likely to become so within the foreseeable future'' (76 FR 77002; December 9, 2011). Under the Draft Policy, both considerations must apply to warrant listing a species as endangered or threatened throughout its range based upon threats within a portion of the range. In other words, if either consideration does not apply, we would not list a species based solely upon its status within a significant portion of its range.

Thus, in addition to the evaluation of ecological and biological significance of portions of the range completed by the BRT, we considered whether there are portions of the range in which threats are so concentrated or acute as to place the species in those portions in danger of extinction, and if so, whether those portions are significant. No information presented in the BRT report, management report, or that has otherwise been identified indicates a high concentration of harvest or habitat degradation threats in one or more specific portions within bumphead parrotfish range. The BRT rated the geographic scope of each threat identified; adult harvest was rated as ''Localized'', defined as ''likely to be confined in its scope and to affect the species in a limited portion of its range''. The BRT did not identify any portions of the range where this threat may be concentrated and this rating likely reflects the limited information available specific to bumphead parrotfish harvest. Data pertaining to harvest are sparse, incomplete, or lacking for a majority of regions across the range and in most cases bumpheads are not distinguished in the records from other parrotfish species. Of known fisheries assessments, harvest information specific to bumphead parrotfish is available for only five of the 63 strata evaluated by the BRT. The records that exist for these five strata do not indicate any area of exceptionally intensive harvest, and it is not possible to compare these strata with other portions of the species range that lack similar information. We found no further evidence during the status review of a concentrated threat of harvest in any portion of the species' range.

The geographic scope for juvenile habitat loss and degradation was rated by the BRT as ''Moderate'', defined as likely to be occurring at more than some to many, but not all, areas in its scope and to affect the species at a number of locations within its range. Again, specific locations or portions of the range where this threat may be concentrated were not identified by the BRT and we found no further evidence that the threat of juvenile habitat loss is acutely concentrated in any specific portions of the species' range. We acknowledge that there are likely variations in the severity of threats throughout the species' range but we have insufficient information to conclude that any specific portion of the range warrants further consideration due to acute or concentrated threats.

Finally, the BRT clarified that its qualitative method was only a preliminary delineation of SPOIR for this species, and that the tool was primarily useful as a relative reference because the ''absolute magnitude of this SPOIR is not ecologically interpretable in present form.'' We acknowledge that the BRT's approach in determining SPOIR is a predictive judgment based on the best available—albeit limited—science, and therefore must be used with caution. The BRT also acknowledges that the selection of all strata with a SPOIR index above the median value for inclusion in SPOIR was a conservative approach; the species is able to persist in most, if not all, of the geographic strata presented, therefore concerns of underestimating the actual minimum threshold would appear unlikely; i.e., there is no compelling evidence to suggest that the SPOIR index threshold should be greater than the median, and is more likely lower than the median, hence it is suggested that SPOIR was conservatively delineated in this exercise.

With respect to this relatively numerous, widely dispersed, and interconnected species, we consider the BRT's approach to be an appropriate tool for evaluating the biological importance of those range portions that, if removed, would so impair the abundance, spatial distribution, productivity, and diversity of the species that it would be in danger of extinction. Our additional evaluation of portions of the range that may warrant further consideration due to concentrated threats does not support the delineation of any additional or different portions of the species range as

significant. Accordingly, our SPOIR analysis remains the same when considered in light of the non-binding guidance of the Draft Policy.

The BRT selected time frames over which identified threats are likely to impact the biological status of the species and can be reasonably predicted. The appropriate period of time corresponding to the foreseeable future depends on the particular kinds of threats, life-history characteristics, and specific habitat requirements for the species under consideration. The bumphead parrotfish BRT selected 40 years as a working time frame, which is the approximate maximum age of individuals of this species, keeping in mind the age at which most females spawn is approximately 10 years, so that this reference point spans approximately four bumphead parrotfish generations. As a means of evaluating the sensitivity of this period, an independent vote was taken examining 100 years (approximately 10 bumphead parrotfish generations; Kobayashi *et al.,* 2011).

Under the ESA, the determination of the foreseeable future is to be made on a species-by-species basis through an analysis of the time frames applicable to the threats to the particular species at issue, including the interactive effect among those threats. Each threat may have a different time frame associated with it over which we can reliably predict impacts to the species. Our conclusion regarding the future status of the species represents a synthesis of different time frames associated with different threats.

Although available data for threats related to climate change allow for reasonable projections over one hundred years, our ability to make reliable predictions over this period based on existing data for other threats affecting bumphead parrotfish, including the most serious threats to the species (loss of juvenile habitat and adult harvest) involves considerable uncertainty. We note that the BRT identified significant levels of uncertainty regarding all aspects of bumphead parrotfish biology. Although the BRT evaluated extinction risk over distinct 40- and 100-year time horizons, the BRT analyzed the severity of future impacts from identified threats and the certainty with which they could make those conclusions over a combined 40- to 100-year time horizon. Our determination of the foreseeable future necessarily involves consideration of the most appropriate way to manage known risks, and is bounded by the point where we can no longer make reliable predictions as to the likely future status of this species. Accordingly, while it was appropriate for the BRT to consider a time frame of up to one hundred years to gauge the sensitivity of its extinction analysis, for purposes of our determination, we believe that a 40-year foreseeable future is more reliable for evaluating the future conservation status of the species. Accordingly, we adopt this 40-year period as the species' foreseeable future.

The BRT used a qualitative approach that characterizes extinction risk in terms of the certainty that the species' condition will decline below a Critical Risk Threshold (CRT) within a certain time period because data allowing for a quantitative approach were not available. The CRT is defined as a threshold below which the species is of such low abundance or so spatially fragmented that it is at risk of extinction. The CRT is not defined as a single abundance number, density, spatial distribution or trend value; it is a qualitative description encompassing multiple life-history characteristics and other important ecological factors. Establishing the CRT level involves consideration of all factors affecting the risk of bumphead parrotfish extinction, including depensatory processes, environmental stochasticity, and catastrophic events. Depensatory processes include reproductive failure from low density of reproductive individuals and genetic processes such as inbreeding. Environmental stochasticity represents background environmental variation. Catastrophes result from severe, sudden, and deleterious environmental events (Kobayashi *et al.,* 2011).

Extinction Risk Analysis Results

The BRT used a structured decision-making process of expert elicitation to assess the extinction risk for bumphead parrotfish. To account for uncertainty in the extinction risk analysis, each of the five BRT members distributed 10 votes in three categories representing likelihood of the species falling below the CRT. The three categories were 0–33 percent, 33–66 percent, and 66–100 percent likelihood of the species falling below the CRT. The average vote distribution amongst the 3 categories for all five BRT members combined represents the BRT's opinion of extinction risk. Extinction risk was evaluated at four spatial-temporal scales (two time frames over both current range and in SPOIR): (1) Current range at 40 years in the future; (2) current range at 100 years in the future; (3) SPOIR at 40 years in the future; and (4) SPOIR at 100 years in the future (Kobayashi *et al.,* 2011).

For current range at 40 years in the future, the largest proportion (56 percent) of the BRT's total votes fell into Category 1 (0–33 percent likelihood of falling below CRT), 40 percent fell into Category 2 (33–66 percent likelihood of falling below CRT), and 4 percent fell into Category 3 (66–100 percent likelihood of falling below CRT; Kobayashi et al. 2011).

For current range at 100 years in the future, the largest proportion (48 percent) of the BRT's total votes again fell into Category 1 (0–33 percent likelihood of falling below CRT), 46 percent fell into Category 2 (33–66 percent likelihood of falling below CRT), and 6 percent fell into Category 3 (66–100 percent likelihood of falling below CRT; Kobayashi et al. 2011).

For SPOIR at 40 years in the future, the largest proportion (52 percent) of the BRT's total votes again fell into Category 1 (0–33 percent likelihood of falling below CRT), 42 percent fell into Category 2 (33–66 percent likelihood of falling below CRT), and 6 percent fell into Category 3 (66–100 percent likelihood of falling below CRT; Kobayashi et al. 2011).

For SPOIR at 100 years in the future, 46 percent of the BRT's total votes fell into Category 1 (0–33 percent likelihood of falling below CRT), 48 percent fell into Category 2 (33–66 percent likelihood of falling below CRT), and 6 percent fell into the Category 3 (66–100 percent likelihood of falling below CRT; Kobayashi et al. 2011).

To summarize the BRT's extinction risk analysis results for the four spatial-temporal scales, in three of the four scenarios examined, the largest proportion of the BRT's votes were cast into Category 1 (0–33 percent likelihood of falling below the CRT) and in one scenario (SPOIR at 100 years) the largest proportion of their votes fell into Category 2 (33–66% likelihood of falling below CRT).

The BRT's extinction risk results are based only on the statutory factors A, B, C, and E listed under section 4(a)(1) of the ESA (Kobayashi *et al.,* 2011). The most significant threats to bumphead parrotfish are adult harvest and juvenile habitat loss/degradation, while juvenile harvest, adult habitat loss/degradation, pollution, global warming, and ocean acidification were considered by the BRT to be of medium threat (Kobayashi *et al.,* 2011). Factor D (''inadequacy of existing regulatory mechanisms'') was assessed in the Management Report (NMFS 2012) and summarized in section D of the Threats Evaluation above. Based on the information presented in the Management Report, we conclude that the inadequacy of

regulatory mechanisms is not a factor contributing to increased extinction risk for bumphead parrotfish. Extensive fisheries and coastal management laws and decrees in the 46 areas within the current range of the bumphead parrotfish exist. In addition, up to 25 percent of adult and juvenile habitats are within protected areas. Ideally, some proponents of marine reserve design recommend at least 20 to 30 percent or more of habitat be protected as a no-take areas (Bohnsack *et al.,* 2000; Airame *et al.,* 2003; Fernandes *et al.,* 2005; Gladstone 2007; Gaines *et al.,* 2010), although the actual area depends on the goal in mind. Considering the entire range of bumphead parrotfish as one ecosystem in order to apply this concept is not necessarily feasible; however, as discussed previously, at least 12 per cent of coral reef areas within bumphead parrotfish range are essentially no-take areas for this species. We acknowledge that this percentage is lower than the bar set for marine reserve design in the literature. We express no conclusion on whether existing regulatory mechanisms should or could provide greater protection to the bumphead parrotfish. We conclude only that the inadequacy of regulatory mechanisms is not a factor contributing to increased extinction risk of the species. The Management Report also considered current conservation efforts as well as conservation efforts that have yet to be fully implemented or have yet to demonstrate effectiveness (under the PECE policy) and found that these conservation efforts do not at this time positively or negatively affect the species status. Accordingly, we conclude that the information in the Management Report does not support an adjustment in the BRT's extinction risk results. We therefore conclude after considering all five factors that the BRT's extinction risk results described above provide the best available information on the current extinction risk faced by the bumphead parrotfish.

Listing Determination

As described above, we are responsible for determining whether the bumphead parrotfish (*Bolbometopon muricatum*) warrants listing under the ESA (16 U.S.C. 1531 *et seq.*). In order to make this listing determination, we conducted a comprehensive status review, consisting of a Biological Review, a Threats Evaluation, and an Extinction Risk Analysis, as summarized above. Key conclusions are described below, which provide the basis for our listing determination.

Key Conclusions From Biological Review

The species is made up of a single population over its entire geographic range. As indicated above, the ESA requires us to determine whether any species warrants listing as endangered or threatened. A species includes any species, subspecies, ''and any distinct population segment (DPS) of any species of vertebrate fish or wildlife which interbreeds when mature.'' Under the joint USFWS–NOAA ''Policy Regarding the Recognition of Distinct Vertebrate Population Segments Under the Endangered Species Act'' (61 FR 4722; February 7, 1996) two elements are considered when evaluating whether a population segment qualifies as a distinct population segment (DPS) under the ESA: (1) The discreteness of the population segment in relation to the remainder of the species or subspecies to which it belongs; and (2) the significance of the population segment to the species or subspecies to which it belongs. If a population segment is discrete and significant (i.e., it is a DPS), its evaluation for endangered or threatened status will be based on the ESA's definitions of those terms and a review of the factors enumerated in section 4(a). However, it should be noted that Congress has instructed the Secretary to exercise this authority with regard to DPS's ''sparingly and only when the biological evidence indicates that such action is warranted.'' (Senate Report 151, 96th Congress, 1st Session).

Under the DPS Policy, a population segment of a vertebrate species may be considered discrete if it satisfies either one of the following conditions: (1) It is markedly separated from other populations of the same taxon as a consequence of physical, physiological, ecological, or behavioral factors; or (2) it is delimited by international governmental boundaries within which differences in control of exploitation, management of habitat, conservation status, or regulatory mechanisms exist that are significant in light of section 4(a)(1)(D) of the ESA. As discussed more fully above, prong (1) is not satisfied because the species is made up of a single population over its entire geographic range. In particular, the BRT report describes how available observations and pelagic dispersal modeling support the conclusion that the bumphead parrotfish is a single, well-described species that cannot be sub-divided into distinct population segments.

Under the DPS policy, population segments also may be considered discrete based on international political boundaries within which differences in control of exploitation, management of habitat, conservation status, or regulatory mechanisms exist that are significant. Even assuming discreteness based on significant differences in management or conservation status defined by political boundaries for bumphead parrotfish, there is insufficient information to conclude that the loss of any segment of the population defined by those boundaries would be significant to the taxon as a whole. Significance is evaluated based on a variety of factors, including whether the DPS persists in an ecological setting unusual or unique for the taxon, if there is evidence that loss of the DPS would result in a significant gap in the range of a taxon, if there is evidence that the DPS represents the only surviving natural occurrence of a taxon that may be more abundant as an introduced population outside its historic range, or if there is evidence that the DPS differs markedly from other populations of the species in its genetic characteristics. We have no evidence to conclude that any of these significance criteria apply to the bumphead parrotfish. Specifically, there is no evidence to suggest the existence of genetic differences between bumphead parrotfish in different portions of the range. There is also no evidence to suggest that the loss of any segment of the population would cause a significant gap in the range of the taxon because the best available science indicates one interconnected population throughout the species range based on estimates of connectivity and a lack of evidence indicating morphological, behavioral, or other regional differences. Accordingly, we do not find that distinct population segments of bumphead parrotfish exist.

The species has patchy abundance, being depleted or absent in many areas while abundant in others. This conclusion is based on the Abundance and Density section of the Biological Review, which describes how the abundance of bumphead parrotfish varies widely across its range. Patchy abundance throughout the range of a species is common and due to differences in habitat quality/quantity or exploitation levels at different locations. Pinca *et al.* (2011) examined the relative importance of habitat variability and fishing pressure in influencing reef fish communities across 17 Pacific Island countries and territories; they found that the relative impact of fishing on fish populations accounted for 20 percent of

the variance while habitat accounted for 30 percent.

The species possesses life history characteristics that increase vulnerability to harvest, including slow growth, late maturation, shallow habitat, nocturnal resting in refuge sites that are returned to daily, large size, and conspicuous coloration. This conclusion is based on the Age and Growth, Reproductive Biology, Habitat and Distribution, and Settlement and Recruitment sections of the Biological Review. Bumphead parrotfish grow slowly and mature at a large size, thus juveniles and sub-adults can be large, attractive targets for harvest. Sub-adult and adult bumphead parrotfish possess a multitude of life history characteristics that increase vulnerability to harvest, such as nocturnal resting behavior in shallow areas, diurnal feeding behavior on shallow forereefs, large size, and conspicuous coloration. Several of these traits have also been related to slow recovery rates for severely depleted populations (*Reynolds et al., 2001; Dulvy and Reynolds, 2002; Dulvy et al., 2003; Reynolds, 2003*).

The species possesses life history characteristics conducive to population resilience including broad pelagic dispersal, frequent spawning, and non-selective feeding. This conclusion is based on the Movements and Dispersal, Reproductive Biology, Feeding, Ecosystem Considerations sections of the Biological Review. Resiliency (abundance, spatial distribution, productivity) describes characteristics of a species that allow it to recover from periodic disturbance, as defined in the NMFS/USFWS joint Draft SPOIR policy (76 FR 76987; 9 December 2011). The broad geographic range of bumphead parrotfish includes areas of refuge where abundance is high and harvest pressure is low. Although some unknown proportion of recruitment is likely local in nature (Jones *et al.,* 2009; Hogan *et al.,* 2012), the combination of high fecundity and broad pelagic dispersal of eggs and larvae may contribute to replenishment of depleted areas at some level. Non-selective feeding allows the species to be resilient to changes in community composition within its habitat. In combination, these life history characteristics contribute to population resilience.

The species is broadly distributed, and its current range is similar to its historical range. This conclusion is based on the Habitat and Distribution section of the BRT report, which concluded that available information suggests that the current range is equivalent to the historical range.

While abundance is declining across the species' range, the contemporary population is estimated at 3.9 million adults. This conclusion is based on the Contemporary Global Population and Global Population Trends sections of the Biological Review. Available evidence indicates a historical decline, and a continuing trend of decline, although unquantifiable, in the global population of bumphead parrotfish. The best estimate of contemporary global population abundance of bumphead parrotfish is 3.9 million adults.

Key Conclusions From Threats Evaluation

The two most important threats to bumphead parrotfish are adult harvest and juvenile habitat loss. Adult harvest and juvenile habitat loss are both rated as ''high severity'' threats to the species, both currently and over the next 40–100 years. All of the other threats to the species were rated as lower severity, both currently and over the next 40–100 years.

Existing regulatory mechanisms may provide benefits in addressing the most serious threats to bumphead parrotfish. National and/or local laws and regulations, many relatively new marine protected areas, and a resurgence of customary management occurring across much of the range of the species, may address both adult harvest and juvenile habitat loss to an undetermined extent. The inadequacy of regulatory mechanisms is not a contributing factor to increased extinction risk for the species.

Existing regulatory mechanisms are at least as good within SPOIR as outside of SPOIR. Of the 46 countries and areas within the range of the bumphead parrotfish, 26 countries or parts thereof are considered to be the ''significant portion of its range'' (SPOIR). Within these 26 areas, regulatory mechanisms are at least as effective as in the other areas of the species' range.

Key Conclusions From Extinction Risk Analysis

Bumphead parrotfish are not likely to fall below the critical risk threshold within the foreseeable future. In three of the four spatio-temporal scenarios examined by the BRT, the largest proportion of the BRT's votes indicate that bumphead parrotfish are 0–33 per cent likely to fall below the CRT. Within SPOIR 100 years into the future, the largest proportion (by a small margin) of the BRTs votes were that bumphead parrotfish are 33–66% likely to fall below the CRT. Once again, the CRT is defined as a threshold below which the species is of such low abundance or so spatially fragmented that it is at risk of extinction. As stated earlier, our conclusion is based on a synthesis of multiple trends and threats over different time periods. The 40-year time frame is a point beyond which our ability to predict the status of the species when considering the best scientific and commercial information available becomes more uncertain, including future impacts from the primary threats of juvenile habitat loss and adult harvest. Accordingly, so as to avoid basing our findings on speculation, we adopt a 40-year time frame as the species' foreseeable future.

The BRT's extinction risk results are unchanged by the Management Report. The BRT's extinction risk analysis was based on Factors A, B, C, and E (Kobayashi *et al.,* 2011). After also considering Factor D and conservation efforts, based on information in the Management Report (NMFS 2012), an adjustment in the BRT's extinction risk results is not supported. We therefore conclude after considering all five factors that the BRT's extinction risk results described above provide the best available information on the current extinction risk faced by the bumphead parrotfish.

Conclusion

Based on the key conclusions from the Biological Review, the Threats Evaluation, and the Extinction Risk Analysis, we summarize the results of our comprehensive status review as follows: (1) The species is made up of a single population over a broad geographic range, and its current range is indistinguishable from its historical range; (2) while the species possesses life history characteristics that increase vulnerability to harvest, it also possesses characteristics conducive to population resilience; (3) although abundance is declining and patchy across the species' range, the contemporary population size is sufficient to maintain population viability into the foreseeable future, based on the BRT's assessment of extinction risk; (4) existing regulatory mechanisms throughout the species' range may be effective in addressing the most important threats to the species (adult harvest and juvenile habitat loss), but the extent of those conservation benefits cannot be determined; and (5) while the global population is likely to further decline, the combination of life history characteristics, large contemporary population, and, to a lesser extent, existing regulatory mechanisms indicate that the species is not currently in danger of extinction,

nor is it likely to become in danger of extinction in the foreseeable future.

These overall results of our status review portray a species that still occupies its historical range, although at lower and declining abundance, but with both biological characteristics and, potentially, management measures that help maintain the population above the viability threshold. Our information does not indicate that this status is likely to change within the foreseeable future.

Based on these results, we conclude that the bumphead parrotfish is not currently in danger of extinction throughout its range or throughout SPOIR, and is not likely to become in danger of extinction within the foreseeable future. Accordingly, the species does not meet the definition of threatened or endangered. Based on these findings, our listing determination is that the bumphead parrotfish does not warrant listing as threatened or endangered at this time.

References

A complete list of all references cited herein is available upon request (see **FOR FURTHER INFORMATION CONTACT**).

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: November 2, 2012.

Alan D. Risenhoover,

Director, Office of Sustainable Fisheries, performing the functions and duties of the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 2012–27244 Filed 11–6–12; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XC328

Fisheries of the Gulf of Mexico; Southeast Data, Assessment, and Review (SEDAR); Assessment Process Webinar for Gulf of Mexico Spanish Mackerel and Cobia

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

ACTION: Notice of SEDAR 28 Gulf of Mexico Spanish mackerel and cobia assessment webinar.

SUMMARY: The SEDAR 28 assessment of the Gulf of Mexico Spanish mackerel and cobia fisheries will consist of a series of workshops and supplemental webinars. This notice is for a webinar associated with the Assessment portion of the SEDAR process.

DATES: The SEDAR 28 Assessment Workshop Webinar will be held on November 26, 2012, from 1 p.m. until 5 p.m. EDT. The established time may be adjusted as necessary to accommodate the timely completion of discussion relevant to the assessment process. Such adjustments may result in the meeting being extended from, or completed prior to, the times established by this notice.

ADDRESSES: The webinar will be held via a GoToMeeting Webinar Conference. The webinar is open to members of the public. Those interested in participating should contact Ryan Rindone at SEDAR (see **FOR FURTHER INFORMATION CONTACT**) to request an invitation providing webinar access information. Please request meeting information at least 24 hours in advance.

FOR FURTHER INFORMATION CONTACT: Ryan Rindone, SEDAR Coordinator, 2203 N Lois Ave, Suite 1100, Tampa FL 33607; telephone: (813) 348–1630; email: *ryan.rindone@gulfcouncil.org*

SUPPLEMENTARY INFORMATION: The Gulf of Mexico Fishery Management Council (GMFMC), in conjunction with NOAA Fisheries, has implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is a three-step process including: (1) Data Workshop; (2) Assessment Process, including a workshop and webinars; and (3) Review Workshop. The product of the Data Workshop is a data report which compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses. The product of the Assessment Process is a stock assessment report which describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. The assessment is independently peer reviewed at the Review Workshop. The product of the Review Workshop is a summary documenting panel opinions regarding the strengths and weaknesses of the stock assessment and input data. Participants for SEDAR Workshops are appointed by the GMFMC, NOAA Fisheries Southeast Regional Office, and the NOAA Southeast Fisheries Science Center. Participants include: Data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and non-governmental organizations (NGOs); international experts; and staff of Councils, Commissions, and state and federal agencies.

SEDAR 28 Assessment Workshop Webinar

Panelists will continue deliberations and discussions regarding modeling methodologies for the Gulf of Mexico Spanish mackerel and cobia fisheries.

Special Accommodations

This meeting is accessible to people with disabilities. Requests for auxiliary aids should be directed to the Council office (see **FOR FURTHER INFORMATION CONTACT**) at least 10 business days prior to the meeting.

Dated: November 1, 2012.

Tracey L. Thompson,

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

[FR Doc. 2012–27087 Filed 11–6–12; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Submission for OMB Review; Comment Request

The United States Patent and Trademark Office (USPTO) will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: United States Patent and Trademark Office (USPTO).

Title: Invention Promoters/Promotion Firms Complaints.

Form Number(s): PTO/SB/2048.

Agency Approval Number: 0651–0044.

Type of Request: Revision of a currently approved collection.

Burden: 18 hours annually.

Number of Respondents: 50 responses per year.

Avg. Hours per Response: The USPTO estimates that it will take the public approximately 15 minutes (0.25 hours) to gather the necessary information, prepare the form, and submit a complaint to the USPTO and approximately 30 minutes (0.5 hours) for an invention promoter or promotion firm to prepare and submit a response to a complaint.

Needs and Uses: The Inventors' Rights Act of 1999 requires the USPTO to provide a forum for the publication of complaints concerning invention

promoters and responses from the invention promoters to these complaints. An individual may submit a complaint to the USPTO, which will then forward the complaint to the identified invention promoter for response. The complaints and responses are published on the USPTO Web site. The public uses this information collection to submit a complaint to the USPTO regarding an invention promoter or to respond to a complaint. The USPTO uses this information to comply with its statutory duty to publish the complaint along with any response from the invention promoter. The USPTO does not investigate these complaints or participate in any legal proceedings against invention promoters or promotion firms.

Affected Public: Individuals or households; businesses or other for-profits; and not-for-profit institutions.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Nicholas A. Fraser, email: *Nicholas_A._Fraser@omb.eop.gov.*

Once submitted, the request will be publicly available in electronic format through the Information Collection Review page at *www.reginfo.gov.*

Paper copies can be obtained by:

• *Email: InformationCollection@uspto.gov.* Include ''0651–0044 copy request'' in the subject line of the message.

• *Mail:* Susan K. Fawcett, Records Officer, Office of the Chief Information Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.

Written comments and recommendations for the proposed information collection should be sent on or before December 7, 2012 to Nicholas A. Fraser, OMB Desk Officer, via email to *Nicholas_A._Fraser@omb.eop.gov,* or by fax to 202–395–5167, marked to the attention of Nicholas A. Fraser.

Dated November 2, 2012.

Susan K. Fawcett,

Records Officer, Office of the Chief Information Officer, USPTO.

[FR Doc. 2012–27224 Filed 11–6–12; 8:45 am]

BILLING CODE 3510–16–P

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities: Notice of Intent To Extend Collection 3038–0098: Exemptive Order Regarding Compliance With Certain Swap Regulations

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: The Commodity Futures Trading Commission (''Commission'' or ''CFTC'') is announcing an opportunity for public comment on the proposed extension of its current approval from the Office of Management and Budget (''OMB '') of an information collection request (''ICR'') titled ''Exemptive Order Regarding Compliance with Certain Swap Regulations,'' OMB Control No. 3038–0098. OMB approved the Commission's initial ICR request on August 13, 2012, utilizing emergency review procedures in accordance with the Paperwork Reduction Act of 1995 (''PRA''), 44 U.S.C. 3501 *et seq.,* and Office of Management and Budget (''OMB'') regulation 5 CFR 1320.13. The Commission's notice of its initial submission for OMB emergency review of the ICR was published in the **Federal Register**, 77 FR 43271, on July 24, 2012.

The Commission is inviting interested parties to comment on the proposed extension of the currently approved ICR, relating to the proposed Exemptive Order Regarding Compliance with Certain Swap Regulations (''Proposed Exemptive Order'') pursuant to Section 4(c) of the Commodity Exchange Act (''CEA'').[1] If approved, the collection of information will be required to obtain or retain a benefit.

DATES: Comments must be submitted on or before January 7, 2013.

ADDRESSES: You may submit written comments on the burden estimated or any other aspect of the proposed extension of the information collection to the addresses below. Please refer to OMB Control No. 3098–0098—''Exemptive Order Regarding Compliance with Certain Swap Regulations'' in any correspondence.

• Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for CFTC, 725 17th Street, Washington, DC 20503, or via electronic mail to *oira.submission@omb.eop.gov.* Comments also may be submitted to the Commission by any of the following methods:

• The Agency's Web site, at *http://comments.cftc.gov/.* Follow the instructions for submitting comments through the Web site.

• *Mail:* David A. Stawick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581.

• *Hand Delivery/Courier:* Same as mail above.

• *Federal eRulemaking Portal: http://www.regulations.gov.*

Please submit your comments to the CFTC using only one method.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to www.cftc.gov. If you wish the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the Commission's regulations.[2]

FOR FURTHER INFORMATION CONTACT: Laura B. Badian, Counsel, at 202–418–5969, *lbadian@cftc.gov,* Gail Scott, Counsel, at 202–418–5139, gscott@cftc.gov, Office of General Counsel, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581.

SUPPLEMENTARY INFORMATION:

I. Background on Proposed Extension of Information Collection Activities

A. Overview

Title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act (''Dodd-Frank Act''), Public Law 111–203, 124 Stat. 1376 (2010) amended the CEA to establish a new statutory framework for swaps. To implement the Dodd-Frank Act, the Commission has promulgated, or proposed, rules and regulations pursuant to the various new provisions of the CEA, including those specifically applicable to swap dealers (''SDs'') and major swap participants (''MSPs''). The Dodd-Frank Act requires all swap dealers and major swap participants to be registered with the Commission. It contains definitions of ''swap,'' ''swap dealer'' and ''major swap participant'' but directs the Commission to adopt regulations that further define those terms. On July 23, 2012, the Commission's final regulations further defining the terms ''swap dealer'' and ''major swap participant'' became effective. On October 12, 2012, the Commission's final regulations further defining the term ''swap'' and ''security-based swap'' in sections 712(d) and 721(c) of the Dodd-Frank Act (the ''Products Definitions Final Rule'') became effective.[3] The SD and MSP registration

[1] *See* Exemptive Order Regarding Compliance with Certain Swap Regulations, 77 FR 41110, July 12, 2012.

[2] *See* 17 CFR 145.9.

[3] *See* CFTC and Securities and Exchange Commission (''SEC''), Further Definition of ''Swap,'' Continued

regulations also became effective on October 12, 2012. An entity that has more than the specified *de minimis* levels of dealing (swaps entered into after October 12) is required to register by no later than two months after the end of the month in which it surpasses either of the two *de minimis* thresholds in the rules defining the term ''swap dealer.'' [1] Similarly, effective as of October 12, 2012, a person that meets the criteria to be an MSP as a result of its swap activities in a fiscal quarter must register as an MSP by no later than two months after the end of that quarter.

On July 12, 2012, the Commission published for public comment a proposed interpretive guidance and policy statement (''Cross-Border Interpretive Guidance'') on the application of the CEA's swap provisions and the implementing Commission regulations to cross-border activities and transactions.[4] On July 12, 2012, the Commission also published for public comment, pursuant to section 4(c) of the CEA, the Proposed Exemptive Order.[5]

The Proposed Exemptive Order would grant market participants temporary conditional relief from certain provisions of the CEA, as amended by Title VII of the Dodd-Frank Act. Specifically, the proposed relief would allow non-U.S. SDs and non-U.S. MSPs to delay compliance with certain entity-level requirements of the CEA (and Commission regulations promulgated thereunder), subject to specified conditions. Additionally, with respect to transaction-level requirements of the CEA (and Commission regulations promulgated thereunder), the relief would allow non-U.S. SDs and non-U.S. MSPs, as well as foreign branches of U.S. SDs and MSPs, to comply only with those requirements as may be required in the home jurisdiction of such non-U.S. SDs and non-U.S. MSPs (or in the case of foreign branches of a U.S. SD or U.S. MSP, the foreign location of the branch) for swaps with non-U.S. counterparties, subject to specified conditions. The Proposed Exemptive Order states that this relief would become effective concurrently with the date upon which SDs and MSPs must first apply for registration and expire 12 months following the publication of the Proposed Exemptive Order in the **Federal Register**.

The conditions for relief set forth in the Proposed Exemptive Order are discussed in the **Federal Register** release published on July 24, 2012, 77 FR 43271.

B. Request for Public Comments

Under the PRA, Federal agencies must obtain OMB approval for each collection of information they conduct or sponsor. ''Collection of Information'' is defined in 44 U.S.C. 3502(3) and 5 C.F.R. 1320.3 and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA, 44 U.S.C. 3506(c)(2)(A), requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the CFTC is publishing notice of the proposed collection of information listed below. 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 control number. If adopted, the collection of information would be required in order for the registrant to rely on the exemptive relief. The Commission would protect proprietary information in accordance with the Freedom of Information Act and 17 CFR part 145, ''Commission Records and Information.'' In addition, § 8(a)(1) of the Act strictly prohibits the Commission, unless specifically authorized by the Act, from making public ''data and information that would separately disclose the business transactions or market positions of any person and trade secrets or names of customers.'' [6] The Commission is also required to protect certain information contained in a government system of records according to the Privacy Act of 1974, 5 U.S.C. 552a.

With respect to the proposed extension of the collection of information described herein, the CFTC invites comments on:

- Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have a practical use;
- The accuracy of the Commission's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Ways to enhance the quality, usefulness, and clarity of the information to be collected; and
- Ways to minimize the burden of 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; e.g., permitting electronic submission of responses.

II. Purpose and Proposed Use of Information Collected

The subject information collection ensures that non-U.S. SDs and non-U.S. MSPs claiming an exemption from certain entity-level and transaction-level requirements under the CEA (and Commission regulations promulgated thereunder) would be actively and demonstrably considering and planning for compliance with such entity-level and transaction-level requirements, as may be applicable, by requiring the filing of a compliance plan (and any amendments thereto). In addition, the subject information collection ensures that U.S. SDs and U.S. MSPs claiming an exemption, on behalf of their foreign branches, with respect to transaction-level requirements under the CEA are similarly making a good-faith effort to comply with these requirements by requiring the filing of a compliance plan (and any amendments thereto).

On July 24, 2012, the Commission invited interested parties to comment on any aspect of the information collection titled ''Exemptive Order Regarding Compliance with Certain Swap Regulations,'' OMB Control No. 3038–0098. See 77 FR 43271. The Commission did not receive any comments on its burden estimates or on any other aspect of the information collection requirements contained in the PRA Exemptive Order Comment Request. The Commission requested and obtained OMB approval under the PRA emergency clearance process for the subject information collection because the exemptive relief process is essential

''Security-Based Swap,'' and ''Security-Based Swap Agreement''; Mixed Swaps; Security-Based Swap Agreement Recordkeeping, 77 FR 48207, Aug. 13, 2012.

[1] For example, if an entity reaches either of two specified *de minimis* thresholds in swap dealing the day after October 12, 2012, then the entity would be required to register within two months after the end of October, or by December 31, 2012. As another example, if an entity does not reach the specified *de minimis* level in swap dealing until November 20, 2012, then the entity would be required to register by January 31, 2013 (*i.e.,* two months after the end of the month in which the person first exceeded either of two specified *de minimis* thresholds). Commission rules also specify that swap dealing activity engaged in before the effective date of the ''swap dealer'' and ''swap'' definition rules (*i.e.,* October 12, 2012) do not count toward the *de minimis* thresholds.

[4] *See* Cross-Border Application of Certain Swaps Provisions of the Commodity Exchange Act, 77 FR 41213, July 12, 2012.

[5] *See* Exemptive Order Regarding Compliance with Certain Swap Regulations, 77 FR 41110, July 12, 2012.

[6] 7 U.S.C. 12(a)(1).

to the mission of the agency and must be in place before the date the registration requirements for SDs and MSPs under other Dodd-Frank Act implementing regulations become mandatory. This notice requests extension of OMB's original approval for a period of three (3) years utilizing OMB's standard clearance procedures in accordance with the Paperwork Reduction Act of 1995.

III. Burden Statement

The Commission estimates that 60 to 125 SDs and MSPs (including 40 to 80 non-U.S. SDs and MSPs and 20 to 45 U.S. SDs and MSPs) will submit initial compliance plans. The Commission further estimates that, on average, between 60 and 125 SDs and MSPs (including 40 to 80 non-U.S. SDs and MSPs and 20 to 45 U.S. SDs and MSPs) will prepare and submit one amendment annually.

The Commission anticipates that compliance plans would be updated on a periodic basis as new regulations (including in foreign jurisdictions) are adopted and/or come into effect. It is possible that one or more amendments will be submitted within the same year as the initial compliance plan, but it is difficult to predict when new regulations (including in foreign jurisdictions) will be adopted and/or become effective. The Commission is therefore providing estimates based on an initial submission and one amendment on the assumption that one amendment will be filed in the same year as the initial submission.

The respondent burden hour costs for this collection for non-U.S. SDs and MSPs is estimated on average to be $31,190 per submission of an initial compliance plan (rounded to the nearest dollar), and an additional $31,190 per amendment. The aggregate cost burden for non-U.S. SDs and MSPs (which the Commission estimates to be 40 to 80 non-U.S. SDs/MSPs) is estimated to be approximately $1,247,600 to $2,495,200 for initial plans and $1,247,600 to $2,495,200 for amendments.

The respondent burden hour costs for this collection for U.S. SDs and MSPs is estimated on average to be $18,714 per submission of an initial compliance plan and an additional $18,714 per amendment. The aggregate cost burden for U.S. SDs and MSPs (which the Commission estimates to be 20 to 45 U.S. SDs/MSPs) is estimated to be approximately $374,280 to $842,130 for initial plans and $374,280 to $842,130 for amendments.

The aggregate cost burden for all SDs and MSPs (both U.S. and non-U.S., which the Commission estimates to be 60 to 125 SDs/MSPs) is estimated to be approximately $1,621,880 to $3,337,330 for initial compliance plans and $1,621,880 to $3,337,330 for amendments. The aggregate cost burden for all SDs and MSPs (both U.S. and non-U.S.) for both initial compliance plans and one amendment is estimated to be approximately $3,243,760 to $6,674,660.

The Commission estimates the average burden of this collection of information as follows:

[7] The Commission currently estimates that approximately 125 entities will be covered by the definitions of the terms ''swap dealer'' and ''major swap participant.'' *See* Further Definition of ''Swap Dealer,'' ''Security-Based Swap Dealer,'' ''Major Swap Participant,'' ''Major Security-Based Swap Participant'' and ''Eligible Contract Participant''; Final Rule, 77 FR 30596, 30713 (May 23, 2012). However, not all of these entities are eligible for or will seek exemptive relief. Although there is significant uncertainty in the number of swap entities that will seek to register as SDs and MSPs, as well as the number of swap entities that will submit a compliance plan in order to obtain exemptive relief, the Commission believes it is reasonable to estimate that between 40 and 80 non-U.S. SDs and MSPs will submit compliance plans.

[8] This estimate is based on the hourly cost of personnel that are capable of evaluating both Commission and home country regulations in light of the non-U.S. persons' operations. Although different registrants may choose to staff preparation of the compliance plan with different personnel, Commission staff estimates that, on average, an initial compliance plan could be prepared and submitted with 70 hours of attorney time, as follows: 10 hours for a senior attorney at $830/hour, 30 hours for a mid-level attorney at $418/hour, and 30 hours for a junior attorney at $345/hour. The total cost of a submission, rounded to the nearest dollar, is estimated to be $31,190. To estimate the hourly cost of senior and junior-level attorney time, Commission staff consulted with a law firm that has substantial expertise in advising clients on similar regulations. For the hourly cost of the mid-level attorney, Commission staff reviewed data contained in Securities Industry and Financial Markets Association (''SIFMA''), Report on Management and Professional Earnings in the Securities Industry, Oct. 2011, for New York, and adjusted by a factor for overhead and other benefits, which the Commission has estimated to be 1.3.

[9] The aggregate hourly burden for initial submissions (Column 3 x Column 4) would be 2,800 to 5,600 hours.

[10] *See* note 8, *supra.*

[11] *See* note 8, *supra.*

[12] The Commission anticipates that compliance plans would be updated on a periodic basis as new regulations (including in foreign jurisdictions) are adopted and come into effect. It is possible that one or more amendments will be submitted within the same year as the initial compliance plan, but it is difficult to predict when new regulations (including in foreign jurisdictions) will be adopted and become effective. The Commission is therefore providing estimates based on an initial submission and one amendment on the assumption that one amendment will be filed in the same year as the initial submission.

[13] The Commission estimates that in most cases the cost of submitting a revised plan or plans will be the same as the cost of preparing and submitting the initial plan. *See supra* note 8 for additional information.

[14] The aggregate hourly burden for amended submissions (Column 3 × Column 4) would be 2,800 to 5,600 hours.

[15] *See* note 8, *supra.*

[16] *See* note 8, *supra.*

[17] Although there is significant uncertainty in the number of swap entities that will seek to register as SDs and MSPs, as well as the number of swap entities that will submit a compliance plan in order to obtain exemptive relief, the Commission estimates that 20 to 45 U.S. SDs or U.S. MSPs whose foreign branch seeks to rely on the exemptive relief with respect to swaps with non-U.S. counterparties will submit a compliance plan.

[18] This estimate is based on the hourly cost of personnel that are capable of evaluating both Commission and home country regulations in light of the U.S. persons' foreign branch operations. Although different registrants may choose to staff preparation of the compliance plan with different personnel, Commission staff estimates that, on average, an initial compliance plan could be prepared and submitted by U.S. SDs and MSPs with 42 hours of attorney time, as follows: 6 hours for a senior attorney at $830/hour, 18 hours for a mid-level attorney at $418/hour, and 18 hours for a junior attorney at $345/hour. The total dollar cost of a submission is estimated to be $18,714, at a blended hourly rate of $445.57 per hour. To estimate the hourly cost of senior and junior-level attorney time, Commission staff consulted with a law firm that has substantial expertise in advising clients on similar regulations. For the hourly cost of the mid-level attorney, Commission staff reviewed data contained in Securities Industry and Financial Markets Association (''SIFMA''), Report on Management and Professional Earnings in the Securities Industry, Oct. 2011, for New York, and adjusted by a factor for overhead and other benefits, which the Commission has estimated to be 1.3.

[19] The aggregate hourly burden for initial submissions (Column 3 x Column 4) would be 840 to 1,890 hours.

[20] *See* note 18, *supra.*

[21] *See* note 18, *supra.*

[22] The Commission anticipates that compliance plans would be updated on a periodic basis as new regulations (including in foreign jurisdictions) are adopted and come into effect. It is possible that one or more amendments will be submitted within the same year as the initial compliance plan, but it is difficult to predict when new regulations (including in foreign jurisdictions) will be adopted and become effective. The Commission is therefore providing estimates based on an initial submission and one amendment on the assumption that one amendment will be filed in the same year as the initial submission.

[23] The Commission estimates that in most cases the cost of submitting a revised plan or plans will be the same as the cost of preparing and submitting the initial plan. *See supra* note 18 for additional information.

[24] The aggregate hourly burden for amended submissions (Column 3 × Column 4) would be 840 to 1,890 hours.

[25] The Commission estimates that in most cases the cost of submitting a revised plan or plans will be the same as the cost of preparing and submitting the initial plan. *See* note 18, *supra.*

[26] The Commission estimates that in most cases the cost of submitting a revised plan or plans will be the same as the cost of preparing and submitting the initial plan. *See* note 18, *supra.*

ITEMIZED BURDEN HOURS AND COST TABLE

	1	2	3	4	5	6	7
	Number of registrants estimated to submit plans	Number of plans per registrant	Aggregate number of responses (Column 1 × Column 2)	Average number of hours per response	Cost burden per hour	Cost burden per plan	Aggregate cost burden (Based on min-max range in column 3 × column 6)
1. *Initial Submission by a non-U.S. SD or MSP.*	40 to 80 non-U.S. SDs and MSPs [7].	1	40 to 80	[8] [9] 70	[10] $445.57	[11] $31,190	$1,247,600 to $2,495,200.
2. *Amended Submission by a non-U.S. SD or MSP.*	40 to 80 non-U.S. SDs and MSPs.	1 (assumes that on average, each non-U.S. applicant will prepare and submit one amendment annually) [12].	40 to 80	[13] [14] 70	[15] 445.57	[16] 31,190	$1,247,600 to $2,495,200.
3. *Initial Submission by a U.S. SD or MSP.*	20 to 45 U.S. SDs and MSPs [17].	1	20 to 45	[18] [19] 42	[20] 445.57	[21] 18,714	$374,280 to $842,130.
4. *Amended Submission by a U.S. SD or MSP.*	20 to 45 U.S. SDs and MSPs.	1 (assumes that on average, each U.S. applicant will prepare and submit one amendment annually) [22].	20 to 45	[23] [24] 42	[25] 445.57	[26] 18,714	$374,280 to $842,130.

TOTAL AGGREGATE BURDEN HOURS AND COSTS TABLE

	1	2	3	4	5	6
	Aggregate hours, initial plan	Aggregate hours, amended plan	Total hours, initial and amended plans (Columns 1 + 2)	Aggregate costs, initial plan	Aggregate costs, amended plan	Total costs, initial and amended plans (Columns 4 + 5)
1. *Non-U.S. SDs and MSPs.*	2,800 to 5,600.	2,800 to 5,600.	5,600 to 11,200.	$1,247,600 to $2,495,200.	$1,247,600 to $2,495,200.	$2,495,200 to $4,990,400.
2. *U.S. SD or MSP*	840 to 1,890.	840 to 1,890.	1,680 to 3,780.	$374,280 to $842,130	$374,280 to $842,130	$748,560 to $1,684,260.
3. *All SDs and MSPs (Rows 1 + 2).*	3,640 to 7,490.	3,640 to 7,490.	7,280 to 14,980.	$1,621,880 to $3,337,330.	$1,621,880 to $3,337,330.	$3,243,760 to $6,674,660.

Initial Compliance Plan—Cost Burden Estimates for non-U.S. SDs and MSPs:

Estimated number of respondents/affected entities: 40 to 80.

Estimated number of responses per entity: 1.

Estimated aggregate number of responses: 40 to 80.

Estimated total average burden hour per respondent: 70 hours.

Estimated total average burden hour cost burden for all respondents: $1,247,600 to $2,495,200 (average of $1,871,400).

Amended Compliance Plan—Cost Burden Estimates for non-U.S. SDs and MSPs:

Estimated number of respondents/affected entities: 40 to 80.

Estimated number of amended plans per registrant: 1 annually.

Estimated aggregate number of responses: 40 to 80.

Estimated total average burden hour per respondent: 70 hours.

Estimated total average burden hour cost burden for all respondents: $1,247,600 to $2,495,200 (average of $1,871,400).

Initial Compliance Plan—Cost Burden Estimates for U.S. SDs and MSPs:

Estimated Number of respondents/affected entities: 20 to 45.

Estimated number of responses per entity: 1.

Estimated aggregate number of responses: 20 to 45.

Estimated total average burden hour per respondent: 42 hours.

Estimated total average burden hour cost for all respondents: $374,280 to $842,130 (average of $608,205).

Amended Compliance Plan—Cost Burden Estimates for non-U.S. SDs and MSPs:

Estimated Number of respondents/affected entities: 20 to 45.

Estimated number of amended plans per registrant: 1 annually.

Estimated aggregate number of responses: 20 to 45.

Estimated total average burden hour per respondent: 42 hours.

Estimated total average burden hour cost burden for all respondents: $374,280 to $842,130 (average of $608,205).

Aggregate Burden Hours and Costs for all SDs and MSPs (U.S. and non-U.S.):

Estimated number of respondents/affected entities: 60 to 125.

Estimated number of plans per registrant: initial and one amended (estimates are provided based on the assumption that one amendment will be filed in the same year as the initial submission).

Estimated aggregate hourly burden (initial plans): 3,640 to 7,490 hrs.

Estimated aggregate hourly burden (amendments): 3,640 to 7,490 hrs.

Estimated aggregate hourly burden (initial plans and one amendment): 7,280 to 14,980 hours.

Estimated aggregate costs (initial plan): $1,621,880 to $3,337,330.

Estimated aggregate costs (amendments): $1,621,880 to $3,337,330.

Estimated aggregate costs (initial plans and one amendment): $3,243,760 to $6,674,660 (average of $4,959,210).

Frequency of collection (for all of the above categories): Occasional.

There are no capital costs or operating and maintenance costs associated with this collection.

Dated: November 2, 2012.

Sauntia S. Warfield,

Assistant Secretary of the Commission.

[FR Doc. 2012–27166 Filed 11–6–12; 8:45 am]

BILLING CODE P

DEPARTMENT OF DEFENSE

Office of the Secretary

Freedom of Information Act Request for Papers Submitted to DARPA for the 2011 100 Year Starship Symposium

AGENCY: Defense Advanced Research Projects Agency (DARPA), DoD.

ACTION: Notice.

SUMMARY: Authors who submitted full papers based on selected abstracts submitted as proposed talks for panels at the 2011 100 Year Starship Symposium must provide DARPA a written response explaining how disclosure of his or her paper, either in its entirety or portions thereof, would likely cause substantial competitive harm to their competitive position and/or impair the Government's ability to obtain similar information in the future if the submitter of the information believes that some or all of the paper submitted to DARPA should be withheld in response to a request received by DARPA under the Freedom of Information Act.

DATES: All written correspondence must be received by DARPA by close of business December 7, 2012.

ADDRESSES: Send written comments concerning this Freedom of Information Act request by email to *foiamail@darpa.mil* or by mail at the DARPA FOIA Office, 675 North Randolph Street, Arlington VA 22203.

FOR FURTHER INFORMATION CONTACT: DARPA FOIA Office at 571–218–4297 or *foiamail@darpa.mil.*

SUPPLEMENTARY INFORMATION: The Defense Advanced Research Projects Agency (DARPA) has received a request under the Federal Freedom of Information Act (5 U.S.C. 552) (FOIA) for copies of final paper submissions that were based on selected abstracts submitted as proposed talks for discussion panels at the 2011 100 Year Starship Symposium. DARPA requested sample abstracts from the public for topics of discussion for the 2011 100 Year Starship Symposium and, from those submissions, certain abstracts were selected, and the symposium organizers requested the authors submit final papers on their topic(s).

Under the FOIA, the Government is required to release to a requester copies of documents it maintains that are not otherwise protected by an exemption to the FOIA. One particular exemption, exemption (b)(4), protects from disclosure any records, or portions thereof, that contain ''trade secrets and commercial or financial information obtained from a person that is privileged or confidential.'' 5 U.S.C. 552(b)(4).

If you submitted a final paper in response to a selected abstract for the 2011 100 Year Starship Symposium, and if you believe some or all of the final paper should be withheld, you must notify DARPA in writing within thirty (30) days from the date of publication of this **Federal Register** notice. Your written response must specifically identify which paper you submitted to DARPA for which you are asserting privilege under exemption (b)(4). You should include a copy of your paper with your written response. Your written response must indicate the following: (1) That you are responding to this notice in the **Federal Register**, and (2) why the information contained in the paper is commercial or financial information that is privileged or confidential. Indicate with brackets (''[ ]'') information that should be withheld.

In order to protect information under exemption (b)(4) of the FOIA, your written response must explain, in detail, how disclosure of your paper would likely cause substantial harm to your competitive position and/or how disclosure of your paper will impair the Government's ability to obtain similar information in the future. A concluding statement, to the effect of ''the information is confidential because releasing it could cause substantial competitive harm,'' will not suffice. Your written response must include your full name and complete address. Also include your direct telephone number and/or email address if available.

You may notify the DARPA FOIA Office of your position by sending your written response by email to the DARPA FOIA at *foiamail@darpa.mil* or by mailing the DARPA FOIA Office at 675 North Randolph Street, Arlington, VA 22203. If the DARPA FOIA Office does not receive a response from you within thirty (30) days from the date of publication of this **Federal Register** notice, your paper will be publically released.

Dated: November 2, 2012.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2012–27186 Filed 11–6–12; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army

Army Education Advisory Committee Study Meeting

AGENCY: Department of the Army, DoD.

ACTION: Notice of open meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Sunshine in the Government Act of 1976 (U.S.C. 552b, as amended) and 41 Code of the Federal Regulations (41 CFR 102–3. 140 through 160, the Department of the Army announces the following committee meeting:

Name of Committee: Army Education Advisory Committee (AEAC).

Date(s) of Meeting: November 15, 2012.

Time(s) of Meeting: 1530–1630.

Location: TRADOC HQ, 950 Jefferson Ave, Building 950, Conference Room 2047, 2rd Floor, Ft Eustis, VA.

Purpose: Adopt the findings and recommendations for the following study:

Essential Proficiencies and Professional Development Plan for Facilitators.

Proposed Agenda: Thursday 15 November 2012: 1530–1630—the study results for *Essential Proficiencies and Professional Development Plan for Facilitators* study are presented to the AEAC. The AEAC will deliberate and vote upon adoption of the findings and recommendations.

FOR FURTHER INFORMATION CONTACT: Non AEAC attendee's must contact Mr. Wayne Joyner at (757) 501–5810, *albert.w.joyner.civ@mail.mil,* before November 9, 2012 in order to attend.

SUPPLEMENTARY INFORMATION: None.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2012–27120 Filed 11–6–12; 8:45 am]

BILLING CODE 3710–08–P

DEPARTMENT OF DEFENSE

Department of the Army

Performance Review Board Membership

AGENCY: Department of the Army, DoD.

ACTION: Notice.

SUMMARY: Notice is given of the names of members of a Performance Review Board for the Department of the Army.

DATES: *Effective Date:* November 15, 2012.

FOR FURTHER INFORMATION CONTACT: Barbara Smith, Civilian Senior Leader Management Office, 111 Army Pentagon, Washington, DC 20310–0111.

SUPPLEMENTARY INFORMATION: Section 4314(c)(1) through (5) of Title 5, U.S.C., requires each agency to establish, in accordance with regulations, one or more Senior Executive Service performance review boards. The boards shall review and evaluate the initial appraisal of senior executives' performance by supervisors and make recommendations to the appointing authority or rating official relative to the performance of these executives.

The Department of the Army Performance Review Board will be composed of a subset of the following individuals:

1. Ms. Stephanie A. Barna, Deputy General Counsel (Operations and Personnel), Office of the General Counsel.

2. LTG Thomas P. Bostick, Commanding General, United States Army Corps of Engineers.

3. Mr. Joseph C. Capps, Executive Director/Director of Services, Assistant Chief of Staff for Installation Management, Installation Management Command.

4. Ms. Kathryn A. Condon, Executive Director of the Army National Cemeteries Program, Office of the Secretary of the Army.

5. Ms. Gwendolyn R. DeFilippi, Director, Civilian Senior Leader Management Office, Office of the Assistant Secretary of the Army (Manpower and Reserve Affairs).

6. MG Genaro J. Dellarocco, Commanding General, United States Army Test and Evaluation Command.

7. Ms. Sue A. Engelhardt, Director of Human Resources, United States Army Corps of Engineers.

8. Mr. Kevin M. Fahey, Program Executive Officer, Combat Support and Combat Service Support, Office of the Assistant Secretary of the Army (Acquisition, Logistics and Technology).

9. Ms. Ellen M. Helmerson, Deputy Chief of Staff, G–1/4 (Personnel and Logistics), United States Army Training and Doctrine Command.

10. Mr. Thomas R. Lamont, Assistant Secretary of the Army (Manpower and Reserve Affairs), Office of the Assistant Secretary of the Army (Manpower and Reserve Affairs).

11. Mr. Mark R. Lewis, Deputy Chief Management Officer, Office of the Under Secretary of the Army.

12. LTG Patricia E. McQuistion, Deputy Commanding General, United States Army Material Command.

13. Ms. Kathleen S. Miller, Assistant Deputy Chief of Staff, G–4, Office of the Deputy Chief of Staff, G–4.

14. Ms. Joyce E. Morrow, Administrative Assistant to the Secretary of the Army, Office of the Secretary of the Army.

15. Mr. John B. Nerger, Executive Deputy to the Commanding General, United States Army Materiel Command.

16. Mr. Levator Norsworthy Jr., Deputy General Counsel(Acquisition)/ Senior Deputy General Counsel, Office of the General Counsel.

17. Mr. Gerald B. O'Keefe, Deputy Administrative Assistant to the Secretary of the Army/Executive Director, Resources and Programs Agency, Office of the Administrative Assistant to the Secretary of the Army.

18. LTG William Phillips, Deputy Assistant Secretary of the Army (Acquisition, Logistics and Technology), Office of the Assistant Secretary of the Army (Acquisition, Logistics and Technology).

19. Mr. Wimpy D. Pybus, Deputy Assistant Secretary of the Army for Acquisition, Policy and Logisitics, Office of the Assistant Secretary of the Army (Acquisition, Logistics, and Technology).

20. Ms. Diane Randon, Deputy, Deputy Assistant Chief of Staff for Installation Management, Office of the Assistant Chief of Staff for Installation Management.

21. Mr. J. Randall Robinson, Principal Deputy to the Assistant Secretary of the Army (Installations, Energy and Environment), Office of the Assistant Secretary of the Army (Installations and Environment).

22. Mr. Craig R. Schmauder, Deputy General Counsel (Installation, Environment and Civil Works), Office of the General Counsel.

23. Mr. Karl F. Schneider, Principal Deputy to the Assistant Secretary of the Army (Manpower and Reserve Affairs), Office of Assistant Secretary of the Army, Manpower and Reserve Affairs.

24. Mr. Brian M. Simmons, Executive Technical Director/Deputy to the Commander, United States Army Test and Evaluation Command.

25. Ms. Heidi Shyu, Assistant Secretary of the Army (Acquisition, Logistics and Technology), Office of the Assistant Secretary of the Army (Acquisition, Logistics and Technology).

26. Mr. Lawrence Stubblefield, Deputy Assistant Secretary of the Army (Diversity and Leadership), Office of the Assistant Secretary of the Army (Manpower and Reserve Affairs).

27. MG Todd T. Semonite, Deputy Commanding General, United States Army Corps of Engineers.

28. GEN Dennis L. Via, Commanding General, United States Army Materiel Command.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2012–27122 Filed 11–6–12; 8:45 am]

BILLING CODE 3710–08–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2004–287]

City of Holyoke Gas and Electric Department; Notice of Application Accepted for Filing, Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Amendment of License.

b. *Project No.:* 2004–287.

c. *Date Filed:* August 31, 2012.

d. *Applicant:* City of Holyoke Gas and Electric Department.

e. *Name of Project:* Holyoke Project.

f. *Location:* On the Connecticut River in Hampden, Hampshire, and Franklin Counties, Massachusetts.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Mr. Paul Ducheney, Superintendent, Holyoke Gas and Electric Department, 99 Suffolk Street, Holyoke, MA 01040. Tel: (413) 536–9340.

i. *FERC Contact:* Ms. Andrea Claros, (202) 502–8171, *andrea.claros@ferc.gov.*

j. Deadline for filing comments, motions to intervene, and protests, is 30 days from the issuance date of this notice. All documents may be filed electronically via the Internet. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.gov/docs-filing/efiling.asp.* If unable to be filed electronically, documents may be paper-filed. To paper-file, an original and seven copies should be mailed to: The Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. 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.

Please include the project numbers (P–2004–287) on any comments, motions, or protests filed.

k. *Description of Request:* The licensee proposes to enhance downstream fish passage facilities at the project by the installation of a new bar rack and associated facilities at the Hadley Falls Station, and enhance the existing upstream fish passage facilities at the project by making modifications to the spillway fishlift entrance. The licensee further proposes to do an in-kind replacement of the Hadley Unit 1 turbine concurrent with the downstream passage construction work. The new unit would increase the project's installed capacity by 600 kilowatts, and increase the maximum hydraulic capacity by an estimated 320 cubic feet per second.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). All comments, motions to intervene, or protests should relate to project works which are the subject of the license amendment. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. If an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Dated: November 1, 2012.

Kimberly D. Bose,

Secretary.

[FR Doc. 2012–27179 Filed 11–6–12; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP13–8–000; PF12–6–000]

Columbia Gas Transmission, LLC.; Notice of Application

Take notice that on October 22, 2012, Columbia Gas Transmission, LLC. (Columbia) filed with the Federal Energy Regulatory Commission an application under section 7 of the Natural Gas Act to construct, and operate approximately 21.1 miles of 26-inch diameter natural gas pipeline and appurtenant facilities designed to enhance the safety of its aging infrastructure and to increase service reliability to its customers. Columbia's proposal, known as the Line MB Extension Project, would be constructed parallel and adjacent to its existing Line MA for most of its length and is located in Baltimore and Hartford Counties, Maryland. The Line MB Extension project would provide Columbia operational flexibility and reduce the risk of service outages on a vulnerable part of its system that supplies service to large northeastern metropolitan markets. The total cost of the project is estimated to be approximately $131,942,000, all as more fully set forth in the application which is on file with the Commission and open to public inspection. This filing is 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, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Any questions regarding the application should be directed to Michael Walker, Manager, FERC Certificates, Columbia Gas Transmission, LLC, P.O. Box 1273, Charleston, West Virginia 25325–1273, by phone at 304–357–2443 or by email at *mdwalker@nisource.com* or to Alex Oehler, Director, Government Affairs & Community Relations, Columbia Gas Transmission, LLC, 10 G Street NE., Suite 400, Washington, DC 20002, by phone at 202–216–9772, by fax at 202–216–9785 or by email at *aoehler@nisource.com.*

On January 24, 2012, the Commission staff granted Columbia's request to utilize the Pre-Filing Process and assigned Docket No. PF12–6–000 to staff activities involved the Line MB

Extension Project. Now as of the filing the October 22, 2012 application, the Pre-Filing Process for this project has ended. From this time forward, this proceeding will be conducted in Docket No. CP13–8–000, as noted in the caption of this Notice.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit seven copies of filings made in the proceeding with the Commission and must mail a copy to the applicant and to every other party. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

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 commentors 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 commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors 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 in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and seven copies of the protest or intervention to the Federal Energy regulatory Commission, 888 First Street NE., Washington, DC 20426.

Comment Date: 5:00 p.m. Eastern Time on November 23, 2012.

Dated: November 1, 2012.

Kimberly D. Bose,

Secretary.

[FR Doc. 2012–27178 Filed 11–6–12; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP13–187–000.

Applicants: Transcontinental Gas Pipe Line Company.

Description: GSS LSS Tracker Filing 11–01–2012 to be effective 11/1/2012.

Filed Date: 10/29/12.

Accession Number: 20121029–5012.

Comments Due: 5 p.m. ET 11/13/12.

Docket Numbers: RP13–188–000.

Applicants: Natural Gas Pipeline Company of America.

Description: Negotiated Rate Filing—Integrys Energy to be effective 11/1/2012.

Filed Date: 10/29/12.

Accession Number: 20121029–5013.

Comments Due: 5 p.m. ET 11/13/12.

Docket Numbers: RP13–189–000.

Applicants: National Fuel Gas Supply Corporation.

Description: Reservation Charge Credits to be effective 11/28/2012.

Filed Date: 10/30/12.

Accession Number: 20121030–5000.

Comments Due: 5 p.m. ET 11/13/12.

Docket Numbers: RP13–190–000.

Applicants: Texas Eastern Transmission, LP.

Description: EQT Energy TIME II 11–01–2012 Negotiated Rate to be effective 11/1/2012.

Filed Date: 10/30/12.

Accession Number: 20121030–5007.

Comments Due: 5 p.m. ET 11/13/12.

Docket Numbers: RP13–191–000.

Applicants: Texas Eastern Transmission, LP.

Description: Tenaska 11–01–2012 M1 Expansion Negotiated Rate to be effective 11/1/2012.

Filed Date: 10/30/12.

Accession Number: 20121030–5008.

Comments Due: 5 p.m. ET 11/13/12.

Docket Numbers: RP13–192–000.

Applicants: Ozark Gas Transmission, L.L.C.

Description: 2012 Implementation Revisions to be effective 12/1/2012.

Filed Date: 10/30/12.

Accession Number: 20121030–5010.

Comments Due: 5 p.m. ET 11/13/12.

Docket Numbers: RP13–193–000.

Applicants: Gulf South Pipeline Company, LP.

Description: QEP 37657–24 and 36601–12 Amendments to Neg Rate Agmts to be effective 11/1/2012.

Filed Date: 10/30/12.

Accession Number: 20121030–5019.

Comments Due: 5 p.m. ET 11/13/12.

Docket Numbers: RP13–194–000.

Applicants: Gulf South Pipeline Company, LP.

Description: Constellation 39809 Neg Rate Agmt to be effective 11/1/2012.

Filed Date: 10/30/12.

Accession Number: 20121030–5020.

Comments Due: 5 p.m. ET 11/13/12.

Docket Numbers: RP13–195–000.

Applicants: Gulf South Pipeline Company, LP.

Description: Enerquest 34686 to BP 40072 Cap Rel Neg Rate Agmt filing to be effective 11/1/2012.

Filed Date: 10/30/12.

Accession Number: 20121030–5021.
Comments Due: 5 p.m. ET 11/13/12.

Docket Numbers: RP13–196–000.
Applicants: Gulf South Pipeline Company, LP.
Description: KU Non-conforming Agreement filing to be effective 11/1/2012.
Filed Date: 10/30/12.
Accession Number: 20121030–5022.
Comments Due: 5 p.m. ET 11/13/12.

Docket Numbers: RP13–197–000.
Applicants: Alliance Pipeline L.P.
Description: November 1–30 Capacity Auction to be effective 11/1/2012.
Filed Date: 10/30/12.
Accession Number: 20121030–5131.
Comments Due: 5 p.m. ET 11/13/12.

Docket Numbers: RP13–198–000.
Applicants: El Paso Natural Gas Company, L.L.C.
Description: Non-Conforming FT–2 Agreement Filing to be effective 12/1/2012.
Filed Date: 10/30/12.
Accession Number: 20121030–5132.
Comments Due: 5 p.m. ET 11/13/12.

Docket Numbers: RP13–199–000.
Applicants: Kern River Gas Transmission Company
Description: 2013 P2 Rates to be effective 5/1/2013.
Filed Date: 10/31/12.
Accession Number: 20121031–5005.
Comments Due: 5 p.m. ET 11/13/12.

Docket Numbers: RP13–200–000.
Applicants: Algonquin Gas Transmission, LLC.
Description: Algonquin Gas Transmission, LLC submits tariff filing per 154.204: Brooklyn Union Gas Ramapo November 2012 Releases to be effective 11/1/2012.
Filed Date: 10/31/12.
Accession Number: 20121031–5035.
Comments Due: 5 p.m. ET 11/13/12.

Docket Numbers: RP13–201–000.
Applicants: Algonquin Gas Transmission, LLC.
Description: Algonquin Gas Transmission, LLC submits tariff filing per 154.204: ConEd Ramapo November 2012 Releases to be effective 11/1/2012.
Filed Date: 10/31/12.
Accession Number: 20121031–5036.
Comments Due: 5 p.m. ET 11/13/12.

Docket Numbers: RP13–202–000.
Applicants: Algonquin Gas Transmission, LLC.
Description: Algonquin Gas Transmission, LLC submits tariff filing per 154.204: KeySpan Ramapo November 2012 Releases to be effective 11/1/2012.
Filed Date: 10/31/12.
Accession Number: 20121031–5038.
Comments Due: 5 p.m. ET 11/13/12.

Docket Numbers: RP13–203–000.
Applicants: Florida Gas Transmission Company, LLC.
Description: Florida Gas Transmission Company, LLC submits tariff filing per 154.204: Intraday 3 Nomination Cycle to be effective 12/1/2012.
Filed Date: 10/31/12.
Accession Number: 20121031–5043.
Comments Due: 5 p.m. ET 11/13/12.

Docket Numbers: RP13–204–000.
Applicants: Texas Gas Transmission, LLC.
Description: Texas Gas Transmission, LLC submits tariff filing per 154.204: KU Non-conforming agreement filing 10–31–12 to be effective 11/1/2012.
Filed Date: 10/31/12.
Accession Number: 20121031–5046.
Comments Due: 5 p.m. ET 11/13/12.

Docket Numbers: RP13–205–000.
Applicants: Trunkline Gas Company, LLC.
Description: Trunkline Gas Company, LLC submits tariff filing per 154.203: Annual Interruptible Storage Revenue Credit filed 10–31–12.
Filed Date: 10/31/12.
Accession Number: 20121031–5047.
Comments Due: 5 p.m. ET 11/13/12.

Docket Numbers: RP13–206–000.
Applicants: Southern LNG Company, L.L.C.
Description: Southern LNG Company, L.L.C. submits tariff filing per 154.204: SLNG Electric Power Cost Adjustment—2012 to be effective 12/1/2012.
Filed Date: 10/31/12.
Accession Number: 20121031–5048.
Comments Due: 5 p.m. ET 11/13/12.

Docket Numbers: RP13–207–000.
Applicants: WBI Energy Transmission, Inc.
Description: WBI Energy Transmission, Inc. submits tariff filing per 154.204: New Antelope Pool to be effective 12/1/2012.
Filed Date: 10/31/12.
Accession Number: 20121031–5049.
Comments Due: 5 p.m. ET 11/13/12.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: RP12–1013–001.
Applicants: Ruby Pipeline, L.L.C.
Description: Compliance and Updates in RP12–1013–000 Proceeding to be effective 11/29/2012.
Filed Date: 10/30/12.
Accession Number: 20121030–5011.
Comments Due: 5 p.m. ET 11/13/12.

Any person desiring to protest in any the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, and service can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: October 31, 2012.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2012–27111 Filed 11–6–12; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC13–25–000.
Applicants: Lord, Abbett & Co. LLC.
Description: Request for Reauthorization and Extension of Blanket Authorizations to Acquire and Dispose of Securities Under Section 203 of the Federal Power Act of Lord, Abbett & Co. LLC.
Filed Date: 10/26/12.
Accession Number: 20121026–5225.
Comments Due: 5 p.m. ET 11/16/12.

Take notice that the Commission received the following electric rate filings:.

Docket Numbers: ER10–1987–001.
Applicants: Ontario Power Generation Energy Trading, Inc.
Description: Notice of Non-Material Change in Status of Ontario Power Generation Energy Trading, Inc.
Filed Date: 10/26/2012.
Accession Number: 20121026–5220.
Comments Due: 5 p.m. ET 11/16/12.

Docket Numbers: ER10–2507–002.
Applicants: Westar Energy, Inc.
Description: Amended Non-Material Change in Status Notice of Westar Energy, Inc.
Filed Date: 10/29/12.
Accession Number: 20121029–5119.
Comments Due: 5 p.m. ET 11/19/12.

Docket Numbers: ER10–2507–003.
Applicants: Westar Energy, Inc.
Description: Notice of Non-Material Change in Status of Westar Energy, Inc.
Filed Date: 10/29/12.
Accession Number: 20121029–5118.
Comments Due: 5 p.m. ET 11/19/12.

Docket Numbers: ER10–2794–004; ER11–2028–004; ER10–2849–003; ER12–1825–005.
Applicants: EDF Trading North America, LLC, EDF Industrial Power Services (IL), LLC, EDF Industrial Power Services (NY), LLC, EDF Industrial Power Services (CA), LLC.
Description: Updated Market Power Analysis for the Central Region on behalf of EDF Trading North America, LLC, et al.
Filed Date: 10/26/12.
Accession Number: 20121026–5226.
Comments Due: 5 p.m. ET 11/16/12.

Docket Numbers: ER10–2985–007; *ER10–3049–008; ER10–3051–008.*
Applicants: Champion Energy Marketing LLC, Champion Energy Services, LLC, Champion Energy, LLC.
Description: Notice of Non-Material Change in Status of Champion Energy Marketing LLC, et al.
Filed Date: 10/29/12.
Accession Number: 20121029–5116.
Comments Due: 5 p.m. ET 11/19/12.

Docket Numbers: ER12–718–002.
Applicants: New York Independent System Operator, Inc., PJM Interconnection, L.L.C.
Description: NYISO PJM Joint Market to Market Compliance—Michigan Ontario PARs to be effective 1/15/2013.
Filed Date: 10/22/12.
Accession Number: 20121022–5101.
Comments Due: 5 p.m. ET 11/13/12.

Docket Numbers: ER12–2380–001.
Applicants: Midwest Independent Transmission System Operator, Inc.
Description: 10–29–12 Compliance Filing to be effective 10/1/2012.
Filed Date: 10/30/12.
Accession Number: 20121030–5001.
Comments Due: 5 p.m. ET 11/20/12.

Docket Numbers: ER12–2508–001.
Applicants: PacifiCorp.
Description: OATT Revised Section 14 Compliance Filing to be effective 10/23/2012.
Filed Date: 10/29/12.
Accession Number: 20121029–5008.
Comments Due: 5 p.m. ET 11/19/12.
Docket Numbers: ER13–55–001.
Applicants: Homer City Generation, L.P.
Description: Supplement to MBR Tariff to be effective 10/26/2012.
Filed Date: 10/26/12.
Accession Number: 20121026–5197.
Comments Due: 5 p.m. ET 11/9/12.

Docket Numbers: ER13–218–000.
Applicants: California Independent System Operator Corporation.
Description: 2012–10–26 Amendment re Downsizing Opportunity for Generator Projects to be effective 1/1/2013.
Filed Date: 10/29/12.
Accession Number: 20121029–5000.
Comments Due: 5 p.m. ET 11/19/12.

Docket Numbers: ER13–219–000.
Applicants: California Independent System Operator Corporation.
Description: 2012–10–29 Tariff Amendment to Allow Recovery of Greenhouse Gas Compliance Costs to be effective 1/1/2013.
Filed Date: 10/29/12.
Accession Number: 20121029–5014.
Comments Due: 5 p.m. ET 11/19/12.

Docket Numbers: ER13–220–000.
Applicants: Southern California Edison Company.
Description: SGIA with RE Rosamond Two LLC—Rosamond Two Project to be effective 10/30/2012.
Filed Date: 10/29/12.
Accession Number: 20121029–5015.
Comments Due: 5 p.m. ET 11/19/12.

Docket Numbers: ER13–221–000.
Applicants: Southwestern Public Service Company.
Description: 2012–10–30–GSEC–LCEC-Amherst-CA–656–0.0.0 to be effective 10/31/2012.
Filed Date: 10/30/12.
Accession Number: 20121030–5016.
Comments Due: 5 p.m. ET 11/20/12.

Docket Numbers: ER13–222–000.
Applicants: Citizens Sunrise Transmission LLC.
Description: Annual TRBAA Filing to be effective 1/1/2013.
Filed Date: 10/30/12.
Accession Number: 20121030–5017.
Comments Due: 5 p.m. ET 11/20/12.

Docket Numbers: ER13–223–000.
Applicants: Arizona Public Service Company.
Description: Cancellation of Rate Schedule No. 253-Phase I of WAPA Bouse Construction AG to be effective 12/30/2012.
Filed Date: 10/30/12.
Accession Number: 20121030–5029.
Comments Due: 5 p.m. ET 11/20/12.

Docket Numbers: ER13–224–000.
Applicants: California Independent System Operator Corporation.
Description: 2012–10–30 Filing of Rate Schedule 72 and Termination of Rate Schedule 40 to be effective 1/3/2013.
Filed Date: 10/30/12.
Accession Number: 20121030–5100.
Comments Due: 5 p.m. ET 11/20/12.

Docket Numbers: ER13–225–000.
Applicants: Nevada Power Company.
Description: Rate Schedule No. 120 Second Amended_ Restated Transmission Interconnection Agm-VEA to be effective 1/3/2013.
Filed Date: 10/30/12.
Accession Number: 20121030–5124.
Comments Due: 5 p.m. ET 11/20/12.

Take notice that the Commission received the following electric securities filings:.

Docket Numbers: ES13–4–000.
Applicants: Baltimore Gas and Electric Company.
Description: Application of Baltimore Gas and Electric Company for Short Term Borrowing Authority.
Filed Date: 10/26/12.
Accession Number: 20121026–5224.
Comments Due: 5 p.m. ET 11/16/12.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: October 31, 2012.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2012–27154 Filed 11–6–12; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2794–008; ER10–2849–007; ER11–2028–008; ER12–1825–006; ER11–3642–007.
Applicants: EDF Trading North America, LLC, EDF Industrial Power Services (NY), LLC, EDF Industrial Power Services (IL), LLC, EDF Industrial Power Services (CA), LLC, Tanner Street Generation, LLC.

Description: Notice of Non-Material Change in Status of EDF Trading North America, LLC, *et al.*

Filed Date: 10/30/12.

Accession Number: 20121030–5140.

Comments Due: 5 p.m. ET 11/20/12.

Take notice that the Commission received the following land acquisition reports:

Docket Numbers: LA12–3–000.

Applicants: Carolina Power & Light Company, Cimarron Windpower II, LLC, CinCap V, LLC Duke Energy Business Services, LLC Duke Energy Commercial Asset Management, Inc., Duke Energy Commercial Enterprises, Inc. Duke Energy Carolinas, LLC, Duke Energy Fayette II, LLC, Duke Energy Hanging Rock II, LLC Duke Energy Indiana, Inc. Duke Energy Kentucky, Inc., Duke Energy Lee II, LLC Duke Energy Ohio, Inc. Duke Energy Retail Sales, LLC, Duke Energy Washington II, LLC, Florida Power Corporation, Cimarron Windpower II, LLC, Happy Jack Windpower, LLC Ironwood Windpower, LLC, Kit Carson Windpower, LLC, Laurel Hill Wind Energy, LLC, North Allegheny Wind, LLC Silver Sage Windpower, LLC St. Paul Cogeneration, LLC, Three Buttes Windpower, LLC, Top of the World Energy, LLC.

Description: Quarterly Land Acquisition Report of Duke Energy Corporation.

Filed Date: 10/30/12.

Accession Number: 20121030–5149.

Comments Due: 5 p.m. ET 11/20/12.

Docket Numbers: LA12–3–000.

Applicants: Alabama Electric Marketing, LLC, Big Sandy Peaker Plant, LLC, California Electric Marketing, LLC, Crete Energy Venture, LLC, CSOLAR IV South, LLC, High Desert Power Project, LLC, Kiowa Power Partners, LLC, Lincoln Generating Facility, LLC, New Covert Generating Company, LLC, New Mexico Electric Marketing, LLC, Rolling Hills Generating, L.L.C., Tenaska Alabama Partners, L.P., Tenaska Alabama II Partners, L.P., Tenaska Frontier Partners, Ltd., Tenaska Gateway Partners, Ltd., Tenaska Georgia Partners, L.P., Tenaska Power Management, LLC, Tenaska Power Services Co., Tenaska Virginia Partners, L.P., Tenaska Washington Partners, L.P., Texas Electric Marketing, LLC, TPF Generation Holdings, LLC, and Wolf Hills Energy, LLC.

Description: Quarterly Land Acquisition Report of Alabama Electric Marketing, LLC *et al.*

Filed Date: 10/31/12.

Accession Number: 20121031–5154.

Comments Due: 5 p.m. ET 11/21/12.

Docket Numbers: LA12–3–000.

Applicants: Astoria Generating Company, L.P.

Description: Quarterly Land Acquisition Report of Astoria Generating Company, L.P.

Filed Date: 10/31/12.

Accession Number: 20121031–5155.

Comments Due: 5 p.m. ET 11/21/12.

Docket Numbers: LA12–3–000.

Applicants: Spring Canyon Energy LLC, Judith Gap Energy LLC, Invenergy TN LLC, Wolverine Creek Energy LLC, Grays Harbor Energy LLC, Forward Energy LLC, Willow Creek Energy LLC, Sheldon Energy LLC, Hardee Power Partners Limited, Spindle Hill Energy LLC, Invenergy Cannon Falls LLC, Beech Ridge Energy LLC, Grand Ridge Energy LLC, Grand Ridge Energy II LLC, Grand Ridge Energy III LLC, Grand Ridge Energy IV LLC, Grand Ridge Energy V LLC, Vantage Wind Energy LLC, Stony Creek Energy LLC, Gratiot County Wind LLC, Gratiot County Wind II LLC, Bishop Hill Energy LLC, Bishop Hill Energy III LLC and California Ridge Wind Energy LLC.

Description: Quarterly Land Acquisition Report of Spring Canyon Energy LLC, *et al.*

Filed Date: 10/31/12.

Accession Number: 20121031–5238.

Comments Due: 5 p.m. ET 11/21/12.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: October 31, 2012.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2012–27155 Filed 11–6–12; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER13–187–000; ER13–187–001, et al.]

Notice of Compliance Filings

	Docket Nos.
Midwest Independent Transmission System Operator, Inc.	ER13–187–000 Docket No. ER13–187–001.
ISO New England Inc	ER13–193–000.
PJM Transmission Owners	ER13–195–000.
ISO New England Inc	ER13–196–000.
PJM Interconnection, LLC	ER13–198–000.

Take notice that on October 25, 2012, Midwest Independent Transmission System Operator, Inc., ISO New England Inc., PJM Transmission Owners,[1] and PJM Interconnection, LLC submitted filings to comply with the requirements of Order Nos. 1000 and 1000–A.[2]

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

[1] The PJM Transmission Owners that joined the filing are: Exelon Corporation; Jersey Central Power & Light Company, Metropolitan Edison Company, Pennsylvania Electric Company, Monongahela Power Company, The Potomac Edison Company, West Penn Power Company, and American Transmission Systems, Incorporated; Pepco Holdings, Inc. on behalf of its affiliates Potomac Electric Power Company, Delmarva Power & Light Company and Atlantic City Electric Company; PPL Electric Utilities Corporation; Public Service Electric and Gas Company; UGI Utilities, Inc.—Electric Division; and Virginia Electric and Power Company.

[2] *Transmission Planning and Cost Allocation by Transmission Owning and Operating Public Utilities,* Order No. 1000, FERC Stats. & Regs. ¶ 31,323 (2011), *order on reh'g,* Order No. 1000–A, 139 FERC ¶ 61,132; *order on reh'g,* Order No. 1000–B, 141 FERC ¶ 61,044 (2012).

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 email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on December 10, 2012.

Dated: November 1, 2012.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2012–27153 Filed 11–6–12; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PF12–18–000; Docket No. PF12–20–000]

LNG Development Company, LLC and Oregon Pipeline Company; Northwest Pipeline GP; Notice of Extension of Comment Period for the Oregon LNG Export and Washington Expansion Projects

This notice announces the extension of the public scoping process and comment period for the Oregon LNG Export Project proposed by LNG Development Company, LLC and Oregon Pipeline Company (collectively referred to as Oregon LNG), in Docket No. PF12–18–000 and the Washington Expansion Project proposed by Northwest Pipeline GP (Northwest), in Docket No. PF12–20–000. Please note that the scoping period will now close on December 24, 2012.

On September 24, 2012, the Federal Energy Regulatory Commission (FERC or Commission) issued a *Notice of Intent to Prepare an Environmental Impact Statement for the Proposed Oregon LNG Export Project and Washington Expansion Project, Request for Comments on Environmental Issues, and Notice of Public Scoping Meetings* (NOI). The NOI solicited comments on the potential environmental impacts of the proposed projects and announced the times and locations of eight public meetings. The public scoping meetings were held the week of October 15, 2012. The environmental comments received will allow the FERC staff and staffs of cooperating agencies to focus attention on issues important to the public during our preparation of an Environmental Impact Statement (EIS) for the projects.

You can submit written comments to the Commission. In order for your written comments to be considered and addressed in the EIS, they should be properly filed with the Commission. There are three methods you can use to submit your comments to the FERC. In all instances, please reference the docket numbers for these projects (PF12–18–000 and PF12–20–000) with your submission.

(1) You can file your comments electronically using the eComment feature located on the Commission's Web site (*www.ferc.gov*) under the Documents & Filings link. This is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You can file your comments electronically using the eFiling feature located on the Commission's Web site (*www.ferc.gov*) under the Documents & Filings link. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' You must select the type of filing you are making. If you are filing a comment on a particular project, please select ''Comment on a Filing;'' or

(3) You can file a paper copy of your comments by mailing them to the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

If you have questions about electronic filings with the FERC, feel free to call our information technology experts at FERC Online Support at 202–502–6652 or email *ferconlinesupport@ferc.gov;* or 202–502–8258 or email *efiling@ferc.gov.*

Dated: November 1, 2012.

Kimberly D. Bose,

Secretary.

[FR Doc. 2012–27177 Filed 11–6–12; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9524–1]

Agency Information Collection Activities OMB Responses

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This document announces the Office of Management and Budget (OMB) responses to Agency Clearance requests, in compliance with 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. The OMB control numbers for EPA regulations are listed in 40 CFR part 9 and 48 CFR chapter 15.

FOR FURTHER INFORMATION CONTACT: Rick Westlund (202) 566–1682, or email at *westlund.rick@epa.gov* and please refer to the appropriate EPA Information Collection Request (ICR) Number.

SUPPLEMENTARY INFORMATION:

OMB Responses To Agency Clearance Requests

OMB Approvals

EPA ICR Number 1587.12; State Operating Permit Regulations; 40 CFR part 70; was approved on 10/03/2012; OMB Number 2060–0243; expires on 10/31/2015; Approved with change.

EPA ICR Number 0270.45; Public Water System Supervision Program (Renewal); 40 CFR parts 141 and 142; was approved on 10/03/2012; OMB Number 2040–0090; expires on 10/31/2015; Approved without change.

EPA ICR Number 2164.04; Emission Guidelines for Existing Other Solid Waste Incineration (OSWI) Units; 40 CFR part 60 subparts A and FFFF; was approved on 10/03/2012; OMB Number 2060–0562; expires on 10/31/2015; Approved without change.

EPA ICR Number 2196.04; NSPS for Stationary Compression Ignition Internal Combustion Engines; 40 CFR part 60 subparts A and IIII; was approved on 10/03/2012; OMB Number 2060–0590; expires on 10/31/2015; Approved without change.

EPA ICR Number 2461.01; Diesel Emissions Reduction Act (DERA) Rebate Program (New Collection); was approved on 10/25/2012; OMB Number 2060–0686; expires on 10/31/2015; Approved with change.

EPA ICR Number 1617.07; Servicing of Motor Vehicle Air Conditioners (Renewal); 40 CFR part 82 subpart B; was approved on 10/26/2012; OMB Number 2060–0247; expires on 10/31/2015; Approved without change.

EPA ICR Number 2104.04; Brownfields Program—Accomplishment Reporting (Renewal); 40 CFR parts 30 and 31; was approved on 10/02/2012; OMB Number 2050–0192; expires on 10/31/2015; Approved without change.

EPA ICR Number 2003.05; NESHAP for Integrated Iron and Steel

Manufacturing (Renewal); 40 CFR part 63 subparts A and FFFFF; was approved on 10/02/2012; OMB Number 2060–0517; expires on 10/31/2015; Approved without change.

John Moses,

Director, Collections Strategies Division.

[FR Doc. 2012–27158 Filed 11–6–12; 8:45 am]

BILLING CODE P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OA–2006–0278; FRL—9523–6]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Participation by Disadvantaged Business Enterprises in Procurement Under EPA Financial Assistance Agreements (Reinstatement)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), ''Participation by Disadvantaged Business Enterprises in Procurement under EPA Financial Assistance Agreements (Reinstatement)'' (EPA ICR No. 2047.04, OMB Control No. 2090–0030) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). This ICR expired on January 31, 2011. This is a request for reinstatement of a previously approved collection. Public comments were previously requested via the *Federal Register* (77 FR 32087) on May 31, 2012 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. 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.

DATES: Additional comments may be submitted on or before December 7, 2012.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OA–2006–0278, to (1) EPA online using *www.regulations.gov* (our preferred method), by email to *oei.docket@epa.gov* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Teree Henderson, Office of Small Business Programs, Mailcode: 1230T, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number:202–566–2222 fax number: 202–566–0548; email address: *Henderson.Teree@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: EPA currently requires an entity to be certified in order to be considered a Minority Business Enterprise (MBE) or Women's Business Enterprise (WBE) under EPA's Disadvantaged Business Enterprise (DBE) Program. EPA currently requires an entity to first attempt to become certified by a federal agency (*e.g.,* the Small Business Administration (SBA), or the Department of Transportation (DOT)), or by a State, locality, Indian Tribe or independent private organization so long as their applicable criteria match those under Section 8(a)(5) and (6) of the Small Business Act and applicable implementing regulations. EPA only certifies firms that are denied certification by one of these entities. To qualify as an MBE or WBE under EPA's programs an entity must establish that it is owned and/or controlled by socially and economically disadvantaged individuals who are of good character and are citizens of the United States. Entities that meet the aforementioned requirements and wish to obtain an EPA DBE certification must submit a DBE Certification Application to the Office of Small Business Programs based on business type: Sole Proprietorship (6100–1a); Limited Liability Company (6100–1b); Partnership (6100–1c); Corporation (6100–1d); Alaska Native Corporation (6100–1e); Tribally Owned Business (6100–1f); Private and Voluntary Organization (6100–1g); Native Hawaiian Organization (6100–1h); or Community Development Corporation (6100–1i).

The EPA DBE Program also includes contract administration requirements designed to prevent unfair practices that adversely affect DBEs. There are three forms associated with these requirements: EPA Form 6100–2 (DBE Subcontractor Participation Form), EPA Form 6100–3 (DBE Subcontractor Performance Form), and EPA Form 6100–4 (DBE Subcontractor Utilization Form). The requirements to complete these forms are intended to prevent any ''bait and switch'' tactics at the subcontract level by prime contractors which may circumvent the spirit of the DBE Program.

Form Numbers: EPA Form 6100–1a, 6100–1b, 6100–1c, 6100–1d, 6100–1e, 6100–1f, 6100–1g, 6100–1h, 6100–1i, 6100–2, 6100–3, 6100–4.

Respondents/Affected Entities: All recipients of EPA financial assistance agreements, and entities receiving identified loans under a financial assistance agreement capitalizing a revolving loan fund.

Respondent's Obligation to Respond: Required to obtain or retain a benefit.

Estimated Number of Respondents: 4,046

Frequency of Response: Certification: Every three years or more often as required. Form 6100–2: As needed, Form 6100–3 and Form 6100–4: At the time of bid or proposal.

Total Estimated Burden: 334,804 hours. Burden is defined at 5 CFR 1320.03(b).

Total Estimated Cost: $8,491,016 (per year), includes $0 annualized capital or operation & maintenance costs.

Changes in the Estimates: This is a reinstatement of a previously approved ICR. This reinstatement is an increase of 10,662 hours in the total estimated burden over the previously approved ICR. This increase is due to a new burden estimate for the revised forms (EPA Forms 6100–2, 6100–3, and 6100–4) and a correction of a previous miscalculation from the prior approved ICR 2047.02.

John Moses,

Director, Collection Strategies Division.

[FR Doc. 2012–27161 Filed 11–6–12; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2012–0505; FRL–9523–9]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; NESHAP for Secondary Aluminum Production (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request to renew an existing approved collection. The ICR which is abstracted below describes the nature of the collection and the estimated burden and cost.

DATES: Additional comments may be submitted on or before December 7, 2012.

ADDRESSES: Submit your comments, referencing docket ID number EPA–HQ–OECA–2012–0505, to: (1) EPA online, using *www.regulations.gov* (our preferred method), or by email to: *docket.oeca@epa.gov,* or by mail to: EPA Docket Center (EPA/DC), Environmental Protection Agency, Enforcement and Compliance Docket and Information Center, mail code 28221T, 1200 Pennsylvania Avenue NW., Washington, DC 20460; and (2) OMB at: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Learia Williams, Compliance Assessment and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460; telephone number: (202) 564–4113; fax number: (202) 564–0050; email address: *williams.learia@epa.gov.*

SUPPLEMENTARY INFORMATION: EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On August 9, 2012 (77 *FR* 47631), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received no comments. Any additional comments on this ICR should be submitted to both EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under docket ID number EPA–HQ–OECA–2012–0505, which is available for public viewing online at *http://www.regulations.gov,* or in person viewing at the Enforcement and Compliance Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566–1744, and the telephone number for the Enforcement and Compliance Docket is (202) 566–1752.

Use EPA's electronic docket and comment system at *http://www.regulations.gov* to either submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the docket that are available electronically. Once in the system, select ''docket search,'' then key in the docket ID number identified above. Please note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing at *http://www.regulations.gov* as EPA receives them and without change, unless the comment contains copyrighted material, Confidentiality of Business Information (CBI), or other information whose public disclosure is restricted by statute. For further information about the electronic docket, go to *www.regulations.gov.*

Title: NESHAP for Secondary Aluminum Production (Renewal) .

ICR Numbers: EPA ICR Number 1894.07, OMB Control Number 2060–0433.

ICR Status: This ICR is schedule to expire on November 30, 2012. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB.

Abstract: The affected entities are subject to the General Provisions of the NESHAP at 40 CFR part 63, subpart A, and any changes, or additions to the Provisions specified at 40 CFR part 63, subpart RRR. Owners or operators of the affected facilities must submit a one-time-only report of any physical or operational changes, initial performance tests, and periodic reports and results. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. Reports are also required semiannually.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information estimated to average 28 hours per response. ''Burden'' means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Secondary aluminum production facilities.

Estimated Number of Respondents: 1,834.

Frequency of Response: Initially, occasionally, and semiannually.

Estimated Total Annual Hour Burden: 101,856.

Estimated Total Annual Cost: $10,088,531, which includes $9,862,781 in labor costs, $84,000 in capital/startup costs, and $141,750 in operation and maintenance (O&M) costs.

Changes in the Estimates: There is an adjustment increase in the total estimated burden as currently identified in the OMB Inventory of Approved Burdens. This increase is not due to any program changes. The change in the burden and cost estimates occurred because the estimated average number of annual respondents has increased. Additionally, the revised burden and cost estimates reflect updated labors rates available from the Bureau of Labor Statistics.

John Moses,

Director, Collection Strategies Division.

[FR Doc. 2012–27160 Filed 11–6–12; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2012–0390; FRL–9367–3]

Notice of Receipt of Pesticide Products; Registration Applications To Register New Uses

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces receipt of applications to register new uses for pesticide products containing currently registered active ingredients pursuant to the provisions of section 3(c) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This notice provides the public with an opportunity to comment on the applications.

DATES: Comments must be received on or before December 7, 2012.

ADDRESSES: Submit your comments, identified by docket identification (ID) number and the EPA Registration Number or EPA File Symbol of interest as specified in Unit II., by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.htm*. Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets*.

FOR FURTHER INFORMATION CONTACT: A contact person is listed at the end of each registration application summary and may be contacted by telephone, email, or mail. Mail correspondence to the Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001. As part of the mailing address, include the contact person's name, division, and mail code.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When submitting comments, remember to:

i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).

ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

II. Registration Applications

EPA has received applications to register new uses for pesticide products containing currently registered active ingredients. Pursuant to the provisions of FIFRA section 3(c)(4), EPA is hereby providing notice of receipt and opportunity to comment on these applications. Notice of receipt of these applications does not imply a decision by the Agency on these applications. For actions being evaluated under the Agency's public participation process for registration actions, there will be an additional opportunity for a 30–day public comment period on the proposed decision. Please see the Agency's public participation Web site for additional information on this process (*http://www.epa.gov/pesticides/regulating/registration-public-involvement.html*). EPA received the following applications to register new uses for pesticide products containing currently registered active ingredients:

1. *EPA Registration Numbers:* 524–421, 524–475, and 524–537. *Docket ID Number:* EPA–HQ–OPP–2012–0132. *Applicant:* Monsanto Company, 1300 I Street NW., Suite 450 East, Washington, DC 20005. *Active ingredient:* Glyphosate. *Product Type:* Herbicide. *Proposed Uses:* Add wiper applicator use over the top to carrot and sweet potato, add preharvest use to oilseed crop group 20, add the use Teff (forage and hay), and conversion of the following old crop groups to the following new crop groups: Vegetable, bulb, group 3 to vegetable, bulb, group 3–07; vegetable, fruiting, group 8 to vegetable, fruiting, group 8–10; fruit, citrus, group 10 to fruit, citrus, group 10–10; fruit, pome, group 11 to fruit, pome, group 11–10; and berry group 13 to berry and small fruit, group 13–07. *Contact:* Erik Kraft, (703) 308–9358, email address: *kraft.erik@epa.gov*.

2. *EPA Registration Numbers:* 6836–107 and 71096–13. *Docket ID Number:* EPA–HQ–OPP–2012–0706. *Applicant:* Lonza, Inc., 90 Boroline Road, Allendale, NJ 07401; OR–CAL, Inc., 29454 Meadowview Road, Junction City, OR 97448. *Active ingredient:* Metaldehyde. *Product Type:* Molluscicide. *Proposed Uses:* Grass (forage and hay); leaf petioles subgroup 4B; peppermint and spearmint (tops and oil); berry subgroups 13–07 A, B, and G; taro (corm and leaves); corn (sweet and field); and soybean. *Contact:* Marianne Lewis, (703) 308–8043, email address: *lewis.marianne@epa.gov*.

3. *EPA Registration Numbers:* 7969–185, 7969–186, 7969–187, 7969–199, 7969–258, and 7969–289. *Docket ID Number:* EPA–HQ–OPP–2012–0549. *Applicant:* BASF Corporation, P.O. Box 13528, 26 Davis Drive, Research Triangle Park, NC 27709. *Active ingredient:* Pyraclostrobin. *Product Type:* Fungicide. *Proposed Uses:* Artichoke, globe; endive, Belgium;

persimmon; vegetable, bulb, group 3–07; vegetable, fruiting, group 8–10; fruit, citrus, group 10–10; fruit, pome, group 11–10; oilseed, group 20; caneberry subgroup 13–07A; bushberry subgroup 13–07B; small fruit, vine climbing, subgroup (except fuzzy kiwi) 13–07F; and low growing, berry, subgroup 13–07G. *Contact:* Dominic Schuler, (703) 347–0260, email address: *schuler.dominic@epa.gov*.

4. *EPA Registration Numbers:* 7969–197, 7969–198, and 7969–199. *Docket ID Number:* EPA–HQ–OPP–2012–0713. *Applicant:* BASF Corporation, P.O. Box 13528, 26 Davis Drive, Research Triangle Park, NC 27709. *Active ingredient:* Boscalid. *Product Type:* Fungicide. *Proposed Uses:* Artichoke; endive, Belgium; persimmon; vegetable, bulb, group 3–07; vegetable, fruiting, group 8–10; fruit, citrus, group 10–10; fruit, pome, group 11–10; berry subgroups 13–07 A, B, F and G; oilseed, group 20; turnip, greens; and vegetable, root, subgroup 1B. *Contact:* Heather Garvie, (703) 308–0034, email address: *garvie.heather@epa.gov*.

5. *EPA Registration Numbers:* 61842–22, 61842–23, and 61842–24. *Docket ID Number:* EPA–HQ–OPP–2012–0791. *Applicant:* Syngenta Crop Protection, LLC, P.O. Box 18300, Greensboro, NC 27419–8300. *Active ingredient:* Linuron. *Product Type:* Herbicide. *Proposed Uses:* Celeriac; coriander (cilantro); dill; horseradish; parsley; pea (dry); and rhubarb. *Contact:* Mindy Ondish, (703) 605–0723, email address: *ondish.mindy@epa.gov*.

6. *EPA Registration Numbers:* 62719–99, 62719–131, and 62719–250. *Docket ID Number:* EPA–HQ–OPP–2012–0304. *Applicant:* Dow AgroSciences LLC, 9330 Zionsville Road, Indianapolis, IN 46268–1054. *Active ingredient:* Trifluralin. *Product Type:* Herbicide. *Proposed Uses:* Oilseed crop, group 20 (borage, calendula, camelina, Chinese tallowtree, cuphea, echium, euphorbia, evening primrose, Hare's ear mustard, jojoba, lesquerella, lunaria, meadowfoam, milkweed, mustard seed, Niger seed, oil radish, poppy seed, rose hip, sesame, Stokes aster, sweet rocket, tallow wood, tea oil plant, and vernonia). *Contact:* Bethany Benbow, (703) 347–8072, email address: *benbow.bethany@epa.gov*.

7. *EPA Registration Numbers:* 62719–132, 62719–184, and 62719–188. *Docket ID Number:* EPA–HQ–OPP–2012–0303. *Applicant:* Dow AgroSciences LLC, 9330 Zionsville Road, Indianapolis, IN 46268–1054. *Active ingredient:* Ethalfluralin. *Product Type:* Herbicide. *Proposed Uses:* Oilseed crop, group 20 (borage, calendula, Camelina, Chinese tallowtree, Cuphea, Echium, Euphorbia, Evening primrose, Flaxseed, Hare's ear mustard, jojoba, lesquerella, lunaria, meadowfoam, milkweed, mustard seed, Niger seed, oil radish, poppy seed, rose hip, sesame, Stokes aster, sweet rocket, tallow wood, tea oil plant, and vernonia). *Contact:* Bethany Benbow, (703) 347–8072, email address: *benbow.bethany@epa.gov*.

List of Subjects

Environmental protection, Pesticides and pest.

Dated: October 26, 2012.

Daniel J. Rosenblatt,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2012–27197 Filed 11–6–12; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2012–0019; FRL–9362–1]

Pesticide Emergency Exemptions; Agency Decisions and State and Federal Agency Crisis Declarations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted emergency exemptions under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) for use of pesticides as listed in this notice. The exemptions were granted during the period April 1, 2012 to June 30, 2012 to control unforeseen pest outbreaks.

FOR FURTHER INFORMATION CONTACT: See each emergency exemption for the name of a contact person. The following information applies to all contact persons: Team Leader, Emergency Response Team, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 308–8050.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

If you have any questions regarding the applicability of this action to a particular entity, consult the person listed at the end of the emergency exemption.

B. How can I get copies of this document and other related information?

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2012–0019, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), EPA West Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets*.

II. Background

EPA has granted emergency exemptions to the following State and Federal agencies. The emergency exemptions may take the following form: Crisis, public health, quarantine, or specific.

Under FIFRA section 18, EPA can authorize the use of a pesticide when emergency conditions exist. Authorizations (commonly called emergency exemptions) are granted to State and Federal agencies and are of four types:

1. A ''specific exemption'' authorizes use of a pesticide against specific pests on a limited acreage in a particular State. Most emergency exemptions are specific exemptions.

2. ''Quarantine'' and ''public health'' exemptions are emergency exemptions issued for quarantine or public health purposes. These are rarely requested.

3. A ''crisis exemption'' is initiated by a State or Federal agency (and is confirmed by EPA) when there is insufficient time to request and obtain EPA permission for use of a pesticide in an emergency.

EPA may deny an emergency exemption: If the State or Federal agency cannot demonstrate that an emergency exists, if the use poses unacceptable risks to the environment,

or if EPA cannot reach a conclusion that the proposed pesticide use is likely to result in ''a reasonable certainty of no harm'' to human health, including exposure of residues of the pesticide to infants and children.

If the emergency use of the pesticide on a food or feed commodity would result in pesticide chemical residues, EPA establishes a time-limited tolerance meeting the ''reasonable certainty of no harm standard'' of the Federal Food, Drug, and Cosmetic Act (FFDCA).

In this document: EPA identifies the State or Federal agency granted the exemption, the type of exemption, the pesticide authorized and the pests, the crop or use for which authorized, and the duration of the exemption.

III. Emergency Exemptions

A. U.S. States and Territories

Alabama

Department of Agriculture and Industries

Specific exemption: EPA authorized the use of cyazofamid on greenhouse grown basil to control downy mildew; May 15, 2012 to December 31, 2012. Contact: Debra Rate.

EPA authorized the use of mandipropamid on greenhouse grown basil to control downy mildew; May 15, 2012 to December 31, 2012. Contact: Debra Rate.

Arkansas

State Plant Board

Specific exemptions: EPA authorized the use of hop beta acids in beehives to control varroa mite; April 13, 2012 to December 31, 2012. Contact: Stacey Groce.

EPA authorized the use of fluridone on cotton to control glyphosate-resistant Palmer amaranth; April 17, 2012 to August 1, 2012. Contact: Keri Grinstead.

EPA authorized the use of sulfoxaflor on cotton grown in river delta counties to control tarnished plant bug, (*Lygus lineolaris*), June 1, 2012 to September 30, 2012. This request was granted because adequate control of plant bugs with registered alternatives is not achievable. The situation is being exacerbated by the mild winter and warm, wet spring resulting in greater initial populations moving from wild hosts into cotton. Since this request proposed use of a new chemical, a notice of receipt published in the **Federal Register** on June 8, 2011 (76 FR 33276) (FRL–8875–2) with the public comment period closing on June 23, 2011. Contact: Libby Pemberton.

California

Department of Pesticide Registration

Specific exemptions: EPA authorized the use of propiconazole on peach and nectarine to control sour rot; April 6, 2012, to November 30, 2012. Contact: Andrea Conrath.

EPA authorized the use of cyazofamid on greenhouse and shadehouse grown basil to control downy mildew; May 21, 2012, to May 20, 2013. Contact: Debra Rate.

EPA authorized the use of mandipropamid on greenhouse and shadehouse grown basil to control downy mildew; May 21, 2012, to May 20, 2013. Contact: Debra Rate.

EPA authorized the use of thiabendazole on mushroom to control green mold (*Trichoderma aggressivum*); May 31, 2012 to January 13, 2013. Contact: Andrea Conrath.

Delaware

Department of Agriculture

Specific exemption: EPA authorized the use of dinotefuran on pome and stone fruit to control brown marmorated stink bug; June 21, 2012 to October 15, 2012. Contact: Andrea Conrath.

Hawaii

Department of Agriculture

Specific exemption: EPA authorized the use of fludioxonil on pineapple to control post-harvest development of surface molds; May 21, 2012 to May 21, 2013. Contact: Andrea Conrath.

Illinois

Department of Agriculture

Specific exemptions: EPA authorized the use of cyazofamid on basil to control downy mildew; April 26, 2012 to October 15, 2012. Contact: Debra Rate.

EPA authorized the use of mandipropamid on basil to control downy mildew; April 26, 2012 to October 15, 2012. Contact: Debra Rate.

Iowa

Department of Agriculture

Specific exemption: EPA authorized the use of hop beta acids in beehives to control varroa mite; April 5, 2012 to December 31, 2012. Contact: Stacey Groce.

Louisiana

Department of Agriculture and Forestry

Specific exemptions: EPA authorized the use of dinotefuran on rice to control rice stink bug (*Oebalus pugnax*); May 2, 2012 to October 30, 2012. Contact: Libby Pemberton.

EPA authorized the use of fluxapyroxad on rice in the vicinity of Mowata to control sheath blight; May 11, 2012 to August 1, 2012. Contact: Debra Rate.

EPA authorized the use of sulfoxaflor on cotton grown in river delta counties to control tarnished plant bug, (*Lygus lineolaris*), June 1, 2012 to September 30, 2012. This request was granted because adequate control of plant bugs with registered alternatives is not achievable. The situation is being exacerbated by the mild winter and warm, wet spring resulting in greater initial populations moving from wild hosts into cotton. Since this request proposed use of a new chemical, a notice of receipt published in the **Federal Register** on June 8, 2011 with the public comment period closing on June 23, 2011. Contact: Libby Pemberton.

Maryland

Department of Agriculture

Specific exemption: EPA authorized the use of dinotefuran on pome and stone fruit to control brown marmorated stink bug; June 21, 2012 to October 15, 2012. Contact: Andrea Conrath.

Massachusetts

Department of Agricultural Resources

Specific exemptions: EPA authorized the use of hop beta acids in beehives to control varroa mite; May 14, 2012 to December 31, 2012. Contact: Stacey Groce.

EPA authorized the use of quinclorac on cranberries to control dodder (*Cuscuta gronovii*); April 3, 2012 to July 31, 2012. Contact: Marcel Howard.

Michigan

Department of Agriculture

Specific exemption: EPA authorized the use of hop beta acids in beehives to control varroa mite; April 5, 2012 to December 31, 2012. Contact: Stacey Groce.

Mississippi

Department of Agriculture

Specific exemption: EPA authorized the use of sulfoxaflor on cotton grown in river delta counties to control tarnished plant bug, (*Lygus lineolaris*), June 1, 2012 to September 30, 2012. This request was granted because adequate control of plant bugs with registered alternatives is not achievable. The situation is being exacerbated by the mild winter and warm, wet spring resulting in greater initial populations moving from wild hosts into cotton. Since this request proposed use of a new chemical, a notice of receipt published in the **Federal Register** on

June 8, 2011 with the public comment period closing on June 23, 2011. Contact: Libby Pemberton.

Montana

Department of Agriculture

Specific exemptions: EPA authorized the use of *Bacillus mycoides* isolate J on seed potato grown in Montana to control tuber infections caused by Potato Virus Y (PVY), June 14, 2012, to August 15, 2012. This request was granted because there are no registered alternatives to control PVY and adequate control of aphids which vector PVY with registered alternatives is not achievable. Since this request proposed use of a new, unregistered chemical, a notice of receipt published in the **Federal Register** on June 6, 2012 (77 FR 33455) (FRL–9351–2) with the public comment period closing on June 11, 2012. Contact: Debra Rate.

New Jersey

Department of Environmental Protection

Specific exemptions: EPA authorized the use of quinclorac on cranberries to control dodder (*Cuscuta gronovii*); April 3, 2012 to December 15, 2012. Contact: Marcel Howard.

EPA authorized the use of dinotefuran on pome and stone fruit to control brown marmorated stink bug; June 21, 2012 to October 15, 2012. Contact: Andrea Conrath.

North Carolina

Department of Agriculture and Consumer Services

Specific exemption: EPA authorized the use of dinotefuran on pome and stone fruit to control brown marmorated stink bug; June 21, 2012 to October 15, 2012. Contact: Andrea Conrath.

Ohio

Department of Agriculture

Specific exemption: EPA authorized the use of hop beta acids in beehives to control varroa mite; April 3, 2012 to December 31, 2012. Contact: Stacey Groce.

Oregon

Department of Agriculture

Specific exemption: EPA authorized the use of quinclorac on cranberries to control yellow loosestrife (*Lysimachia terrestris*); April 27, 2012 to August 1, 2012. Contact: Debra Rate.

Pennsylvania

Department of Agriculture

Specific exemption: EPA authorized the use of dinotefuran on pome and stone fruit to control brown marmorated stink bug; June 21, 2012 to October 15, 2012. Contact: Andrea Conrath.

South Carolina

Department of Pesticide Regulation

South Dakota

Department of Agriculture

Specific exemption: EPA authorized the use of hop beta acids in beehives to control varroa mite; April 5, 2012 to December 31, 2012. Contact: Stacey Groce.

Tennessee

Department of Agriculture

Specific exemption: EPA authorized the use of sulfoxaflor on cotton grown in river delta counties to control tarnished plant bug, (*Lygus lineolaris*), June 1, 2012, to September 30, 2012. This request was granted because adequate control of plant bugs with registered alternatives is not achievable. The situation is being exacerbated by the mild winter and warm, wet spring resulting in greater initial populations moving from wild hosts into cotton. Since this request proposed use of a new chemical, a notice of receipt published in the **Federal Register** on June 8, 2011 with the public comment period closing on June 23, 2011. Contact: Libby Pemberton.

Texas

Department of Agriculture

Specific exemptions: EPA authorized the use of cyazofamid on greenhouse grown basil to control downy mildew; June 22, 2012 to June 22, 2013. Contact: Debra Rate.

EPA authorized the use of mandipropamid on greenhouse grown basil to control downy mildew; June 22, 2012 to June 22, 2013. Contact: Debra Rate.

Virginia

Department of Agriculture and Consumer Services

Specific exemption: EPA authorized the use of dinotefuran on pome and stone fruit to control brown marmorated stink bug; June 21, 2012 to October 15, 2012. Contact: Andrea Conrath.

Washington

Department of Agriculture

Specific exemptions: Quinclorac on cranberries to control yellow loosestrife (*Lysimachia terrestris*); April 27, 2012 to August 1, 2012. Contact: Debra Rate.

EPA authorized the use of lambda-cyhalothrin on asparagus to control European asparagus aphid (*Brachycolus asparagi*); May14, 2012, to September 30, 2012. Contact: Libby Pemberton.

West Virginia

Department of Agriculture

Specific exemption: EPA authorized the use of dinotefuran on pome and stone fruit to control brown marmorated stink bug; June 21, 2012 to October 15, 2012. Contact: Andrea Conrath.

Wisconsin

Department of Agriculture, Trade, and Consumer Protection

Specific exemptions: EPA authorized the use of spirotetramat on dry bulb onions to control thrips; April 5, 2012 to September 15, 2012. Contact: Keri Grinstead.

EPA authorized the use of hop beta acids in beehives to control varroa mite; April 10, 2012 to December 31, 2012. Contact: Stacey Groce.

Wyoming

Department of Agriculture

Specific exemption: EPA authorized the use of diflubenzuron on alfalfa to control Mormon cricket and various grasshopper species; May 22, 2012 to October 31, 2012. Contact: Andrea Conrath.

B. Federal Departments and Agencies

Defense Department

Quarantine exemption: EPA authorized the use of paraformaldehyde in or on containment areas and equipment to control infectious agents; May 15, 2012 to May 15, 2015. Contact: Princess Campbell.

List of Subjects

Environmental protection, Pesticides and pests.

Dated: October 18, 2012.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2012–27062 Filed 11–6–12; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2012–0390; FRL–9367–4]

Notice of Receipt of Pesticide Products; Registration Applications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received applications to register pesticide products containing an active ingredient not included in any currently registered pesticide products. Pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act

(FIFRA), EPA is hereby providing notice of receipt and opportunity to comment on these applications.

DATES: Comments must be received on or before December 7, 2012.

ADDRESSES: Submit your comments, identified by docket identification (ID) number and the EPA File Symbol of interest as shown in the body of this document, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.htm.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: A contact person is listed at the end of each registration application summary and may be contacted by telephone, email, or mail. Mail correspondence to the Biopesticides and Pollution Prevention Division (7511P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001. As part of the mailing address, include the contact person's name, division, and mail code.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When submitting comments, remember to:

i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).

ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

II. Registration Applications

EPA has received applications to register pesticide products containing an active ingredient not included in any currently registered pesticide products. Pursuant to the provisions of FIFRA section 3(c)(4), EPA is hereby providing notice of receipt and opportunity to comment on these applications. Notice of receipt of these applications does not imply a decision by the Agency on these applications. For actions being evaluated under the Agency's public participation process for registration actions, there will be an additional opportunity for a 30-day public comment period on the proposed decision. Please see the Agency's public participation Web site for additional information on this process (*http://www.epa.gov/pesticides/regulating/registration-public-involvement.html).* EPA received the following applications to register pesticide products containing an active ingredient not included in any currently registered products:

1. *EPA File Symbol:* 80286–RO. *Docket ID Number:* EPA–HQ–OPP–2012–0787. *Applicant:* ISCA Technologies, Inc., 1230 West Spring Street, Riverside, CA 92507. *Active ingredient:* Biochemical Pheromone (Mating Disruptor) with Carob Moth Pheromone Mimic (7,9,11-Dodecatrien-1-ol, formate at 90.8%. *Product Type:* Pheromone (Mating Disruptor). *Proposed Uses:* Manufacturing Use Product. Contact: Chris Pfeifer, (703) 308–0031, email address: *pfeifer.chris@epa.gov.*

2. *EPA File Symbol:* 80286–RI. *Docket ID Number:* EPA–HQ–OPP–2012–0787. *Applicant:* ISCA Technologies, Inc., 1230 West Spring Street, Riverside, CA 92507. *Active ingredient:* Biochemical Pheromone (Mating Disruptor) with Carob Moth Pheromone Mimic (7,9,11-Dodecatrien-1-ol, formate at 2%. *Product Type:* Biochemical Pheromone. *Proposed Use:* Pheromone (Mating Disruptor). Contact: Chris Pfeifer, (703) 308–0031, email address: *pfeifer.chris@epa.gov.*

List of Subjects

Environmental protection, Pesticides and pest.

Dated: October 26, 2012.

Daniel J. Rosenblatt,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2012–27058 Filed 11–6–12; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9749–2]

Workshop To Define Approaches To Assess the Effectiveness of Policies To Reduce $PM_{2.5}$

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of workshop.

SUMMARY: EPA is announcing a workshop to identify approaches to assess the effectiveness of policies that reduce ambient levels of $PM_{2.5}$. The workshop is being organized by EPA's

Office of Air Quality Planning and Standards (OAQPS) and the Office of Research and Development (ORD), and will be held on January 7, 2013, in Research Triangle Park, North Carolina. Reservations for the workshop will be open to the public on a first-come, first-served basis due to limited space.

DATES: The workshop will be held on January 7, 2013.

ADDRESSES: The workshop will be held in the Auditorium of EPA's RTP main campus, 109 T.W. Alexander Dr., Research Triangle Park, NC. An EPA contractor, EC/R, is organizing the workshop.

FOR FURTHER INFORMATION CONTACT: Questions regarding information, registration, and logistics for the workshop should be directed to Becky Battye, EC/R, Inc., Conference Coordinator, 501 Eastowne Dr., Suite 250, Chapel Hill, NC 27514; telephone: 919–443–8321; email *battye.becky@ecrweb.com.* Questions regarding the scientific and technical aspects of the workshop should be directed to Neal Fann, telephone: 919–541–0209; facsimile: 919–541–5315; email: *Fann.Neal@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Summary of Information About the Workshop

Significant reductions in ambient levels of particulate matter with aerodynamic diameter less than 2.5 micrometers ($PM_{2.5}$) have occurred over the past few decades and more are expected with the implementation of recently promulgated rules. $PM_{2.5}$ is associated with adverse human health effects, such as respiratory and cardiovascular diseases. Emissions of sulfur dioxide (SO_2) from power plants have decreased substantially in recent years and further reductions are expected. As a result of reductions in SO_2, a precursor to $PM_{2.5}$, commensurate reductions in $PM_{2.5}$ have occurred and are expected to further decrease throughout the eastern U.S. Considerable reductions of $PM_{2.5}$ and its precursors are also expected in the western U.S. and in coastal areas due to truck and marine engine rules associated with ports and goods movement. In combination, marked reductions are expected in $PM_{2.5}$ and its precursors as well as alteration of the overall composition of $PM_{2.5}$ in many areas of the U.S. This constitutes an opportunity to evaluate the effect of changes in the composition of air pollution in urban areas that will occur over both time and space.

The purposes of this workshop are to (1) Discuss previous accountability work, (2) identify data needs, and (3) discuss approaches that may be used to prospectively design research to assess the public health benefits from implementation of these large-scale changes in levels of air pollution. Consistent with the recent North American Research Strategy for Tropospheric Ozone report titled, ''Technical Challenges of Multipollutant Air Quality Management'' this workshop aims to ensure that the necessary methods and data will be available to verify the relationship between reductions in air pollution emissions, ambient concentrations, human exposures and public health benefits to determine whether the regulations are implemented as originally projected and the intended benefits are realized. Discussions will focus on improving the limitations identified in earlier studies, especially in relation to interpretation of the study and ensuring proper study design, collected data and analytical approaches. To meet these objectives, the workshop has been organized with invited expert panelists to build on previous work and identify critical data needs.

II. Workshop Information

Members of the public may attend the workshop as observers. Space is limited, and reservations will be accepted on a first-come, first-served basis.

Dated: October 26, 2012.

Mary E. Henigin,

Acting Director, Office of Air Quality Planning and Standards, Office of Air and Radiation.

[FR Doc. 2012–27228 Filed 11–6–12; 8:45 am]

BILLING CODE 6560–50–P

FARM CREDIT ADMINISTRATION

Farm Credit Administration Board; Sunshine Act; Regular Meeting

AGENCY: Farm Credit Administration.

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act, of the regular meeting of the Farm Credit Administration Board (Board).

Date and Time: The regular meeting of the Board will be held at the offices of the Farm Credit Administration in McLean, Virginia, on November 8, 2012, from 9:00 a.m. until such time as the Board concludes its business.

FOR FURTHER INFORMATION CONTACT: Dale L. Aultman, Secretary to the Farm Credit Administration Board, (703) 883–4009, TTY (703) 883–4056.

ADDRESSES: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090.

SUPPLEMENTARY INFORMATION: Parts of this meeting of the Board will be open to the public (limited space available) and parts will be closed to the public. In order to increase the accessibility to Board meetings, persons requiring assistance should make arrangements in advance. The matters to be considered at the meeting are:

Open Session

Approval of Minutes

- October 11, 2012

Closed Session*

Reports

- Office of Secondary Market Oversight Quarterly Report

Dated: November 2, 2012.

Dale L. Aultman,

Secretary, Farm Credit Administration Board.

*Session Closed-Exempt pursuant to 5 U.S.C. 552b(c)(8) and (9).

[FR Doc. 2012–27281 Filed 11–5–12; 11:15 am]

BILLING CODE 6705–01–P

FEDERAL COMMUNICATIONS COMMISSION

Information Collection Being Reviewed by the Federal Communications Commission for Extension Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice; request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens and as required by the Paperwork Reduction Act of 1995, Public Law 104–13, the Federal Communications Commission invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s). Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information burden

for small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid OMB control number.

DATES: Persons wishing to comment on this information collection should submit comments January 7, 2013. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Submit your PRA comments to Nicolas A. Fraser, Office of Management and Budget (OMB), via fax at 202–395–5167, or via the Internet at *Nicholas_A._Fraser@omb.eop.gov,* and to *Judith-B.Herman@fcc.gov<mailto:Judith-B.Herman@fcc.gov>,* Federal Communications Commission (FCC). To submit your comments by email send them to: *PRA@fcc.gov<mailto:PRA@fcc.gov>*.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection(s), contact Judith B. Herman at 202–418–0214.

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060–0149.

Title: Part 63, Application and Supplemental Information Requirements.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents: 60 respondents; 60 responses.

Estimated Time per Response: 5 hours.

Frequency of Response: On occasion reporting requirement and third party disclosure requirements.

Obligation To Respond: Required to obtain or retain benefits. Statutory authority for this collection of information is contained in 47 U.S.C. sections 214 and 402 of the Communications Act of 1934, as amended.

Total Annual Burden: 300 hours.

Annual Cost Burden: N/A.

Privacy Act Impact Assessment: N/A.

Nature and Extent of Confidentiality: Information filed in section 214 applications has generally been non-confidential. Requests from parties seeking confidential treatment are considered by Commission staff pursuant to 47 CFR 0.459 of the Commission's rules.

Needs and Uses: The Commission is seeking Office of Management and Budget (OMB) approval for an extension of this information collection (no change in the reporting and/or third party disclosure requirement). The Commission will submit this information collection after this 60 day comment period.

Section 214 of the Communications Act of 1934, as amended, require that a carrier must first obtain FCC authorization either to (1) construct, operate, or engage in transmission over a line of communications; or (2) discontinue, reduce or impair service over a line of communications.

Part 63 of Title 47 of the Code of Federal Regulations (CFR) implements Section 214. Part 63 also implements provisions of the Cable Communications Policy Act of 1984 pertaining to video which was approved under this OMB Control Number 3060–0149. In 2009, the Commission modified Part 63 to extend to providers of interconnected Voice of Internet Protocol (VoIP) service the discontinuance obligations that apply to domestic non-dominant telecommunications carriers under Section 214 of the Communications Act of 1934, as amended.

OMB Control No.: 3060–1131.

Title: Sections 9.7, 64.2001 and 615a–l, Implementation of the NET 911 Improvement Act of 2008: Location Information from Owners and Controllers of 911 and E911 Capabilities.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents: 60 respondents; 60 responses.

Estimated Time per Response: .0833 hours (5 minutes).

Frequency of Response: On occasion reporting requirement and third party disclosure requirements.

Obligation To Respond: Required to obtain or retain benefits. Statutory authority for this collection of information is contained in the New and Emerging Technologies 911 Improvement Act of 2008 (NET911 Act), Public Law 110–283, Stat 2620 (2008); and 47 U.S.C. sections 151, 154(i),–(j), 251(e), 303(r) and 615a–l of the Communications Act of 1934, as amended.

Total Annual Burden: 5 hours.

Annual Cost Burden: N/A.

Privacy Act Impact Assessment: N/A.

Nature and Extent of Confidentiality: To implement section 222 of the Communications Act of 1934, as amended, the Commission's rules impose a general duty on carriers to protect the privacy of customer proprietary network information (CPNI) and carrier proprietary information from unauthorized disclosure. See 47 CFR 64.2001. The Commission additionally has clarified that the Commission's rules contemplate that incumbent Local Exchange Carriers (LECs) and other owners or controllers of 911 or E911 infrastructure will acquire information regarding interconnected VoIP providers and their customers for use in the provision of emergency services. We fully expect that these entities will use the information only for the provision of E911 services. To be clear, no entity may use customer information obtained as a result of the provision of 911 or E911 services for marketing purposes.

Needs and Uses: The Commission is seeking Office of Management and Budget (OMB) approval for an extension of this information collection (no change in the reporting and/or third party disclosure requirement). The Commission will submit this information collection after this 60 day comment period.

Commission rules require that owners or controllers of a 911 or enhanced 911 (E911) capability to make that capability available to a requesting interconnected VoIP provider in certain circumstances. This requirement involves the collection and disclosure to emergency services personnel of customers' location information. In a previous action, the Commission required interconnected VoIP providers to collect certain location information from their customers and disclose it to the entities that own or control an Automatic Location Information (ALI) database.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary, Office of Managing Director.

[FR Doc. 2012–27119 Filed 11–6–12; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Radio Broadcasting Services; AM or FM Proposals To Change The Community of License

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: The following applicants filed AM or FM proposals to change the community of license: ALEX MEDIA, INC., Station NEW, Facility ID 189557, BMPH–20121002ACH, From MCCALL, ID, To HUNTINGTON, OR; GATEWAY RADIO WORKS, INC., Station WKYN, Facility ID 23345, BPH–20121002ACW, From OWINGSVILLE, KY, To MOUNT STERLING, KY; GENESIS COMMUNICATIONS OF TAMPA BAY, INC., Station WMGG, Facility ID 67135, BP–20120808ABK, From DUNEDIN, FL, To EGYPT LAKE, FL.

DATES: The agency must receive comments on or before January 7, 2013.

ADDRESSES: Federal Communications Commission, 445 Twelfth Street SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Tung Bui, 202–418–2700.

SUPPLEMENTARY INFORMATION: The full text of these applications is available for inspection and copying during normal business hours in the Commission's Reference Center, 445 12th Street SW., Washington, DC 20554 or electronically via the Media Bureau's Consolidated Data Base System, *http://svartifoss2.fcc.gov/prod/cdbs/pubacc/prod/cdbs_pa.htm.*

A copy of this application may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street SW., Room CY–B402, Washington, DC 20554, telephone 1–800–378–3160 or *www.BCPIWEB.com.*

Federal Communications Commission.

James D. Bradshaw,

Deputy Chief, Audio Division, Media Bureau.

[FR Doc. 2012–27194 Filed 11–6–12; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Update to Notice of Financial Institutions for Which the Federal Deposit Insurance Corporation Has Been Appointed Either Receiver, Liquidator, or Manager

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Update listing of financial institutions in liquidation.

SUMMARY: Notice is hereby given that the Federal Deposit Insurance Corporation (Corporation) has been appointed the sole receiver for the following financial institutions effective as of the Date Closed as indicated in the listing. This list (as updated from time to time in the **Federal Register**) may be relied upon as ''of record'' notice that the Corporation has been appointed receiver for purposes of the statement of policy published in the July 2, 1992 issue of the **Federal Register** (57 FR 29491). For further information concerning the identification of any institutions which have been placed in liquidation, please visit the Corporation Web site at *www.fdic.gov/bank/individual/failed/banklist.html* or contact the Manager of Receivership Oversight in the appropriate service center.

Dated: October 31, 2012.

Federal Deposit Insurance Corporation.

Pamela Johnson,

Regulatory Editing Specialist.

INSTITUTIONS IN LIQUIDATION

[In alphabetical order]

FDIC Ref. No.	Bank name	City	State	Date closed
10463	NOVA Bank	Berwyn	PA	10/26/2012

[FR Doc. 2012–27162 Filed 11–6–12; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL

[Docket No. AS12–22]

Appraisal Subcommittee; Notice of Meeting

AGENCY: Appraisal Subcommittee of the Federal Financial Institutions Examination Council.

ACTION: Notice of Meeting.

Description: In accordance with Section 1104 (b) of Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, as amended, notice is hereby given that the Appraisal Subcommittee (ASC) will meet in closed session:

Location: OCC—250 E Street SW., Room 8C, Washington, DC 20219.

Date: November 14, 2012.

Time: Immediately following the ASC open session.

Status: Closed.

Matters To Be Considered:

October 10, 2012 minutes—Closed Session.

Preliminary discussion of State Compliance Reviews.

Dated: November 2, 2012.

James R. Park,

Executive Director.

[FR Doc. 2012–27201 Filed 11–6–12; 8:45 am]

BILLING CODE P

FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL

[Docket No. AS12–21]

Appraisal Subcommittee Notice of Meeting

AGENCY: Appraisal Subcommittee of the Federal Financial Institutions Examination Council.

ACTION: Notice of Meeting.

Description: In accordance with Section 1104(b) of Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, as amended, notice is hereby given that the Appraisal Subcommittee (ASC) will meet in open session for its regular meeting:

Location: OCC—250 E Street SW., Room 8C, Washington, DC 20219.

Date: November 14, 2012.

Time: 10:30 a.m.

Status: Open.

Matters To Be Considered

Summary Agenda

October 10, 2012 minutes—Open Session.

(No substantive discussion of the above items is anticipated. These matters will be resolved with a single vote unless a member of the ASC requests that an item be moved to the discussion agenda.)

Discussion Agenda

Nevada Compliance Review.

How To Attend and Observe an ASC Meeting

Email your name, organization and contact information to *meetings@asc.gov.* You may also send a written request via U.S. Mail, fax or commercial carrier to the Executive Director of the ASC, 1401 H Street NW., Ste. 760, Washington, DC 20005. The

fax number is 202–289–4101. Your request must be received no later than 4:30 p.m., ET, on the Monday prior to the meeting. If that Monday is a Federal holiday, then your request must be received by 4:30 p.m. ET on the previous Friday. Attendees must have a valid government-issued photo ID and must agree to submit to reasonable security measures. The meeting space is intended to accommodate public attendees. However, if the space will not accommodate all requests, the ASC may refuse attendance on that reasonable basis. The use of any video or audio tape recording device, photographing device, or any other electronic or mechanical device designed for similar purposes is prohibited at ASC meetings.

Dated: November 2, 2012.

James R. Park,

Executive Director.

[FR Doc. 2012–27203 Filed 11–6–12; 8:45 am]

BILLING CODE P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License Applicants

The Commission gives notice that the following applicants have filed an application for an Ocean Transportation Intermediary (OTI) license as a Non-Vessel-Operating Common Carrier (NVO) and/or Ocean Freight Forwarder (OFF) pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. 40101). Notice is also given of the filing of applications to amend an existing OTI license or the Qualifying Individual (QI) for a licensee.

Interested persons may contact the Office of Ocean Transportation Intermediaries, Federal Maritime Commission, Washington, DC 20573, by telephone at (202) 523–5843 or by email at *OTI@fmc.gov.*

Balkans Air Corporation (NVO), 1703 Bath Avenue, Brooklyn, NY 11214. Officers: Begator Hila, President (QI), Skender Gashi, CEO. Application Type: New NVO License.

Encompass Global Logistics, LLC (NVO & OFF), 18881 Von Karmen Avenue, Suite 1450, Irvine, CA 92612. Officers: Asa Cheng, Manager (QI), Peter Li, Director. Application Type: Add OFF Service.

Ghanem Forwarding, LLC (NVO & OFF), 3327 Hollins Ferry Road, Halethorpe, MD 21227. Officer: Wael Ghanem, General Manager (QI). Application Type: Add NVO Service.

Motoni Global Investment Company, Incorporated dba Motoni Global Travel/Shipping (OFF), 4748 Lake Mirror Place, Forest Park, GA 30297. Officers: Olajide T. Oni, President (QI), Yetunde F. Ojo-Ayodele, Secretary. Application Type: New OFF License.

North Star Container, LLC dba NS World Logistics (NVO & OFF), 7400 Metro Boulevard, Suite 300, Edina, MN 55439. Officers: Shawn D. Steen, Assistant Vice President (QI), Guohe Mao, CEO. Application Type: Add OFF Service.

Omega's Five, Inc. (NVO & OFF), 4418 NW 74th Avenue, Miami, FL 33166. Officers: Amparo R. Murcia, Secretary (QI), Monica B. Merchan, President. Application Type: New NVO & OFF License.

Tosie, LLC (NVO & OFF), 6411 Ashcroft Drive, Suite C, Houston, TX 77081. Officers: Pius S. Tomdio, President (QI), Magdalene N. White, Managing Member. Application Type: New NVO & OFF License.

By the Commission.

Dated: November 2, 2012.

Karen V. Gregory,

Secretary.

[FR Doc. 2012–27253 Filed 11–6–12; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Sunshine Act Notice

November 2, 2012.

TIME AND DATE: 10:00 a.m., Friday, November 16, 2012.

PLACE: The Richard V. Backley Hearing Room, Room 511N, 1331 Pennsylvania Avenue NW., Washington, DC 20004 (entry from F Street entrance).

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will hear oral argument in the matter *Secretary of Labor* v. *Wolf Run Mining Co.,* Docket No. WEVA 2008–1265. (Issues include whether the Administrative Law Judge correctly construed the ''repeated failure'' language of section 110(b)(2) of the Mine Act.)

Any person attending this oral argument who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 CFR 2706.150(a)(3) and 2706.160(d).

CONTACT PERSON FOR MORE INFO: Jean Ellen (202) 434–9950/(202) 708–9300 for TDD Relay/1–800–877–8339 for toll free.

Emogene Johnson,

Administrative Assistant.

[FR Doc. 2012–27325 Filed 11–5–12; 4:15 pm]

BILLING CODE P

FEDERAL TRADE COMMISSION

[File No. 112 3198]

The Sherwin-Williams Company; Analysis of Proposed Consent Order To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices or unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the draft complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before November 26, 2012.

ADDRESSES: Interested parties may file a comment at *https://ftcpublic.commentworks.com/ftc/sherwinwilliamsconsent* online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write ''Sherwin-Williams, File No. 112 3198'' on your comment and file your comment online at *https://ftcpublic.commentworks.com/ftc/sherwinwilliamsconsent,* by following the instructions on the web-based form. If you prefer to file your comment on paper, mail or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Room H–113 (Annex D), 600 Pennsylvania Avenue NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Laura Kim (202–326–3734), FTC, Bureau of Consumer Protection, 600 Pennsylvania Avenue NW., Washington, DC 20580.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following

Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for October 25, 2012), on the World Wide Web, at *http://www.ftc.gov/os/actions.shtm.* A paper copy can be obtained from the FTC Public Reference Room, Room 130–H, 600 Pennsylvania Avenue NW., Washington, DC 20580, either in person or by calling (202) 326–2222.

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before November 26, 2012. Write ''Sherwin-Williams, File No. 112 3198'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at *http://www.ftc.gov/os/publiccomments.shtm.* As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Web site.

Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, like anyone's Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, like medical records or other individually identifiable health information. In addition, do not include any ''[t]rade secret or any commercial or financial information which * * * is privileged or confidential,'' as discussed in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, do not include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and you have to follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c).[1] Your comment will be kept confidential only if the FTC General Counsel, in his or her sole discretion, grants your request in accordance with the law and the public interest.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/sherwinwilliamsconsent* by following the instructions on the web-based form. If this Notice appears at *http://www.regulations.gov/#!home* you also may file a comment through that Web site.

If you file your comment on paper, write ''Sherwin-Williams, File No. 112 3198'' on your comment and on the envelope, and mail or deliver it to the following address: Federal Trade Commission, Office of the Secretary, Room H–113 (Annex D), 600 Pennsylvania Avenue NW., Washington, DC 20580. If possible, submit your paper comment to the Commission by courier or overnight service.

Visit the Commission Web site at *http://www.ftc.gov* to read this Notice and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before November 26, 2012. You can find more information, including routine uses permitted by the Privacy Act, in the Commission's privacy policy, at *http://www.ftc.gov/ftc/privacy.htm.*

Analysis of Agreement Containing Consent Order To Aid Public Comment

The Federal Trade Commission (''FTC''or ''Commission'') has accepted, subject to final approval, an agreement containing a consent order from The Sherwin-Williams Company (''Sherwin-Williams'').

The proposed consent order has been placed on the public record for thirty (30) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the agreement and the comments received, and decide whether it should withdraw from the agreement or make final the agreement's proposed order.

This matter involves Sherwin-Williams's marketing and sale of ''zero VOC'' paints. According to the FTC complaint, Sherwin-Williams represented that its *Dutch Boy Refresh* paints, including paints with color added, contain zero VOCs. But the complaint alleges that, in numerous instances, the paint does not contain zero VOCs after the addition of color. It also alleges that Sherwin-Williams did not possess and rely upon a reasonable basis substantiating these representations when it made them. Finally, it alleges that, by providing independent distributors and retailers with promotional materials making the above representations, Sherwin-Williams provided these third parties with the means and instrumentalities to engage in deceptive practices. Thus, the complaint alleges that Sherwin-Williams engaged in deceptive practices in violation of Section 5(a) of the FTC Act.

The proposed order contains three provisions designed to prevent Sherwin-Williams from engaging in similar acts and practices in the future. Part I addresses the marketing of zero VOC paints. It prohibits Sherwin-Williams from claiming that its paints (including paints manufactured under its Sherwin-Williams, Dutch Boy, and Krylon brands) contain ''zero VOCs'' unless: (1) After tinting, the VOC level is zero grams per liter (''g/L'') or Sherwin-Williams possesses competent and reliable scientific evidence that the paint contains no more than a trace level of VOCs; or (2) Sherwin-Williams clearly and prominently discloses that the claim applies only to the base paint and that, depending on the color choice, the VOC level may increase. In situations where a paint's post-tint VOC level is 50 g/L or more, the order requires Sherwin-Williams to disclose that the VOC level increases ''significantly'' or ''up to [the highest possible VOC level after tinting].'' [2]

Part II addresses VOC and environmental benefit or attribute claims made about paints and other architectural coatings. It prohibits such representations unless the representation is true, not misleading, and substantiated by competent and reliable scientific evidence.

Part III prohibits Sherwin-Williams from providing to others the means and instrumentalities with which to make any claim prohibited by Part I or II. It

[1] In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c), 16 CFR 4.9(c).

[2] The order does not require Sherwin-Williams to characterize an increase of less than 50 g/L as ''significant'' because paints with this level of VOCs are considered by air quality regulators and environmental certification groups to be low in VOCs.

defines ''means and instrumentalities'' as any information, including any advertising, labeling, or promotional, sales training, or purported substantiation materials, for use by trade customers in their marketing of any such product or service.

Part IV requires Sherwin-Williams to send a letter to its retailers, requiring them to remove all *Dutch Boy Refresh* ads with zero VOC claims and affix a sticker to existing *Dutch Boy Refresh* paint can labels.

Finally, Parts V though VIII require Sherwin-Williams to: Keep copies of advertisements and materials relied upon in disseminating any representation covered by the order; provide copies of the order to certain personnel, agents, and representatives having supervisory responsibilities with respect to the subject matter of the order; notify the Commission of changes in its structure that might affect compliance obligations under the order; and file a compliance report with the Commission and respond to other requests from FTC staff. Part IX provides that the order will terminate after twenty (20) years, with certain exceptions.

The purpose of this analysis is to facilitate public comment on the proposed order. It is not intended to constitute an official interpretation of the complaint or the proposed order, or to modify the proposed order's terms in any way.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2012–27105 Filed 11–6–12; 8:45 am]

BILLING CODE 6750–01–P

FEDERAL TRADE COMMISSION

[File No. 112 3160]

The PPG Architectural Finishes, Inc.; Analysis of Proposed Consent Order To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices or unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the draft complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before November 26, 2012.

ADDRESSES: Interested parties may file a comment at *https://ftcpublic.commentworks.com/ftc/ppgarchitecturalconsent* online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write ''PPG Architectural, File No. 112 3160'' on your comment and file your comment online at *https://ftcpublic.commentworks.com/ftc/ppgarchitecturalconsent,* by following the instructions on the web-based form. If you prefer to file your comment on paper, mail or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Room H–113 (Annex D), 600 Pennsylvania Avenue NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Laura Kim (202–326–3734), FTC, Bureau of Consumer Protection, 600 Pennsylvania Avenue NW., Washington, DC 20580.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for October 25, 2012), on the World Wide Web, at *http://www.ftc.gov/os/actions.shtm.* A paper copy can be obtained from the FTC Public Reference Room, Room 130–H, 600 Pennsylvania Avenue NW., Washington, DC 20580, either in person or by calling (202) 326–2222.

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before November 26, 2012. Write ''PPG Architectural, File No. 112 3160'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at *http://www.ftc.gov/os/publiccomments.shtm.* As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Web site.

Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, like anyone's Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, like medical records or other individually identifiable health information. In addition, do not include any ''[t]rade secret or any commercial or financial information which * * * is privileged or confidential,'' as discussed in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, do not include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and you have to follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c).[1] Your comment will be kept confidential only if the FTC General Counsel, in his or her sole discretion, grants your request in accordance with the law and the public interest.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/ppgarchitecturalconsent* by following the instructions on the web-based form. If this Notice appears at *http://www.regulations.gov/#!home,* you also may file a comment through that Web site.

If you file your comment on paper, write ''PPG Architectural, File No. 112 3160'' on your comment and on the envelope, and mail or deliver it to the following address: Federal Trade Commission, Office of the Secretary, Room H–113 (Annex D), 600 Pennsylvania Avenue NW., Washington, DC 20580. If possible, submit your paper comment to the Commission by courier or overnight service.

[1] In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c), 16 CFR 4.9(c).

Visit the Commission Web site at *http://www.ftc.gov* to read this Notice and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before November 26, 2012. You can find more information, including routine uses permitted by the Privacy Act, in the Commission's privacy policy, at *http://www.ftc.gov/ftc/privacy.htm.*

Analysis of Agreement Containing Consent Order To Aid Public Comment

The Federal Trade Commission (''FTC'' or ''Commission'') has accepted, subject to final approval, an agreement containing a consent order from PPG Architectural Finishes, Inc. (''PPG'').

The proposed consent order has been placed on the public record for thirty (30) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the agreement and the comments received, and decide whether it should withdraw from the agreement or make final the agreement's proposed order.

This matter involves PPG's marketing and sale of ''zero VOC'' paints. According to the FTC complaint, PPG represented that its *Pure Performance* paints, including paints with color added, contain zero VOCs. But the complaint alleges that, in numerous instances, the paint does not contain zero VOCs after the addition of color. It also alleges that PPG did not possess and rely upon a reasonable basis substantiating these representations when it made them. Finally, it alleges that, by providing independent distributors and retailers with promotional materials making the above representations, PPG provided these third parties with the means and instrumentalities to engage in deceptive practices. Thus, the complaint alleges that PPG engaged in deceptive practices in violation of Section 5(a) of the FTC Act.

The proposed order contains three provisions designed to prevent PPG from engaging in similar acts and practices in the future. Part I addresses the marketing of zero VOC paints. It prohibits PPG from claiming that its paints (including paints manufactured under its PPG, Pittsburgh Paints, Porter Paints, and Olympic brands) contain ''zero VOCs'' unless: (1) After tinting, the VOC level is zero grams per liter (''g/L'') or PPG possesses competent and reliable scientific evidence that the paint contains no more than a trace level of VOCs; or (2) PPG clearly and prominently discloses that the claim applies only to the base paint and that, depending on the color choice, the VOC level may increase. In situations where a paint's post-tint VOC level is 50 g/L or more, the order requires PPG to disclose that the VOC level increases ''significantly'' or ''up to [the highest possible VOC level after tinting].'' [2]

Part II addresses VOC and environmental benefit or attribute claims made about paints and other architectural coatings. It prohibits such representations unless the representation is true, not misleading, and substantiated by competent and reliable scientific evidence.

Part III prohibits PPG from providing to others the means and instrumentalities with which to make any claim prohibited by Part I or II. It defines ''means and instrumentalities'' as any information, including any advertising, labeling, or promotional, sales training, or purported substantiation materials, for use by trade customers in their marketing of any such product or service.

Part IV requires PPG to send a letter to its retailers, requiring them to remove all *Pure Performance* ads with zero VOC claims and affix a sticker to existing *Pure Performance* paint can labels.

Finally, Parts V though VIII require PPG to: keep copies of advertisements and materials relied upon in disseminating any representation covered by the order; provide copies of the order to certain personnel, agents, and representatives having supervisory responsibilities with respect to the subject matter of the order; notify the Commission of changes in its structure that might affect compliance obligations under the order; and file a compliance report with the Commission and respond to other requests from FTC staff. Part IX provides that the order will terminate after twenty (20) years, with certain exceptions.

The purpose of this analysis is to facilitate public comment on the proposed order. It is not intended to constitute an official interpretation of the complaint or the proposed order, or to modify the proposed order's terms in any way.

[2] The order does not require PPG to characterize an increase of less than 50 g/L as ''significant'' because paints with this level of VOCs are considered by air quality regulators and environmental certification groups to be low in VOCs.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2012–27112 Filed 11–6–12; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0057: Docket 2012–0076; Sequence 8]

Federal Acquisition Regulation; Submission for OMB Review; Evaluation of Export Offers

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement concerning the provision at FAR 52.247–51, entitled ''Evaluation of Export Offers.'' A notice was published in the **Federal Register** at 77 FR 35661, on June 14, 2012. No comments were received.

Public comments are particularly invited on: Whether this collection of information is necessary; whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

DATES: Submit comments on or before December 7, 2012.

ADDRESSES: Submit comments identified by Information Collection 9000–0057, Evaluation of Export Offers, by any of the following methods:

• *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by inputting ''Information Collection 9000–

0057, Evaluation of Export Offers'' under the heading ''Enter Keyword or ID'' and selecting ''Search''. Select the link ''Submit a Comment'' that corresponds with ''Information Collection 9000–0057, Evaluation of Export Offers''. Follow the instructions provided at the ''Submit a Comment'' screen. Please include your name, company name (if any), and ''Information Collection 9000–0057, Evaluation of Export Offers'' on your attached document.

- *Fax:* 202–501–4067.
- *Mail:* General Services Administration, Regulatory Secretariat (MVCB), 1275 First Street NE., Washington, DC 20417. ATTN: Hada Flowers/IC 9000–0057, Evaluation of Export Offers.

Instructions: Please submit comments only and cite Information Collection 9000–0057, Evaluation of Export Offers, in all correspondence related to this collection. All comments received will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: Mr. Curtis E. Glover, Sr., Procurement Analyst, Office of Governmentwide Acquisition Policy, GSA, (202) 501–4082 or via email at *Curtis.glover@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

Offers submitted in response to Government solicitations must be evaluated and awards made on the basis of the lowest laid down cost to the Government at the overseas port of discharge, via methods and ports compatible with required delivery dates and conditions affecting transportation know at the time of evaluation. FAR provision 52.247–51, ''Evaluation of Export Offers,'' is required for insertion in Government solicitations when supplies are to be exported through Contiguous United States (CONUS) ports and offers are solicited on a free onboard (f.o.b.) origin or f.o.b. destination basis. The provision has three alternates, to be used (1) when the CONUS ports of export are DoD water terminals, (2) when offers are solicited on an f.o.b. origin only basis, and (3) when offers are solicited on an f.o.b. destination only basis. The provision collects information regarding the vendor's preference for delivery ports. The information is used to evaluate offers [on the basis of shipment through the port resulting in the lowest cost to the Government.

B. Annual Reporting Burden

Respondents: 100.
Responses per Respondent: 4.
Annual Responses: 400.
Hours per Response: 0.25.
Total Burden Hours: 100.

Obtaining Copies of Proposals

Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCB), 1275 First Street, NE., Washington, DC 20417, telephone (202) 501–4755. Please cite OMB Control No. 9000–0057, Evaluation of Export Offers in all correspondence.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Standard	2,590	16	41.80	1,732,192

Estimated Total Annual Burden Hours: 1,732,192.

In compliance with the requirements of Section 506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. Email address: *infocollection@acf.hhs.gov.* All requests should be identified by the title of the information collection.

The Department specifically requests comments 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) 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. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2012–27091 Filed 11–6–12; 8:45 am]

BILLING CODE 4184–01–P

Dated: October 31, 2012.

William Clark,

Acting Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2012–27238 Filed 11–6–12; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: Head Start Program Performance Standards.

OMB No.: 0970–0148.

Description: Head Start Program Performance Standards require Head Start and Early Head Start Programs and Delegate Agencies to maintain program records. The Administration for Children and Families, Office of Head Start, is proposing to renew, without changes, the authority to require certain record keeping in all programs as provided for in 45 CFR part 1304 Head Start Program Performance Standards. These standards prescribe the services that Head Start and Early Head Start programs provide to enrolled children and their families.

Respondents: Head Start and Early Head Start grantees and delegate agencies.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: Community Services Block Grant (CSBG) Program Model Plan Application.

OMB No.: 0970–0382.

Description: Sections 676 and 677 of the Community Services Block Grant Act require States, including the District of Columbia and the Commonwealth of Puerto Rico, Tribes, Tribal organizations and U.S. territories applying for Community Services Block Grant (CSBG) funds to submit an application and plan (Model Application Plan). The application plan must meet statutory requirements prior to being funded with CSBG funds. Applicants have the option to submit a detailed application annually or biannually. Entities that submit a biannual application must provide an abbreviated application the following year if substantial changes to the initial application will occur. OMB renewal is being sought.

Respondents: State Governments, including the District of Columbia and the Commonwealth of Puerto Rico, Tribal Governments, Tribal Organizations, and U.S. territories.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Model State CSBG Application	56	1	10	560
Model Indian Tribes & Tribal Organizations CSBG Application	30	1	10	300

Estimated Total Annual Burden Hours: 860.

In compliance with the requirements of Section 506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. Email address: *infocollection@acf.hhs.gov.* All requests should be identified by the title of the information collection.

The Department specifically requests comments 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) 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. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2012–27104 Filed 11–6–12; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: Head Start Grant Application and Budget Instruments.

OMB No.: 0970–0207.

Description: The Office of Head Start is proposing to renew, without changes, the Head Start Grant Application and Budget Instrument, which standardizes the grant application information that is requested from all Head Start and Early Head Start grantees applying for continuation grants. The application and budget forms are available in a password-protected, web-based system. Completed applications can be transmitted electronically to Regional and Central Offices. The Administration for Children and Families believes that this application form makes the process of applying for Head Start program grants more efficient for applicants.

Respondents: Head Start and Early Head Start grantees.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
HS grant and budget instrument	1,600	1	33	52,800

Estimated Total Annual Burden Hours: 52,800.

In compliance with the requirements of Section 506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. Email address:

infocollection@acf.hhs.gov. All requests should be identified by the title of the information collection.

The Department specifically requests comments 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) 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. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2012–27101 Filed 11–6–12; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2012–N–0001]

Circulatory System Devices Panel of the Medical Devices Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Circulatory System Devices Panel of the Medical Devices Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the Agency on FDA's regulatory issues.

Date and Time: The meeting will be held on December 5 and 6, 2012, from 8 a.m. to 6 p.m.

Location: Holiday Inn, Grand Ballroom, 2 Montgomery Village Ave., Gaithersburg, MD. The hotel phone number is 301–948–8900.

Contact Person: Jamie Waterhouse, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993 301–796–3063, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). 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. Therefore, you should always check the Agency's Web site at *http://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

Agenda: On December 5, 2012, during session I, the committee will discuss and make recommendations regarding the 515(i) order issued by FDA on April 9, 2009 [Docket No. FDA–2009–M–0101], for the external counter-pulsating (ECP) devices, one of the remaining pre-Amendment Class III devices. These systems typically consist of a treatment table, pressure cuffs and a controller. They are intended to provide noninvasive circulatory support by applying external pressure to the lower extremities during diastole to increase coronary perfusion pressure, and releasing external pressure during systole to reduce left ventricular workload.

On March 9, 1979 (44 FR 13426), FDA published a proposed rule for classification of ECP devices as class III requiring premarket approval. The Cardiovascular Device Classification Panel (the Panel) recommended class III because the device is life supporting and potentially hazardous to life or health even when used properly. In addition, the Panel believed that sufficient information did not exist to determine the adequacy of general controls or to establish standards to provide a reasonable assurance of the safety and effectiveness of the device. Subsequent to the proposed rule, in 1980, FDA classified external counter-pulsating devices into class III after receiving no comments on the proposed rule (45 FR 7966, February 5, 1980). In 1987, FDA published a clarification by inserting language in the codified language stating that no effective date had been established for the requirement for premarket approval for ECP devices (52 FR 17737, May 11, 1987).

The discussion at the panel meeting will involve making recommendations regarding regulatory classification to either reconfirm to class III (subject to premarket approval application [PMA]) or reclassify to class I or class II (subject to premarket notification [510(k)]), as directed by section 515(i) of the Federal Food, Drug and Cosmetic Act.

On December 5, 2012, during session II, the committee will discuss and make recommendations regarding the 515(i) order issued by FDA on April 9, 2009 [Docket No. FDA–2009–M–0101], for Intra-aortic balloon and control systems, one of the remaining pre-Amendment Class III devices. Intra-aortic balloon pump (IABP) systems consist of an inflatable balloon and a console which inflates in synchronization with the cardiac cycle. During diastole, the balloon will inflate, creating a rise in pressure in the aorta, thus increasing blood flow to the coronary arteries and increasing myocardial oxygen supply. During systole, deflation of the balloon causes a fall in pressure in the aorta, which assists the left ventricle by reducing the pressure that needs to be generated to achieve ejection through the aortic valve.

On March 9, 1979 (44 FR 13369), FDA published a proposed rule for classification of IABP devices as class III requiring premarket approval. The Panel recommended class III because the device is life supporting and because the Panel believed that insufficient medical and scientific information existed to establish a standard to assure the safety and effectiveness of the device. The Panel also stated that controversy exists as to whether the device is beneficial in many situations in which it is used, and that it is difficult to use the device safely and effectively. Subsequent to the proposed rule, in 1980, FDA classified IABP devices into class III after receiving no comments on the proposed rule (45 FR 7939, February 5, 1980). In 1987, FDA published a clarification by inserting language in the codified language stating that no effective date had been established for the requirement for premarket approval for IABP devices (52 FR 17736, May 11, 1987).

The discussion at the panel meeting will involve making recommendations regarding regulatory classification to either reconfirm to class III (subject to premarket approval application [PMA]) or reclassify to class I or class II (subject to premarket notification [510(k)]), as directed by section 515(i) of the Federal Food, Drug and Cosmetic Act.

On December 6, 2012, the committee will discuss and make recommendations regarding the 515(i) order issued by FDA on April 9, 2009 [Docket No. FDA–2009–M–0101], for Nonroller-type cardiopulmonary bypass blood pumps, one of the remaining pre-Amendment Class III devices. A nonroller-type cardiopulmonary bypass blood pump is a device that uses a method other than revolving rollers to pump blood. There are two types of

nonroller-type pumps which have been reviewed by the Agency: (1) Centrifugal type pumps utilize a rotor to impart energy to the blood in an extracorporeal circuit through centrifugal forces. These pumps are part of an extracorporeal circuit usually containing an oxygenator and are intended to provide cardiopulmonary support, during procedures such as cardiopulmonary bypass surgery, for periods lasting 6 hours or less. (2) Micro-axial type pumps are comprised of a pump motor, a cannula and a catheter that connects to a console. These pumps are not designed to be used with an oxygenator but are temporarily placed within the heart or vasculature to provide cardiac support only.

On March 9, 1979 (44 FR 13409), FDA published a proposed rule for classification of nonroller-type cardiopulmonary bypass blood pumps as class III requiring premarket approval. The Panel recommended class III because the device is life sustaining and life supporting and is potentially hazardous to life or health even when properly used. The Panel indicated that general controls alone would not provide sufficient control over the performance characteristics of the device, and that a performance standard would not provide reasonable assurance of the safety and effectiveness of the device and, moreover, that there was not sufficient information to establish a performance standard. Consequently, the Panel believed that premarket approval was necessary to assure the safety and effectiveness of the device. Subsequent to the proposed rule, in 1980, FDA classified nonroller-type cardiopulmonary bypass blood pumps into class III after receiving no comments on the proposed rule (45 FR 7959, February 5, 1980). In 1987, FDA published a clarification by inserting language in the codified language stating that no effective date had been established for the requirement for premarket approval for nonroller-type cardiopulmonary bypass blood pumps (52 FR 17737, May 11, 1987).

In 1993, FDA published a proposed rule requiring filing a PMA or Product Development Protocol (PDP) for nonroller type cardiopulmonary bypass blood pumps, and provided an opportunity to request a change in classification in the form of a reclassification petition (58 FR 36290, July 6, 1993). On July 21, 1993, FDA received a reclassification petition from manufacturers of these devices recommending reclassification to Class II (special controls). In 1995, FDA convened the Panel to review the proposed reclassification and proposed special controls for nonroller-type cardiopulmonary blood pumps for use in cardiopulmonary bypass circuits for periods of up to six hours. Micro-axial type pumps as described previously were not included in the scope of the reclassification. Reclassification to Class II with special controls was supported by the Panel for nonroller-type cardiopulmonary blood pumps for use in cardiopulmonary bypass circuits for periods of up to six hours, but FDA did not issue a regulation codifying the proposed reclassification. In 2004, the July 6, 1993 proposed rule (58 FR 36290) was withdrawn because the proposed rule was no longer considered a viable candidate for final action (69 FR 68831, November 26, 2004).

The discussion at the panel meeting will involve making recommendations regarding regulatory classification to either reconfirm to class III (subject to premarket approval application [PMA]) or reclassify to class I or class II (subject to premarket notification [510(k)]), as directed by section 515(i) of the Federal Food, Drug and Cosmetic Act.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's Web site after the meeting. Background material is available at *http://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the appropriate advisory committee meeting link.

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 November 26, 2012. Oral presentations from the public will be scheduled between approximately 9:30 a.m. and 10 a.m. for session I and between 2 p.m. and 2:30 p.m. for session II. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before November 13, 2012. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by November 14, 2012.

Persons attending FDA's advisory committee meetings are advised that the Agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact James Clark, Conference Management Staff, at *James.Clark@fda.hhs.gov* or 301–796–5293 at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at *http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: October 31, 2012.

Jill Hartzler Warner,

Acting Associate Commissioner for Special Medical Programs.

[FR Doc. 2012–27068 Filed 11–6–12; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2012–N–1075]

Minimum Clinically Important Difference: An Outcome Metric in Orthopaedic Device Science and Regulation; Public Workshop

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public workshop.

SUMMARY: The Food and Drug Administration (FDA) is announcing the following public workshop entitled ''Minimum Clinically Important Difference: An Outcome Metric in Orthopaedic Device Science and Regulation.'' FDA is co-sponsoring this public workshop together with the Board of Regents of the University System of Georgia by and on behalf of the Georgia Institute of Technology's Translational Research Institute for Biomedical Engineering and Science

(TRIBES). The purpose of this public workshop is to bring together a wide variety of stakeholders to discuss key topics relating to minimum clinically important difference (MCID) for patient-reported outcome (PRO) instruments used in orthopaedic extremity device-related procedures in order to streamline evidence-based scientific rationales for regulatory guidance of clinical trials and device study design.

Date and Time: The public workshop will be held on November 27, 2012, from 7:45 a.m. to 5:30 p.m., and on November 28, 2012, from 7:45 a.m. to 1 p.m.

Location: The public workshop will be held at FDA's White Oak Campus, 10903 New Hampshire Ave., Building 31 Conference Center, the Great Room (Rm. 1503), Silver Spring, MD 20993, on November 27, 2012 (Day 1), and Building 66, Atrium, on November 28, 2012 (Day 2). Entrance for the public workshop participants (non-FDA employees) is through Building 1 on Day 1 and Building 66 on Day 2, where routine security check procedures will be performed. For parking and security information, please refer to *http://www.fda.gov/AboutFDA/WorkingatFDA/BuildingsandFacilities/WhiteOakCampusInformation/ucm241740.htm.*

Contact Person: Faisal Mirza, Center for Devices and Radiological Health, Food and Drug Administration, Bldg. 66, Rm. 1558, 10903 New Hampshire Ave., Silver Spring, MD 20993, 301–796–6910 or 6311, FAX: 301–847–8117, email: *faisal.mirza@fda.hhs.gov.*

Registration: TRIBES will charge a registration fee for non-federal employees to cover its share of the expenses associated with the workshop. The registration fee is $230 for non-federal employees. Registration is available on a first-come, first-served basis. Persons interested in attending this public workshop must register online by November 13, 2012. Early registration is recommended because facilities are limited and, therefore, FDA may limit the number of participants from each organization. If time and space permits, onsite registration on Day 1 of the public workshop will be provided beginning at 6:45 a.m. The onsite registration fee is $275.

If you need special accommodations due to a disability, please contact Joyce Raines at 301–796–5709, email: *joyce.raines@fda.hhs.gov* no later than November 13, 2012.

To register for the public workshop, please visit the Georgia Institute of Technology's TRIBES Web site at *http://www.tribes.gatech.edu/mcid-conf-2012.* Registrants will receive confirmation after they have been accepted. You will be notified if you are on a waiting list.

For more information on the public workshop, please see FDA's Medical Devices News & Events—Workshops and Conferences calendar at *http://www.fda.gov/MedicalDevices/NewsEvents/WorkshopsConferences/default.htm.* (Select this public workshop from the posted events list.)

Streaming Webcast of the Public Workshop: This public workshop will also be available as a Webcast for registrants only. Persons interested in viewing the Webcast must register online by November 13, 2012. Early registration is recommended because Webcast connections are limited. Organizations are requested to register all participants, but to view using one connection per location. Webcast participants will be sent technical system requirements after registration and will be sent connection access information after November 13, 2012. If you have never attended a Connect Pro event before, test your connection at *https://collaboration.fda.gov/common/help/en/support/meeting_test.htm.* To get a quick overview of the Connect Pro program, please visit: *http://www.adobe.com/go/connectpro_overview.* (FDA has verified the Web site addresses in this document, but FDA is not responsible for any subsequent changes to the Web sites after this document publishes in the **Federal Register**.)

Transcripts: Please be advised that as soon as a transcript is available, it will be accessible at *http://www.regulations.gov.* It may be viewed at the Division of Dockets Management, Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. A transcript will also be available in either hardcopy or on CD–ROM, after submission of a Freedom of Information request. Written requests are to be sent to the Division of Freedom of Information (ELEM–1029), Food and Drug Administration, 12420 Parklawn Dr., Element Bldg., Rockville, MD 20857. A link to the transcripts will also be available approximately 45 days after the public workshop on the Internet at *http://www.fda.gov/MedicalDevices/NewsEvents/WorkshopsConferences/default.htm.* (Select this public workshop from the posted events list).

SUPPLEMENTARY INFORMATION:

I. Background

Evidence-based medicine guidelines advise the use of PRO instruments for assessing the successes of clinical treatment in practice and clinical investigations. However, the selection of a valid instrument and accurate estimation of its respective clinically meaningful differences remain challenging particularly with orthopaedic device-related procedures. The MCID approach has been proposed to overcome this problem for PRO instruments. There have been various methodological approaches to determine MCID for particular PRO instruments but consistency in the literature remains elusive in orthopaedics and, thus, is the focus of this workshop.

II. Topics for Discussion at the Public Workshop

Topics to be discussed at the public workshop include, but are not limited to:

1. Current high-quality validated PRO instruments used in orthopaedic extremity device-related procedures and published MCID values, if any, for the various PRO instruments.

2. The impact of variables such as gender, racial/ethnic diversity, age, body mass index, timeliness, patient expectations, and patient satisfaction on PRO response and how this affects MCID calculation within these diverse populations and particular target subgroups of interest.

3. Methodology for determining the MCID for validated PRO instruments in a consistent, reliable, and reproducible manner that is least cumbersome.

4. Current evidence on how the MCID, pertaining to a particular PRO instrument that is used in device-related orthopaedic extremity surgery, may affect patient outcomes and device regulation.

5. Potential standard metric by which to gauge patient outcomes across the spectrum of devices, target populations, and variables of interest, in order to streamline evidence-based scientific rationales for regulatory guidance of clinical trials and device study design.

Approximately 45 days after the workshop, presentation slides will be available at *http://www.fda.gov/MedicalDevices/NewsEvents/WorkshopsConferences/default.htm.* (Select this public workshop from the posted events list.)

Dated: November 1, 2012.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2012–27147 Filed 11–6–12; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2012–N–0001]

Public Workshop on Burkholderia: Exploring Current Issues and Identifying Regulatory Science Gaps

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public workshop.

SUMMARY: The Food and Drug Administration (FDA) is announcing the following meeting: ''Public Workshop on *Burkholderia:* Exploring Current Issues and Identifying Regulatory Science Gaps.'' An interagency planning committee led by FDA, in collaboration with the Defense Threat Reduction Agency; the National Institute of Allergy and Infectious Diseases, a component of the National Institutes of Health; the Centers for Disease Control and Prevention; the U.S. Army Medical Research Institute of Infectious Diseases; the Biomedical Advanced Research and Development Authority; the Chemical Biological Medical Systems Joint Project Management Office; the U.S. Strategic Command Center for Combating Weapons of Mass Destruction; and the Joint Science and Technology Office for Chemical and Biological Defense, developed this workshop to present the most current information on melioidosis (caused by *Burkholderia pseudomallei*) and glanders (caused by *B. mallei*), with the general purpose of building on information presented at previous meetings and identifying future areas of research needed to advance animal model development and to advance candidate medical countermeasures (MCMs) for approval, licensure, or clearance.

DATES: This public workshop will be held on Thursday, November 29, 2012, from 8 a.m. EST to 5 p.m. EST, and Friday, November 30, 2012, from 8 a.m. EST to 12 noon EST. Persons interested in attending the workshop in person or viewing via Webcast must register by Wednesday, November 21, 2012, at 5 p.m. EST.

ADDRESSES: The public workshop will be held at FDA White Oak Campus, 10903 New Hampshire Ave., Bldg. 31 Conference Center, the Great Room (Rm. 1503A), Silver Spring, MD 20993–0002. Information regarding special accommodations due to a disability, visitor parking, and transportation may be accessed at: *http://www.fda.gov/AdvisoryCommittees/default.htm;* under the heading ''Resources for You,'' click on ''Public Meetings at the FDA White Oak Campus.'' Please note that visitors to the White Oak Campus must enter through Building 1.

FOR FURTHER INFORMATION CONTACT: Pamela Chamberlain, Office of Counterterrorism and Emerging Threats, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 32, Rm. 4122, 301–796–2968, FAX: 301–847–8615, email: *Pamela.Chamberlain@fda.hhs.gov,* Web site: *http://www.fda.gov/medicalcountermeasures.*

SUPPLEMENTARY INFORMATION:

I. Background

B. pseudomallei is a gram-negative bacterial pathogen that causes melioidosis, a disease endemic in Southeast Asia and northern Australia. Melioidosis is historically associated with a high mortality rate due to the speed with which septicemia develops and the inherent resistance of the bacteria to several classes of antibiotics. For example, a 20-year prospective study of melioidosis in northern Australia found an overall mortality of 14 percent and a 50 percent mortality rate for patients with septic shock (Ref. 1). A 9-year prospective study of melioidosis in northeast Thailand found an overall mortality rate of 42.6 percent (Ref. 2). Prolonged courses of antibiotics are required to treat melioidosis (Ref. 3). Despite prolonged antimicrobial therapy, recurrent disease is common (at a rate of greater than or equal to 6 percent in the first year) (Refs. 1 and 4). In addition to the public health threat posed by naturally occurring infections, *B. pseudomallei* has been determined to pose a material threat sufficient to affect the United States' national security (Ref. 5).

B. mallei (formerly *Pseudomonas mallei*) is a gram-negative, bacterial pathogen that causes glanders and is primarily a zoonotic disease in Africa, Asia, the Middle East, and Central/South America. Natural glanders infections occur primarily in horses, donkeys, and mules, but most mammals have some degree of susceptibility. While human susceptibility to *B. mallei* infection has not been studied indepth, the organism is highly infectious in the laboratory setting. Prolonged antimicrobial therapy is required to treat *B. mallei* infection and prevent its relapse (Refs. 6 and 7). *B. mallei* has also been determined to pose a material threat sufficient to affect the United States' national security (Ref. 5).

Because of the lengthy antibiotic therapy required to treat melioidosis and glanders and the suboptimal clinical outcomes, lack of vaccines, possible biothreat applications, and public health implications, there is significant interest in developing new MCMs as well as improved animal models to evaluate candidate MCMs for these diseases. This public workshop was designed with specific goals that include, but are not limited to:

- Review of the current state of the knowledge of human melioidosis and glanders;
- Discussion of the availability of relevant animal models and their current state of development;
- Discussion of the availability, development, procurement, and stockpiling of relevant MCMs, including diagnostic tests; and
- Identification of the scientific and regulatory considerations associated with testing and development of MCMs for safe and effective treatment or prevention of these diseases.

II. How to Register

If you wish to attend the public workshop or view via Webcast, you must register at *http://www.fda.gov/medicalcountermeasures* by Wednesday, November 21, 2012, at 5 p.m. EST. When registering, you must provide the following information: (1) Your name, (2) title, (3) company or organization (if applicable), (4) mailing address, (5) phone number, and (6) email address.

There is no fee to register for the public meeting and registration will be on a first-come, first-served basis. Early registration is recommended because seating is limited.

If you need special accommodations due to a disability, please enter pertinent information in the ''Notes'' section of the electronic registration form when you register.

III. References

The following references have been placed on display in the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday, and are available electronically at *http://www.regulations.gov.* (FDA has verified the Web site addresses, but we are not responsible for any subsequent changes to the Web sites after this document publishes in the **Federal Register**.)

1. Currie B.J., L. Ward, and A.C. Cheng, ''The Epidemiology and Clinical Spectrum of Melioidosis: 540 Cases From the 20 Year Darwin Prospective Study,'' *Public Library of Science Neglected Tropical Diseases,* vol. 4(11):e900, 2010.

2. Limmathurotsakul D., S. Wongratanacheewin, N. Teerawattanasook, et al, ''Increasing Incidence of Human Melioidosis in Northeast Thailand,'' *American Journal of Tropical Medicine and Hygiene,* vol. 82(6), pp. 1113–1117, 2010.

3. Wiersinga W.J., B.J. Currie, and S.J. Peacock, ''Melioidosis,'' *The New England Journal of Medicine,* vol. 367(11), pp. 1035–1044, 2012.

4. Limmathurotsakul D., W. Chaowagul, W. Chierakul, et al., ''Risk Factors for Recurrent Melioidosis in Northeast Thailand,'' *Clinical Infectious Diseases,* vol. 43(8), pp. 979–986, 2006.

5. U.S. Department of Health and Human Services, ''2012 Public Health Emergency Medical Countermeasures Enterprise (PHEMCE) Strategy,'' (Washington, DC: U.S. Department of Health and Human Services, 2012), available at: *http://www.phe.gov/Preparedness/mcm/phemce/Documents/2012-PHEMCE-Strategy.pdf,* accessed October 16, 2012.

6. Srinivasan A., ''Glanders in a Military Research Microbiologist,'' *The New England Journal of Medicine,* vol. 345(4), pp. 256–258, 2001.

7. Gregory, B.C., and D.M. Waag, ''Glanders,'' in *Textbook of Military Medicine: Medical Aspects of Chemical and Biological Warfare* (Washington, DC: Office of the Surgeon General, 2007), available at: *https://ke.army.mil/bordeninstitute/published_volumes/biological_warfare/BW-ch06.pdf,* accessed October 16, 2012.

Dated: November 1, 2012.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2012–27146 Filed 11–6–12; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; Comment Request The Sister Study: A Prospective Study of the Genetic and Environmental Risk Factors for Breast Cancer

SUMMARY: Under the provisions of Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the National Institute of Environmental Health Sciences (NIEHS), the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below. This proposed information collection was previously published in the **Federal Register** on 15 August 2012 on page 48993 and allowed 60-days for public comment. 1 public comment was received. The purpose of this notice is to allow an additional 30 days for public comment.

5 CFR 1320.5 (General requirements) Reporting and Recordkeeping Requirements: Final Rule requires that the agency inform the 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. This information is required to be stated in the 30-day **Federal Register** Notice.

Proposed Collection: Title: The Sister Study: A Prospective Study of the Genetic and Environmental Risk Factors for Breast Cancer. *Type of Information Collection Request:* Revision. *Need and Use of Information Collection:* This is to continue the Phase II follow-up of the Sister Study — a study of genetic and environmental risk factors for the development of breast cancer in a high-risk cohort of sisters of women who have had breast cancer. The etiology of breast cancer is complex, with both genetic and environmental factors likely playing a role. Environmental risk factors, however, have been difficult to identify. By focusing on genetically susceptible subgroups, more precise estimates of the contribution of environmental and other non-genetic factors to disease risk may be possible. Sisters of women with breast cancer are one group at increased risk for breast cancer; we would expect at least 2 times as many breast cancers to accrue in a cohort of sisters as would accrue in a cohort identified through random sampling or other means. In addition, a cohort of sisters should be enriched with regard to the prevalence of relevant genes and/or exposures, further enhancing the ability to detect gene-environment interactions. Sisters of women with breast cancer will also be at increased risk for ovarian cancer and possibly for other hormonally-mediated diseases. From August 2003 through July 2009, we enrolled a cohort of 50,884 women who had not had breast cancer. We estimated that after the cohort was fully enrolled, approximately 300 new cases of breast cancer will be diagnosed during each year of follow-up. Thus far 1,634 participants have reported being diagnosed with breast cancer. *Frequency of Response:* For the remainder of the study, women will be contacted once each year (when not scheduled for ''triennial'') to update contact information and health status (10 minutes per response); and asked to complete short (75 minutes per response) follow-up interviews or questionnaires (''triennial'') every three years. Follow-up and validation of reported incident breast cancer and other health outcomes is conducted under Clinical Exemption CE 2009–09–004. *Affected Public:* Study participants, next-of-kin/proxies. *Type of Respondents:* Participants enrolled in high-risk cohort study of risk factors for breast cancer; next-of-kin/proxies. The annual reporting burden is as follows: *Estimated Number of Respondents:* 50,884 study participants or next-of-kin/proxies. *Estimated Number of Responses per Respondent:* See annualized table below:

ESTIMATED ANNUALIZED BURDEN HOURS

Activity	Estimated number of respondents	Estimated responses per respondent	Average burden hours per response	Estimated total burden hours requested
Annual Updates	33,923	1	10/60	5,654
Follow-Up II (triennial)	16,961	1	1.25	21,202
Total				26,856

Average Burden Hours Per Response: 42 minutes; and *Estimated Total Annual Burden Hours Requested:* 26,856. The estimated total annualized cost to respondents $537,120 (assuming $20 hourly wage × 26,856). There are no capital, operating, or maintenance costs.

Request For Comments: Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the

information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (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 those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Direct Comments To OMB: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the: Office of Management and Budget, Office of Regulatory Affairs, *OIRA_submission@omb.eop.gov* or by fax to 202–395–6974, Attention: Desk Officer for NIH. To request more information on the project or to obtain a copy of the data collection plans and instruments, contact Dr. Dale P. Sandler, Chief, Epidemiology Branch, NIEHS, Rall Building A3–05, P.O. Box 12233, Research Triangle Park, NC 27709, or call non-toll free number (919) 541–4668 or Email your request, including your address to: *sandler@niehs.nih.gov.*

Comments Due Date: Comments regarding this information collection are best assured of having their full effect if received within 30-days of the date of this publication.

Dated: October 25, 2012.

Joellen M. Austin,

Associate Director for Management.

[FR Doc. 2012–27237 Filed 11–6–12; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; Comment Request; Hazardous Waste Worker Training

AGENCY: National Institute of Environmental Health Sciences, Division of Extramural Research and Training, NIH, HHS.

SUMMARY: Under the provisions of Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the National Institute of Environmental Health Sciences (NIEHS), the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below. This proposed information collection was previously published in the **Federal Register** on May 14, 2012, pages 28395–28396 and allowed 60-days for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 days for public comment. The National Institutes of Health may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Proposed Collection: Title: Hazardous Waste Worker Training—42 CFR part 65. *Type of Information Collection Request:* Revision of OMB No. 0925–0348 and expiration date November 30, 2012. *Need and Use of Information Collection:* This request for OMB review and approval of the information collection is required by regulation 42 CFR part 65(a)(6). The National Institute of Environmental Health Sciences (NIEHS) was given major responsibility for initiating a worker safety and health training program under Section 126 of the Superfund Amendments and Reauthorization Act of 1986 (SARA) for hazardous waste workers and emergency responders. A network of non-profit organizations that are committed to protecting workers and their communities by delivering high-quality, peer-reviewed safety and health curricula to target populations of hazardous waste workers and emergency responders has been developed. In twenty-four years (FY 1987–2011), the NIEHS Worker Training program has successfully supported 20 primary grantees that have trained more than 2.7 million workers across the country and presented over 160,913 classroom and hands-on training courses, which have accounted for nearly 36 million contact hours of actual training. Generally, the grant will initially be for one year, and subsequent continuation awards are also for one year at a time. Grantees must submit a separate application to have the support continued for each subsequent year. Grantees are to provide information in accordance with S65.4 (a), (b), (c) and 65.6(a) on the nature, duration, and purpose of the training, selection criteria for trainees' qualifications and competency of the project director and staff, cooperative agreements in the case of joint applications, the adequacy of training plans and resources, including budget and curriculum, and response to meeting training criteria in OSHA's Hazardous Waste Operations and Emergency Response Regulations (29 CFR 1910.120). As a cooperative agreement, there are additional requirements for the progress report section of the application. Grantees are to provide their information in hard copy as well as enter information into the WETP Grantee Data Management System. The information collected is used by the Director through officers, employees, experts, and consultants to evaluate applications based on technical merit to determine whether to make awards. *Frequency of Response:* Biannual. *Affected Public:* Non-profit organizations. Public reporting burden for this collection of information is estimated to average 14 hours per year, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The annual reporting hour burden is as follows: number of respondents: 20; number of responses per respondent: 2; and annual hour burden per response: 560. The average time per response is 14 hours per year. The estimated hour burden for each respondent includes nine hours to create documents and five hours for support staff to compile the documents. The annualized cost to respondents is estimated at: $18,200.00.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Number of respondents	Frequency of response	Average time per response (in hours)	Total hour burden (in hours)
Grantees	20	2	14	560
Total	20	2	14	560

Request for Comments: Written comments and/or suggestions from the public and affected agencies should address one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (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 those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the: Office of Management and Budget, Office of Regulatory Affairs, *OIRA_submission@omb.eop.gov* or by fax to 202–395–6974, Attention: Desk Officer for NIH. To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact: Joseph T. Hughes, Jr., Director, Worker Education and Training Branch, Division of Extramural Research and Training, NIEHS, P.O. Box 12233, Research Triangle Park, NC 27709 or call non-toll-free number (919) 541–0217 or Email your request, including your address to *wetp@niehs.nih.gov*.

Comments Due Date: Comments regarding this information collection are best assured of having their full effect if received within 30-days of the date of this publication.

Dated: October 25, 2012.

Joellen M. Austin,

Associate Director for Management.

[FR Doc. 2012–27234 Filed 11–6–12; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Heart, Lung, and Blood Advisory Council, October 30, 2012, 08:00 a.m. to October 30, 2012, 05:00 p.m., National Institutes of Health, Building 31, 31 Center Drive, Bethesda, MD, 20892 which was published in the **Federal Register** on September 26, 2012, 2012–23628.

The meeting was postponed from October 30, 2012 to November 28, 2012 due to the October 30, 2012 Government closure. The open session is from 12:30–1:30 p.m., followed immediately by the closed session to review and evaluate grant applications.

Dated: November 1, 2012.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2012–27094 Filed 11–6–12; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Board of Scientific Counselors, NHLBI, October 29, 2012, 09:00 a.m. to October 29, 2012, 05:00 p.m., National Institutes of Health, Building 10, 10 Center Drive, Room B1D401, Bethesda, MD 20892 which was published in the **Federal Register** on September 20, 2012, 2012–23127.

The meeting was postponed from an October 29, 2012 in person meeting to a November 27, 2012 teleconference due to the October 29, 2012 Government closure. The meeting is closed to the public.

Dated: November 1, 2012.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2012–27095 Filed 11–6–12; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin 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 Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel; Multidisciplinary Clinical Research Centers.

Date: November 29–30, 2012.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Fishers Lane Conference Center, 5635 Fishers Lane, Terrace Level, Rockville, MD 20852.

Contact Person: Kan Ma, Ph.D., Scientific Review Officer, National Institute of Arthritis, Musculoskeletal, Scientific Review Branch, One Democracy Plaza Suite 800, Bethesda, MD 20892–4872, 301–451–4838, *mak2@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: October 31, 2012.

Carolyn A. Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2012–27093 Filed 11–6–12; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel Career Grants in the Environmental Health Sciences.

Date: November 29–30, 2012

Time: 8:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: NIEHS/National Institutes of Health, Building 4401, East Campus, 79 T.W. Alexander Drive, Research Triangle Park, NC 27709, (Virtual Meeting).

Contact Person: Sally Eckert-Tilotta, Ph.D., Scientific Review Administrator, Nat. Institute of Environmental Health Sciences, Office of Program Operations, Scientific Review Branch, P.O. Box 12233, Research Triangle Park, NC 27709, (919) 541–1446, *eckertt1@niehs.nih.gov.*

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel Exposure to Contaminants in the Generation R Study.

Date: November 29, 2012.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: NIEHS/National Institutes of Health, Building 4401, East Campus, 79 T.W. Alexander Drive, Research Triangle Park, NC 27709, (Telephone Conference Call).

Contact Person: RoseAnne M McGee, Associate Scientific Review Officer, Scientific Review Branch, Division of Extramural Research and Training, Nat. Institute of Environmental Health Sciences, P.O. Box 12233, MD EC–30, Research Triangle Park, NC 27709, (919) 541–0752, *mcgee1@niehs.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health, and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and, Education; 93.894, Resources and Manpower Development in the Environmental Health, Sciences; 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied, Toxicological Research and Testing, National Institutes of Health, HHS)

Dated: October 31, 2012.

Carolyn A. Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2012–27092 Filed 11–6–12; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood 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: Heart, Lung, and Blood Initial Review Group; Heart, Lung, and Blood Program Project Review Committee.

Date: November 30, 2012.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Conference Room 9112, Bethesda, MD 20892.

Contact Person: Jeffrey H. Hurst, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, National Institutes of Health, 6701 Rockledge Drive, Room 7208, Bethesda, MD 20892, 301–435–0303, *hurstj@nhlbi.nih.gov.*

(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: November 1, 2012.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2012–27096 Filed 11–6–12; 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 Member Conflict: Vascular and Hematology.

Date: December 3–4, 2012.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Ai-Ping Zou, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4118, MSC 7814, Bethesda, MD 20892, 301–435–1777, *zouai@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel Member Conflict: Stress, Nicotine and Reward.

Date: December 5, 2012.

Time: 8:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Michael Selmanoff, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3134, MSC 7844, Bethesda, MD 20892, 301–435–1119, mselmanoff@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel Member Conflict: Cardiovascular Sciences.

Date: December 5–6, 2012.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Bradley Nuss, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4142, MSC7814, Bethesda, MD 20892, 301–451–8754, *nussb@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel Dermatology and Rheumatology SEP.

Date: December 5, 2012.

Time: 2:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Aruna K Behera, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4211, MSC 7814, Bethesda, MD 20892, 301–435–6809, *beheraak@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel Member Conflict: Special Topics in Bioengineering and Drug Delivery.

Date: December 6, 2012.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: James J Li, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5148, MSC 7849, Bethesda, MD 20892, 301–806–8065, *lijames@csr.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: November 1, 2012.

Carolyn A. Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2012–27098 Filed 11–6–12; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Institute of Mental Health Special Emphasis Panel, October 30, 2012, 08:00 a.m. to October 30, 2012, 06:00 p.m., Melrose Hotel, 2430 Pennsylvania Ave. NW., Washington, DC 20037 which was published in the **Federal Register** on October 05, 2012, 77 FR 61011.

This meeting has been rescheduled due to severe weather in the Washington, DC area on October 30, 2012. The meeting will now be held as a teleconference and will take place on November 15, 2012, from 08:00 a.m. to 05:00 p.m. The meeting is closed to the public.

Dated: November 1, 2012.

Carolyn A. Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2012–27109 Filed 11–6–12; 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 contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, 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; NIDDK Life-Moms Phoenix Contract Review.

Date: December 4, 2012.

Time: 2:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Najma Begum, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 749, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–8894, *begumn@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: November 1, 2012.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2012–27100 Filed 11–6–12; 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; Gene Discover Related to Physical, Psychological, Pain and Therapy.

Date: November 13, 2012.

Time: 3:00 p.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: David J Remondini, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2210, MSC 7890, Bethesda, MD 20892, 301–435–1038, *remondid@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business Non-HIV Diagnostics, Food Safety, Sterilization/Disinfection and Bioremediation.

Date: November 15–16, 2012.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Courtyard Marriott, Chevy Chase, 5520 Wisconsin Avenue, Bethesda, MD 20815.

Contact Person: Gagan Pandya, Ph.D., Scientific Review Officer, National Institutes of Health, Center for Scientific Review, 6701 Rockledge Drive, RM 3200, MSC 7808, Bethesda, MD 20892, 301–435–1167, *pandyaga@mai.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(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: November 1, 2012.

Carolyn A. Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2012–27099 Filed 11–6–12; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel Translational Programs in Lung Diseases.

Date: November 27, 2012.

Time: 12:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Suite 7182, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Susan Wohler Sunnarborg, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National, Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7182, Bethesda, MD 20892, *sunnarborgsw@nhlbi.nih.gov.*

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel NHLBI Conference Grant Review.

Date: November 28–29, 2012.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Suite 7185, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Kristen Page, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7185, Bethesda, MD 20892, 301–435–0725, *kristen.page@nih.gov.*

(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: November 1, 2012.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2012–27097 Filed 11–6–12; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2012–0980]

Merchant Marine Personnel Advisory Committee: Intercessional Meeting AGENCY: Coast Guard, DHS

ACTION: Notice of Federal Advisory Committee Working Group Meeting.

SUMMARY: A working group of the Merchant Marine Personnel Advisory Committee (MERPAC) will meet to work on Task Statement 77 concerning the development of new performance measures which can be used to assess mariner competencies in the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, specifically Electro-Technical Officers and Electro-Technical Ratings. This meeting will be open to the public.

DATES: A MERPAC working group will meet on November 27 and November 28, 2012, from 8 a.m. until 5 p.m. Please note that the meeting may adjourn early if all business is finished. Written comments to be distributed to working group members and placed on MERPAC's Web site are due by November 20, 2012.

ADDRESSES: The working group will meet in Room 5–1224 of Coast Guard Headquarters, 2100 Second Ave. SW., Washington, DC. Attendees will be required to provide a picture identification card and pass through a magnetometer in order to gain admittance to the U.S. Coast Guard Headquarters Building. Visitors should also arrive at least 30 minutes in advance of the meeting in case of long lines at the entrance.

For information on facilities or services for individuals with disabilities or to request special assistance, contact Mr. Rogers Henderson at 202–372–1408 or *rogers.w.henderson@uscg.mil.*

To facilitate public participation, we are inviting public comment on the issues to be considered by the work group, which are listed in the ''Agenda'' section below. Written comments must be identified by Docket No. USCG–2012–0980 and may be submitted by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments (preferred method to avoid delays in processing).
- *Fax:* 202–493–2251.
- *Mail:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.
- *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays. The telephone number is 202–366–9329.

Instructions: All submissions received must include the words ''Department of Homeland Security'' and the docket number for this action. Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided. You may review a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

Docket: For access to the docket to read documents or comments related to this notice, go to *http://www.regulations.gov.*

This notice may be viewed in our online docket, USCG–2012–0980, at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Mr. Rogers Henderson, Alternate Designated Federal Officer of MERPAC, telephone 202–372–1408. If you have any questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

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

MERPAC is an advisory committee established under the Secretary's authority in section 871 of the Homeland Security Act of 2002, Title 6, United States Code, section 451, and chartered under the provisions of the FACA. The Committee acts solely in an advisory capacity to the Secretary of the Department of Homeland Security (DHS) through the Commandant of the Coast Guard and the Director of Commercial Regulations and Standards on matters relating to personnel in the U.S. merchant marine, including but not limited to training, qualifications, certification, documentation, and fitness standards. The Committee advises, consults with, and makes recommendations reflecting its independent judgment to the Secretary.

Agenda

Day 1

The agenda for the November 27, 2012, working group meeting is as follows:

(1) Develop new performance measures which can be used to assess mariner competencies listed in the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978 as amended, specifically Electro-Technical Officers and Electro-Technical Ratings;

(2) Public comment period;

(3) Discuss and prepare proposed recommendations for the full committee to consider with regards to Task Statement 77, concerning the development of new performance measures which can be used to assess mariner competencies in the STCW, specifically for Electro-Technical Officers and Electro-Technical Ratings.

Day 2

The agenda for the November 28, 2012, working group meeting is as follows:

(1) Continue discussion on proposed recommendations;

(2) Public comment period;

(3) Discuss and prepare final recommendations for the full committee to consider with regards to Task Statement 77, concerning the development of new performance

measures which can be used to assess mariner competencies in the STCW, specifically for Electro-Technical Officers and Electro-Technical Ratings; and

(4) Adjournment of meeting.

Procedural: A copy of all meeting documentation, including the Task Statement, is available at *https://homeport.uscg.mil* by using these key strokes: Missions; Port and Waterways Safety; Advisory Committees; MERPAC; and then use the event key. Alternatively, you may contact Mr. Henderson as noted in the **ADDRESSES** section above.

Public oral comment periods will be held during the working group meeting. Speakers are requested to limit their comments to 3 minutes. Please note that the public oral comment periods may end before the prescribed ending time indicated following the last call for comments. Contact Rogers Henderson as indicated above to register as a speaker.

Dated: November 2, 2012.

F. J. Sturm,

Acting Director of Commercial Regulations and Standards.

[FR Doc. 2012–27249 Filed 11–6–12; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2012–0981]

Merchant Marine Personnel Advisory Committee: Intercessional Meeting

AGENCY: Coast Guard, DHS.

ACTION: Notice of Federal Advisory Committee Working Group Meeting.

SUMMARY: A working group of the Merchant Marine Personnel Advisory Committee (MERPAC) will meet to work on Task Statement 71 concerning review of the Knowledge, Understanding and Proficiency (KUP) tables for deck and engineer officers listed in the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 as amended, for alignment with the Coast Guard examination topic tables. This meeting will be open to the public.

DATES: A MERPAC working group will meet on December 5, 2012, and December 6, 2012, from 8 a.m. until 4 p.m. Please note that the meeting may adjourn early if all business is finished. Written comments to be distributed to working group members and placed on MERPAC's Web site are due by November 26, 2012.

ADDRESSES: The working group will meet at the Jemal Building, U.S. Coast Guard Headquarters, Room 09–1419, 1900 Half Street, Washington, DC, 20593. Attendees will be required to provide a picture identification card and pass through a magnetometer in order to gain admittance to the Jemal Building. Visitors should also arrive at least 30 minutes in advance of the meeting in case of long lines at the entrance.

For further information about the Coast Guard facilities or services for individuals with disabilities or to request special assistance, contact Mr. Rogers Henderson at (202) 372–1408 or *rogers.w.henderson@uscg.mil.*

To facilitate public participation, we are inviting public comment on the issues to be considered by the work group, which are listed in the ''Agenda'' section below. Written comments must be identified by Docket No. USCG–2012–0981 and may be submitted by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments (preferred method to avoid delays in processing).
- *Fax:* 202–493–2251.
- *Mail:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.
- *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays. The telephone number is 202–366–9329.

Instructions: All submissions received must include the words ''Department of Homeland Security'' and the docket number for this action. Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided. You may review a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

Docket: For access to the docket to read documents or comments related to this notice, go to *http://www.regulations.gov.*

This notice may be viewed in our online docket, USCG–2012–0981, at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Mr. Rogers Henderson, Alternate Designated Federal Officer of MERPAC, telephone 202–372–1408. If you have any questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

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

MERPAC is an advisory committee authorized under section 871 of the Homeland Security Act of 2002, Title 6, United States Code, section 451, and chartered under the provisions of the FACA. The Committee acts solely in an advisory capacity to the Secretary of the Department of Homeland Security (DHS) through the Commandant of the Coast Guard and the Director of Commercial Regulations and Standards on matters relating to personnel in the U.S. merchant marine, including but not limited to training, qualifications, certification, documentation, and fitness standards. The Committee advises, consults with, and makes recommendations reflecting its independent judgment to the Secretary.

Agenda

Day 1

The agenda for the December 05, 2012, working group meeting is as follows:

(1) Review the knowledge, understanding and proficiency (KUP) guidelines for operational level deck and engineer officers listed in the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 as amended (STCW), and submit recommendations and comments as to which of these are not covered by the examination topics found in the subject lists for deck and engine officer examinations, found in Title 46 Code of Federal Regulations § 11.910 and Table 11.950;

(2) Public comment period;

(3) Discuss and prepare proposed recommendations for the full committee to consider with regards to Task Statement 71, concerning review of the ''STCW Code Knowledge, Understanding and Proficiency tables for alignment with the Coast Guard examination topic tables''; and

(4) Adjournment of meeting.

Day 2

The agenda for the December 06, 2012, working group meeting is as follows:

(1) Continue discussion on proposed recommendations;

(2) Public comment period;

(3) Discuss and prepare final recommendations for the full committee to consider with regards to Task Statement 71, concerning review of the ''STCW Code Knowledge, Understanding and Proficiency tables

for alignment with the Coast Guard examination topic tables''; and

(4) Adjournment of meeting.

Procedural: A copy of all meeting documentation, including the Task Statement, is available at *https://homeport.uscg.mil* by using these key strokes: Missions; Port and Waterways Safety; Advisory Committees; MERPAC; and then use the event key. Alternatively, you may contact Mr. Henderson as noted in the **ADDRESSES** section above.

Public oral comment periods will be held during the working group meeting. Speakers are requested to limit their comments to 3 minutes. Please note that the public oral comment periods may end before the prescribed ending time following the last call for comments. Contact Rogers Henderson as indicated above to register as a speaker.

Dated: November 2, 2012.

F. J. Sturm,

Acting Director of Commercial Regulations and Standards.

[FR Doc. 2012–27250 Filed 11–6–12; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2012–0020; OMB No. 1660–0009]

Agency Information Collection Activities: Submission for OMB Review; Comment Request, The Declaration Process: Requests for Preliminary Damage Assessment (PDA), Requests for Supplemental Federal Disaster Assistance, Appeals, and Requests for Cost Share Adjustments

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: The Federal Emergency Management Agency (FEMA) will submit the information collection abstracted below to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995. The submission will describe the nature of the information collection, the categories of respondents, the estimated burden (i.e., the time, effort and resources used by respondents to respond) and cost, and the actual data collection instruments FEMA will use.

DATES: Comments must be submitted on or before December 7, 2012.

ADDRESSES: Submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the Desk Officer for the Department of Homeland Security, Federal Emergency Management Agency, and sent via electronic mail to *oira.submission@omb.eop.gov* or faxed to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Director, Records Management Division, 1800 South Bell Street, Arlington, VA 20598–3005, facsimile number (202) 646–3347, or email address *FEMA-Information-Collections-Management@dhs.gov.*

SUPPLEMENTARY INFORMATION:

Collection of Information

Title: The Declaration Process: Requests for Preliminary Damage Assessment (PDA), Requests for Supplemental Federal Disaster Assistance, Appeals, and Requests for Cost Share Adjustments.

Type of information collection: Extension, without change, of a currently approved information collection.

OMB Number: 1660–0009.

Form Titles and Numbers: FEMA Form 010–0–13, Request for Presidential Disaster Declaration Major Disaster or Emergency.

Abstract: When a disaster occurs in a State, the Governor of the State or the Acting Governor in his/her absence, may request a major disaster declaration or an emergency declaration. The Governor should submit the request to the President through the appropriate Regional Administrator to ensure prompt acknowledgement and processing. The information obtained by joint Federal, State, and local preliminary damage assessments will be analyzed by FEMA regional senior level staff. The regional summary and the regional analysis and recommendation will include a discussion of State and local resources and capabilities, and other assistance available to meet the disaster related needs. The Administrator of FEMA provides a recommendation to the President and also provides a copy of the Governor's request. In the event the information required by law is not contained in the request, the Governor's request cannot be processed and forwarded to the White House. In the event the Governor's request for a major disaster declaration or an emergency declaration is not granted, the Governor may appeal the decision.

Affected Public: State, local or Tribal Government.

Estimated Number of Respondents: 56.

Estimated Total Annual Burden Hours: 11,088 hours.

Estimated Cost: The estimated annual cost to respondents for the hour burden is $469,859.04. There are no annual costs to respondents operations and maintenance costs for technical services. There is no annual start-up or capital costs. The cost to the Federal Government previously reported in the 60-day **Federal Register** Notice (77 FR 47083, Aug. 7, 2012) has been changed to $2,952,532.52 to include the cost for the Preliminary Damage Assessments (PDA) for Individual Assistance.

Dated: October 26, 2012.

Charlene D. Myrthil,

Director, Records Management Division, Mission Support Bureau, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2012–27163 Filed 11–6–12; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–3350–EM; Docket ID FEMA–2012–0002]

Massachusetts; Amendment No. 1 to Notice of an Emergency Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency declaration for the Commonwealth of Massachusetts (FEMA–3350–EM), dated October 28, 2012, and related determinations.

DATES: *Effective Date:* October 31, 2012.

FOR FURTHER INFORMATION CONTACT: Peggy Miller, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–3886.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, James N. Russo, of FEMA is appointed to act as the Federal Coordinating Officer for this emergency.

This action terminates the appointment of Justo Hernández as Federal Coordinating Officer for this emergency.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2012–27256 Filed 11–6–12; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4084–DR; Docket ID FEMA–2012–0002]

Florida; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Florida (FEMA–4084–DR), dated October 18, 2012, and related determinations.

DATES: *Effective Date:* October 18, 2012.

FOR FURTHER INFORMATION CONTACT: Peggy Miller, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–3886.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated October 18, 2012, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of Florida resulting from Hurricane Isaac during the period of August 27–29, 2012, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 et seq. (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of Florida.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance is supplemental, any Federal funds provided under the Stafford Act for Public Assistance and Hazard Mitigation will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Gracia B. Szczech, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Florida have been designated as adversely affected by this major disaster:

Bay, Collier, Escambia, Franklin, Gulf, Martin, Monroe, Okaloosa, Palm Beach, St. Lucie, and Santa Rosa Counties for Public Assistance.

All counties within the State of Florida are eligible to apply for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2012–27277 Filed 11–6–12; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4069–DR; Docket ID FEMA–2011–0001]

Minnesota; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for State of Minnesota (FEMA–4069–DR), dated July 6, 2012, and related determinations.

DATES: *Effective Date:* October 31, 2012.

FOR FURTHER INFORMATION CONTACT: Peggy Miller, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–3886.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Kari Suzann Cowie, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Mark A. Neveau as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2012–27257 Filed 11–6–12; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4086–DR; Docket ID FEMA–2012–0002]

New Jersey; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of New Jersey (FEMA–4086–DR), dated October 30, 2012, and related determinations.

DATES: *Effective Date:* November 1, 2012.

FOR FURTHER INFORMATION CONTACT: Peggy Miller, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–3886.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of New Jersey is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of October 30, 2012.

Bergen and Somerset Counties for Individual Assistance and debris removal and emergency protective measures (Categories A and B), including direct federal assistance, under the Public Assistance program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2012–27271 Filed 11–6–12; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4087–DR: Docket ID FEMA–2011–0001]

Connecticut; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Connecticut (FEMA–4087–DR), dated October 30, 2012, and related determinations.

DATES: *Effective Date:* November 1, 2012.

FOR FURTHER INFORMATION CONTACT: Peggy Miller, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–3886.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, on October 31, 2012, the President amended the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I authorize a one hundred percent (100%) Federal cost share for ten days for emergency power restoration assistance and emergency public transportation assistance, including direct Federal assistance, for those areas within counties designated for Public Assistance. I authorize this cost-share adjustment beginning October 30, 2012 through November 9, 2012.

This adjustment to State and local cost sharing applies only to Public Assistance costs for emergency power restoration assistance and emergency public transportation assistance, including direct Federal assistance. All other Public Assistance costs will continue to be reimbursed at 75 percent of total eligible costs. The law specifically prohibits a similar adjustment for funds provided to States for Other Needs Assistance (Section 408) and the Hazard Mitigation Grant Program (Section 404). These funds will continue to be reimbursed at 75 percent of total eligible costs.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2012–27275 Filed 11–6–12; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4077–DR; Docket ID FEMA–2012–0002]

Ohio; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for State of Ohio (FEMA–4077–DR), dated August 20, 2012, and related determinations.

DATES: *Effective Date:* October 26, 2012.

FOR FURTHER INFORMATION CONTACT: Peggy Miller, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–3886.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Warren J. Riley, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of W. Michael Moore as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036,

Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2012–27280 Filed 11–6–12; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4071–DR; Docket ID FEMA–2012–0002]

West Virginia; Amendment No. 4 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of West Virginia (FEMA–4071–DR), dated July 23, 2012, and related determinations.

DATES: *Effective Date:* October 22, 2012.

FOR FURTHER INFORMATION CONTACT: Peggy Miller, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–3886.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of West Virginia is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of July 23, 2012.

Boone, Cabell, Clay, Greenbrier, Jackson, Lincoln, Mason, McDowell, Mercer, Mingo, Monroe, Pocahontas, Roane, Tyler, Webster, and Wood Counties Individual Assistance (already designated for Public Assistance).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2012–27278 Filed 11–6–12; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4080–DR; Docket ID FEMA–2012–0002]

Louisiana; Amendment No. 15 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for State of Louisiana (FEMA–4080–DR), dated August 29, 2012, and related determinations.

DATES: *Effective Date:* October 12, 2012.

FOR FURTHER INFORMATION CONTACT: Peggy Miller, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–3886.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Gerard M. Stolar, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Michael J. Hall as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2012–27276 Filed 11–6–12; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4086–DR; Docket ID FEMA–2011–0001]

New Jersey; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of New Jersey (FEMA–4086–DR), dated October 30, 2012, and related determinations.

DATES: *Effective Date:* November 1, 2012.

FOR FURTHER INFORMATION CONTACT: Peggy Miller, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–3886.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, on October 31, 2012, the President amended the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I authorize a one hundred percent (100%) Federal cost share for ten days for emergency power restoration assistance and emergency public transportation assistance, including direct Federal assistance, for those areas within counties designated for Public Assistance. I authorize this cost-share adjustment beginning October 30, 2012 through November 9, 2012.

This adjustment to State and local cost sharing applies only to Public Assistance costs for emergency power restoration assistance and emergency public transportation assistance, including direct Federal assistance. All other Public Assistance costs will continue to be reimbursed at 75 percent of total eligible costs. The law specifically prohibits a similar adjustment for funds provided to States for Other Needs Assistance (Section 408) and the Hazard Mitigation Grant Program (Section 404). These funds will continue to be reimbursed at 75 percent of total eligible costs.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used

for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2012–27273 Filed 11–6–12; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4085–DR; Docket ID FEMA–2011–0001]

New York; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of New York (FEMA–4085–DR), dated October 30, 2012, and related determinations.

DATES: *Effective Date:* November 1, 2012.

FOR FURTHER INFORMATION CONTACT: Peggy Miller, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–3886.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, on October 31, 2012, the President amended the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I authorize a one hundred percent (100%) Federal cost share for ten days for emergency power restoration assistance and emergency public transportation assistance, including direct Federal assistance, for those areas within counties designated for Public Assistance. I authorize this cost-share adjustment beginning October 30, 2012 through November 9, 2012.

This adjustment to State and local cost sharing applies only to Public Assistance costs for emergency power restoration assistance and emergency public transportation assistance, including direct Federal assistance. All other Public Assistance costs will continue to be reimbursed at 75 percent of total eligible costs. The law specifically prohibits a similar adjustment for funds provided to States for Other Needs Assistance (Section 408) and the Hazard Mitigation Grant Program (Section 404). These funds will continue to be reimbursed at 75 percent of total eligible costs.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2012–27269 Filed 11–6–12; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

United States Immigration and Customs Enforcement

Agency Information Collection Activities: Extension, Without Change, of an Existing Information Collection; Comment Request

ACTION: 30-Day Notice of Information Collection for Review; File No. I–395, Affidavit in Lieu of Lost Receipt of United States ICE for Collateral Accepted as Security; OMB Control No. 1653–0045.

The Department of Homeland Security, U.S. Immigration and Customs Enforcement (ICE), will submit the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection is published to obtain comments from the public and affected agencies. The information collection was previously published in the **Federal Register** on August 20, 2012, Vol. 77 No. 20301 allowing for a 60 day comment period. No comments were received during this period. The purpose of this notice is to allow an additional 30 days for public comments.

Written comments and suggestions from the public and affected agencies regarding items contained in this notice and especially with regard to the estimated public burden and associated response time should be directed to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to OMB Desk Officer, for United States Immigration and Customs Enforcement, Department of Homeland Security, and sent via electronic mail to *oirasubmission@omb.eop.gov* or faxed to (202) 395–5806.

Comments are encouraged and will be accepted for thirty days until [insert date 30 days after date of publication in the **Federal Register**.] Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(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 agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to becollected; and

(4) 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, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension, without change, of a currently approved information collection.

(2) *Title of the Form/Collection:* Affidavit in Lieu of Lost Receipt of United States ICE for Collateral Accepted as Security.

(3) *Agency form number, if any and the applicable component of the Department of Homeland Security sponsoring the collection:* (No. Form I–395); U.S. Immigration and Customs Enforcement.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individual or

Households. When an individual posts an Immigration Bond in the form of cash, cashier's check, certified check or money order, he or she is issued a Receipt of Immigration Officer—U.S. Bonds or Cash, Accepted as Security on the Immigration Bond (Form I–305). If the I–305 is lost the individual is permitted to complete the I–395 stating the reason for the loss of the original I–305.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 12,500 responses at 30 minutes (.50 hours) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 6,250 annual burden hours. Comments and/or questions; requests for a copy of the proposed information collection instrument, with instructions; or inquiries for additional information should be directed to: Scott Elmore, Forms Manager, U.S. Immigration and Customs Enforcement, 801 I Street NW., Stop 5800, Washington, DC 20536; (202) 732–2601.

Dated: November 2, 2012.

Scott Elmore,

Forms Manager, U.S. Immigration and Customs Enforcement, Department of Homeland Security.

[FR Doc. 2012–27077 Filed 11–6–12; 8:45 am]

BILLING CODE 9111–28–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5603–N–80]

Notice of Submission of Proposed Information Collection to OMB Electronic Stakeholder Survey—Office for International and Philanthropic Innovation

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 Electronic Stakeholder Survey is necessary to collect information for demonstrating the outputs and outcomes of meetings, conferences, and other activities presented by HUD's Office for International and Philanthropic Innovation (IPI). The Office for International and Philanthropic Innovation (IPI) supports HUD's efforts to find new solutions and align ideas and resources by working across public, private, and civil sectors to further HUD's mission. IPI works towards these goals by developing networks and facilitating collaboration of key partners and resources. To gather feedback on the various meetings, conferences, and other events and activities IPI presents, it is necessary to survey participants at both immediate and medium-term intervals. IPI is seeking to understand the effectiveness of these events in sharing information, connecting participants, establishing plans for coordination, and influencing programmatic, research, and funding agendas and resources. As we increase the effectiveness of these cross-sector convenings, HUD benefits from increased access to and synthesis of information regarding successes and failures in domestic and global housing and urban development. Residents and communities across the country also benefit from the increased impact achieved by alignment of cross-sector resources and ideas.

DATES: *Comments Due Date:* December 7, 2012.

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-New) and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806. Email: *OIRA_Submission@omb.eop.gov* fax: 202–395–5806.

FOR FURTHER INFORMATION CONTACT: Colette Pollard., Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410; email 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 Proposed: Electronic Stakeholder Survey-Office for International and Philanthropic Innovation.

OMB Approval Number: 2528–New.

Form Numbers: None.

Description of the need for the information and proposed use:

The Electronic Stakeholder Survey is necessary to collect information for demonstrating the outputs and outcomes of meetings, conferences, and other activities presented by HUD's Office for International and Philanthropic Innovation (IPI). The Office for International and Philanthropic Innovation (IPI) supports HUD's efforts to find new solutions and align ideas and resources by working across public, private, and civil sectors to further HUD's mission. IPI works towards these goals by developing networks and facilitating collaboration of key partners and resources. To gather feedback on the various meetings, conferences, and other events and activities IPI presents, it is necessary to survey participants at both immediate and medium-term intervals. IPI is seeking to understand the effectiveness of these events in sharing information, connecting participants, establishing plans for coordination, and influencing programmatic, research, and funding agendas and resources. As we increase the effectiveness of these cross-sector convenings, HUD benefits from increased access to and synthesis of information regarding successes and failures in domestic and global housing and urban development. Residents and communities across the country also benefit from the increased impact achieved by alignment of cross-sector resources and ideas.

	Number of respondents	Annual responses	×	Hours per response	=	Burden hours
Reporting Burden	300	2		0.166		100

Total estimated burden hours: 100.
Status: New collection.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: November 1, 2012.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2012–27184 Filed 11–6–12; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5671–D–01]

Delegation of Concurrent Authority to the Deputy Secretary

AGENCY: Office of the Secretary, HUD.

ACTION: Notice of delegation of concurrent authority.

SUMMARY: The Secretary of the Department of Housing and Urban Development, delegates to the Deputy Secretary concurrent authority, vested in or delegated or assigned to the Secretary of Housing and Urban Development, with the exception of the power to sue and be sued.

DATES: *Effective Date:* November 2, 2012.

FOR FURTHER INFORMATION CONTACT: Lawrence D. Reynolds, Assistant General Counsel for Administrative Law, Office of General Counsel, Department of Housing and Urban Development, Room 9262, 451 7th Street SW., Washington, DC 20410, telephone number 202–402–3502. (This is not a toll-free number.) Individuals with speech or hearing impairments may access this number through TTY by calling 1–800–877–8339.

SUPPLEMENTARY INFORMATION: Under Section 7(d) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(d)), the Secretary may delegate any of the Secretary's functions, powers and duties to such officers and employees of the Department as the Secretary may designate, and may authorize successive redelegations of such functions, powers and duties as determined to be necessary or appropriate. In the delegation of authority published today, the Secretary is delegating to the Deputy Secretary of Housing and Urban Development all the power and authority vested in or delegated or assigned to the Secretary of Housing and Urban Development to be exercised concurrently with the Secretary, with the exception of the power to sue and be sued.

Accordingly, the Secretary delegates as follows:

Section A. Authority Delegated

The Deputy Secretary of Housing and Urban Development is hereby authorized, concurrently with the Secretary, to exercise all the power and authority vested in or delegated or assigned to the Secretary of Housing and Urban Development, including the authority to redelegate to the employees of HUD any of the authority delegated under this section.

Section B. Authority Excepted

There is excepted from the authority delegated under Section A., above, the authority to sue and be sued.

Section C. Authority Superseded

This delegation supersedes all previous delegations from the Secretary of Housing and Urban Development to the Deputy Secretary of Housing and Urban Development.

Authority: Section 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Dated: November 2, 2012.

Shaun Donovan,

Secretary of Housing and Urban Development.

[FR Doc. 2012–27182 Filed 11–6–12; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–PWR–KAHO–11254; 8320–SZM]

Notice of November 15, 2012, Meeting for Na Hoa Pili O Kaloko-Honokohau National Historical Park Advisory Commission Meeting

AGENCY: National Park Service, Interior.

ACTION: Meeting notice.

SUMMARY: This notice sets forth the date of the November 15, 2012, meeting of the Na Hoa Pili O Kaloko-Honokohau National Historical Park Advisory Commission.

DATES: The public meeting of the Advisory Commission will be held on Thursday, November 15, 2012, at 11:00 a.m. (Hawaii Standard Time).

Location: The meeting will be held at the Kaloko-Honokohau National Historical Park Kaloko Picnic Area, north of Honokohau Harbor, Kailua Kona, HI 96740.

Agenda

The November 15, 2012, Commission meeting will consist of the following:

1. Approval of Agenda.
2. Overview of the Advisory Commission.
3. Overview of the Spirit of Kaloko-Honokohau Report.
4. Chairman's Report.
5. Superintendent's Report.
6. Review of Interpretive Programs.
7. Public Comments.
8. Site Visit to Kaloko Kuapa.

FOR FURTHER INFORMATION CONTACT: Further information concerning this meeting may be obtained from the Superintendent Kathleen Billings, Kaloko-Honkohau National Historical Park, 73–4786 Kanalani Street, #14, Kailua Kona, HI 96740, telephone (808) 329–6881.

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, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: October 17, 2012.

Kathleen J. Billings,

Superintendent, Kaloko-Honokohau National Historical Park.

[FR Doc. 2012–27164 Filed 11–6–12; 8:45 am]

BILLING CODE 4312–FF–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–11495; 2200–3200–665]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

Nominations for the following properties being considered for listing or related actions in the National Register were received by the National Park Service before October 6, 2012. Pursuant to section 60.13 of 36 CFR part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation. Comments may be forwarded by United States Postal Service, to the National Register of Historic Places, National Park Service, 1849 C St. NW., MS 2280, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service,1201 Eye St. NW., 8th floor, Washington, DC 20005; or by fax, 202–371–6447. Written or faxed comments should be submitted by November 23, 2012. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: October 12, 2012.

Robie Lange,

Acting Chief, National Register of Historic Places/National Historic Landmarks Program.

IOWA

Benton County

Central Vinton Residential Historic District, Roughly bounded by 2nd & D Aves., W. 13th & W. 6th Sts., Vinton, 12000948

MASSACHUSETTS

Middlesex County

Peacock Farm Historic District, (Mid-Century Modern Houses of Lexington, Massachusetts MPS) 1–6 Compton Cir., 1–5 Mason St., 2–53 Peacock Farm Rd., 4–17 Trotting Horse Dr., Lexington, 12000949

MISSOURI

St. Louis Independent city

Tillie's Corner, 1351 & 1353 N. Garrison Ave., St. Louis (Independent City), 12000950

NEW JERSEY

Essex County

Newark Penn Station and Dock Bridge (Boundary Increase), Raymond Plaza West, Newark, 12000951

NEW YORK

Cayuga County

Cottage Farm, 14475 Richmond Ave., Fair Haven, 12000952

Chemung County

Riverside Cemetery, Cty. Rd. 60, Lowman, 12000953

Essex County

Cure Cottage at 43 Forest Hill Avenue, (Saranac Lake MPS) 43 Forest Hill Ave., Saranac Lake, 12000954

Jefferson County

Grenadier Island Schoolhouse, Grenadier Island Rd. 3, Grenadier Island, 12000955

Lewis County

Lewis, Harry and Molly, House, 9520 E. Main St., Beaver Falls, 12000956

Niagara County

Dick Block, The, 62 Webster St., North Tonawanda, 12000957

Orange County

Union Chapel, Shore Rd., Cornwall-on-Hudson, 12000958

Rensselaer County

Oakwood Avenue Presbyterian Church, 313 10th St., Troy, 12000959

Schuyler County

St. James Episcopal Church, 112 6th St., Watkins Glen, 12000960

Ulster County

Shady Brook Farm, 351 Old Post Rd., Marlboro, 12000961

Wyoming County

Exchange Street Historic District, 15–48 Exchange St. & Erie RR Depot, Attica, 12000962

Warsaw Downtown Historic District, N. & S. Main between Frank & Brooklyn Sts., Warsaw, 12000963

OREGON

Wallowa County

Wallowa County Chieftain Building, (Downtown Enterprise MPS) 106 NW. 1st St., Enterprise, 12000964

SOUTH CAROLINA

Beaufort County

Cherry Hill School, 210 Dillon Rd., Hilton Head Island, 12000965

TENNESSEE

Bedford County

Raus School, 125 Smith Chapel Rd., Raus, 12000966

Williamson County

Leipers Fork Historic District (Boundary Increase), 4000 blk. of Old Hillsboro Rd., Leipers Fork, 12000967

VIRGINIA

Roanoke Independent city

Carlin's Amoco Station, (Gas Stations of Roanoke, Virginia MPS) 1721 Williamson Rd. NE., Roanoke (Independent City), 12000968

Norfolk & Western Railway Freight Station, 303 Norfolk Ave., Roanoke (Independent City), 12000969

Rogers, Tayloe, House, 1542 Electric Rd., Roanoke (Independent City), 12000970

WISCONSIN

Milwaukee County

Milwaukee Pierhead Light, (Light Stations of the United States MPS) Milwaukee Harbor entry N. pier, SE. corner of H.W. Maier Festival Park, Milwaukee, 12000971

[FR Doc. 2012–27165 Filed 11–6–12; 8:45 am]

BILLING CODE 4312–51–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–SERO–BISO–11057; PMP00EI05.YP0000, PPWONRADE2]

Record of Decision for the Oil and Gas Management Plan, Big South Fork National River and Recreation Area and Obed Wild and Scenic River

AGENCY: National Park Service, Interior.

ACTION: Notice of availability.

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA) of 1969, 42 U.S.C. 4332(2)(C), the National Park Service (NPS) announces the availability of the Record of Decision (ROD) for the Oil and Gas Management Plan (Plan) for Big South Fork National River and Recreation Area and Obed Wild and Scenic River. On September 5, 2012, the Southeast Regional Director, approved the ROD for the plan. The ROD identifies Alternative C (Comprehensive Implementation of 9B Regulations, a New Management Framework for Plugging and Reclamation, and Establishment of Special Management Areas) as the NPS's selected action.

SUPPLEMENTARY INFORMATION: The NPS selected action is Alternative C: Comprehensive Implementation of 9B Regulations, New Management Framework for Plugging and Reclamation, and Establishment of Special Management Areas. This alternative includes proactive enforcement of the NPS regulations pertaining to non-federal oil and gas operations (Title 36 of the Code of

Federal Regulations (CFR), Part 9 Subpart B) and existing plans of operations; clear communication with the public and operators about current legal and policy requirements; increased inspections and monitoring to identify sites that are found to be impacting, or threatening to impact, park resources beyond the operations area to bring these sites into compliance; focusing staff resources on the implementation and compliance with the regulatory framework; a new management framework for efficiently completing compliance processes necessary for plugging and reclamation of wells; and establishment of Special Management Areas to provide protection for areas where park resources and values are particularly susceptible to adverse impacts from oil and gas development. The plan will guide oil and gas management in Big South Fork National River and Recreation Area and Obed Wild and Scenic River over the next 15 to 20 years.

The ROD includes a statement of the decision made, a summary of the other alternative considered, the basis for the decision, a description of the environmentally preferable alternative, and a summary of public and agency involvement in the decision-making process. Copies of the ROD may be obtained from the contact listed below or online at *http://parkplanning.nps.gov/biso_obri_ogmp_rod.*

FOR FURTHER INFORMATION CONTACT: Niki Stephanie Nicholas, Superintendent, Big South Fork National River and Recreation Area, 4564 Leatherwood Road, Oneida, TN 37841; Telephone: (423) 569–9778; and Obed Wild and Scenic River, 208 North Maiden St., Wartburg, Tennessee 37887; Telephone: (423) 346–6294.

Authority: The authority for publishing this notice is contained in NEPA and Section 6.2 of the NPS Director's Order #12 Handbook.

The responsible official for this Record of Decision is the Regional Director, Southeast Region, National Park Service, 100 Alabama Street SW., 1924 Building, Atlanta, Georgia 30303.

Dated: October 10, 2012.

David Vela,

Regional Director, Southeast Region.

[FR Doc. 2012–27167 Filed 11–6–12; 8:45 am]

BILLING CODE 4310–JD–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–799]

Certain Computer Forensic Devices and Products Containing the Same Notice of Request for Statements on the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the presiding administrative law judge has issued a Final Initial Determination and Recommended Determination on Remedy and Bonding in the above-captioned investigation. The Commission is soliciting comments on public interest issues raised by the recommended relief should the Commission find a violation of section 337, specifically a limited exclusion order with respect to the accused products of respondents Guidance Software, Inc.; Guidance Tableau LLC; CRU Acquisition Group, LLC d/b/a CRU Data-port, LLC; and Digital Intelligence, Inc.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Acting Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 708–2310. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server at *http://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: Section 337 of the Tariff Act of 1930 provides that if the Commission finds a violation it shall exclude the articles concerned from the United States:

unless, after considering the effect of such exclusion upon the public health and welfare, competition conditions in the United States economy, the production of like or directly competitive articles in the United States consumers, it finds that such articles should not be excluded from entry.

19 U.S.C. 1337(d)(1). A similar provision applies to cease and desist orders. 19 U.S.C. 1337(f)(1).

The Commission is interested in further development of the record on the public interest in its investigations. Accordingly, the parties are invited to file submissions of no more than five (5) pages, inclusive of attachments, concerning the public interest in light of the administrative law judge's Recommended Determination on Remedy and Bonding issued in this investigation on October 26, 2012. Comments should address whether issuance of an exclusion order and/or a cease and desist order in this investigation could affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(I) Explain how the articles potentially subject to the orders are used in the United States;

(ii) Identify any public health, safety, or welfare concerns in the United States relating to the potential orders;

(iii) Indicate the extent to which like or directly competitive articles are produced in the United States or are otherwise available in the United States, with respect to the articles potentially subject to the orders;

(iv) Indicate whether Complainant, Complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to an exclusion order and a cease and desist order within a commercially reasonable time; and

(v) Explain how the exclusion order and cease and desist order would impact consumers in the United States.

Written submissions must be filed no later than by close of business on November 30, 2012.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to Commission rule 210.4(f), 19 CFR 210.4(f). Submissions should refer to the investigation number (AInv. No. 337–TA–776'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, *http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf*). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment unless the information has already been granted such treatment during the proceedings. All such requests should be directed to the Secretary of the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See section 201.6 of the Commission's Rules of Practice and Procedure, 19 CFR 201.6. Documents for which confidential treatment by the Commission is sought will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary.

This action is taken under authority of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and of sections 201.10 and 210.50 of the Commission's Rules of Practice and Procedure (19 CFR 210.10, 210.50).

By order of the Commission.

Issued: November 1, 2012.

Lisa R. Barton,

Acting Secretary to the Commission.

[FR Doc. 2012–27127 Filed 11–6–12; 8:45 am]

BILLING CODE 7020–02–P

FEDERAL TRADE COMMISSION

[File No. 121 0133]

Corning Incorporated; Analysis of Proposed Agreement Containing Consent Order To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices or unfair methods of competition. The attached Analysis To Aid Public Comment describes both the allegations in the draft complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before November 30, 2012.

ADDRESSES: Interested parties may file a comment at *https://ftcpublic.commentworks.com/ftc/corningconsent* online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write ''Corning Becton, File No. 121 0133'' on your comment and file your comment online at *https://ftcpublic.commentworks.com/ftc/corningconsent,* by following the instructions on the web-based form. If you prefer to file your comment on paper, mail or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Room H–113 (Annex D), 600 Pennsylvania Avenue NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Michael Moiseyev (202–326–3106), or Stephanie C. Bovee (202–326–2083), FTC, Bureau of Competition, 600 Pennsylvania Avenue NW., Washington, DC 20580.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis To Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for October 31, 2012), on the World Wide Web, at *http://www.ftc.gov/os/actions.shtm.* A paper copy can be obtained from the FTC Public Reference Room, Room 130–H, 600 Pennsylvania Avenue NW., Washington, DC 20580, either in person or by calling (202) 326–2222.

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before November 30, 2012. Write ''Corning Becton, File No. 121 0133'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at *http://www.ftc.gov/os/publiccomments.shtm.* As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Web site.

Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, like anyone's Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, like medical records or other individually identifiable health information. In addition, do not include any ''[t]rade secret or any commercial or financial information which * * * is privileged or confidential,'' as discussed in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, do not include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and you have to follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c).[1] Your comment will be kept confidential only if the FTC General Counsel, in his or her sole discretion, grants your request in accordance with the law and the public interest.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/corningconsent* by following the instructions on the web-based form. If this Notice appears at *http://www.regulations.gov/#!home,* you also may file a comment through that Web site.

If you file your comment on paper, write ''Corning Becton, File No. 121 0133'' on your comment and on the envelope, and mail or deliver it to the following address: Federal Trade Commission, Office of the Secretary, Room H–113 (Annex D), 600 Pennsylvania Avenue NW., Washington, DC 20580. If possible, submit your paper comment to the Commission by courier or overnight service.

Visit the Commission Web site at *http://www.ftc.gov* to read this Notice and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before November 30, 2012. You can find more information, including routine

[1] In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c), 16 CFR 4.9(c).

uses permitted by the Privacy Act, in the Commission's privacy policy, at *http://www.ftc.gov/ftc/privacy.htm.*

Analysis of Agreement Containing Consent Order To Aid Public Comment

I. Introduction

The Federal Trade Commission (''Commission'') has accepted from Corning Incorporated (''Corning''), subject to final approval, an Agreement Containing Consent Orders (''Consent Agreement''), which is designed to remedy the anticompetitive effects of Corning's proposed acquisition of substantially all of the assets of Becton, Dickinson and Company's Discovery Labware Division (''BDDL''). Under the terms of the proposed Consent Agreement, Corning would be required to supply Sigma-Aldrich Co., LLC (''Sigma Aldrich'') with tissue culture treated (''TCT'') dishes, multi-well plates, and flasks on an interim basis, and in the future and at Sigma Aldrich's request, provide Sigma Aldrich with the assets and assistance necessary to independently manufacture these products.

The proposed Consent Agreement has been placed on the public record for thirty days for receipt of comments; any comments received will also become part of the public record. After thirty days, the Commission will again review the proposed Consent Agreement and the comments received, and will decide whether it should withdraw from the proposed Consent Agreement, modify it, or make it final.

Pursuant to an agreement dated April 12, 2012, Corning proposes to acquire substantially all of the assets of BDDL. The Commission's Complaint alleges that the proposed acquisition, if consummated, would violate Section 7 of the Clayton Act, as amended, 15 U.S.C. 8, and Section 5 of the Federal Trade Commission Act, as amended, 15 U.S.C. 45, by lessening competition in the North American markets for TCT multi-well plates, dishes, and flasks used in cell culture applications. The proposed Consent Agreement will remedy the alleged violations by replacing the competition that would otherwise be eliminated by the acquisition.

II. The Parties

Headquartered in Corning, New York, Corning is a leading manufacturer of specialty glass, plastics, and ceramics for a variety of applications. Corning's Life Sciences division is a leading manufacturer of consumable plastic labware including TCT cell culture multi-well plates, dishes, and flasks.

Discovery Labware, Inc., a division of Becton, Dickinson and Company, is headquartered in Bedford, Massachusetts. Becton, Dickinson and Company is a global medical technology company that supplies consumable plastic labware through is Discovery Labware division including TCT cell culture multi-well plates, dishes, and flasks.

III. The Products and Structure of the Markets

TCT cell culture vessels are plastic containers that are essentially surfaces upon which researchers cultivate cells. These products are purchased primarily by pharmaceutical companies, bio-technology companies, and academic institutions and used by cell culture laboratories. Tissue culture treatment alters the intrinsic qualities of the plastic to promote cell adhesion so that cells are more likely to grow and spread. Other advanced coatings and treatments exist, but these alternatives typically are used only in specialized applications, and are not viable substitutes for standard TCT cell culture vessels.

North America is the relevant geographic area in which to analyze the effects of the proposed acquisition in the TCT cell culture markets.

Each TCT cell culture market is highly concentrated. Corning and BDDL are the leading suppliers in each market. Other suppliers such as Thermo Fisher and Greiner Bio-One participate in each market, but no other suppliers are the size of Corning or BDDL.

IV. Effects of the Acquisition

The Proposed Acquisition would eliminate actual, direct, and substantial competition between Corning and BDDL in the markets for TCT cell culture vessels. By increasing Corning's share in each market, while at the same time eliminating its most significant competitor, an acquisition of BDDL likely would allow Corning to unilaterally charge significantly higher prices for TCT cell culture vessels.

V. Entry

Entry into the relevant markets would not be timely, likely, or sufficient in magnitude, character, and scope to prevent the anticompetitive effects of the proposed acquisition. Entry would not take place in a timely manner because of the significant time required to gain a reputation among research scientists as a supplier of quality products. Given the time needed to enter the relevant markets, relative to the sizes of those markets, it is unlikely that an entrant could obtain sufficient sales to make the investment profitable. As a result, new entry or repositioning by other firms sufficient to ameliorate the competitive harm from the proposed acquisition is not likely to occur.

VI. The Consent Agreement

The proposed Consent Agreement remedies the acquisition's likely anticompetitive effects in the TCT cell culture markets. The Consent Agreement requires Corning to supply Sigma Aldrich, on an interim basis, with Corning-manufactured TCT cell culture products until Sigma Aldrich has developed independent manufacturing capabilities. This supply agreement will enable Sigma Aldrich to immediately sell TCT cell culture products under its own brand name. The Consent Agreement also requires that Corning provide in the future, at Sigma Aldrich's request, technical assistance necessary to begin manufacturing TCT cell culture multi-well plates, flasks, and dishes in a manner substantially similar to the manner in which Corning manufactures these products today.

Headquartered in St. Louis, Missouri, Sigma Aldrich is a leading life sciences company that sells a variety of products used in pharmaceutical research. TCT cell culture multi-well plates, flasks, and dishes will complement Sigma Aldrich's leading position in adjacent markets, including media and regents used in the cell culture process. Sigma Aldrich has an existing infrastructure for the marketing and sales of its laboratory products, and therefore is well-positioned to replace the competition that will be lost as a result of the proposed transaction.

The Commission may appoint an interim monitor to oversee the supply of products and the future transfer of assets at any time after the Consent Agreement has been signed. In order to ensure that the Commission remains informed about the status of the proposed remedy, the proposed Consent Agreement requires the parties to file periodic reports with the Commission until the Decision and Order terminates.

The purpose of this analysis is to facilitate public comment on the proposed Consent Agreement, and it is not intended to constitute an official interpretation of the proposed Consent Agreement or to modify its terms in any way.

By direction of the Commission

Donald S. Clark,

Secretary.

[FR Doc. 2012–27246 Filed 11–6–12; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Third Modification to Consent Decree Under the Clean Air Act

On November 1, 2012, the Department of Justice lodged a proposed third modification to a consent decree with the United States District Court for the Eastern District of Michigan in the lawsuit entitled *United States, et al.* v. *Marathon Ashland Petroleum LLC,* Civil Action No. 01–40119 (PVG).

Under the original 2001 consent decree, Marathon Ashland Petroleum LLC (''Marathon'') agreed to implement innovative pollution control technologies to reduce emissions of nitrogen oxides, sulfur dioxide, and particulate matter from refinery process units at seven refineries then owned and operated by Marathon. Marathon also agreed to adopt facility-wide enhanced benzene waste monitoring and fugitive emission control programs.

Subsequently, the Court entered a first amendment, a first revised consent decree (that superseded the original consent decree) and a first and second modification to the first revised consent decree. Under the third modification that was lodged on November 1, 2012, Marathon will comply with lower NO_x limits at one fluidized catalytic cracking unit (''FCCU''), will comply with higher NO_x limits at another FCCU, and will replace an old heater with a new heater equipped with low NO_x controls.

The publication of this notice opens a period of public comment on the third modification. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States, et al.* v. *Marathon Ashland Petroleum LLC,* D. J. Ref. No. 90–5–2–1–07247. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the third modification may be examined and downloaded at this Department of Justice Web site: *http://www.usdoj.gov/enrd/Consent_Decrees.html.* We will provide a paper copy of the third modification upon written request and payment of reproduction costs. Please mail your request and payment to:

Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check in the amount of $1.75 (25 cents per page reproduction cost) payable to the United States Treasury.

Maureen Katz,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2012–27082 Filed 11–6–12; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Provider Enrollment Form

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Office of Workers' Compensation Programs (OWCP) sponsored information collection request (ICR) revision titled, ''Provider Enrollment Form,'' to the Office of Management and Budget (OMB) for review and approval for use in accordance with the Paperwork Reduction Act (PRA) of 1995.

DATES: Submit comments on or before December 7, 2012.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained from the RegInfo.gov Web site, *http://www.reginfo.gov/public/do/PRAMain,* on the day following publication of this notice or by contacting Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or sending an email to *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–OWCP, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503, Fax: 202–395–6881 (this is not a toll-free number), email: *OIRA_submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Contact Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: The Provider Enrollment Form (Form OWCP–1168) requests profile information on providers that enroll in one or more OWCP benefit programs so the OWCP billing contractor can pay for services rendered to beneficiaries using an automated bill processing system. This ICR has been characterized as a revision, because the agency has reformatted elements of paper Form OWCP–1168 (e.g., replaced an obsolete logo with the DOL Seal, provided additional notice on the rights of persons with disabilities, and removed references to the no longer existent Employment Standards Administration) and added an electronic filing option.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information if the collection of information does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1240–0021. The current approval is scheduled to expire on November 30, 2012; however, it should be noted that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional information, see the related notice published in the **Federal Register** on July 23, 2012 (77 FR 43126).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within 30 days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1240–0021. The OMB is particularly interested in comments that:

- 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;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

• Enhance the quality, utility, and clarity of the information to be collected; and

• Minimize the burden of the 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, e.g., permitting electronic submission of responses.

Agency: DOL–OWCP.

Title of Collection: Provider Enrollment Form.

OMB Control Number: 1240–0021.

Affected Public: Private Sector—businesses or other for profits.

Total Estimated Number of Respondents: 53,934.

Total Estimated Number of Responses: 53,934.

Total Estimated Annual Burden Hours: 7,174.

Total Estimated Annual Other Costs Burden: $25,888.

Dated: November 1, 2012.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2012–27115 Filed 11–6–12; 8:45 a.m.]

BILLING CODE 4510–CR–P

DEPARTMENT OF LABOR

Office of the Secretary

Dominican Republic—Central America—United States Free Trade Agreement; Notice of Extension of the Period of Review for Submission #2012–01 (Honduras)

AGENCY: Office of Trade and Labor Affairs, Bureau of International Labor Affairs, U.S. Department of Labor.

ACTION: Notice.

The Office of Trade and Labor Affairs (OTLA) in the Bureau of International Labor Affairs (ILAB) of the U.S. Department of Labor (DOL) has determined that an extension of time is required for its review of Submission #2012–01 concerning Honduras (the Submission) filed under Chapter Sixteen (the Labor Chapter) of the Dominican Republic—Central America—United States Free Trade Agreement (CAFTA–DR).

On March 26, 2012, OTLA received the Submission from the American Federation of Labor and Congress of Industrial Organizations (AFL–CIO) and 26 Honduran Federations, Trade Unions and Civil Society Organizations. It alleges action or inaction by the Government of Honduras that, if substantiated, could be inconsistent with Honduras' commitments under the Labor Chapter.

OTLA accepted the Submission for review on May 14, 2012 (77 FR 30329 (2012)), in accordance with its published Procedural Guidelines (71 FR 76694 (2006)).

Acceptance triggers a 180-day fact-finding and review period that results in the issuance of a public report of any findings and recommendations. The objective of fact-finding and review is to gather information so that OTLA can better understand the case and publicly report on the U.S. Government's views regarding whether the Government of Honduras' action or inaction was consistent with the obligations set forth in the Labor Chapter. The public report will include a summary of the review process, as well as any findings and recommendations.

As part of its ongoing review, OTLA sent a delegation to Honduras from July 9–21, 2012, to gather information on issues raised by the Submission. The OTLA delegation met with representatives from the Government of Honduras, employers, workers, and other groups with information relevant to the Submission.

According to the Procedural Guidelines, if OTLA determines circumstances require an extension of time, it can delay the report's publication (Procedural Guidelines, Sec. H.7). OTLA has determined that an extension of time is required to complete its review due to:

• The scope of the submission, which covers seventeen distinct fact patterns in three different economic sectors and in three different regions of Honduras;

• The scope of the labor law violations alleged, which cover freedom of association, the right to organize, the right to bargain collectively, child labor, and acceptable conditions of work, as well as threats and violence against trade unionists; and

• The large amounts of information received from the government and stakeholders.

The extension will also permit OTLA to incorporate into its report, as relevant, more recent information related to the issues in the submission. OTLA will continue to give this matter the highest priority in order to complete the review as expeditiously as possible.

DATES: *Effective Date:* November 2, 2012.

FOR FURTHER INFORMATION CONTACT: Gregory Schoepfle, Director, OTLA, U.S. Department of Labor, 200 Constitution Avenue NW., Room S–5303, Washington, DC 20210. Telephone: (202) 693–4900 (this is not a toll-free number).

Signed at Washington, DC, on November 2, 2012.

Carol Pier,

Acting Deputy Undersecretary, International Affairs.

[FR Doc. 2012–27255 Filed 11–6–12; 8:45 am]

BILLING CODE 4510–28–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2012–0011]

Advisory Committee on Construction Safety and Health (ACCSH)

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for nominations for membership on ACCSH.

SUMMARY: The Assistant Secretary of Labor for Occupational Safety and Health (OSHA Assistant Secretary) invites interested persons to submit nominations for membership on ACCSH.

DATES: Nominations for ACCSH must be submitted (postmarked, sent, transmitted, or received) by January 7, 2013.

ADDRESSES: You may submit nominations and supporting materials by one of the following methods:

Electronically: Nominations, including attachments, may be submitted electronically at *http://www.regulations.gov,* the Federal e-Rulemaking Portal. Follow the online instructions for submitting nominations;

Facsimile: If your nomination and supporting materials, including attachments, do not exceed 10 pages, you may fax them to the OSHA Docket Office at (202) 693–1648; or

Mail, express delivery, hand delivery, and messenger or courier service: Submit your nominations and supporting materials to the OSHA Docket Office, Docket No. OSHA–2012–0011, Room N–2625, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693–2350 (TTY number (877) 889–5627). The Department of Labor and OSHA's Docket Office accepts deliveries by hand, express mail, messenger, and courier service are accepted during normal business hours, 8:15 a.m.–4:45 p.m., e.t.

Instructions: All nominations and supporting materials must include the Agency name and docket number for this **Federal Register** notice (Docket No.

OSHA–2012–0011). Because of security-related procedures, submitting nominations by regular mail may result in a significant delay in their receipt. Please contact the OSHA Docket Office for information about security procedures for submitting nominations by hand delivery, express delivery, and messenger or courier service. For additional information on submitting nominations, see the ''Public Participation'' heading in the Supplementary Information section below.

All submissions in response to this **Federal Register** notice, including personal information provided, are posted without change at *http://www.regulations.gov.* Therefore, OSHA cautions interested persons about submitting personal information such as Social Security numbers and birthdates.

Docket: To read or download submissions in response to this **Federal Register** notice, go to Docket No. OSHA–2012–0011 at *http://www.regulations.gov.* All documents in the docket are listed in the *http://www.regulations.gov* index; however, some documents (*e.g.,* copyrighted material) are not publicly available to read or download through that Web page. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office.

For Additional Information

For press inquiries: Mr. Frank Meilinger, OSHA, Office of Communications, Room N–3647, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693–1999; email *meilinger.francis2@dol.gov.*

For general information: Mr. Damon Bonneau, OSHA Directorate of Construction, Room N–3468, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone 202–693–2020; email *bonneau.damon@dol.gov.*

SUPPLEMENTARY INFORMATION: The Assistant Secretary invites interested persons to submit nominations for membership on ACCSH.

Background. ACCSH is a continuing advisory committee established under Section 107(e) of the Contract Work Hours and Safety Standards Act (40 U.S.C. 3701, 3704(d)), generally known as the Construction Safety Act (CSA), to advise the Secretary of Labor (Secretary) in the formulation of construction safety and health standards, as well as on policy matters arising under the CSA and the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 *et seq.*). In particular, 29 CFR 1911.10(a) and 1912.3(a) provide that the Assistant Secretary shall consult with ACCSH whenever the Agency proposes any safety or health standard that affects the construction industry.

ACCSH operates in accordance with the CSA, the OSH Act, the Federal Advisory Committee Act (FACA) (5 U.S.C. App. 2), and regulations issued pursuant to those statutes (29 CFR part 1912, 41 CFR part 102–3). ACCSH generally meets two to four times a year.

ACCSH membership. ACCSH is comprised of 15 members who the Secretary appoints.

The categories of ACCSH membership, and the number of new members to be appointed, are:

- Five members who are qualified by experience and affiliation to present the viewpoint of employers in the construction industry—three employer representatives will be appointed;
- Five members who are similarly qualified to present the viewpoint of employees in the construction industry—three employee representatives will be appointed;
- Two representatives of State safety and health agencies—one representative from a State safety and health agency will be appointed;
- Two public members, qualified by knowledge and experience to make a useful contribution to the work of ACCSH, such as those who have professional or technical experience and competence with occupational safety and health in the construction industry—one public representative will be appointed; and
- One representative the Secretary of the Department of Health and Human Services designates and the Secretary appoints—no new appointment will be made.

ACCSH members generally serve staggered two-year terms, unless they resign, cease to be qualified, become unable to serve, or the Secretary removes them (29 CFR 1912.3(e)). The Secretary may appoint ACCSH members to successive terms. No member of ACCSH, other than members who represent employers or employees, shall have an economic interest in any proposed rule that affects the construction industry (29 CFR 1912.6).

The Department of Labor is committed to equal opportunity in the workplace and seeks broad-based and diverse ACCSH membership. Any interested person or organizations may nominate more than one individual for membership on ACCSH. Interested persons also are invited and encouraged to submit statements in support of nominees.

Submission requirements. Nominations must include the following information:

(1) Nominee's contact information and current employment or position;

(2) Nominee's resume or curriculum vitae, including prior membership on ACCSH and other relevant organizations and associations;

(3) Categories of membership (employer, employee, public, State safety and health agency) that the nominee is qualified to represent;

(4) A summary of the background, experience, and qualifications that addresses the nominee's suitability for each of the nominated membership categories;

(5) Articles or other documents the nominee has authored that indicate the nominee's knowledge, experience, and expertise in occupational safety and health, particularly as it pertains to the construction industry; and

(6) A statement that the nominee is aware of the nomination, is willing to regularly attend and participate in ACCSH meetings, and has no conflicts of interest that would preclude membership on ACCSH.

Member selection. ACCSH members are selected on the basis of their experience, knowledge, and competence in the field of occupational safety and health, particularly as it pertains to the construction industry. Information, received through this nomination process, in addition to other relevant sources of information, will assist the Secretary in appointing members to ACCSH. In selecting ACCSH members, the Secretary will consider individuals nominated in response to this **Federal Register** notice, as well as other qualified individuals.

Public Participation

Instructions for submitting nominations. All nominations, supporting documents, attachments, and other materials must identify the Agency name and the docket number for this **Federal Register** notice (Docket No. OSHA–2012–0011). You may submit materials: (1) Electronically, (2) by FAX, or (3) by hard copy. You may supplement electronic submissions by attaching electronic files. If you wish to supplement electronic submissions with hard copy documents, you must submit them to the OSHA Docket Office and clearly identify your electronic submission by Agency name and docket number (Docket No. OSHA–2012–0011) so the materials can be attached to your electronic submission.

Because of security-related procedures, materials submitted by regular mail may experience significant

delays. For information about security procedures concerning materials delivered by hand, express delivery, and messenger or courier service, please contact the OSHA Docket Office.

All submissions, including personal information provided, will be posted in the docket without change. Therefore, OSHA cautions interested parties about submitting personal information such as Social Security numbers and birthdates. Guidance on submitting nominations and supporting materials is available on-line at *http://www.regulations.gov* and from the OSHA Docket Office.

Access to docket. All submissions in response to this **Federal Register** notice are listed in the *http://www.regulations.gov* index; however, some information (e.g., copyrighted material) is not publicly available to read or download from that Web page. All submissions, including materials not available on-line, are available for inspection and copying at the OSHA Docket Office. For information about accessing materials in Docket No. OSHA–2012–0011, including materials not available on-line, contact the OSHA Docket Office.

Electronic copies of this **Federal Register** document are available at *http://www.regulations.gov.* This document, as well as news releases and other relevant information, also is available at OSHA's Web page at *http://www.osha.gov.*

Authority and Signature

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice under the authority granted by section 7 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656), section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 3704), the Federal Advisory Committee Act (5 U.S.C. App. 2), 29 CFR part 1912, 41 CFR part 102–3, and Secretary of Labor's Order No. 1–2012 (77 FR 3912).

Signed at Washington, DC, on November 2, 2012.

David Michaels,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2012–27208 Filed 11–6–12; 8:45 am]

BILLING CODE 4510–26–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Once approved by NARA, records schedules provide mandatory instructions on what happens to records when no longer needed for current Government business. They authorize the preservation of records of continuing value in the National Archives of the United States and the destruction, after a specified period, of records lacking administrative, legal, research, or other value. Notice is published for records schedules in which agencies propose to destroy records not previously authorized for disposal or reduce the retention period of records already authorized for disposal. NARA invites public comments on such records schedules, as required by 44 U.S.C. 3303a(a).

DATES: Requests for copies must be received in writing on or before December 7, 2012. Once the appraisal of the records is completed, NARA will send a copy of the schedule. NARA staff usually prepare appraisal memorandums that contain additional information concerning the records covered by a proposed schedule. These, too, may be requested and will be provided once the appraisal is completed. Requesters will be given 30 days to submit comments.

ADDRESSES: You may request a copy of any records schedule identified in this notice by contacting Records Management Services (ACNR) using one of the following means:

Mail: NARA (ACNR), 8601 Adelphi Road, College Park, MD 20740–6001.

Email: request.schedule@nara.gov.

Fax: 301–837–3698.

Requesters must cite the control number, which appears in parentheses after the name of the agency which submitted the schedule, and must provide a mailing address. Those who desire appraisal reports should so indicate in their request.

FOR FURTHER INFORMATION CONTACT: Margaret Hawkins, Director, Records Management Services (ACNR), National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740–6001. Telephone: 301–837–1799. Email: *request.schedule@nara.gov.*

SUPPLEMENTARY INFORMATION: Each year Federal agencies create billions of records on paper, film, magnetic tape, and other media. To control this accumulation, agency records managers prepare schedules proposing retention periods for records and submit these schedules for NARA's approval, using the Standard Form (SF) 115, Request for Records Disposition Authority. These schedules provide for the timely transfer into the National Archives of historically valuable records and authorize the disposal of all other records after the agency no longer needs them to conduct its business. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. Most schedules, however, cover records of only one office or program or a few series of records. Many of these update previously approved schedules, and some include records proposed as permanent.

The schedules listed in this notice are media neutral unless specified otherwise. An item in a schedule is media neutral when the disposition instructions may be applied to records regardless of the medium in which the records are created and maintained. Items included in schedules submitted to NARA on or after December 17, 2007, are media neutral unless the item is limited to a specific medium. (See 36 CFR 1225.12(e).)

No Federal records are authorized for destruction without the approval of the Archivist of the United States. This approval is granted only after a thorough consideration of their administrative use by the agency of origin, the rights of the Government and of private persons directly affected by the Government's activities, and whether or not they have historical or other value.

Besides identifying the Federal agencies and any subdivisions requesting disposition authority, this public notice lists the organizational unit(s) accumulating the records or indicates agency-wide applicability in the case of schedules that cover records that may be accumulated throughout an agency. This notice provides the control number assigned to each schedule, the total number of schedule items, and the number of temporary items (the records proposed for destruction). It also includes a brief description of the temporary records. The records schedule itself contains a full description of the records at the file unit level as well as their disposition. If NARA staff has prepared an appraisal memorandum for the schedule, it too includes information about the records. Further information about the disposition process is available on request.

Schedules Pending

1. Department of Agriculture, Forest Service (N1–95–10–9, 84 items, 66 temporary items). Records related to various programs throughout the agency, including general correspondence, reports, case files, plans, and studies. Proposed for permanent retention are law enforcement reports and plans; boundary modification case files; land transfer, title, and status files; significant controlled correspondence; aerial photographs; remote sensing data and imagery; maps; and channel and dam project design case files.

2. Department of Defense, Defense Contract Management Agency (N1–558–10–5, 13 items, 13 temporary items). Records relating to development of new electronic systems and operation of current systems. Included are mission requirements and specifications, technical reference models, information technology capital investment records, Web site management records, risk assessments, operational capability status reports, user support records, system security plans, and data copied from separately scheduled databases.

3. Department of the Interior, Bureau of Land Management (N1–49–10–2, 1 item, 1 temporary item). Bond case files relating to oil, gas, and geothermal lease and exploration.

4. Department of Justice, Agency-wide (DAA–0060–2012–0017, 1 item, 1 temporary item). Master files of an electronic information system used to manage routine financial activities.

5. Department of Justice, Federal Bureau of Investigation (N1–65–12–1, 3 items, 3 temporary items). Master files and related records of an electronic information system used to track notification preferences for victims of child pornography.

6. Department of Justice, Federal Bureau of Investigation (N1–65–12–4, 5 items, 5 temporary items). Records related to approval and management of overseas deployments.

7. Department of Justice, Office of the Inspector General (DAA–0060–2012–0019, 1 item, 1 temporary item). Work plan records for overseeing and managing audits.

8. Department of Justice, Office of Legal Policy (DAA–0060–2012–0009, 3 items, 2 temporary items). Files maintained for individuals considered but not confirmed for Federal judicial nomination. Proposed for permanent retention are nomination files for individuals confirmed as Federal judges.

9. Department of Labor, Bureau of Labor Statistics (N1–257–11–1, 55 items, 45 temporary items). Research and program development files, background materials, survey and working files, and information technology system files and reports. Proposed for permanent retention are planning documents and correspondence, labor estimates, study reports, publications, and procedure manuals.

10. Department of State, Bureau of Administration (DAA–0059–2012–0005, 6 items, 6 temporary items). Records related to student employment; standard operating procedures for day-to-day office administration; and memorandum of agreements with offices within the Department.

11. Department of State, Bureau of Diplomatic Security (DAA–0059–2011–0003, 7 items, 7 temporary items). Records include inventories and tracking systems for decontamination and radiological equipment, related training materials administered to post personnel, and associated program reviews.

12. Department of State, Bureau of Diplomatic Security (N1–59–11–17, 11 items, 11 temporary items). Record of the Defensive Equipment & Armored Vehicles Division, including requisition and procurement files, equipment inventories, and maintenance history.

13. Department of State, Bureau of Educational and Cultural Affairs (DAA–0059–2011–0015, 14 items, 13 temporary items). Records of the Office of English Language Programs, including teaching tools and administrative records. Proposed for permanent retention is a quarterly journal for teachers disseminated overseas via U.S. Embassies.

14. Department of Transportation, Federal Aviation Administration (N1–237–12–1, 1 item, 1 temporary item). Master files of an electronic information system containing aviation safety processes audit records, including audit notifications, assignments, activity plans, and reports.

15. Department of Transportation, Federal Railroad Administration (DAA–0399–2012–0001, 1 item, 1 temporary item). Non-selected employee applicant files.

16. Commodity Futures Trading Commission, Agency-wide (N1–180–12–2, 1 item, 1 temporary item). Records relating to the submission of whistleblower claims, including correspondence and memoranda. Records do not include investigative or enforcement files.

Dated: October 25, 2012.

Paul M. Wester, Jr.,

Chief Records Officer for the U.S. Government.

[FR Doc. 2012–27173 Filed 11–6–12; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Computer and Information Science and Engineering; Notice of Meeting

In accordance with Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Advisory Committee for Computer and Information Science and Engineering (1115).

Date/Time: November 28, 2012: 12:00 p.m. to 5:30 p.m.

November 29, 2012: 8:30 a.m. to 2:30 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Suite 1235, Arlington, Virginia 22203.

Type of Meeting: Open.

Contact Person: Carmen Whitson, National Science Foundation, 4201 Wilson Boulevard, Suite 1105, Arlington, Virginia 22203, 703/292–8900.

Purpose of Meeting: To advise NSF on the impact of its policies, programs and activities on the Computer and Information Science and Engineering (CISE) community. To provide advice to the Assistant Director for CISE on issues related to long-range planning for research, education, and infrastructure.

Agenda:

- Overview of CISE programs and priorities, including programmatic updates on Big Data and Smart Health.
- Overview of Office of Cyberinfrastructure (OCI) programs and priorities.
- Update on CISE's use of virtual panels.
- Report from Education and Workforce Development subcommittee.
- Report from Mid-scale Infrastructure subcommittee.
- Presentations from recent Secure and Trustworthy Cyberspace (SaTC) Frontier awardees.
- Welcome from Dr. Subra Suresh, NSF Director, and Dr. Cora Marrett, NSF Deputy Director.
- Closing remarks and wrap up.

Dated: November 1, 2012.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 2012–27067 Filed 11–6–12; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2012–0271]

Environmental Assessment and Finding of No Significant Impact

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of availability.

FOR FURTHER INFORMATION CONTACT: Thomas Weaver, Project Manager, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–251–7654; email: *Thomas.Weaver@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The Nuclear Regulatory Commission (NRC or the Commission) is preparing to initiate a paleoliquefaction research project to characterize historic earthquakes in the Central and Eastern United States. Geologic reconnaissance will be performed along select river banks in the states of Arkansas, Kentucky, Mississippi, Missouri, Tennessee and Virginia as part of this project. Paleoliquefaction features are geologic features such as sand blows and sand dikes that formed during historic and pre-historic earthquakes as a result of soil liquefaction, where soil liquefaction is the process of water pressure increasing in the soil due to cyclic shaking with an associated significant decrease in soil strength. The results from this research will be used to update models implemented in probabilistic seismic hazard analyses, which are used in evaluating sites for new nuclear power reactors to characterize ground motions in accordance with section 100.23(d)(1) of Title 10 of the *Code of Federal Regulations* (10 CFR).

The NRC has prepared an Environmental Assessment (EA) to evaluate the potential environmental impacts that may arise as a result of this research project in accordance with the requirements of 10 CFR part 51, NRC's regulation implementing Section 102(2) of the National Environmental Policy Act of 1969 as amended. Based on the EA, and in accordance with 10 CFR 51.31(a), the NRC has concluded that a Finding of No Significant Impact (FONSI) is appropriate. Field work for this project will commence following publication of this document.

II. EA Summary

The NRC has prepared the EA to evaluate the potential environmental impacts of the geologic reconnaissance to be performed along select rivers for this project. In accordance with Section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), the NRC staff requested informal consultation with the United States Fish and Wildlife Service. No concerns were identified for Federally listed species or designated critical habitat. This project is temporary, minimally invasive, and will occur outside the critical nesting times for migratory birds. Further, researchers will avoid mussel beds and active nests, and will minimize disturbance to vegetation.

Similarly, the NRC determined that there will be no adverse effects to any historic or cultural resources that may be located in the paleoliquefaction study's area of potential effects (APE) within the states of Arkansas and Missouri. The State Historic Preservation Officers (SHPOs) of Arkansas and Missouri have concurred with this finding. Consultation will be initiated with the Kentucky, Mississippi, Tennessee, and Virginia SHPOs and the National Historic Preservation Act, Section 106 process will be completed prior to commencing any ground disturbing activities in those states.

Finally, the NRC has determined that there will be no significant impacts to any other resource areas (*e.g.,* surface water, groundwater, air quality) as a result of the paleoliquefaction research study.

III. Finding of No Significant Impact

On the basis of the EA, NRC has concluded that there are no significant environmental impacts from the proposed paleoliquefaction research study and has determined not to prepare an environmental impact statement.

IV. Further Information

Documents related to this action, including supporting documentation, are available electronically at the NRC's Electronic Reading Room at *http://www.nrc.gov/reading-rm/adams.html.* From this site, you can access the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. The ADAMS accession numbers for the documents related to this notice are: ML12306A311. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1–800–397–4209, 301–415–4737 or by email to *pdr.resource@nrc.gov.*

These documents may also be viewed electronically on the public computers located at the NRC's Public Document Room (PDR), O 1 F21, One White Flint North, 11555 Rockville Pike Rockville, MD 20852. The PDR reproduction contractor will copy documents for a fee.

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland this 2nd day of November, 2012.

Rosemary T. Hogan,

Chief, Structural, Geotechnical, and Seismic Engineering Branch, Division of Engineering, Office of Research.

[FR Doc. 2012–27185 Filed 11–6–12; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2012–0002]

Notice of Sunshine Act Meetings

AGENCY: Nuclear Regulatory Commission.

DATE: Weeks of November 5, 12, 19, 26, December 3, 10, 2012.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

Week of November 5, 2012

Monday, November 5, 2012

1:30 p.m. NRC All Employees Meeting (Public Meeting), Marriott Bethesda North Hotel, 5701 Marinelli Road, Rockville, MD 20852.

Thursday, November 8, 2012

9:30 a.m. Discussion of Management Issues (Closed—Ex. 2).

Week of November 12, 2012—Tentative

There are no meetings scheduled for the week of November 12, 2012.

Week of November 19, 2012—Tentative

There are no meetings scheduled for the week of November 19, 2012.

Week of November 26, 2012—Tentative

Tuesday, November 27, 2012

9:00 a.m. Briefing on Operator Licensing Program (Public Meeting)

(Contact: Jack McHale, 301–415–3254).

This meeting will be webcast live at the Web address—*www.nrc.gov.*

Thursday, November 29, 2012

2:30 p.m. Briefing on Security issues (Closed Ex-1).

Week of December 3, 2012—Tentative

Thursday, December 6, 2012.

9:30 a.m. Meeting with the Advisory Committee on Reactor Safeguards, (ACRS) (Public Meeting),

(Contact: Ed Hackett, 301–415–7360).

This meeting will be webcast live at the Web address—*www.nrc.gov.*

Week of December 10, 2012—Tentative

There are no meetings scheduled for the week of December 10, 2012.

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*The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings, call (recording)—301–415–1292. Contact person for more information: Rochelle Bavol, 301–415–1651.

* * * * *

Additional Information

The Affirmation session, *Southern California Edison Co.* (San Onofre Nuclear Generating Station), Docket Nos. 50–361 and 50–362–CAL, Petition to Intervene, Request for Hearing, and Stay Application (June 18, 2012), schedule on October 30, 2012, was postponed. The Briefing on Fort Calhoun scheduled on October 30, 2012 was postponed.

* * * * *

The NRC Commission Meeting Schedule can be found on the Internet at:*http://www.nrc.gov/public-involve/public-meetings/schedule.html.*

* * * * *

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (e.g. braille, large print), please notify Bill Dosch, Chief, Work Life and Benefits Branch, at 301–415–6200, TDD: 301–415–2100, or by email at *william.dosch@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

* * * * *

This notice is distributed electronically to subscribers. If you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301–415–1969), or send an email to *darlene.wright@nrc.gov.*

Dated: November 1, 2012.

Rochelle C. Bavol,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2012–27181 Filed 11–2–12; 4:15 pm]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–325 and 50–324; NRC–2012–0269]

Brunswick Steam Electric Plant, Units 1 and 2

AGENCY: Nuclear Regulatory Commission.

ACTION: Receipt of request for action.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC or the Commission) is giving notice that by petition dated July 10, 2012, Mr. David Lochbaum (the petitioner) and two copetitioners on behalf of the North Carolina Waste Awareness & Reduction Network, the Nuclear Information and Resource Service, and the Union of Concerned Scientists have requested that the NRC take action with regard to Brunswick Steam Electric Plant, Units 1 and 2 (Brunswick). The petition is included in the **SUPPLEMENTARY INFORMATION** section of this document.

ADDRESSES: Please refer to Docket ID NRC–2012–0269 when contacting the NRC about the availability of information regarding this document. You may access information related to this document, which the NRC possesses and are publicly available, using any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2012–0269. Address questions about NRC dockets to Carol Gallagher; telephone: 301–492–3668; email: *Carol.Gallagher@nrc.gov.*
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may access publicly available documents online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *PDR.Resource@nrc.gov.* The ADAMS accession number for each document referenced in this notice (if that document is available in ADAMS) is provided the first time that a document is referenced.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Ms. Farideh Saba, Project Manager, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–1447; email: *Farideh.Saba@nrc.gov.*

SUPPLEMENTARY INFORMATION: On July 10, 2012, the petitioners requested that the NRC take action with regard to Brunswick. The petitioners request that the NRC take action in the form of an order either modifying the Brunswick operating licenses' technical specifications (as detailed in the petition) or requiring the licensee to submit amendment requests for these licenses.

As the basis for this request, the petitioners stated that ''the current technical specifications for the Brunswick Units 1 and 2, reactors are based on the assumption that the sole scenario involving damage to irradiated fuel outside of the reactor vessel is that resulting from a fuel handling accident involving recently irradiated fuel (i.e., fuel that was within a critical reactor core within the past 24 hours).'' However, ''loss of water inventory from the spent fuel pool or sustained loss of its cooling capability can also result in damage to irradiated fuel. And the potential extent of that damage and the amount of radioactivity released from damaged fuel can be considerably larger than that resulting from a fuel handling accident.'' The petitioners stated that ''because the probability of spent fuel pool water inventory or cooling loss is not so low as to be neglected, the technical specification provisions that currently manage the risk from a fuel handling accident must be extended to also cover other credible spent fuel pool events.''

The NRC is handling this petition pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Section 2.206 of the Commission's regulations. The petition has been referred to the Director of the Office of Nuclear Reactor Regulation (NRR). As provided by 10 CFR 2.206, appropriate action will be taken on this petition within a reasonable time. The petitioners had a recorded conference call with the NRR petition review board on August 15, 2012, to discuss and supplement the petition. A copy of the petition is available for inspection under ADAMS Accession No. ML12193A123. The official transcript of the August 15, 2012, conference call is accessible via ADAMS Accession No. ML12234A730.

Dated at Rockville, Maryland, this 31st day of October, 2012.

For the Nuclear Regulatory Commission.

Eric J. Leeds,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 2012–27192 Filed 11–6–12; 8:45 am]

BILLING CODE 7590–01–P

PRESIDIO TRUST

Notice of Public Meeting

AGENCY: The Presidio Trust.

ACTION: Notice of Public Meeting.

SUMMARY: In accordance with § 103(c)(6) of the Presidio Trust Act, 16 U.S.C. 460bb appendix, and in accordance with the Presidio Trust's bylaws, notice is hereby given that a public meeting of the Presidio Trust Board of Directors will be held commencing 6:30 p.m. on Thursday, November 29, 2012, at the Golden Gate Club, 135 Fisher Loop, Presidio of San Francisco, California. The Presidio Trust was created by Congress in 1996 to manage approximately eighty percent of the former U.S. Army base known as the Presidio, in San Francisco, California.

The purposes of this meeting are to take action on the minutes of a previous Board meeting, to provide the Chairperson's report, to provide the Executive Director's report, to provide partners' reports, to provide program updates, to receive public comment on a proposed use limit on commercial dog walking, and to receive public comment on other matters in accordance with the Trust's Public Outreach Policy.

Individuals requiring special accommodation at this meeting, such as needing a sign language interpreter, should contact Mollie Matull at 415.561.5300 prior to November 22, 2012.

DATES: *Time:* The meeting will begin at 6:30 p.m. on Thursday, November 29, 2012.

ADDRESSES: The meeting will be held at the Golden Gate Club, 135 Fisher Loop, Presidio of San Francisco.

FOR FURTHER INFORMATION CONTACT: Karen Cook, General Counsel, the Presidio Trust, 34 Graham Street, P.O. Box 29052, San Francisco, California 94129–0052, Telephone: 415.561.5300.

Dated: October 30, 2012.

Karen A. Cook,

General Counsel.

[FR Doc. 2012–27123 Filed 11–6–12; 8:45 am]

BILLING CODE 4310–4R–P

RAILROAD RETIREMENT BOARD

2013 Railroad Experience Rating Proclamations, Monthly Compensation Base and Other Determinations

AGENCY: Railroad Retirement Board.

ACTION: Notice.

SUMMARY: Pursuant to section 8(c)(2) and section 12(r)(3) of the Railroad Unemployment Insurance Act (Act) (45 U.S.C. 358(c)(2) and 45 U.S.C. 362(r)(3), respectively), the Board gives notice of the following:

1. The balance to the credit of the Railroad Unemployment Insurance (RUI) Account, as of June 30, 2012, is $184,918,694.78;

2. The September 30, 2012, balance of any new loans to the RUI Account, including accrued interest, is zero;

3. The system compensation base is $3,792,951,628.64 as of June 30, 2012;

4. The cumulative system unallocated charge balance is ($348,280,856.36) as of June 30, 2012;

5. The pooled credit ratio for calendar year 2013 is zero;

6. The pooled charged ratio for calendar year 2013 is zero;

7. The surcharge rate for calendar year 2013 is zero;

8. The monthly compensation base under section 1(i) of the Act is $1,405 for months in calendar year 2013;

9. The amount described in sections 1(k) and 3 of the Act as ''2.5 times the monthly compensation base'' is $3,512.50 for base year (calendar year) 2013;

10. The amount described in section 4(a–2)(i)(A) of the Act as ''2.5 times the monthly compensation base'' is $3,512.50 with respect to disqualifications ending in calendar year 2013;

11. The amount described in section 2(c) of the Act as ''an amount that bears the same ratio to $775 as the monthly compensation base for that year as computed under section 1(i) of this Act bears to $600'' is $1,815 for months in calendar year 2013;

12. The maximum daily benefit rate under section 2(a)(3) of the Act is $68 with respect to days of unemployment and days of sickness in registration periods beginning after June 30, 2013.

DATES: The balance in notice (1) and the determinations made in notices (3) through (7) are based on data as of June 30, 2012. The balance in notice (2) is based on data as of September 30, 2012. The determinations made in notices (5) through (7) apply to the calculation, under section 8(a)(1)(C) of the Act, of employer contribution rates for 2013. The determinations made in notices (8) through (11) are effective January 1, 2013. The determination made in notice (12) is effective for registration periods beginning after June 30, 2013.

ADDRESSES: Secretary to the Board, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611–2092.

FOR FURTHER INFORMATION CONTACT: Marla L. Huddleston, Bureau of the Actuary, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611–2092, telephone (312) 751–4779.

SUPPLEMENTARY INFORMATION: The RRB is required by section 8(c)(1) of the Railroad Unemployment Insurance Act (Act) (45 U.S.C. 358(c)(1)) as amended by Public Law 100–647, to proclaim by October 15 of each year certain system-wide factors used in calculating experience-based employer contribution rates for the following year. The RRB is further required by section 8(c)(2) of the Act (45 U.S.C. 358(c)(2)) to publish the amounts so determined and proclaimed. The RRB is required by section 12(r)(3) of the Act (45 U.S.C. 362(r)(3)) to publish by December 11, 2012, the computation of the calendar year 2013 monthly compensation base (section 1(i) of the Act) and amounts described in sections 1(k), 2(c), 3 and 4(a–2)(i)(A) of the Act which are related to changes in the monthly compensation base. Also, the RRB is required to publish, by June 11, 2013, the maximum daily benefit rate under section 2(a)(3) of the Act for days of unemployment and days of sickness in registration periods beginning after June 30, 2013.

Surcharge Rate

A surcharge is added in the calculation of each employer's contribution rate, subject to the applicable maximum rate, for a calendar year whenever the balance to the credit of the RUI Account on the preceding June 30 is less than the greater of $100 million or the amount that bears the same ratio to $100 million as the system compensation base for that June 30 bears to the system compensation base as of June 30, 1991. If the RUI Account balance is less than $100 million (as indexed), but at least $50 million (as indexed), the surcharge will be 1.5 percent. If the RUI Account balance is less than $50 million (as indexed), but greater than zero, the surcharge will be 2.5 percent. The maximum surcharge of 3.5 percent applies if the RUI Account balance is less than zero.

The system compensation base as of June 30, 1991 was $2,763,287,237.04. The system compensation base for June 30, 2012 was $3,792,951,628.64. The ratio of $3,792,951,628.64 to $2,763,287,237.04 is 1.37262300.

Multiplying 1.37262300 by $100 million yields $137,262,300. Multiplying $50 million by 1.37262300 produces $68,631,150. The Account balance on June 30, 2012, was $184,918,694.78. Accordingly, the surcharge rate for calendar year 2013 is zero.

Monthly Compensation Base

For years after 1988, section 1(i) of the Act contains a formula for determining the monthly compensation base. Under the prescribed formula, the monthly compensation base increases by approximately two-thirds of the cumulative growth in average national wages since 1984. The monthly compensation base for months in calendar year 2013 shall be equal to the greater of (a) $600 or (b) $600 [1 + {(A − 37,800)/56,700}], where A equals the amount of the applicable base with respect to tier 1 taxes for 2013 under section 3231(e)(2) of the Internal Revenue Code of 1986. Section 1(i) further provides that if the amount so determined is not a multiple of $5, it shall be rounded to the nearest multiple of $5.

The calendar year 2013 tier 1 tax base is $113,700. Subtracting $37,800 from $113,700 produces $75,900. Dividing $75,900 by $56,700 yields a ratio of 1.33862434. Adding one gives 2.33862434. Multiplying $600 by the amount 2.33862434 produces the amount of $1,403.17, which must then be rounded to $1,405. Accordingly, the monthly compensation base is determined to be $1,405 for months in calendar year 2013.

Amounts Related to Changes in Monthly Compensation Base

For years after 1988, sections 1(k), 3, 4(a–2)(i)(A) and 2(c) of the Act contain formulas for determining amounts related to the monthly compensation base.

Under section 1(k), remuneration earned from employment covered under the Act cannot be considered subsidiary remuneration if the employee's base year compensation is less than 2.5 times the monthly compensation base for months in such base year. Under section 3, an employee shall be a ''qualified employee'' if his/her base year compensation is not less than 2.5 times the monthly compensation base for months in such base year. Under section 4(a–2)(i)(A), an employee who leaves work voluntarily without good cause is disqualified from receiving unemployment benefits until he has been paid compensation of not less than 2.5 times the monthly compensation base for months in the calendar year in which the disqualification ends.

Multiplying 2.5 by the calendar year 2013 monthly compensation base of $1,405 produces $3,512.50. Accordingly, the amount determined under sections 1(k), 3 and 4(a–2)(i)(A) is $3,512.50 for calendar year 2013.

Under section 2(c), the maximum amount of normal benefits paid for days of unemployment within a benefit year and the maximum amount of normal benefits paid for days of sickness within a benefit year shall not exceed an employee's compensation in the base year. In determining an employee's base year compensation, any money remuneration in a month not in excess of an amount that bears the same ratio to $775 as the monthly compensation base for that year bears to $600 shall be taken into account.

The calendar year 2013 monthly compensation base is $1,405. The ratio of $1,405 to $600 is 2.34166667. Multiplying 2.34166667 by $775 produces $1,815. Accordingly, the amount determined under section 2(c) is $1,815 for months in calendar year 2013.

Maximum Daily Benefit Rate

Section 2(a)(3) contains a formula for determining the maximum daily benefit rate for registration periods beginning after June 30, 1989, and after each June 30 thereafter. Legislation enacted on October 9, 1996, revised the formula for indexing maximum daily benefit rates. Under the prescribed formula, the maximum daily benefit rate increases by approximately two-thirds of the cumulative growth in average national wages since 1984. The maximum daily benefit rate for registration periods beginning after June 30, 2013, shall be equal to 5 percent of the monthly compensation base for the base year immediately preceding the beginning of the benefit year. Section 2(a)(3) further provides that if the amount so computed is not a multiple of $1, it shall be rounded down to the nearest multiple of $1.

The calendar year 2012 monthly compensation base is $1,365. Multiplying $1,365 by 0.05 yields $68.25, which must then be rounded down to $68. Accordingly, the maximum daily benefit rate for days of unemployment and days of sickness beginning in registration periods after June 30, 2013, is determined to be $68.

Dated: October 31, 2012.

By Authority of the Board.

Martha P. Rico,

Secretary to the Board.

[FR Doc. 2012–27113 Filed 11–6–12; 8:45 am]

BILLING CODE 7905–01–P

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review, Request for Comments

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Railroad Retirement Board (RRB) is forwarding three Information Collection Requests (ICR) to the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget (OMB). Our ICR describes the information we seek to collect from the public. Review and approval by OIRA ensures that we impose appropriate paperwork burdens.

The RRB invites comments on the proposed collections of information to determine (1) the practical utility of the collections; (2) the accuracy of the estimated burden of the collections; (3) ways to enhance the quality, utility, and clarity of the information that is the subject of collection; and (4) ways to minimize the burden of collections on respondents, including the use of automated collection techniques or other forms of information technology. Comments to the RRB or OIRA must contain the OMB control number of the ICR. For proper consideration of your comments, it is best if the RRB and OIRA receive them within 30 days of the publication date.

1. Title and purpose of information collection: Application for Employee Annuity Under the Railroad Retirement Act; OMB 3220–0002.

Section 2a of the Railroad Retirement Act (RRA) provides for payments of age and service, disability, and supplemental annuities to qualified employees. An annuity cannot be paid until the employee stops working for a railroad employer. In addition, the age and service employee must relinquish any rights held to such a job. A disabled employee does not need to relinquish employee rights until attaining Full Retirement Age, or if earlier, when their spouse files for a spouse annuity. Benefits become payable after the employee meets certain other requirements, which depend on the type of annuity payable. The requirements for obtaining the annuities are prescribed in 20 CFR 216 and 220.

To collect the information needed to help determine an applicant's entitlement to, and the amount of, an employee retirement annuity the RRB uses Forms AA–1, *Application for Employee Annuity;* AA–1d, *Application for Determination of Employee Disability;* G–204, *Verification of Workers Compensation/Public Disability Benefit Information* and electronic Form

AA–1cert, *Application Summary and Certification.*

The AA–1 application process obtains information from an applicant about their marital history, work history, military service, benefits from other governmental agencies, railroad pensions and Medicare entitlement for either an age and service or disability annuity. An RRB representative interviews the applicant either at a field office (preferred), an itinerant point, or by telephone. During the interview, the RRB representative enters the information obtained into an on-line information system. Upon completion of the interview, the on-line information system generates, for the applicant's review and traditional pen and ink ''wet'' signature, Form AA–1cert, *Application Summary and Certification,* which summarizes the information that was provided or verified by the applicant. When the RRB representative is unable to contact the applicant in person or by telephone, for example, the applicant lives in another country, a manual version of Form AA–1 is used.

Form AA–1d, *Application for Determination of Employee's Disability,* is completed by an employee who is filing for a disability annuity under the RRA, or a disability freeze under the Social Security Act, for early Medicare based on a disability. Form G–204, *Verification of Worker's Compensation/Public Disability Benefit Information,* is used to obtain and verify information concerning a worker's compensation or a public disability benefit that is or will be paid by a public agency to a disabled railroad employee.

Consistent with 20 CFR 217.17, upon completion of the AA–1 interview process, the RRB proposes to provide, in addition to the current Form AA–1cert pen and ink ''wet'' signature, an alternate signing method called ''Attestation,'' which will be documented by new Form AA–1sum, *Application Summary.* Attestation refers to an action taken by the RRB representative to confirm and annotate in the RRB records (1) the applicant's intent to file an application; (2) the applicant's affirmation under penalty of perjury that the information provided is correct; and (3) the applicant's agreement to sign the application by proxy. The information collected as part of the AA–1 interview process will be the same irrespective of whether the application is signed by a pen and ink ''wet'' signature or by attestation. The only difference will be the method of signature.

In addition, consistent with Department of Treasury guidelines, the RRB proposes revisions to Forms AA–1 and AA–1cert to provide claimants a debit card payment option. Other non-burden-impacting editorial and formatting changes are proposed. One response is requested of each respondent. Completion of the forms is required to obtain a benefit.

Previous Requests for Comments: The RRB has already published the initial 60-day notice (77 FR 1093 on January 9, 2012) required by 44 U.S.C. 3506(c)(2). That request elicited no comments.

Information Collection Request (ICR)

Title: Application for Employee Annuity Under the Railroad Retirement Act.

OMB Control Number: 3220–0002.

Form(s) submitted: AA–1, AA–1cert, AA–1d, AA–1sum and G–204.

Type of request: Revision of a currently approved collection.

Affected public: Individuals or Households.

Abstract: The Railroad Retirement Act provides for payment of age, disability and supplemental annuities to qualified employees. The application and related forms obtain information about the applicant's family work history, military service, disability benefits from other government agencies and public or private pensions. The information is used to determine entitlement to and the amount of the annuity applied for.

Changes proposed: The RRB proposes revisions to Forms AA–1 and AA–1cert to provide claimants with a debit card payment option. The RRB also proposes the creation of Form AA–1sum, Application Summary, which will be produced at the end of the AA–1 interview process for documenting the alternate signing method called ''Attestation.'' The RRB proposes no revisions to Forms AA–1d or G–204.

The burden estimate for the ICR is as follows:

Form No.	Annual responses	Time (minutes)	Burden (hours)
AA–1 (without assistance)	100	62	103
AA–1cert (with assistance)	4,900	30	2,450
AA–1d (with assistance)	3,700	35	2,158
AA–1d (without assistance)	5	60	5
AA–1sum (with assistance)	9,100	29	4,398
G–204	20	15	5
Total	17,825	.....	9,119

2. Title and purpose of information collection: Application for Survivor Insurance Annuities; OMB 3220–0030.

Under Section 2(d) of the Railroad Retirement Act (RRA), monthly survivor annuities are payable to surviving widow(er)s, parents, unmarried children, and in certain cases, divorced spouses, mothers (fathers), remarried widow(er)s, and grandchildren of deceased railroad employees if there are no qualified survivors of the employee immediately eligible for an annuity. The requirements relating to the annuities are prescribed in 20 CFR 216, 217, 218, and 219.

To collect the information needed to help determine an applicant's entitlement to, and the amount of, a survivor annuity the RRB uses Forms AA–17, *Application for Widow(er)'s Annuity;* AA–17b, *Applications for Determination of Widow(er)'s Disability;* AA–18, *Application for Mother's/Father's and Child's Annuity;* AA–19, *Application for Child's Annuity;* AA–19a, *Application for Determination of Child's Disability;* AA–20, *Application for Parent's Annuity,* and electronic Form AA–17cert, *Application Summary and Certification.*

The AA–17 application process obtains information from an applicant about their marital history, work history, benefits from other government agencies, and Medicare entitlement for a survivor annuity. An RRB representative interviews the applicant either at a field office (preferred), an itinerant point, or by telephone. During the interview, the RRB representative enters the information obtained into an on-line information system. Upon completion of the interview, the system generates, for the applicant's review and traditional pen and ink ''wet'' signature, Form AA–17cert, *Application Summary*

and Certification, which is a summary of the information that the applicant provided or verified. When the RRB representative is unable to contact the applicant in person or by telephone, for example, the applicant lives in another country, a manual version of Form AA–17 is used.

Consistent with 20 CFR 217.17, upon completion of the AA–17 interview process, the RRB proposes to provide, in addition to the current Form AA–17cert pen and ink ''wet'' signature, an alternate signing method called ''Attestation,'' which will be documented by new Form AA–17sum, *Application Summary.* Attestation refers to an action taken by the RRB representative to confirm and annotate in the RRB records (1) the applicant's intent to file an application; (2) the applicant's affirmation under penalty of perjury that the information provided is correct; and (3) the applicant's agreement to sign the application by proxy. The information collected as part of the AA–17 interview process will be the same irrespective of whether the application is signed by a pen and ink ''wet'' signature or by attestation. The only difference will be the method of signature.

In addition, consistent with Department of Treasury guidelines, the RRB proposes revisions to Forms AA–17, AA–17cert, AA–18, AA–19, and AA–20cert to provide claimants a debit card payment option. Other non-burden-impacting editorial and formatting changes are proposed. No changes are proposed to Forms AA–17b and AA–19a. One response is requested of each respondent. Completion of the forms is required to obtain a benefit.

Previous Requests for Comments: The RRB has already published the initial 60-day notice (77 FR 1093 on January 9, 2012) required by 44 U.S.C. 3506(c)(2). That request elicited no comments.

Information Collection Request (ICR)

Title: Application for Survivor Insurance Annuities.

OMB Control Number: 3220–0030.

Form(s) submitted: AA–17, AA–17b, AA–17cert, AA–17sum, AA–18, AA–19, AA–19a, and AA–20cert.

Type of request: Revision of a currently approved collection.

Affected public: Individuals or Households.

Abstract: Under Section 2(d) of the Railroad Retirement Act, monthly survivor annuities are payable to surviving widow(er)s, parents, unmarried children, and in certain cases, divorced wives (husbands), mothers (fathers), remarried widow(er)s and grandchildren of deceased railroad employees. The collection obtains information needed by the RRB for determining entitlement to and amount of the annuity applied for.

Changes proposed: The RRB proposes revisions to Forms AA–17, AA–17cert, AA–18, AA–19, and AA–20cert to provide claimants with a debit card payment option. The RRB also proposes the creation of Form AA–17sum, *Application Summary,* to be produced at the end of the AA–17 interview process for claimants who choose the alternate signing method called ''Attestation.'' Other non-burden-impacting editorial and formatting changes are proposed. No changes are proposed to Forms AA–17b and AA–19a.

The burden estimate for the ICR is as follows:

Form No.	Annual responses	Time (minutes)	Burden (hours)
AA–17 (without assistance)	100	47	78
AA–17b (with assistance)	280	40	187
AA–17b (without assistance)	20	50	17
AA–17cert (with assistance)	900	20	300
AA–17sum (with assistance)	2,100	19	665
AA–18 (without assistance)	12	47	9
AA–19 (without assistance)	9	47	7
AA–19a (with assistance)	285	45	214
AA–19a (without assistance)	15	65	16
AA–20 (without assistance)	1	47	1
Total	3,722	.....	1,494

3. Title and purpose of information collection: Application for Spouse Annuity Under the Railroad Retirement Act; OMB 3220–0042.

Section 2(c) of the Railroad Retirement Act (RRA), provides for the payment of annuities to spouses of railroad retirement annuitants who meet the requirements under the RRA. The age requirements for a spouse annuity depend on the employee's age, date of retirement, and years of railroad service. The requirements relating to the annuities are prescribed in 20 CFR 216, 218, 219, 232, 234, and 295.

To collect the information needed to help determine an applicant's entitlement to, and the amount of, a spouse annuity the RRB uses Form AA–3, *Application for Spouse/Divorced Spouse Annuity,* and electronic Form AA–3cert, *Application Summary and Certification.*

The AA–3 application process gathers information from an applicant about their marital history, work history, benefits from other government agencies, railroad pensions and Medicare entitlement for a spouse annuity. An RRB representative interviews the applicant either at a field office (preferred), an itinerant point, or by telephone. During the interview, the RRB representative enters the information obtained into an on-line information system. Upon completion of the interview, the system generates, for the applicant's review and traditional pen and ink ''wet'' signature, Form AA–3cert, *Application Summary and Certification,* which is a summary of the information that the applicant provided or verified. When the RRB representative is unable to contact the applicant in person or by telephone, for example, the applicant lives in another country, a manual version of Form AA–3 is used.

Consistent with 20 CFR 217.17, upon completion of the AA–3 interview process, the RRB proposes to provide, in addition to the current Form AA–3cert pen and ink ''wet'' signature, an alternate signing method called ''Attestation,'' which will be documented by new form AA–3sum, Application Summary. Attestation refers to an action taken by the RRB representative to confirm and annotate in the RRB records (1) the applicant's intent to file an application; (2) the applicant's affirmation under penalty of perjury that the information provided is

correct; and (3) the applicant's agreement to sign the application by proxy. The information collected as part of the AA–3 interview process will be the same irrespective of whether the application is signed by a pen and ink ''wet'' signature or by attestation. The only difference will be the method of signature.

In addition, consistent with Department of Treasury guidelines, the RRB proposes revisions to Forms AA–3 and AA–3cert to provide claimants a debit card payment option. Other non-burden-impacting editorial and formatting changes are proposed. One response is requested of each respondent. Completion of the forms is required to obtain a benefit.

Previous Requests for Comments: The RRB has already published the initial 60-day notice (77 FR 1093 on January 9, 2012) required by 44 U.S.C. 3506(c)(2). That request elicited no comments.

Information Collection Request (ICR)

Title: Application for Spouse Annuity Under the Railroad Retirement Act.

OMB Control Number: 3220–0042.

Form(s) submitted: AA–3, AA–3cert, and AA–3sum.

Type of request: Revision of a currently approved collection.

Affected public: Individuals or Households.

Abstract: The Railroad Retirement Act provides for the payment of annuities to spouses of railroad retirement annuitants who meet the requirements under the Act. The application obtains information supporting the claim for benefits based on being a spouse of an annuitant. The information is used for determining entitlement to and amount of the annuity applied for.

Changes proposed: The RRB proposes revisions to Forms AA–3 and AA–3cert to provide claimants with a debit card payment option. The RRB also proposes the creation of Form AA–3sum, *Application Summary,* to be produced at the end of the AA–3 interview process for claimants who choose the alternate signing method called ''Attestation.'' Other non-burden-impacting editorial and formatting changes are proposed.

The burden estimate for the ICR is as follows:

Form No.	Annual responses	Time (minutes)	Burden (hours)
AA–3 (without assistance)	250	58	242
AA–3cert (with assistance)	3,700	30	1,850
AA–3sum (with assistance)	7,100	29	3,432
Total	11,050	.....	5,524

Additional Information or Comments: Copies of the forms and supporting documents can be obtained from Dana Hickman at (312) 751–4981 or *Dana.Hickman@RRB.GOV*.

Comments regarding the information collection should be addressed to Charles Mierzwa, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–2092 or *Charles.Mierzwa@RRB.GOV* and to the OMB Desk Officer for the RRB, Fax: 202–395–6974, Email address: *OIRA_Submission@omb.eop.gov*.

Charles Mierzwa,

Chief of Information Resources Management.

[FR Doc. 2012–27114 Filed 11–6–12; 8:45 am]

BILLING CODE 7905–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549–0213.

Extension:

Rule 17f–1(c) and Form X–17F–1A; SEC File No. 270–29, OMB Control No. 3235–0037.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget a request for approval of extension of the existing collection of information provided for in the following rule: Rule 17f–1(c) (17 CFR 240.17f–1(c) and Form X–17F–1A (17 CFR 249.100) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) (''Exchange Act'').

Rule 17f–1(c) requires approximately 26,000 entities in the securities industry to report lost, stolen, missing, or counterfeit securities certificates to the Commission or its designee, to a registered transfer agent for the issue, and, when criminal activity is suspected, to the Federal Bureau of Investigation. Such entities are required to use Form X–17F–1A to make such reports. Filing these reports fulfills a statutory requirement that reporting institutions report and inquire about missing, lost, counterfeit, or stolen securities. Since these reports are compiled in a central database, the rule facilitates reporting institutions to access the database that stores information for the Lost and Stolen Securities Program.

We estimate that 26,000 reporting institutions will report that securities certificates are either missing, lost, counterfeit, or stolen annually and that each reporting institution will submit this report 50 times each year. The staff estimates that the average amount of time necessary to comply with Rule 17f–1(c) and Form X17F–1A is five minutes per submission. The total burden is 108,333 hours annually for the entire industry (26,000 times 50 times 5 divided by 60).

Rule 17f–1(c) is a reporting rule and does not specify a retention period. The rule requires an incident-based reporting requirement by the reporting institutions when securities certificates are discovered to be missing, lost, counterfeit, or stolen. Registering under Rule 17f–1(c) is mandatory to obtain the benefit of a central database that stores information about missing, lost, counterfeit, or stolen securities for the Lost and Stolen Securities Program. Reporting institutions required to register under Rule 17f–1(c) will not be kept confidential; however, the Lost and Stolen Securities Program database will be kept confidential.

The Commission may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

Background documentation for this information collection may be viewed at the following Web site: *www.reginfo.gov*. Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission,

Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503 or by sending an email to: *shagufta_ahmed@omb.eop.gov;* and (ii) Thomas Bayer, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 6432 General Green Way, Alexandria, VA 22312 or send an email to *PRA_Mailbox@sec.gov*. Comments must be submitted within 30 days of this notice.

Dated: October 29, 2012.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–27132 Filed 11–6–12; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549–0213.

Extension:

Rule 23c–3 and Form N–23c–3; SEC File No. 270–373, OMB Control No. 3235–0422.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et. seq.*), the Securities and Exchange Commission (the ''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for extension of the previously approved collection of information discussed below.

Rule 23c–3 (17 CFR 270.23c–3) under the Investment Company Act of 1940 (15 U.S.C. 80a–1 *et seq.*) permits a registered closed-end investment company (''closed-end fund'' or ''fund'') that meets certain requirements to repurchase common stock of which it is the issuer from shareholders at periodic intervals, pursuant to repurchase offers made to all holders of the stock. The rule enables these funds to offer their shareholders a limited ability to resell their shares in a manner that previously was available only to open-end investment company shareholders. To protect shareholders, a closed-end fund that relies on rule 23c–3 must send shareholders a notification that contains specified information each time the fund makes a repurchase offer (on a quarterly, semi-annual, or annual basis, or, for certain funds, on a discretionary basis not more often than every two years). The fund also must file copies of the shareholder notification with the Commission (electronically through the Commission's Electronic Data Gathering, Analysis, and Retrieval System (''EDGAR'')) on Form N–23c–3, a filing that provides certain information about the fund and the type of offer the fund is making.[1] The fund must describe in its annual report to shareholders the fund's policy concerning repurchase offers and the results of any repurchase offers made during the reporting period. The fund's board of directors must adopt written procedures designed to ensure that the fund's investment portfolio is sufficiently liquid to meet its repurchase obligations and other obligations under the rule. The board periodically must review the composition of the fund's portfolio and change the liquidity procedures as necessary. The fund also must file copies of advertisements and other sales literature with the Commission as if it were an open-end investment company subject to section 24 of the Investment Company Act (15 U.S.C. 80a–24) and the rules that implement section 24. Rule 24b–3 under the Investment Company Act (17 CFR 270.24b–3), however, exempts the fund from that requirement if the materials are filed instead with the Financial Industry Regulatory Authority (''FINRA'').

The requirement that the fund send a notification to shareholders of each offer is intended to ensure that a fund provides material information to shareholders about the terms of each offer. The requirement that copies be sent to the Commission is intended to enable the Commission to monitor the fund's compliance with the notification requirement. The requirement that the shareholder notification be attached to Form N–23c–3 is intended to ensure that the fund provides basic information necessary for the Commission to process the notification and to monitor the fund's use of repurchase offers. The requirement that the fund describe its current policy on repurchase offers and the results of recent offers in the annual shareholder report is intended to provide shareholders current information about the fund's repurchase policies and its recent experience. The requirement that the board approve and review written procedures designed to maintain portfolio liquidity is intended to ensure that the fund has enough cash or liquid securities to meet its repurchase obligations, and that written procedures are available for review by shareholders and examination by the Commission. The requirement that the fund file advertisements and sales literature as if it were an open-end fund is intended to facilitate the review of these materials by the Commission or FINRA to prevent incomplete, inaccurate, or misleading disclosure about the special characteristics of a closed-end fund that makes periodic repurchase offers.

Based on staff experience, the Commission staff estimates that 20 funds make use of rule 23c–3 annually, including two funds that are relying upon rule 23c–3 for the first time. The Commission staff estimates that on average a fund spends 89 hours annually in complying with the requirements of the rule and Form N–23c–3, with funds relying upon rule 23c–3 for the first time incurring an additional one-time burden of 28 hours. The Commission therefore estimates the total annual burden of the rule's and form's paperwork requirements to be 1,836 hours. In addition to the burden hours, the Commission estimates that the average yearly cost to each fund that relies on rule 23c–3 to print and mail repurchase offers to shareholders is approximately $29,966.50. The Commission estimates total annual cost is therefore approximately $599,330.

Estimates of the average burden hours and costs are made solely for the purposes of the Paperwork Reduction Act and are not derived from a comprehensive or even representative survey or study of the costs of Commission rules and forms. Compliance with the collection of information requirements of the rule and form is mandatory only for those funds that rely on the rule in order to repurchase shares of the fund. The information provided to the Commission on Form N–23c–3 will not be kept confidential. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The public may view the background documentation for this information collection at the following Web site: *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Thomas Bayer, Chief Information

[1] Form N–23c–3, entitled ''Notification of Repurchase Offer Pursuant to Rule 23c–3,'' requires the fund to state its registration number, its full name and address, the date of the accompanying shareholder notification, and the type of offer being made (periodic, discretionary, or both).

Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 6432 General Green Way, Alexandria, VA 22312; or send an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: October 29, 2012.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–27134 Filed 11–6–12; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549–0213.

Extension:

Rule 206(4)–2; SEC File No. 270–217, OMB Control No. 3235–0241.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for extension and revision of the previously approved collection of information discussed below.

The title for the collection of information is ''Rule 206(4)–2 under the Investment Advisers Act of 1940—Custody of Funds or Securities of Clients by Investment Advisers.'' Rule 206(4)–2 (17 CFR 275.206(4)–2) under the Investment Advisers Act of 1940 (15 U.S.C. 80b–1 *et seq.*) governs the custody of funds or securities of clients by Commission-registered investment advisers. Rule 206(4)–2 requires each registered investment adviser that has custody of client funds or securities to maintain those client funds or securities with a broker-dealer, bank or other ''qualified custodian.'' [1] The rule requires the adviser to promptly notify clients as to the place and manner of custody, after opening an account for the client and following any changes.[2] If an adviser sends account statements to its clients, it must insert a legend in the notice and in subsequent account statements sent to those clients urging them to compare the account statements from the custodian with those from the adviser.[3] The adviser also must have a reasonable basis, after due inquiry, for believing that the qualified custodian maintaining client funds and securities sends account statements directly to the advisory clients, and undergo an annual surprise examination by an independent public accountant to verify client assets pursuant to a written agreement with the accountant that specifies certain duties.[4] Unless client assets are maintained by an independent custodian (*i.e.,* a custodian that is not the adviser itself or a related person), the adviser also is required to obtain or receive a report of the internal controls relating to the custody of those assets from an independent public accountant that is registered with and subject to regular inspection by the Public Company Accounting Oversight Board (''PCAOB'').[5]

The rule exempts advisers from the rule with respect to clients that are registered investment companies. Advisers to limited partnerships, limited liability companies and other pooled investment vehicles are excepted from the account statement delivery and deemed to comply with the annual surprise examination requirement if the limited partnerships, limited liability companies or pooled investment vehicles are subject to annual audit by an independent public accountant registered with, and subject to regular inspection by the PCAOB, and the audited financial statements are distributed to investors in the pools.[6] The rule also provides an exception to the surprise examination requirement for advisers that have custody because they have authority to deduct advisory fees from client accounts and advisers that have custody solely because a related person holds the adviser's client assets and the related person is operationally independent of the adviser.[7]

Advisory clients use this information to confirm proper handling of their accounts. The Commission's staff uses the information obtained through these collections in its enforcement, regulatory and examination programs. Without the information collected under the rule, the Commission would be less efficient and effective in its programs and clients would not have information valuable for monitoring an adviser's handling of their accounts.

The respondents to this information collection are investment advisers registered with the Commission and have custody of clients' funds or securities. We estimate that 4,763 advisers would be subject to the information collection burden under the rule 206(4)–2. The number of responses under rule 206(4)–2 will vary considerably depending on the number of clients for which an adviser has custody of funds or securities, and the number of investors in pooled investment vehicles that the adviser manages. It is estimated that the average number of responses annually for each respondent would be 6,830, and an average time of 0.01593 hour per response. The annual aggregate burden for all respondents to the requirements of rule 206(4)–2 is estimated to be 518,275 hours.

This collection of information is found at 17 CFR 275.206(4)–2 and is mandatory. Responses to the collection of information are not kept confidential. Commission-registered investment advisers are required to maintain and preserve certain information required under rule 206(4)–2 for five years. The long-term retention of these records is necessary for the Commission's examination program to ascertain compliance with the Investment Advisers Act.

The estimated average burden hours are made solely for the purposes of Paperwork Reduction Act and are not derived from a comprehensive or even representative survey or study of the cost of Commission rules and forms. 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 control number.

The public may view the background documentation for this information collection at the following Web site, *www.reginfo.gov.* Please direct general comments regarding the above information to the following persons: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503 or email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Thomas Bayer, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 6432 General Green Way, Alexandria, VA 22312; or send an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: October 29, 2012.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–27136 Filed 11–6–12; 8:45 am]

BILLING CODE 8011–01–P

[1] Rule 206(4)–2(a)(1).

[2] Rule 206(4)–2(a)(2).

[3] Rule 206(4)–2(a)(2).

[4] Rule 206(4)–2(a)(3), (4).

[5] Rule 206(4)–2(a)(6).

[6] Rule 206(4)–2(b)(4).

[7] Rule 206(4)–2(b)(3), (b)(6).

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549–0213.

Extension:
Rule 2a–7; OMB Control No. 3235–0268, SEC File No. 270–258.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (the ''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Rule 2a–7 (17 CFR 270.2a–7) under the Investment Company Act of 1940 (15 U.S.C. 80a) (the ''Act'') governs money market funds. Money market funds are open-end management investment companies that differ from other open-end management investment companies in that they seek to maintain a stable price per share, usually $1.00. The rule exempts money market funds from the valuation requirements of the Act, and, subject to certain risk-limiting conditions, permits money market funds to use the ''amortized cost method'' of asset valuation or the ''penny-rounding method'' of share pricing.

Rule 2a–7 also imposes certain recordkeeping and reporting obligations on money market funds. The board of directors of a money market fund, in supervising the fund's operations, must establish written procedures designed to stabilize the fund's net asset value (''NAV''). The board must also adopt guidelines and procedures relating to certain responsibilities it delegates to the fund's investment adviser. These procedures and guidelines typically address various aspects of the fund's operations. The fund must maintain and preserve for six years a written copy of both these procedures and guidelines. The fund also must maintain and preserve for six years a written record of the board's considerations and actions taken in connection with the discharge of its responsibilities, to be included in the board's minutes. In addition, the fund must maintain and preserve for three years written records of certain credit risk analyses, evaluations with respect to securities subject to demand features or guarantees, and determinations with respect to adjustable rate securities and asset backed securities. If the board takes action with respect to defaulted securities, events of insolvency, or deviations in share price, the fund must file with the Commission an exhibit to Form N–SAR describing the nature and circumstances of the action. If any portfolio security fails to meet certain eligibility standards under the rule, the fund also must identify those securities in an exhibit to Form N–SAR. After certain events of default or insolvency relating to a portfolio security, the fund must notify the Commission of the event and the actions the fund intends to take in response to the situation.

The 2010 amendments to rule 2a–7 also added new collection of information requirements. First, money market fund boards must adopt written procedures that provide for periodic testing (and reporting to the board) of the fund's ability to maintain a stable NAV per share based on certain hypothetical events. Second, funds must post monthly portfolio information on their Web sites. Third, funds must maintain records of creditworthiness evaluations on counterparties to repurchase agreements that the fund intends to ''look through'' for purposes of rule 2a–7's diversification limitations. Finally, money market funds must promptly notify the Commission of the purchase of any money market fund's portfolio security by an affiliated person in reliance on rule 17a–9 under the Act and explain the reasons for such purchase.

The recordkeeping requirements in rule 2a–7 are designed to enable Commission staff in its examinations of money market funds to determine compliance with the rule, as well as to ensure that money market funds have established procedures for collecting the information necessary to make adequate credit reviews of securities in their portfolios. The reporting requirements of rule 2a–7 are intended to assist Commission staff in overseeing money market funds and reduce the likelihood that a fund is unable to maintain a stable NAV.

Commission staff estimates that there are 664 money market funds (136 fund complexes), all of which are subject to rule 2a–7. Commission staff further estimates that there will be approximately 10 new money market funds established each year. Commission staff estimates that rule 2a–7 contains the following collection of information requirements:

- Record of credit risk analyses, and determinations regarding adjustable rate securities, asset backed securities, securities subject to a demand feature or guarantee, and counterparties to repurchase agreements. Commission staff estimates a total annual hour burden for 664 funds to be 451,520 hours.
- Establishment of written procedures designed to stabilize NAV and guidelines and procedures for board delegation of authority. Commission staff estimates a total annual hour burden for 10 new money market funds to be 155 hours.
- Board review of procedures and guidelines of any investment adviser or officers to whom the fund's board has delegated responsibility under rule 2a–7 and amendment of such procedures and guidelines. Commission staff estimates a total annual hour burden for 166 funds to be 830 hours.
- Written record of board determinations and actions related to failure of a security to meet certain eligibility standards or an event of default or insolvency and notice to the Commission of an event of default or insolvency. Commission staff estimates a total annual hour burden for 20 funds to be 30 hours.
- Establishment of written procedures to test periodically the ability of the fund to maintain a stable NAV per share based on certain hypothetical events (''stress testing''). Commission staff estimates a total annual hour burden for 10 new money market funds to be 220 hours.
- Review, revise, and approve written procedures to stress test a fund's portfolio. Commission staff estimates a total annual hour burden for 136 fund complexes to be 1,632 hours.
- Reports to fund boards on the results of stress testing. Commission staff estimates a total annual hour burden for 136 fund complexes to be 6,800 hours.
- Monthly posting of money market fund portfolio information on a fund's Web site. Commission staff estimates a total annual hour burden for 664 funds and 10 new money market funds to be 56,016 hours.
- Notice to the Commission of the purchase of a money market fund's portfolio security by certain affiliated persons in reliance on rule 17a–9. Commission staff estimates a total annual hour burden for 25 fund complexes to be 25 hours.

Thus, the Commission estimates the total annual burden of the rule's information collection requirements is 517,228 hours.[1]

[1] This estimate is based on the following calculation: 451,520 hours + 155 hours + 830 hours + 30 hours + 220 hours + 1,632 hours + 6,800 hours + 56,016 hours + 25 hours = 517,228 hours.

The estimated total annual burden is being increased from 395,779 hours to 517,228 hours. This net increase is attributable to a combination of factors, including a decrease in the number of money market funds and fund complexes, and updated information from money market funds regarding hourly burdens, including revised staff estimates of the burden hours required to comply with rule 2a–7 as a result of new information received from surveyed fund representatives.

These estimates of burden hours are made solely for the purposes of the Paperwork Reduction Act. The estimates are not derived from a comprehensive or even a representative survey or study of Commission rules.

Commission staff estimates that in addition to the costs described above, money market funds will incur costs to preserve records, as required under rule 2a–7. These costs will vary significantly for individual funds, depending on the amount of assets under fund management and whether the fund preserves its records in a storage facility in hard copy or has developed and maintains a computer system to create and preserve compliance records. Commission staff estimates that the amount an individual fund may spend ranges from $100 per year to $300,000. Based on a cost of $0.0051295 per dollar of assets under management for small funds, $0.0005041 per dollar assets under management for medium funds, and $0.0000009 per dollar of assets under management for large funds, the staff estimates compliance with the record storage requirements of rule 2a–7 costs the fund industry approximately $57.3 million per year. Based on responses from individuals in the money market fund industry, the staff estimates that some of the largest fund complexes have created computer programs for maintaining and preserving compliance records for rule 2a–7. Based on a cost of $0.0000132 per dollar of assets under management for large funds, the staff estimates that total annualized capital/startup costs range from $0 for small funds to $35.6 million for all large funds. Commission staff further estimates that, even absent the requirements of rule 2a–7, money market funds would spend at least half of the amount for capital costs ($17.8 million) and for record preservation ($28.65 million) to establish and maintain these records and the systems for preserving them as a part of sound business practices to ensure diversification and minimal credit risk in a portfolio for a fund that seeks to maintain a stable price per share.

The collections of information required by rule 2a–7 are necessary to obtain the benefits described above. Notices to the Commission will not be kept confidential. 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 control number.

Written 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 will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Thomas Bayer, Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 6432 General Green Way, Alexandria, VA 22312; or send an email to: *PRA_Mailbox@sec.gov.*

Dated: October 29, 2012.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–27140 Filed 11–6–12; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549–0213.

Extension:

Form N–3; SEC File No. 270–281, OMB Control No. 3235–0316.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (the ''Commission'') has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

The title for the collection of information is ''Form N–3 (17 CFR 239.17a and 274.11b) under the Securities Act of 1933 (15 U.S.C. 77) and under the Investment Company Act of 1940 (15 U.S.C. 80a), Registration Statement of Separate Accounts Organized as Management Investment Companies.'' Form N–3 is the form used by separate accounts offering variable annuity contracts which are organized as management investment companies to register under the Investment Company Act of 1940 (''Investment Company Act'') and/or to register their securities under the Securities Act of 1933 (''Securities Act''). Form N–3 is also the form used to file a registration statement under the Securities Act (and any amendments thereto) for variable annuity contracts funded by separate accounts which would be required to be registered under the Investment Company Act as management investment companies except for the exclusion provided by Section 3(c)(11) of the Investment Company Act (15 U.S.C. 80a–3(c)(11)). Section 5 of the Securities Act (15 U.S.C. 77e) requires the filing of a registration statement prior to the offer of securities to the public and that the statement be effective before any securities are sold, and Section 8 of the Investment Company Act (15 U.S.C. 80a–8) requires a separate account to register as an investment company.

Form N–3 also permits separate accounts offering variable annuity contracts which are organized as investment companies to provide investors with a prospectus and a statement of additional information covering essential information about the separate account when it makes an initial or additional offering of its securities. Section 5(b) of the Securities Act requires that investors be provided with a prospectus containing the information required in a registration statement prior to the sale or at the time of confirmation or delivery of the securities. The form also may be used by the Commission in its regulatory review, inspection, and policy-making roles.

Commission staff estimates that there are zero initial registration statements and 7 post-effective amendments to initial registration statements filed on Form N–3 annually and that the average number of portfolios referenced in each post-effective amendment is 2. The Commission further estimates that the hour burden for preparing and filing a post-effective amendment on Form N–3 is 155.2 hours per portfolio. The total annual hour burden for preparing and filing post-effective amendments is 2172.8 hours (7 post-effective amendments × 2 portfolios × 155.2 hours per portfolio). The estimated annual hour burden for preparing and

filing initial registration statements is 0 hours. The total annual hour burden for Form N–3, therefore, is estimated to be 2172.8 hours (2172.8 hours + 0 hours).

The information collection requirements imposed by Form N–3 are mandatory. Responses to the collection of information will not be kept confidential. 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 control number.

The public may view the background documentation for this information collection at the following Web site, *www.reginfo.gov*. Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Thomas Bayer, Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 6432 General Green Way, Alexandria, VA 22312 or send an email to: *PRA_Mailbox@sec.gov*. Comments must be submitted to OMB within 30 days of this notice.

Dated: October 29, 2012.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–27137 Filed 11–6–12; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission of OMB Review; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549–0213.

Extension:

Rule 31a–2; SEC File No. 270–174, OMB Control No. 3235–0179.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (the ''Commission'') has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

Section 31(a)(1) of the Investment Company Act of 1940 (the ''Act'') (15 U.S.C. 80a–30(a)(1)) requires registered investment companies (''funds'') and certain underwriters, broker-dealers, investment advisers, and depositors to maintain and preserve records as prescribed by Commission rules. Rule 31a–1 under the Act (17 CFR 270.31a–1) specifies the books and records that each of these entities must maintain. Rule 31a–2 under the Act (17 CFR 270.31a–2), which was adopted on April 17, 1944, specifies the time periods that entities must retain certain books and records, including those required to be maintained under rule 31a–1. Rule 31a–2 requires the following:

1. Every fund must preserve permanently, and in an easily accessible place for the first two years, all books and records required under rule 31a–1(b)(1)–(4).[1]

2. Every fund must preserve for at least six years, and in an easily accessible place for the first two years:

a. all books and records required under rule 31a–1(b)(5)–(12);[2]

b. all vouchers, memoranda, correspondence, checkbooks, bank statements, canceled checks, cash reconciliations, canceled stock certificates, and all schedules evidencing and supporting each computation of net asset value of fund shares, and other documents required to be maintained by rule 31a–1(a) and not enumerated in rule 31a–1(b);

c. any advertisement, pamphlet, circular, form letter or other sales literature addressed or intended for distribution to prospective investors;

d. any record of the initial determination that a director is not an interested person of the fund, and each subsequent determination that the director is not an interested person of the fund, including any questionnaire and any other document used to determine that a director is not an interested person of the company;

e. any materials used by the disinterested directors of a fund to determine that a person who is acting as legal counsel to those directors is an independent legal counsel; and

f. any documents or other written information considered by the directors of the fund pursuant to section 15(c) of the Act (15 U.S.C. 80a–15(c)) in approving the terms or renewal of a contract or agreement between the fund and an investment advisor.[3]

3. Every underwriter, broker, or dealer that is a majority-owned subsidiary of a fund must preserve records required to be preserved by brokers and dealers under rules adopted under section 17 of the Securities Exchange Act of 1934 (15 U.S.C. 78q) (''section 17'') for the periods established in those rules.

4. Every depositor of a fund, and every principal underwriter of a fund (other than a closed-end fund), must preserve for at least six years records required to be maintained by brokers and dealers under rules adopted under section 17 to the extent the records are necessary or appropriate to record the entity's transactions with the fund.

5. Every investment adviser that is a majority-owned subsidiary of a fund must preserve the records required to be preserved by investment advisers under rules adopted under section 204 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–4) (''section 204'') for the periods specified in those rules.

6. Every investment adviser that is not a majority-owned subsidiary of a fund must preserve for at least six years records required to be maintained by registered investment advisers under rules adopted under section 204 to the extent the records are necessary or appropriate to reflect the adviser's transactions with the fund.

The records required to be maintained and preserved under this part may be maintained and preserved for the required time by, or on behalf of, a fund on (i) micrographic media, including microfilm, microfiche, or any similar medium, or (ii) electronic storage media, including any digital storage medium or system that meets the terms of rule 31a–2(f). The fund, or person that maintains and preserves records on its behalf, must arrange and index the records in a way that permits easy location, access, and retrieval of any particular record.[4]

[1] These include, among other records, journals detailing daily purchases and sales of securities, general and auxiliary ledgers reflecting all asset, liability, reserve, capital, income and expense accounts, separate ledgers reflecting separately for each portfolio security as of the trade date all ''long'' and ''short'' positions carried by the fund for its own account, and corporate charters, certificates of incorporation, by-laws and minute books.

[2] These include, among other records, records of each brokerage order given in connection with purchases and sales of securities by the fund, records of all other portfolio purchases or sales, records of all puts, calls, spreads, straddles or other options in which the fund has an interest, has granted, or has guaranteed, records of proof of money balances in all ledger accounts, files of all advisory material received from the investment adviser, and memoranda identifying persons, committees, or groups authorizing the purchase or sale of securities for the fund.

[3] Section 15 of the Act requires that fund directors, including a majority of independent directors, annually approve the fund's advisory contract and that the directors first obtain from the adviser the information reasonably necessary to evaluate the contract. The information request requirement in section 15 provides fund directors, including independent directors, a tool for obtaining the information they need to represent shareholder interests.

[4] In addition, the fund, or person who maintains and preserves records for the fund, must provide promptly any of the following that the Commission (by its examiners or other representatives) or the

Continued

We periodically inspect the operations of all funds to ensure their compliance with the provisions of the Act and the rules under the Act. Our staff spends a significant portion of its time in these inspections reviewing the information contained in the books and records required to be kept by rule 31a–1 and to be preserved by rule 31a–2.

There are 3,484 funds currently operating as of March 31, 2012, all of which are required to comply with rule 31a–2. Based on conversations with representatives of the fund industry and past estimates, our staff estimates that each fund currently spends 220 total hours per year complying with rule 31a–2. Our staff estimates that the 220 hours spent by a typical fund would be split evenly between administrative and computer operation personnel,[5] with 110 hours spent by a general clerk and 110 hours spent by a senior computer operator. Based on these estimates, our staff estimates that the total annual burden for all funds to comply with rule 31a–2 is 766,480 hours.[6]

The hour burden estimates for retaining records under rule 31a–2 are based on our experience with registrants and our experience with similar requirements under the Act and the rules under the Act. The number of burden hours may vary depending on, among other things, the complexity of the fund, the issues faced by the fund, and the number of series and classes of the fund.

Based on conversations with representatives of the fund industry and past estimates, our staff estimates that the average cost of preserving books and records required by rule 31a–2 is approximately $70,000 annually per fund. As discussed previously, there are 3,484 funds currently operating, for a total cost of preserving records as required by rule 31a–2 of approximately $243,880,000 per year.[7] Our staff understands, however, based on previous conversations with representatives of the fund industry, that funds would already spend approximately half of this amount ($121,940,000) to preserve these same books and records, as they are also necessary to prepare financial statements, meet various state reporting requirements, and prepare their annual federal and state income tax returns. Therefore, we estimate that the total annual cost burden for all funds as a result of compliance with rule 31a–2 is approximately $121,940,000 per year.

The estimate of average burden hours is made solely for the purposes of the Paperwork Reduction Act, and is not derived from a comprehensive or even a representative survey or study of the costs of Commission rules and forms.

The collection of information under rule 31a–2 is mandatory for all funds. 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 control number.

The public may view the background documentation for this information collection at the following Web site, *www.reginfo.gov*. Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Thomas Bayer, Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 6432 General Green Way, Alexandria, VA 22312 or send an email to: *PRA_Mailbox@sec.gov*. Comments must be submitted to OMB within 30 days of this notice.

Dated: October 29, 2012.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–27135 Filed 11–6–12; 8:45 am]

BILLING CODE 8011–01–P

directors of the fund may request: (A) A legible, true, and complete copy of the record in the medium and format in which it is stored; (B) a legible, true, and complete printout of the record; and (C) means to access, view, and print the records; and must separately store, for the time required for preservation of the original record, a duplicate copy of the record on any medium allowed by rule 31a–2(f). In the case of records retained on electronic storage media, the fund, or person that maintains and preserves records on its behalf, must establish and maintain procedures: (i) To maintain and preserve the records, so as to reasonably safeguard them from loss, alteration, or destruction; (ii) to limit access to the records to properly authorized personnel, the directors of the fund, and the Commission (including its examiners and other representatives); and (iii) to reasonably ensure that any reproduction of a non-electronic original record on electronic storage media is complete, true, and legible when retrieved.

[5] However, the hour burden may be incurred by a variety of fund staff, and the type of staff position used for compliance with the rule may vary widely from fund to fund.

[6] This estimate is based on the following calculations: 3,484 funds × 220 hours = 766,480 total hours.

[7] This estimate is based on the following calculation: 3,484 funds × $70,000 = $243,880,000.

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549–0213.

Extension:

Rule 17Ad–11 ; SEC File No. 270–261, OMB Control No. 3235–0274.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (''PRA''), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the previously approved collection of information provided for in Rule 17Ad–11 (17 CFR 240.17Ad–11) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).

Rule 17Ad–11 requires all registered transfer agents to report to issuers and the appropriate regulatory agency in the event that aged record differences exceed certain dollar value thresholds. An aged record difference occurs when an issuer's records do not agree with those of security holders as indicated, for instance, on certificates presented to the transfer agent for purchase, redemption or transfer. In addition, the rule requires transfer agents to report to the appropriate regulatory agency in the event of a failure to post certificate detail to the master security holder file within five business days of the time required by Rule 17Ad–10 (17 CFR 240.17Ad–10). Also, transfer agents must maintain a copy of each report prepared under Rule 17Ad–11 for a period of three years following the date of the report. This recordkeeping requirement assists the Commission and other regulatory agencies with monitoring transfer agents and ensuring compliance with the rule.

Because the information required by Rule 17Ad–11 is already available to transfer agents, any collection burden for small transfer agents is minimal. Based on a review of the number of Rule 17Ad–11 reports the Commission, the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, and the Federal Deposit Insurance Corporation received since 2009, the Commission staff estimates that 10 respondents will file a total of approximately 12 reports annually. The Commission staff estimates that, on average, each report can be completed in 30 minutes. Therefore, the total

annual hourly burden to the entire transfer agent industry is approximately six hours (30 minutes multiplied by 12 reports). Assuming an average hourly rate of a transfer agent staff employee of $25, the average total internal cost of the report is $12.50. The total annual internal cost of compliance for the approximate 10 respondents is approximately $150.00 (12 reports x $12.50).

The retention period for the recordkeeping requirement under Rule 17Ad–11 is three years following the date of a report prepared pursuant to the rule. The recordkeeping requirement under Rule 17Ad–11 is mandatory to assist the Commission and other regulatory agencies with monitoring transfer agents and ensuring compliance with the rule. This rule does not involve the collection of confidential information.

The Commission may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

Background documentation for this information collection may be viewed at the following Web site: *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503 or by sending an email to: (i) *Shagufta_Ahmed@comb.eop.gov;* and (ii) Thomas Bayer, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 6432 General Green Way, Alexandria, Virginia 22312 or send an email to *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: October 29, 2012.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–27133 Filed 11–6–12; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549–0213.

Extension:

Form N–1A; OMB Control No. 3235–0307, SEC File No. 270–21.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) the Securities and Exchange Commission (the ''Commission'') is soliciting comments on the collections of information summarized below. The Commission plans to submit these existing collections of information to the Office of Management and Budget (''OMB'') for extension and approval.

Form N–1A (17 CFR 239.15A and 274.11A) is the form used by open-end management investment companies (''funds'') under the Investment Company Act of 1940 (15 U.S.C. 80a–1 *et seq.*) (''Investment Company Act'') and/or to register their securities under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*) (''Securities Act''). Section 5 of the Securities Act (15 U.S.C. 77e) requires the filing of a registration statement prior to the offer of securities to the public and that the statement be effective before any securities are sold, and Section 8 of the Investment Company Act (15 U.S.C. 80a–8) requires a fund to register as an investment company. Form N–1A also permits funds to provide investors with a prospectus and a statement of additional information (''SAI'') covering essential information about the fund when it makes an initial or additional offering of its securities. Section 5(b) of the Securities Act requires that investors be provided with a prospectus containing the information required in a registration statement prior to the sale or at the time of confirmation or delivery of the securities. The form also may be used by the Commission in its regulatory review, inspection, and policy-making roles.

The Commission estimates that there are 48 initial registration statements and 5,642 post-effective amendments to initial registration statements filed on Form N–1A annually and that the average number of portfolios referenced in initial registration statements is 7.5, and the average number of portfolios referenced in post-effective amendment is 1.7. The Commission further estimates that the hour burden for preparing and filing a post-effective amendment on Form N–1A is 133.75 hours per portfolio. The total annual hour burden for preparing and filing post-effective amendments is 1,279,720 hours (5,642 post-effective amendments × 133.75 hours per portfolio). The estimated annual hour burden for preparing and filing initial registration statements is 298,969 hours (48 initial registration statements × 830.47 hours per portfolio). The total annual hour burden for Form N–1A, therefore, is estimated to be 1,578,689 hours (1,279,720 hours + 298,969 hours).

The information collection requirements imposed by Form N–1A are mandatory. Responses to the collection of information will not be kept confidential. 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 control number.

Written 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 will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Thomas Bayer, Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 6432 General Green Way, Alexandria, VA 22312; or send an email to: *PRA_Mailbox@sec.gov.*

Dated: October 29, 2012.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–27139 Filed 11–6–12; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549–0213.

Extension:

Voluntary XBRL-Related Documents; SEC File No. 270–550, OMB Control No. 3235–0611.

Notice is hereby given that, under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (''Paperwork Reduction Act''), the Securities and Exchange Commission (the ''Commission'') has submitted to the Office of Management and Budget

(''OMB'') a request for extension of the previously approved collection of information discussed below.

As part of our evaluation of the potential of interactive data tagging technology, the Commission permits registered investment companies (''funds'') to submit on a voluntary basis specified financial statement and portfolio holdings disclosure tagged in eXtensible Business Reporting Language (''XBRL'') format as an exhibit to certain filings on the Commission's Electronic Data Gathering, Analysis and Retrieval System (''EDGAR''). The current voluntary program permits any fund to participate merely by submitting a tagged exhibit in the required manner. These exhibits are publicly available but are considered furnished rather than filed. The purpose of the collection of information is to help evaluate the usefulness of data tagging and XBRL to registrants, investors, the Commission, and the marketplace.

We estimate that no funds participate in the voluntary program each year. This information collection, therefore, imposes no time burden; however, we are requesting a one hour burden for administrative purposes. We also estimate that the information collection imposes no cost burden.

Estimates of the average burden hours and costs are made solely for the purposes of the Paperwork Reduction Act and are not derived from a comprehensive or even representative survey or study of the costs of Commission rules and forms. Participation in the program is voluntary. Submissions under the program will not be kept confidential. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The public may view the background documentation for this information collection at the following Web site: *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Thomas Bayer, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 6432 General Green Way, Alexandria, VA 22312; or send an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: October 29, 2012.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–27138 Filed 11–6–12; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–68128; File No. SR–NYSEMKT–2012–55]

Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending Rule 968NY To Allow for the Split-Price Priority Provisions To Apply to Open Outcry Trading of Cabinet Trades

November 1, 2012.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that on October 19, 2012, NYSE MKT LLC (the ''Exchange'' or ''NYSE MKT'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 968NY to allow for the split-price priority provisions to apply to open outcry trading of cabinet trades. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.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 those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 968NY to provide that the split-price priority provisions in Rule 963NY(f) apply to accommodation trades (''cabinet trades'') in open outcry.[4]

An ''accommodation'' or ''cabinet'' trade refers to trades in listed options on the Exchange that are worthless or not

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Rule 963NY(f). Rule 963NY(f) regarding priority on split-price transaction occurring in open outcry specifically provides the following: (1) If an ATP Holder purchases (sells) one or more option contracts of a particular series at a particular price or prices, the ATP Holder must, at the next lower (higher) price at which another ATP Holder bids (offers), have priority in purchasing (selling) up to the equivalent number of option contracts of the same series that the ATP Holder purchased (sold) at the higher (lower) price or prices, provided that the ATP Holder's bid (offer) is made promptly and continuously and that the purchase (sale) so effected represents the opposite side of a transaction with the same order or offer (bid) as the earlier purchase or purchases (sale or sales). This paragraph only applies to transactions effected in open outcry; (2) If an ATP Holder purchases (sells) fifty or more option contracts of a particular series at a particular price or prices, he/she shall, at the next lower (higher) price have priority in purchasing (selling) up to the equivalent number of option contracts of the same series that he/she purchased (sold) at the higher (lower) price or prices, but only if his/her bid (offer) is made promptly and the purchase (sale) so effected represents the opposite side of the transaction with the same order or offer (bid) as the earlier purchase or purchases (sale or sales). The Exchange may increase the ''minimum qualifying order size'' above 100 contracts for all products. Announcements regarding changes to the minimum qualifying order size shall be made via an Exchange Bulletin. This paragraph only applies to transactions effected in open outcry; (3) If the bids or offers of two or more ATP Holder are both entitled to priority in accordance with subsections (1) or (2), it shall be afforded them, insofar as practicable, on an equal basis.; (4) Except for the provisions set forth in Rule 963NY(f)(2), the priority afforded by this rule is effective only insofar as it does not conflict with Customer limit orders represented in the Consolidated Book. Such orders have precedence over ATP Holders' orders at a particular price; Customer limit orders in the Consolidated Book also have precedence over ATP Holders' orders that are not superior in price by at least the MPV.; and (5) Floor Brokers are able to achieve split price priority in accordance with paragraphs (1) and (2) above.

Example: Market quote is $1.00–1.20, with customer interest in the book at the offer price. Floor Broker announces a market order to buy 100 contracts. Market Maker A (''MM–A'') is alone in responding ''Sell 50 at $1.15 and 50 at $1.20'' (for an equivalent net price of $1.175).

Because MM–A is willing to sell contracts at the lower price of $1.15, MM–A then has priority over all orders in the Book and trading crowd at the next higher price, in this case 1.20, for an equal number of contracts. The priority afforded by this provision allows MM–A to trade ahead of any like priced Customer orders in the Book.

actively traded. Cabinet trading provides a way for market participants to effect transactions in such options at a minimal cost. Cabinet trading is conducted in accordance with Rule 968NY Accommodation Transactions (Cabinet Trades),[5] which provides that cabinet trading shall be conducted in accordance with other Exchange rules, except as otherwise provided in Rule 968NY, and sets forth specific procedures for engaging in cabinet trading. Pursuant to Rule 968NY(a), the Exchange designates options issues as eligible for cabinet trading pursuant to Rule 968NY. Such designations are made pursuant to requests from market participants.

In March 2009, NYSE Amex adopted a new rule set governing the trading of options.[6] Much of the new rule set was based on the rules of NYSE Arca Inc. (''NYSE Arca''). In conjunction with the filing of the new rule set, the Exchange filed a separate proposal deleting many out-of-date and/or obsolete rules.[7] Included as part of this filing was the deletion of former American Stock Exchange Rule 959-*Accommodation Transactions,* which contained provisions governing both cabinet trading and position transfers. However, when filing the new rule set the Exchange inadvertently failed to include new rules governing cabinet trading. In July, 2009, the Exchange added a new rule governing trading of cabinet orders.[8] Instead of copying the cabinet trading rules of Chicago Board Options Exchange, Incorporated (''CBOE'') or NASDAQ OMX PHLX LLC (''PHLX''), the Exchange chose to copy-cat the language of the existing NYSE Arca cabinet trade rule, which included a restriction that prevented the application of the split-price priority provisions to manual cabinet trading. In contrast, neither CBOE nor PHLX have a similar restriction on cabinet trades, and allow for split-price priority for cabinet trades on the trading floor.[9] The Exchange did not understand the implication of not choosing to copy the cabinet trading rules of CBOE or PHLX at that time.

Prior to the adoption of the present NYSE Amex trading system, all cabinet trading on the NYSE Amex was done on a manual basis. Therefore, previous Amex Stock Exchange Rule 959(a) dealt only with cabinet trading in open outcry. However, current Rule 968NY provides for both manual and electronic cabinet trading—with manual cabinet trading pursuant to Rule 968NY(b) and electronic cabinet trading pursuant to Rule 968NY(c). Rule 968NY(b)(3) expressly provides that the split-price priority provisions otherwise applicable to open outcry trading pursuant to Rule 963NY(f) do not apply to open outcry trading in cabinet trades.[10] Because split-price priority provisions are only applicable to open outcry trading, Rule 968NY(c), which governs electronic trading of cabinet trading, does not include this provision.

The Exchange believes that split-price priority provisions should apply to open outcry cabinet trading, and that the existing restriction unnecessarily limits the ability of market participants to manually trade cabinet orders on the floor. The current restriction unnecessarily restricts business by not making available certain prices which are available on other exchanges. Split-price priority in open outcry trading of cabinet trades provides an extra incentive for market participants to both price improve and facilitate the efficient trading of options contracts that are worthless or not actively trading. The Exchange notes that neither CBOE nor PHLX have a similar restriction on cabinet trades, and allow for split-price priority for cabinet trades on the trading floor.[11]

Accordingly, the Exchange therefore proposes to delete the language from Rule 968NY(b)(3) that states that the split-price priority provisions of Rule 963NY shall not apply. The Exchange believes that providing market participants the ability to have split-price priority when trading cabinet orders in open outcry will help facilitate the trading of options positions that are worthless or not actively traded. The Exchange believes that the proposal should lead to more aggressive quoting by trading crowd participants on the floor, which in turn could lead to better executions. A trading crowd participant might be willing to trade at a better price for a portion of an order if they were assured of trading with the balance of the order at the next price increment. As a result, Floor Brokers representing orders in the trading crowd might receive better-priced executions. The Exchange notes that cabinet trades are infrequent in nature and that, even though the Exchange Rules provide that cabinet trades may be traded electronically, the Exchange has not designated any options issues to trade electronically pursuant to Rule 968NY, because market participants have never requested to do so. Thus, the fact that split-price priority is available for manual and not electronic, will have no impact on ongoing electronic cabinet trading.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the ''Act''),[12] in general, and furthers the objectives of Section 6(b)(5) of the Act,[13] in particular, in that it is designed to promote just and equitable principles of trade, remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest.

The Exchange believes that allowing for the split-pricing priority provisions to apply to open outcry trading of cabinet trades will better facilitate the trading of options contracts that are worthless or not actively traded. The proposed change is designed to promote just and equitable principles of trade,

[5] Rule 968NY currently provides for cabinet transactions to occur via open outcry at a cabinet price of a $1 per option contract in any options series open for trading in the Exchange, except that the Rule is not applicable to trading in option classes participating in the Penny Pilot Program. Under the procedures, bids and offers (whether opening or closing a position) at a price of $1 per option contract may be represented in the trading crowd by a Floor Broker or by a Market Maker or provided in response to a request by a Trading Official, a Floor Broker or a Market Maker, but must yield priority to all resting orders in the Cabinet (those orders held by the Trading Official, and which resting cabinet orders may be closing only). So long as both the buyer and the seller yield to orders resting in the cabinet book, opening cabinet bids can trade with opening cabinet offers at $1 per option contract.

[6] *See* Securities Exchange Act Release No. 59472 (February 27, 2009), 74 FR 9843 (March 6, 2009) (order approving NYSEALTR–2008–14, as amended).

[7] *See* Securities Exchange Act Release No. 59454 (February 25, 2009), 74 FR 9461 (March 4, 2009) (notice of filing and immediate effectiveness of NYSEALTR–2009–17).

[8] *See* Securities Exchange Act Release No. 60296 (July 13, 2009), 74 FR 35217 (July 20, 2009) (SR–NYSE–Amex–2009–37).

[9] *See* CBOE Rules 6.54 and 6.47; NASDAQ OMX PHLX Rule 1059.

[10] This limitation did not exist in the previous American Stock Exchange Rule Amex 959(a) that dealt only with cabinet trading in open outcry. *See* Securities Exchange Act Release No. 59454 (February 25, 2009), 74 FR 9461 (March 4, 2009) (SR–NYSEALTR–2009–17).

[11] *See* CBOE Rules 6.54 and 6.47; PHLX Rule 1059. CBOE and PHLX both conduct their cabinet trading via open out-cry. Split-price priority is available for open out-cry trading on both CBOE and PHLX, with no restriction for cabinet trades. In addition, until March 2009, when the Exchange deleted former American Stock Exchange (''Amex'') rules that were deemed obsolete, the Exchange permitted split-price priority for open outcry cabinet trades. *See* Securities Exchange Act Release No. 59454 (February 25, 2009), 74 FR 9461 (March 4, 2009) (notice of filing and immediate effectiveness of NYSEALTR–2009–17) (deleting, in part, Amex Rule 959—Accommodation Transactions).

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(5).

remove impediments to and perfect the mechanisms of a free and open market and a national market system, by aligning the Exchange's Rules with the rules on other options exchanges that conduct manual cabinet trading.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [14] and Rule 19b–4(f)(6) thereunder.[15] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.

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.

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 email to *rule-comments@sec.gov.* Please include File Number SR–NYSEMKT–2012–55 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–NYSEMKT–2012–55. This file number should be included on the subject line if email 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 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal offices of NYSE MKT. 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–NYSEMKT–2012–55, and should be submitted on or before November 28, 2012.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–27212 Filed 11–6–12; 8:45 am]

BILLING CODE 8011–01–P

[14] 15 U.S.C. 78s(b)(3)(A)(iii).

[15] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–67879; File No. SR–CBOE–2012–087]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing of a Proposed Rule Change To Amend Rules Regarding Requests for Data Related to Exchange Reviews

September 18, 2012.

Correction

In notice document 2012–23439, appearing on pages 58897–58899 in the issue of Monday, September 24, 2012, make the following correction:

On page 58897, in the third column, the Release Number and File Number should read as set forth above.

[FR Doc. C1–2012–23439 Filed 11–6–12; 8:45 am]

BILLING CODE 1505–01–D

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–68138; File No. SR–NYSEMKT–2012–59]

Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Temporarily Suspend Those Aspects of Rules 36.20—Equities, 36.21—Equities, and 36.30—Equities That Would Not Permit Designated Market Makers and Floor Brokers To Use Personal Portable Phone Devices on the Trading Floor Following the Aftermath of Hurricane Sandy From October 31, 2012 Until the Earlier of When Phone Service is Fully Restored or Friday, November 2, 2012

November 1, 2012.

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 November 1, 2012, the NYSE MKT LLC (''Exchange'' or ''NYSE MKT'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to temporarily suspend those aspects of Rules 36.20—Equities, 36.21—Equities, and 36.30—Equities that would not permit Designated Market Makers (''DMMs'') and Floor brokers to use personal portable phone devices on the Trading Floor following the aftermath of Hurricane Sandy from October 31, 2012 until the earlier of when phone service is fully restored or Friday, November 2, 2012. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.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 those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to temporarily suspend those aspects of Rules 36.20—Equities, 36.21—Equities, and 36.30—Equities that would not permit Floor brokers and Designated Market Makers (''DMMs'') to use personal portable phone devices on the Trading Floor [3] following the aftermath of Hurricane Sandy and during the period that phone service is not fully functional. All other aspects of those rules will remain applicable. The Exchange proposes that the temporary suspensions of Rule 36 requirements be in effect beginning the first day trading resumed following Hurricane Sandy and remain in place to the earlier of when phone service is fully restored or Friday, November 2, 2012.[4]

On October 29 and 30, 2012, due to the dangerous conditions that developed as a result of Hurricane Sandy, and in consultation with other equities, options, bonds, and derivative exchanges, market participants, and Commission staff, all U.S. equities and options markets were closed, including the Exchange, the New York Stock Exchange LLC, and NYSE Arca, Inc.

On October 31, 2012, notwithstanding the ongoing lack of power in the downtown Manhattan vicinity, the Exchange, using back-up generators, was able to open trading at its physical location in New York City. However, due to intermittent telephone and cell phone service, neither the wired or wireless telephone connections on the Trading Floor are fully operational.

Proposed Temporary Suspensions to Permit Use of Personal Portable Phones

Rule 36.23—Equities generally permits Exchange members, including Floor brokers and DMMs, to use personal portable telephone devices at locations outside of the Trading Floor, other than on the NYSE Amex Options Trading Floor. Rules 36.20—Equities and 36.21—Equities govern the type of telephone communications that are approved for Floor brokers and Rule 36.30—Equities governs the type of telephone communications that are approved for DMMs.

Pursuant to Rule 36.20—Equities, Floor brokers may maintain a telephone line on the Trading Floor and use Exchange authorized and provided portable phones while on the Trading Floor. The use of such Exchange authorized and provided portable phones is governed by Rule 36.21—Equities. Because of intermittent cell phone service, many Exchange authorized and provided portable phones are not functional and therefore Floor brokers cannot use the Exchange authorized and provided portable phones. In certain instances, however, the personal cell phones of Floor brokers are operational on the Trading Floor. The Exchange believes that because communications with customers is a vital part of a Floor broker's role as agent and therefore contributes to maintaining a fair and orderly market, during the period when phone service continues to be intermittent, Floor brokers should be permitted to use personal portable phone devices in lieu of the non-operational Exchange authorized and provided portable phones.

The Exchange therefore proposes to temporarily suspend the limitations in Rules 36.20—Equities and 36.21—Equities that permit Floor brokers to use only Exchange authorized and provided portable phones so that Floor brokers may also use personal portable phones on the Trading Floor. The Exchange proposes that pursuant to this temporary suspension, Floor brokers must provide the Exchange with the names of all Floor-based personnel who used personal portable phones during this temporary suspension period, together with the phone number and applicable carrier for each number. Floor broker member organizations must maintain in their books and records all cell phone records that show both incoming and outgoing calls that were made during the period that a personal portable phone was used on the Trading Floor. To the extent the records are unavailable from the third-party carrier, the Floor brokers must maintain contemporaneous records of all calls made or received on a personal portable phone while on the Trading Floor. As with all member organization records, such cell phone records must be provided to Exchange regulatory staff, including without limitation staff of the Financial Industry Regulatory Authority (''FINRA''), on request.

Pursuant to Rule 36.30—Equities, with the permission of the Exchange, a DMM unit may maintain a telephone line at its stock trading post location to the off-Floor offices of the DMM unit, the unit's clearing firm, or to persons providing non-trading related services, as permitted under Rule 98—Equities.[5] Similar to the issues relating to wireless phone service on the Trading Floor, the Exchange is experiencing problems with the DMM unit wired telephone lines. In some circumstances, the DMM unit location at the Trading Floor post may receive incoming calls, but the phones are not capable of making outgoing calls.

The inability of a DMM unit to use its telephone lines could impact the ability of a DMM unit to comply with its obligations in securities registered to the

[3] Pursuant to Rule 6A—Equities, the Trading Floor is defined as the restricted-access physical areas designated by the Exchange for the trading of securities, but does not include the physical locations where NYSE Amex Options are traded.

[4] The Exchange notes that it formally submitted a draft of this rule proposal through the SEC's prefiling system on October 31, 2012, but that due to technological issues associated with Hurricane Sandy-related limitations on Exchange staff computer access, the Exchange was unable to formally submit the filing on October 31, 2012.

[5] Rule 36.30—Equities restricts a DMM unit from using the post telephone lines to transmit to the Floor orders for the purchase or sale of securities. In addition, Rule 98—Equities sets forth restrictions on communications between the Floor-based personnel of a DMM unit and off-Floor personnel. *See, e.g.,* Rules 98(c)(2)(A)–Equities, (d)(2)(B)(iii)—Equities, (f)(1)(A)(ii)—Equities, and (f)(2)(A)—Equities.

DMM unit. For example, if a DMM unit experiences connectivity issues or problems with its algorithms and needs to speak with one of its back-office support teams, with the current phone limitations, the DMM would not be able to do so. Accordingly, the Exchange proposes to temporarily suspend the requirements of Rule 36.30—Equities that restrict the use of personal cell phones so that DMM unit Trading Floor personnel may use personal portable phone devices while on the Trading Floor in lieu of their non-operational wired telephone lines.

The Exchange proposes that notwithstanding this temporary suspension, DMM units and their Floor-based personnel would remain subject to both the Rule 36.30 and 98 limitations of whom they may contact directly from the Trading Floor. However, because of the extensive, ongoing issues with power and phone lines in the New York City area and vicinity, the persons with whom a DMM may be permitted to communicate from the Trading Floor may not be at their regular physical location. Accordingly, the Exchange proposes to temporarily permit DMMs to use their personal portable phones to contact the off-Floor persons that they are permitted to contact by rule, even if such off-Floor personnel are not located in their regular office locations. The Exchange believes that this relief is consistent with guidance issued by FINRA, which recognizes that in the aftermath of Hurricane Sandy, a FINRA member may relocate displaced office personnel to temporary locations.[6]

DMM units that use personal portable phones during this temporary suspension must provide the Exchange with the names of all Floor-based personnel who used personal portable phones during this temporary suspension period, together with the phone number and applicable carrier for each number. DMM units must also maintain in their books and records all cell phone records that show both incoming and outgoing calls that were made during the period that a personal portable phone was used on the Trading Floor. To the extent the records are unavailable from the third-party carrier, the DMM unit must maintain contemporaneous records of all calls made or received on a personal portable phone while on the Trading Floor. As with all member organization records, such cell phone records must be provided to Exchange regulatory staff, including without limitation staff of the FINRA, on request.

At this time, because the Exchange is dependent on third-party carriers for both wired and wireless phone service on the Trading Floor, the Exchange does not know how long the proposed temporary suspension will be required. The Exchange therefore proposes that the temporary suspensions of Rule 36 requirements remain in place to the earlier of when phone service is fully restored or Friday, November 2, 2012.[7]

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[8] in general, and furthers the objectives of Section 6(b)(5) of the Act,[9] 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.

In particular, in the aftermath of Hurricane Sandy, while the Exchange was able to open for trading, many of the services that the Exchange depends on from third-party carriers, such as wired and wireless telephone connections, are not fully restored. The Exchange believes that the proposed temporary suspensions from those aspects of Rule 36 that restrict the use of personal portable phones on the Trading Floor removes impediments to and perfects the mechanism of a free and open market and national market system because the proposed relief will enable both Floor brokers and DMMs to conduct their regular business, notwithstanding the ongoing issues with telephone service. The Exchange further believes that without the requested relief, both Floor brokers and DMMs would be compromised in their ability to conduct their regular course of business on the Trading Floor, which could adversely impact the market generally and investor confidence during this time of unprecedented weather disruptions. In particular, for Floor brokers, because they operate as agents for customers, their inability to communicate with customers could compromise their ability to represent public orders on the Trading Floor. For DMM units, any inability to communicate with personnel from their off-Floor offices, clearing firms, or non-trading related support staff, regardless of where such off-Floor personnel may be located in the aftermath of Hurricane Sandy, could compromise the DMM unit's ability to meet their obligations, particularly if the DMM unit experiences issues with connectivity or its algorithms.

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

Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[10] and Rule 19b–4(f)(6) thereunder.[11]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act[12] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)[13] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange requested that the Commission waive the 30-day operative delay so that the proposed rule change may become operative upon filing. The Commission believes that waiving the 30-day operative delay is

[6] *See* FINRA Regulatory Notice 12–45. The Exchange notes that all member organizations operating a DMM unit are also FINRA members, and therefore subject to the guidance set forth in FINRA Regulatory Notice 12–45.

[7] The Exchange will provide notice of this rule filing to the DMMs and Floor brokers, including the applicable recordkeeping and other requirements.

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[12] 17 CFR 240.19b–4(f)(6).

[13] 17 CFR 240.19b–4(f)(6).

consistent with the protection of investors and the public interest. The Commission notes that doing so will allow the Exchange to make the emergency temporary relief described in this proposal, which was necessitated by Hurricane Sandy's disruption of telephone service, available on October 31, 2012, the first day that the Exchange reopened for trading following Hurricane Sandy. Therefore, the Commission hereby waives the 30-day operative delay and designates the proposal operative upon filing.[14]

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 email to *rule-comments@sec.gov.* Please include File Number SR–NYSEMKT–2012–59 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–NYSEMKT–2012–59. This file number should be included on the subject line if email 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 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEMKT–2012–59 and should be submitted on or before November 28, 2012.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–27221 Filed 11–6–12; 8:45 am]

BILLING CODE 8011–01–P

[14] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[15] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–68137; File No. SR–NYSE–2012–58]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Temporarily Suspend Those Aspects of Rules 36.20, 36.21, and 36.30 That Would Not Permit Designated Market Makers and Floor Brokers To Use Personal Portable Phone Devices on the Trading Floor Following the Aftermath of Hurricane Sandy From October 31, 2012 Until the Earlier of When Phone Service Is Fully Restored or Friday, November 2, 2012

November 1, 2012.

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 November 1, 2012, the New York Stock Exchange LLC (''Exchange'' or ''NYSE'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to temporarily suspend those aspects of Rules 36.20, 36.21, and 36.30 that would not permit Designated Market Makers (''DMMs'') and Floor brokers to use personal portable phone devices on the Trading Floor following the aftermath of Hurricane Sandy from October 31, 2012 until the earlier of when phone service is fully restored or Friday, November 2, 2012. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.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 those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to temporarily suspend those aspects of Rules 36.20, 36.21, and 36.30 that would not permit Floor brokers and Designated Market Makers (''DMMs'') to use personal portable phone devices on the Trading Floor [3] following the aftermath of Hurricane Sandy and during the period that phone service is not fully functional. All other aspects of those rules will remain applicable. The Exchange proposes that the temporary suspensions of Rule 36 requirements be in effect beginning the first day trading resumed following Hurricane Sandy and remain in place to the earlier of when

[3] Pursuant to Rule 6A, the Trading Floor is defined as the restricted-access physical areas designated by the Exchange for the trading of securities, but does not include the physical locations where NYSE Amex Options are traded.

phone service is fully restored or Friday, November 2, 2012.[4]

On October 29 and 30, 2012, due to the dangerous conditions that developed as a result of Hurricane Sandy, and in consultation with other equities, options, bonds, and derivative exchanges, market participants, and Commission staff, all U.S. equities and options markets were closed, including the Exchange, NYSE MKT LLC, and NYSE Arca, Inc.

On October 31, 2012, notwithstanding the ongoing lack of power in the downtown Manhattan vicinity, the Exchange, using back-up generators, was able to open trading at its physical location in New York City. However, due to intermittent telephone and cell phone service, neither the wired or wireless telephone connections on the Trading Floor are fully operational.

Proposed Temporary Suspensions To Permit Use of Personal Portable Phones

Rule 36.23 generally permits Exchange members, including Floor brokers and DMMs, to use personal portable telephone devices at locations outside of the Trading Floor, other than on the NYSE Amex Options Trading Floor. Rules 36.20 and 36.21 govern the type of telephone communications that are approved for Floor brokers and Rule 36.30 governs the type of telephone communications that are approved for DMMs.

Pursuant to Rule 36.20, Floor brokers may maintain a telephone line on the Trading Floor and use Exchange authorized and provided portable phones while on the Trading Floor. The use of such Exchange authorized and provided portable phones is governed by Rule 36.21. Because of intermittent cell phone service, many Exchange authorized and provided portable phones are not functional and therefore Floor brokers cannot use the Exchange authorized and provided portable phones. In certain instances, however, the personal cell phones of Floor brokers are operational on the Trading Floor. The Exchange believes that because communications with customers is a vital part of a Floor broker's role as agent and therefore contributes to maintaining a fair and orderly market, during the period when phone service continues to be intermittent, Floor brokers should be permitted to use personal portable phone devices in lieu of the non-operational Exchange authorized and provided portable phones.

The Exchange therefore proposes to temporarily suspend the limitations in Rules 36.20 and 21 that permit Floor brokers to use only Exchange authorized and provided portable phones so that Floor brokers may also use personal portable phones on the Trading Floor. The Exchange proposes that pursuant to this temporary suspension, Floor brokers must provide the Exchange with the names of all Floor-based personnel who used personal portable phones during this temporary suspension period, together with the phone number and applicable carrier for each number. Floor broker member organizations must maintain in their books and records all cell phone records that show both incoming and outgoing calls that were made during the period that a personal portable phone was used on the Trading Floor. To the extent the records are unavailable from the third-party carrier, the Floor brokers must maintain contemporaneous records of all calls made or received on a personal portable phone while on the Trading Floor. As with all member organization records, such cell phone records must be provided to Exchange regulatory staff, including without limitation staff of the Financial Industry Regulatory Authority (''FINRA''), on request.

Pursuant to Rule 36.30, with the permission of the Exchange, a DMM unit may maintain a telephone line at its stock trading post location to the off-Floor offices of the DMM unit, the unit's clearing firm, or to persons providing non-trading related services, as permitted under Rule 98.[5] Similar to the issues relating to wireless phone service on the Trading Floor, the Exchange is experiencing problems with the DMM unit wired telephone lines. In some circumstances, the DMM unit location at the Trading Floor post may receive incoming calls, but the phones are not capable of making outgoing calls.

The inability of a DMM unit to use its telephone lines could impact the ability of a DMM unit to comply with its obligations in securities registered to the DMM unit. For example, if a DMM unit experiences connectivity issues or problems with its algorithms and needs to speak with one of its back-office support teams, with the current phone limitations, the DMM would not be able to do so. Accordingly, the Exchange proposes to temporarily suspend the requirements of Rule 36.30 that restrict the use of personal cell phones so that DMM unit Trading Floor personnel may use personal portable phone devices while on the Trading Floor in lieu of their non-operational wired telephone lines.

The Exchange proposes that notwithstanding this temporary suspension, DMM units and their Floor-based personnel would remain subject to both the Rule 36.30 and 98 limitations of whom they may contact directly from the Trading Floor. However, because of the extensive, ongoing issues with power and phone lines in the New York City area and vicinity, the persons with whom a DMM may be permitted to communicate from the Trading Floor may not be at their regular physical location. Accordingly, the Exchange proposes to temporarily permit DMMs to use their personal portable phones to contact the off-Floor persons that they are permitted to contact by rule, even if such off-Floor personnel are not located in their regular office locations. The Exchange believes that this relief is consistent with guidance issued by FINRA, which recognizes that in the aftermath of Hurricane Sandy, a FINRA member may relocate displaced office personnel to temporary locations.[6]

DMM units that use personal portable phones during this temporary suspension must provide the Exchange with the names of all Floor-based personnel who used personal portable phones during this temporary suspension period, together with the phone number and applicable carrier for each number. DMM units must also maintain in their books and records all cell phone records that show both incoming and outgoing calls that were made during the period that a personal portable phone was used on the Trading Floor. To the extent the records are unavailable from the third-party carrier, the DMM unit must maintain contemporaneous records of all calls made or received on a personal portable phone while on the Trading Floor. As with all member organization records, such cell phone records must be provided to Exchange regulatory staff, including without limitation staff of the FINRA, on request.

At this time, because the Exchange is dependent on third-party carriers for both wired and wireless phone service

[4] The Exchange notes that it formally submitted a draft of this rule proposal through the SEC's prefiling system on October 31, 2012, but that due to technological issues associated with Hurricane Sandy-related limitations on Exchange staff computer access, the Exchange was unable to formally submit the filing on October 31, 2012.

[5] Rule 36.30 restricts a DMM unit from using the post telephone lines to transmit to the Floor orders for the purchase or sale of securities. In addition, Rule 98 sets forth restrictions on communications between the Floor-based personnel of a DMM unit and off-Floor personnel. *See, e.g.,* Rules 98(c)(2)(A), (d)(2)(B)(iii), (f)(1)(A)(ii), and (f)(2)(A).

[6] *See* FINRA Regulatory Notice 12–45. The Exchange notes that all member organizations operating a DMM unit are also FINRA members, and therefore subject to the guidance set forth in FINRA Regulatory Notice 12–45.

on the Trading Floor, the Exchange does not know how long the proposed temporary suspension will be required. The Exchange therefore proposes that the temporary suspensions of Rule 36 requirements remain in place to the earlier of when phone service is fully restored or Friday, November 2, 2012.[7]

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[8] in general, and furthers the objectives of Section 6(b)(5) of the Act,[9] 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.

In particular, in the aftermath of Hurricane Sandy, while the Exchange was able to open for trading, many of the services that the Exchange depends on from third-party carriers, such as wired and wireless telephone connections, are not fully restored. The Exchange believes that the proposed temporary suspensions from those aspects of Rule 36 that restrict the use of personal portable phones on the Trading Floor removes impediments to and perfects the mechanism of a free and open market and national market system because the proposed relief will enable both Floor brokers and DMMs to conduct their regular business, notwithstanding the ongoing issues with telephone service. The Exchange further believes that without the requested relief, both Floor brokers and DMMs would be compromised in their ability to conduct their regular course of business on the Trading Floor, which could adversely impact the market generally and investor confidence during this time of unprecedented weather disruptions. In particular, for Floor brokers, because they operate as agents for customers, their inability to communicate with customers could compromise their ability to represent public orders on the Trading Floor. For DMM units, any inability to communicate with personnel from their off-Floor offices, clearing firms, or non-trading related support staff, regardless of where such off-Floor personnel may be located in the aftermath of Hurricane Sandy, could compromise the DMM unit's ability to meet their obligations, particularly if the DMM unit experiences issues with connectivity or its algorithms.

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

Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[10] and Rule 19b–4(f)(6) thereunder.[11]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act[12] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)[13] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. The Commission notes that doing so will allow the Exchange to make the emergency temporary relief described in this proposal, which was necessitated by Hurricane Sandy's disruption of telephone service, available on October 31, 2012, the first day that the Exchange reopened for trading following Hurricane Sandy. Therefore, the Commission hereby waives the 30-day operative delay and designates the proposal operative upon filing.[14]

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 email to *rule-comments@sec.gov*. Please include File Number SR–NYSE–2012–58 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSE–2012–58. This file number should be included on the subject line if email 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

[7] The Exchange will provide notice of this rule filing to the DMMs and Floor brokers, including the applicable recordkeeping and other requirements.

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[12] 17 CFR 240.19b–4(f)(6).

[13] 17 CFR 240.19b–4(f)(6).

[14] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSE–2012–58 and should be submitted on or before November 28, 2012.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–27220 Filed 11–6–12; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–68136; File No. SR–NYSEArca–2012–94]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Designation of a Longer Period for Commission Action on Proposed Rule Change To Amend Commentary .06 to NYSE Arca Options Rule 6.4 To Permit the Exchange To List Additional Strike Prices Until the Close of Trading on the Second Business Day Prior to Monthly Expiration in Unusual Market Conditions

November 1, 2012.

On September 6, 2012, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') 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 amend Commentary .06 to NYSE Arca Options Rule 6.4 to permit the Exchange to list additional strike prices until the close of trading on the second business day prior to monthly expiration in unusual market conditions. The proposed rule change was published for comment in the **Federal Register** on September 20, 2012.[3] The Commission received no comment letters on the proposal.

Section 19(b)(2) of the Act[4] provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day for this filing is November 4, 2012. The Commission is extending this 45-day time period.

The Commission finds it appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider this proposed rule change, which would permit the Exchange to list additional strike prices until the close of trading on the second business day prior to monthly expiration in unusual market conditions.

Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[5] designates December 19, 2012 as the date by which the Commission should either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–NYSEArca–2012–94).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–27219 Filed 11–6–12; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–68135; File No. SR–NYSEMKT–2012–41]

Self-Regulatory Organizations; NYSE MKT LLC; Notice of Designation of a Longer Period for Commission Action on Proposed Rule Change To Amend Commentary .04 to NYSE Amex Options Rule 903 To Permit the Exchange To List Additional Strike Prices Until the Close of Trading on the Second Business Day Prior to Monthly Expiration in Unusual Market Conditions

November 1, 2012.

On September 6, 2012, NYSE MKT LLC (the ''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 amend Commentary .04 to NYSE Amex Options Rule 903 to permit the Exchange to list additional strike prices until the close of trading on the second business day prior to monthly expiration in unusual market conditions. The proposed rule change was published for comment in the **Federal Register** on September 20, 2012.[3] The Commission received no comment letters on the proposal.

Section 19(b)(2) of the Act[4] provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day for this filing is November 4, 2012. The Commission is extending this 45-day time period.

The Commission finds it appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider this proposed rule change, which would permit the Exchange to list additional strike prices until the close of trading on the second business day prior to monthly expiration in unusual market conditions.

Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[5] designates December 19, 2012 as the date by which the Commission should either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–NYSEMKT–2012–41).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–27214 Filed 11–6–12; 8:45 am]

BILLING CODE 8011–01–P

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[15] 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. 67863 (September 14, 2012), 77 FR 58433.

[4] 15 U.S.C. 78s(b)(2).

[5] 15 U.S.C. 78s(b)(2).

[6] 17 CFR 200.30–3(a)(31).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 67862 (September 14, 2012), 77 FR 58429.

[4] 15 U.S.C. 78s(b)(2).

[5] 15 U.S.C. 78s(b)(2).

[6] 17 CFR 200.30–3(a)(31).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–68133; File No. SR–FICC–2012–08]

Self-Regulatory Organizations; Fixed Income Clearing Corporation; Notice of Filing and Immediate Effectiveness of Proposed Rule Changes To Clarify a Stated Policy With Regard to Existing Provisions of the Loss Allocation Rules of the Government Securities Division and the Mortgage-Backed Securities Division

November 1, 2012.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on October 19, 2012, the Fixed Income Clearing Corporation (''FICC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule changes described in Items I, II, and III below, which Items have been prepared primarily by FICC. FICC filed the proposal pursuant to Section 19(b)(3)(A)(i) of the Act [2] and Rule 19b–4(f)(1) [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 changes from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule changes serve to clarify FICC's stated policy with regard to existing provisions of the Rules of the Government Securities Division (''GSD'') and the Mortgage-Backed Securities Division (''MBSD'') (each, a ''Division'') concerning loss allocation. The proposed rule changes will similarly clarify FICC's stated policy regarding MBSD's Rules governing indemnification.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, FICC included statements concerning the purpose of and basis for the proposed rule changes and discussed any comments it received on the proposed rule changes. The text of these statements may be examined at the places specified in Item IV below. FICC has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of these statements.[4]

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The proposed rule changes will clarify FICC's stated policy with regard to existing provisions of GSD's and MBSD's Rules concerning loss allocation. The proposed rule changes will similarly clarify FICC's stated policy with regard to MBSD's existing indemnification rules. The policies described below are consistent with the responses that FICC has provided to firms that have raised questions about the Divisions' loss-allocation and indemnification provisions.

The question has arisen as to whether a Tier One Member [5] of a Division may cap its potential loss allocation liability with respect to losses caused by another Member of the Division. FICC wishes to make clear that the answer to this question is yes; a Tier One Member may, under the Rules of each Division, cap its liability from losses allocated to it by appropriately terminating its membership in the applicable Division and withdrawing as a Member as described below.[6]

FICC's loss-allocation provisions are contained in Rule 4, Section 7 of the respective Rules of each Division. Section 7 provides that any loss or liability incurred by FICC as a result of a default by a Member or the failure of a Member to fulfill its obligations to FICC under the applicable Rules of each Division is satisfied pursuant to the payments and allocation methods described in that Section. There are two potential losses that FICC may allocate to its Members: Remaining Losses and Other Losses. Section 7(g)(ii) provides that a Member of either Division may withdraw from FICC and have its liability from an allocation based on any *Other Loss* be limited to the amount of its Required Fund Deposit for the Business Day on which FICC notified the Member of such allocation. Section 7(g)(ii), however, is silent as to whether a Member may withdraw and cap its liability from *Remaining Losses.*

FICC wishes to make clear its stated policy that a Member may withdraw from either Division and cap its liability from Remaining Losses with respect to that Division. FICC recognizes that it cannot impose unlimited liability on its Members. Many of its Members are depository institutions that are barred by federal law from being exposed to unlimited third-party liabilities.[7] In 2005, FICC obtained a ruling from the Office of the Comptroller of the Currency (''OCC'') in which OCC observed that a substantially similar provision in an older version of the GSD Rules did not expose Members to unlimited third-party liabilities, and that Members would be permitted to withdraw from FICC prior to the imposition of such liabilities.[8] While the GSD rules then in effect are different from the GSD and MBSD Rules now in effect, FICC believes that the spirit of the 2005 rules was substantially similar to that of the current GSD and MBSD Rules. FICC also recognizes that its Members, as part of their due diligence in evaluating their risks as clearing organization participants, need to be able to identify and quantify risks, such as potential loss allocation obligations.

Therefore, FICC is clarifying its stated policy that, under its loss-allocation provisions, FICC will permit a Tier One Member of either Division to withdraw its membership pursuant to the procedure outlined in the Division's Rules, and thereby cap the Member's liability with respect to Remaining Losses and Other Losses at the amount of its Required Fund Deposit, as measured in accordance with the applicable Division's Rules (the cap would apply after allocation of the $50,000 described in Section 7(c) of GSD Rule 4 and Section 7(d) of MBSD Rule 4). This limitation applies with respect to a single event of insolvency or default.[9] This clarification is being made to Section 7 of GSD Rule 4 and Section 7 of MBSD Rule 4.

An additional question has arisen as to whether the indemnification obligation contained in the last sentence of MBSD Rule 3, Section 15 is also subject to the cap on liability discussed above with respect to Remaining Losses and Other Losses. FICC wishes to make clear that the answer to this question is also yes; the assessment authority in the

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78s(b)(3)(A)(i).

[3] 17 CFR 240.19b–4(f)(1).

[4] The Commission has modified the text of the summaries prepared by FICC.

[5] The question does not arise with respect to Tier Two Members because Tier Two Members are not subject to loss mutualization.

[6] The cap applies per Division. Accordingly, a Member that participates in both Divisions could potentially be subject to loss allocation obligations in both Divisions if the defaulting Member that caused the loss which gave rise to the allocation was also a Member of both Divisions. Each Division operates within its own set of Rules and Members.

[7] *See* 12 CFR 7.1017.

[8] *See http://www.occ.gov/static/interpretations-and-precedents/Feb05/int1014.pdf.*

[9] The withdrawing Member may become subject to loss allocation obligations that arise due to subsequent Member defaults to the extent that the Member continues to maintain positions on the books of the applicable Division. *See* GSD Rule 3, Section 13 and MBSD Rule 3, Section 14.

last sentence of MBSD Rule 3, Section 15 (where the loss cannot be attributed to an identifiable Member or Members) is subject to the same cap. Thus, a Member may withdraw from MBSD per the procedure outlined in the Division's Rules and thereby cap its liability at the amount of its Required Fund Deposit on the Business Day on which FICC notified the Member of the assessment. This clarification is being made to MBSD Rule 3, Section 15.

FICC believes the proposed rule changes are consistent with Section 17A of the Act [10] and the rules and regulations thereunder applicable to FICC because they will provide FICC Members with clarity regarding FICC's loss-allocation rules, which will allow Members to gauge their risks more accurately.

B. Self-Regulatory Organization's Statement on Burden on Competition

FICC does not believe the proposed rule changes would 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

Written comments relating to the proposed rule changes have not been solicited or received. FICC will notify the Commission of any written comments received by FICC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing proposed rule changes have become effective pursuant to Section 19(b)(3)(A)(i) of the Act [11] and Rule 19b–4(f)(1) [12] thereunder because they constitute a stated policy with respect to the meaning, administration or enforcement of FICC's existing rules. At any time within 60 days of the filing of the proposed rule changes, the Commission summarily may temporarily suspend such rule changes 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.[13]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule changes are 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 email to *rule-comments@sec.gov.* Please include File Number SR–FICC–2012–08 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–FICC–2012–08. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method of submission. 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 Section, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filings will also be available for inspection and copying at FICC's principal office and on FICC's Web site at *http://www.dtcc.com/downloads/legal/rule_filings/2012/ficc/FICC_SR_2012_08.pdf.*

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–FICC–2012–08 and should be submitted on or before November 28, 2012.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–27213 Filed 11–6–12; 8:45 am]

BILLING CODE 8011–01–P

[10] 15 U.S.C. 78q–1.

[11] 15 U.S.C. 78s(b)(3)(A)(i).

[12] 17 CFR 240.19b–4(f)(1).

[13] 15 U.S.C. 78s(b)(3)(C).

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–68127; File No. SR–Phlx–2012–124]

Self-Regulatory Organizations; NASDAQ OMX PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Branch Offices

November 1, 2012.

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 October 24, 2012, NASDAQ OMX PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 748 titled ''Supervision'' to require member organizations for which the Exchange is the Designated Examining Authority (''DEA'') to file a list of their branch offices with the Exchange.

The text of the proposed rule change is available on the Exchange's Web site at *http://www.nasdaqtrader.com/micro.aspx?id=PHLXRulefilings,* 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 Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend Rule 748 which provides that each office, location, department, or business activity of a member or member organization (including foreign incorporated branch offices) shall be under the supervision and control of the member or member organization establishing it and of an appropriately qualified supervisor. When the Exchange is the DEA, it examines its members and member organizations for compliance with Rule 748 with respect to supervision. Accurate information related to branch offices is an important component of the examination process. The Exchange currently does not require members or member organizations to report branch office information.

The Exchange is proposing to adopt a reporting requirement for member organizations for which the Exchange is the DEA to report branch office information for purposes of conducting regulatory oversight, specifically through its examination program. The Financial Industry Regulatory Authority (''FINRA'') has a requirement for its members to register and keep current information with respect to branch offices.[3] Phlx member organizations for which the Exchange is the DEA do not have access to the Form BR filing process because they are not FINRA members. The Exchange believes that adopting Rule 748(f) to require member organizations for which the Exchange is the DEA to provide a list identifying its [sic] branch offices would assist the Exchange in maintaining an efficient examination schedule for Exchange member organizations for which it is the DEA.

Specifically, the Exchange is proposing that each member organization for which the Exchange is the DEA file a Branch Office Disclosure Form with the Exchange which requires identification of the member organization's branch offices.[4] These member organizations would also be subject to a continuing requirement to file amendments to the Branch Office Disclosure Form with the Exchange no later than thirty (30) days from the date of any change to the information previously provided on the Form. Member organizations for which the Exchange is the DEA shall provide information about its [sic] branch offices, includ*i*ng, but not limited to: location, designated supervisor, contact information, number of traders at the location and type of activity conducted at the branch office. The Exchange intends to provide its member organizations notice of this requirement to report branch offices.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act[5] in general, and furthers the objectives of Section 6(b)(5) of the Act[6] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest. The Exchange is proposing to require its member organizations, for which the Exchange is the DEA, to provide the Exchange with similar information that is being provided today by other market participants that report information through Form BR related to branch offices.[7]

The information on branch offices is necessary for the Exchange to conduct proper regulatory oversight of its member organizations where the Exchange is the DEA.[8] Today, other options exchanges have similar rules. The International Stock Exchange, LLC (''ISE'') requires its members approved to do options business with the public to file with the exchange and keep current a list of each of its branch offices.[9] The Chicago Board Options Exchange, Inc. (''CBOE'') also has a similar rule applicable to TPH organizations.[10]

The Exchange believes that the proposed rule change would be beneficial because it would provide the Exchange with additional information necessary for the supervision of branch offices. The Exchange does not believe that it is burdensome for member organizations for which the Exchange is the DEA to comply with this request as the information pertaining to branch offices is readily available and member organizations are required to supervise employees in those locations. Also, the Exchange is only requiring this information of its member organizations for which it is the DEA because those are the firms for which the Exchange is examining compliance with Rule 748 in connection with sales practices and trading activities and practices. Member organizations for which the Exchange is not the DEA are subject to the rules of their respective DEA with respect to branch office reporting.[11]

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 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 either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant

[3] This is accomplished through an electronic filing process in WebCRD using the Uniform Branch Office Registration Form (Form BR).

[4] Member organizations for which the Exchange is not the DEA would not be subject to this requirement.

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

[7] Currently, members and member organization of the New York Stock Exchange, Inc. (''NYSE''), and FINRA require their members to report branch offices in Web CRD on the Form BR. *See* Securities Exchange Act Release No. 51923 (June 24, 2005), 70 FR 38229 (July 1, 2005) (SR–NYSE–2005–13).

[8] Section 19(g)(1) of the Act, among other things, requires every self-regulatory organization (''SRO'') registered as either a national securities exchange or national securities association to examine for, and enforce compliance by, its members and persons associated with its members with the Act, the rules and regulations thereunder, and the SRO's own rules, unless the SRO is relieved of this responsibility pursuant to Section 17(d) or Section 19(g)(2) of the Act. With respect to a common member, Section 17(d)(1) authorizes the Commission, by rule or order, to relieve an SRO of the responsibility to receive regulatory reports, to examine for and enforce compliance with applicable statutes, rules, and regulations, or to perform other specified regulatory functions. Pursuant to 17d–1, the Commission is authorized to name a single SRO as the DEA to examine common members for compliance with the SRO rules. *See* 15 U.S.C. 78q(d), 15 U.S. C. 78s(g)(1) and 15 U.S.C. 78s(g)(2).

[9] *See* ISE Rule 607.

[10] *See* CBOE Rule 9.6. A ''TPH'' is a trading permit holder.

[11] *See also* NYSE Rule (Options) [sic] 342, FINRA [sic] IM–1000–4, NASDAQ OMX BX, Inc. (''BX'') Rule Chapter XI, Section 6 and The NASDAQ Stock Market LLC (''NASDAQ'') Rule Chapter XI, Section 6.

burden on competition; and (iii) become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate, it has become effective pursuant to 19(b)(3)(A) of the Act [12] and Rule 19b–4(f)(6) [13] thereunder.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or 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 email to *rule-comments@sec.gov.* Please include File Number SR–Phlx–2012–124 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–Phlx–2012–124. This file number should be included on the subject line if email 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 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal offices of Phlx. 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–Phlx–2012–124, and should be submitted on or before November 28, 2012.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–27211 Filed 11–6–12; 8:45 am]

BILLING CODE 8011–01–P

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–68130; File No. SR–OCC–2012–19]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing of Proposed Rule Change To Revise the Method for Determining the Minimum Clearing Fund Size To Include Consideration of the Amount Necessary To Draw on Secured Credit Facilities

November 1, 2012.

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 October 18, 2012, The Options Clearing Corporation (''OCC'') 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 OCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

OCC proposes to revise the method for determining the minimum clearing fund size to include consideration of the amount necessary for OCC to draw on its secured credit facilities.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. OCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of this proposed rule change is to implement a minimum clearing fund size equal to 110% of the amount of committed credit facilities secured by the clearing fund to ensure that the amount of the clearing fund likely will exceed the required collateral value that would be necessary for OCC to be able to draw in full on such credit facilities. OCC's clearing fund is primarily intended to provide a high degree of assurance that market integrity will be maintained in the event that one or more clearing members or other specified entities to which OCC has credit exposure fails to meet its obligations.[3] This includes the potential use of the clearing fund as a source of liquidity should it ever be the case that OCC is unable to obtain prompt delivery of, or convert promptly to cash, any

[3] Under Article VIII, Section 1 of OCC's By-Laws, the clearing fund may be used to pay losses suffered by OCC: (1) As a result of the failure of a clearing member to perform its obligations with regard to any exchange transaction accepted by OCC; (2) as a result of a clearing member's failure to perform its obligations in respect of an exchange transaction or an exercised/assigned options contract, or any other contract or obligations in respect of which OCC is liable; (3) as a result of the failure of a clearing member to perform its obligations in respect of stock loan or borrow positions; (4) as a result of a liquidation of a suspended clearing member's open positions; (5) in connection with protective transactions of a suspended clearing member; (6) as a result of a failure of any clearing member to make any other required payment or to render any other required performance; or (7) as a result of a failure of any bank or securities or commodities clearing organization to perform its obligations to OCC.

asset credited to the account of a suspended clearing member.

On September 23, 2011, the Commission approved a proposed rule change by OCC to establish the size of OCC's clearing fund as the amount that is required, within a confidence level selected by OCC, to sustain the maximum anticipated loss under a defined set of scenarios as determined by OCC, subject to a minimum clearing fund size of $1 billion.[4] OCC implemented this change in May 2012. Until that time, the size of OCC's clearing fund was calculated each month as a fixed percentage of the average total daily margin requirement for the preceding month, provided that the calculation resulted in a clearing fund of $1 billion or more.[5]

Under the formula that is implemented for determining the size of the clearing fund as a result of the May 2012 change, OCC's Rules provide that the amount of the fund is equal to the larger of the amount of the charge to the fund that would result from (i) a default by the single ''clearing member group'' [6] whose default would be likely to result in the largest draw against the clearing fund or (ii) an event involving the near-simultaneous default of two randomly-selected ''clearing member groups'' in each case as calculated by OCC with a confidence level selected by OCC.[7] The size of the clearing fund continues to be recalculated monthly, based on a monthly averaging of daily calculations for the previous month, and it is subject to a requirement that its minimum size may not be less than $1 billion.

This minimum dollar size for OCC's clearing fund is the subject of this proposed rule change. OCC maintains committed credit facilities that are secured by the clearing fund in order to provide a source of liquidity in the event of a default by a clearing member or one of OCC's settlement banks. The proposed rule change arises out of a regular review that OCC conducts in order to determine the appropriate aggregate amount of such committed credit facilities. In addition to its liquidity exposure to the potential failure of a clearing member, OCC also evaluates its liquidity exposure to settlement banks in respect of their ability to wire net settlement proceeds in time for OCC to meet its settlement obligations at one or more of OCC's other settlement banks as well as OCC's credit exposure to banks that issue letters of credit on behalf of clearing members as a form of margin.

OCC's committed credit facilities are secured by assets in the clearing fund and certain margin deposits of suspended clearing members. In light of the uncertainty regarding the amount of margin assets of a suspended clearing member that might be eligible at any given point to support borrowing under the secured credit facilities, OCC has considered the availability of funds based on a consideration of the amount of the clearing fund deposits available as collateral. To draw on the full amount of its credit facilities secured by the clearing fund, the size of the clearing fund would need to be approximately $2.2 billion. The $2.2 billion figure reflects a 10% increase above the total size of such credit facilities, which is meant to account for the percentage discount applied to collateral pledged by OCC in determining the amount available for borrowing.

Based on monthly recalculation information, the size of OCC's clearing fund during the period from July 2011 to July 2012 was less than $2.2 billion on eight occasions. Therefore, to address the risk that the assets in the clearing fund might at any time be insufficient to enable OCC to meet potential liquidity needs by fully accessing its committed credit facilities that are secured by the clearing fund, the proposed rule change would amend the requirement that the minimum size of the clearing fund cannot be less than $1 billion by providing instead that the minimum clearing fund size would be equal to the greater of either $1 billion or 110% of the amount of such committed credit facilities. OCC proposes to denote the credit facility component of the minimum clearing fund requirement as a percentage of the total amount of the credit facilities that OCC actually secures with clearing fund assets because OCC negotiates these credit facility agreements, including size and other terms, on an annual basis and the total size is therefore subject to change.

OCC believes that the proposed rule change is consistent with Section 17A of the Act [8] and the rules and regulations thereunder because the proposed modifications would help ensure that the Rules of OCC are designed to promote the prompt and accurate clearance and settlement of securities transactions [9] by requiring a minimum clearing fund size that is designed to enable OCC to draw in full on its committed credit facilities that are secured by the clearing fund.

(B) Self-Regulatory Organization's Statement on Burden on Competition

OCC does not believe that the proposed rule change would impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments 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.

The proposals contained in this proposed rule change shall not take effect until all regulatory actions required with respect to the proposals are completed.[10] The clearing agency

[4] Securities Exchange Act Release No. 34–65386 (September 23, 2011), 76 FR 60572 (September 29, 2011) (SR–OCC–2011–10).

[5] If the calculation did not result in a clearing fund size of $1 billion or more, then the percentage of the average total daily margin requirement for the preceding month that resulted in a fund level of at least $1 billion would be applied. However, in no event was the percentage permitted to exceed 7%. With the rule change approved in September 2011, this 7% limiting factor on the minimum clearing fund size was eliminated.

[6] The term ''clearing member group'' is defined in OCC's By-Laws to mean a clearing member and any member affiliates of the clearing member.

[7] The confidence levels employed by OCC in calculating the charge likely to result from a default by OCC's largest ''clearing member group'' and the default of two randomly-selected ''clearing member groups'' were approved by the Commission at 99% and 99.9%, respectively. However, the Commission approval order notes that OCC retains discretion to employ different confidence levels in these calculations provided that OCC will not employ confidence levels of less than 99% without first filing a proposed rule change.

[8] 15 U.S.C. 78q–1.

[9] 15 U.S.C. 78q–1(b)(3)(F).

[10] OCC also filed the proposed rule change as an advance notice under Section 806(e)(1) of the Payment, Clearing, and Settlement Supervision Act of 2010 (''Clearing Supervision Act''). 12 U.S.C. 5465(e)(1). Proposed changes filed under the Clearing Supervision Act may be implemented either: (i) At the time the Commission notifies the clearing agency that it does not object to the proposed rule change and authorizes its implementation, or, if the Commission does not object to the proposed rule change within sixty days of the later of: (i) the date the advance notice was filed with the Commission or (ii) the date that any additional information requested by the Commission is received. 12 U.S.C. 5465(e)(1)(G).

shall post notice on its Web site of proposed changes that are implemented.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. 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 email to *rule-comments@sec.gov.* Please include File Number SR–OCC–2012–19 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–OCC–2012–19. This file number should be included on the subject line if email 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 Section, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filings will also be available for inspection and copying at the principal office of OCC and on OCC's Web site at *http://www.optionsclearing.com/components/docs/legal/rules_and_bylaws/sr_occ_12_19.pdf.* All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–OCC–2012–19 and should be submitted on or before November 28, 2012.

For the Commission by the Division of Trading and Markets, pursuant to delegated authority.[11]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–27130 Filed 11–6–12; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–68139; File No. SR–NYSEMKT–2012–56]

Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the NYSE Amex Options LLC Fee Schedule To Amend the Fees for Specialists and eSpecialists Relating to Qualified Contingent Cross Orders

November 2, 2012.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on October 19, 2012, NYSE MKT LLC (the ''Exchange'' or ''NYSE MKT'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the NYSE Amex Options Fee Schedule (the ''Fee Schedule'') to amend the fees for Specialists and eSpecialists relating to Qualified Contingent Cross (''QCC'') orders. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.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 those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Fee Schedule to amend the fees for Specialists and eSpecialists relating to QCC orders.[4] The Exchange proposes to implement these changes on November 1, 2012.

Current Fees

Currently, the Exchange does not charge an order fee for Customer orders that comprise all or part of a QCC order. The Exchange charges $0.20 per contract for non-Customer orders for all other participants.[5] If a Specialist, eSpecialist, Market Maker, or Firm has reached its respective fee cap of $350,000 for the month and has executed volume in excess of $3,500,000 for the month, then the Exchange charges an incremental service fee of $0.05 per contract for a QCC order executed against a non-Customer and $0.10 per contract for a QCC order executed against a Customer.

Proposed Fees

For a Specialist or eSpecialist executing a QCC order that has not reached its fee cap for the month under the Fee Schedule, the Exchange proposes to charge $0.13 per contract if the Specialist or eSpecialist executes an average daily volume (''ADV'') of fewer than 50,000 contracts during the month, and $0.10 per contract if the Specialist or eSpecialist executes an ADV of 50,000 or more contracts during the month. In calculating the threshold of 50,000 contracts, the Exchange will exclude both Strategy Trades[6] and QCC

[11] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] The QCC order permits an ATP Holder to effect a qualified contingent trade (''QCT'') in a Regulation NMS stock and cross the options leg of the trade on the Exchange immediately upon entry and without order exposure if the order is for at least 1,000 contracts, is part of a QCT, and is executed at a price at least equal to the national best bid and offer, as long as there are no Customer orders in the Exchange's Consolidated Book at the same price.

[5] This includes Specialists, eSpecialists, NYSE Amex Options Market Makers, Non-NYSE Amex Options Market Makers, Broker Dealers, Professional Customers, and Firms.

[6] Strategy Trades include reversals and conversions, dividend spreads, box spreads, short stock interest spreads, merger spreads, and jelly rolls.

trades. These are the same fees that the Exchange currently charges to Specialists and eSpecialists for non-QCC transactions.

The Exchange is proposing the fee reduction because Specialists and eSpecialists that are solicited to take part in a trade do not know, and have no control over, whether the trade is going to be executed as a QCC trade or through some other means.[7] Therefore, if the trade is executed as a QCC trade, Specialists and eSpecialists may incur a transaction fee that is more per contract than they would pay if the trade were executed as a non-QCC trade. Currently, participants other than Specialists and eSpecialists may trade at a discount to their regular transaction fees when they execute a QCC trade. However, non-capped Specialists and eSpecialists pay a premium for QCC trades under the current Fee Schedule, which the Exchange does not believe is warranted.[8] The proposed change is not otherwise intended to address any other problem, and the Exchange is not aware of any significant problem that the affected Specialists and eSpecialists would have in complying with the proposed change.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the ''Act''),[9] in general, and furthers the objectives of Section 6(b)(4) of the Act,[10] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Exchange believes that reducing the QCC non-Customer order fee for non-capped Specialists and eSpecialists is reasonable because Specialists and eSpecialists that are solicited to take part in a trade do not know in advance whether the trade is going to be executed as a QCC trade or through some other means and may incur a transaction fee that is more per contract than they would pay if the trade were executed as a non-QCC trade, which the Exchange does not believe is warranted. For these reasons, the Exchange believes that it is reasonable to charge Specialists and eSpecialists the same transaction fee for QCC or non-QCC transactions.

In addition, the Exchange believes that lowering the fee for Specialists and eSpecialists is equitable and not unfairly discriminatory because under the current Fee Schedule, other participants, including non-NYSE Amex Options Market Makers, Professional Customers, Broker Dealers, and Firms, may trade at a discount to their regular transaction fees when they execute QCC trades. As such, the proposed rule change would put Specialists and eSpecialists on more equal footing with other participants.

However, the Exchange notes that non-Directed NYSE Amex Options Market Maker orders are currently charged $0.20 per contract and $0.17 per contract if the NYSE Amex Options Market Maker executes 50,000 or more contracts ADV each day in a month. Therefore, NYSE Amex Options Market Makers pay an amount equal to or greater than their regular transaction fee when they execute QCC trades.[11] The Exchange believes that reducing the fee, as proposed, for Specialists and eSpecialists, but not reducing the fee for non-Directed NYSE Amex Options Market Makers, is equitable and not unfairly discriminatory because Specialists and eSpecialists are required to pay a monthly Rights Fee based on their prorated share of contract volume on the Exchange in each issue, unlike non-Directed NYSE Amex Options Market Makers, who do not pay any portion of the monthly Rights Fee.[12] Any QCC volume executed by a Specialist or eSpecialist will proportionally increase the amount of the monthly Rights Fee that they pay, whereas any QCC volume executed by a non-Directed NYSE Amex Options Market Maker does not result in an additional charge in the form of the monthly Rights Fee. As such, the Exchange believes that it is equitable and not unfairly discriminatory to require non-Directed NYSE Amex Options Market Makers to pay an amount equal to or slightly more for a QCC trade than their regular transaction fee. In addition, NYSE Amex Options Market Makers continue to be eligible for the lower service fee for QCC trades if they exceed their monthly cap. The Exchange also notes that Specialists and eSpecialists have higher quoting obligations than NYSE Amex Options Market Makers, and in recognition of the additional liquidity and transparency they provide, the difference in treatment is warranted.

In addition, the Exchange believes that the proposed fee change is equitable and not unfairly discriminator [sic] because it would make Specialists and eSpecialists more likely to continue to respond to solicitations to trade, thereby attracting additional order flow to the Exchange, which can help price discovery, transparency, and liquidity, all of which are beneficial to Exchange participants.

For these reasons, the Exchange believes that the entire proposal is reasonable, equitable and not unfairly discriminatory. Finally, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive. In such an environment, the Exchange must continually review, and consider adjusting, its fees and credits to remain competitive with other exchanges. For the reasons described above, the Exchange believes that the proposed rule change reflects this competitive environment.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A)[13] of the Act and subparagraph (f)(2) of Rule 19b–4[14] thereunder, because it establishes a due, fee, or other charge imposed by the NYSE MKT.

[7] The Exchange notes that, at the time it proposed the QCC fees prior to the implementation of the QCC order type, the Exchange believed that non-Customer participants would know in advance that they were being solicited to take part in a QCC order. *See* Securities Exchange Act Release No. 65472 (Oct. 3, 2011), 76 FR 62887 (Oct. 11, 2011) (SR–NYSEAmex–2011–72), at 62888. However, with the implementation of the QCC order type, the Exchange has determined that a participant that is solicited to take part in a trade will not necessarily know whether the trade is going to be executed as a QCC trade or through some other means.

[8] For example, non-NYSE Amex Options Market Makers trading electronically are charged $0.43 per contract for non-QCC trades and $0.20 per contract for QCC trades.

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(4).

[11] The Exchange notes that Directed NYSE Amex Options Market Maker orders do not apply to QCC trades.

[12] *See* endnote 1 of the Fee Schedule.

[13] 15 U.S.C. 78s(b)(3)(A).

[14] 17 CFR 240.19b–4(f)(2).

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.

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 email to *rule-comments@sec.gov.* Please include File Number SR–NYSEMKT–2012–56 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–NYSEMKT–2012–56. This file number should be included on the subject line if email 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 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the NYSE's principal office and on its Internet Web site at *www.nyse.com.* All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEMKT–2012–56, and should be submitted on or before November 28, 2012.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–27222 Filed 11–6–12; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–68132; File No. SR-Phlx-2012–126]

Self-Regulatory Organizations; NASDAQ OMX PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To List and Trade Option Contracts Overlying 10 Shares of Certain Securities

November 1, 2012.

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 October 19, 2012, NASDAQ OMX PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to list and trade option contracts overlying 10 shares of a security (''Mini Options'').

The text of the proposed rule change is available on the Exchange's Web site at *http://www.nasdaqtrader.com/micro.aspx?id=PHLXRulefilings,* 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 Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend Rule 1001 (Position Limits), Rule 1012 (Series of Options Open for Trading) and 1033 (Bids and Offers—Premium) to list and trade Mini Options overlying five (5) high-priced securities for which the standard contract overlying the same security exhibits significant liquidity. Specifically, the Exchange proposes to list Mini Options on SPDR S&P 500 (''SPY''), Apple, Inc. (''AAPL''), SPDR Gold Trust (''GLD''), Google Inc. (''GOOG'') and Amazon.com Inc. (''AMZN'').[3] The Exchange believes that this proposal would allow investors to select among options on various high-priced and actively traded securities, each with a unit of trading ten times lower than those of the regular-sized options contracts, or 10 shares.

For example, with Apple Inc. (''AAPL'') trading at $605.85 on March 21, 2012, ($60,585 for 100 shares underlying a standard contract), the 605 level call expiring on March 23 was trading at $7.65. The cost of the standard contract overlying 100 shares would be $765, which is substantially higher in notional terms than the average equity option price of $250.89.[4] Proportionately equivalent mini-options contracts on AAPL would provide investors with the ability to manage and hedge their portfolio risk on their underlying investment, at a price of $76.50 per contract. In addition, investors who hold a position in AAPL at less than the round lot size would still be able to avail themselves of

[15] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] These issues were selected because they are priced greater than $100 and are among the most actively traded issues, in that the standard contract exhibits average daily volume (''ADV'') over the previous three calendar months of at least 45,000 contracts, excluding LEAPS and FLEX series. The Exchange notes that any expansion of the program would require that a subsequent proposed rule change be submitted to the Commission.

[4] A high priced underlying security may have relatively expensive options, because a low percentage move in the share price may mean a large movement in the options in terms of absolute dollars. Average non-FLEX equity option premium per contract January 1–December 31, 2011. *See http://www.theocc.com/webapps/monthly-volume-reports?reportClass=equity.*

options to manage their portfolio risk. For example, the holder of 50 shares of AAPL could write covered calls for five mini-options contracts. The table below demonstrates the proposed differences between a mini-options contract and a standard contract with a strike price of $125 per share and a bid or offer of $3.20 per share:

	Standard	Mini
Share Deliverable Upon Exercise	100 shares	10 shares
Strike Price	125	125
Bid/Offer	3.20	3.20
Premium Multiplier	$100	$10
Total Value of Deliverable	$12,500	$1,250
Total Value of Contract	$320	$32

The Exchange currently lists and trades standardized option contracts on a number of equities and Exchange-Traded Funds (''ETFs'') each with a unit of trading of 100 shares. Except for the difference in the number of deliverable shares, the proposed Mini Options would have the same terms and contract characteristics as regular-sized equity and ETF options, including exercise style. All existing Exchange rules applicable to options on equities and ETFs would apply to Mini Options, except with respect to position and exercise limits and hedge exemptions to those position limits, which would be tailored for the smaller size. Pursuant to proposed amendments to Rule 1001, position limits applicable to a regular-sized option contract would also apply to the Mini Options on the same underlying security, with 10 Mini Option contracts counting as one regular-sized contract. Positions in both the regular-sized option contract and Mini Options on the same security will be combined for purposes of calculating positions. Further, hedge exemptions will apply pursuant to Rule 1001, Commentary .07, which the Exchange proposes to revise to provide that 10 (as opposed to 100) shares of the underlying security is the appropriate hedge for Mini Options and to make clear that the hedge exemptions apply to the position limits set forth in Rule 1001(a) and Rule 1001, Commentary .02(i).[5]

Also, of note, NYSE Arca, Inc. (''NYSE Arca'') lists and trades option contracts overlying a number of shares other than 100.[6] Moreover, the concept of listing and trading parallel options products of reduced values and sizes on the same underlying security is not novel. For example, parallel product pairs on a full-value and reduced-value basis are currently listed on the S&P 500 Index (''SPX'' and ''XSP,'' respectively), the Nasdaq 100 Index (''NDX'' and ''MNX,'' respectively) and the Russell 2000 Index (''RUT'' and ''RMN,'' respectively).

The Exchange believes that the proposal to list Mini Options will not lead to investor confusion. There are two important distinctions between Mini Options and regular-sized options that are designed to ease the likelihood of any investor confusion. First, the premium multiplier for the proposed Mini Options will be 10, rather than 100, to reflect the smaller unit of trading. To reflect this change, the Exchange proposes to add Rule 1033(b)(iii) which notes that bids and offers for an option contract overlying 10 shares would be expressed in terms of dollars per 1/10th part of the total value of the contract. Thus, an offer of ''.50'' shall represent an offer of $5.00 on an option contract having a unit of trading consisting of 10 shares. Second, the Exchange intends to designate Mini Options with different trading symbols than those designated for the regular-sized contracts. For example, while the trading symbol for regular option contracts for Apple, Inc. is AAPL, the Exchange proposes to adopt AAPL7 as the trading symbol for Mini Options on that same security.

The Exchange proposes to add a Commentary .13 to Rule 1012 to reflect that strike prices for Mini Options shall be set at the same level as for regular options. For example, a call series strike price to deliver 10 shares of stock at $125 per share has a total deliverable value of $1,250, and the strike price will be set at 125. Further, pursuant to proposed new Commentary .13 to Rule 1012, the Exchange proposes to not permit the listing of additional series of Mini Options if the underlying is trading at $90 or less to limit the number of strikes once the underlying is no longer a high priced security. The Exchange proposes a $90.01 minimum for continued qualification so that additional series of Mini Options that correspond to standard strikes may be added even though the underlying has fallen slightly below the initial qualification standard. In addition, the underlying security must be trading above $90 for five consecutive days before the listing of Mini Option contracts in a new expiration month. This restriction will allow the Exchange to list strikes in Mini Options without disruption when a new expiration month is added even if the underlying has had a minor decline in price. The same trading rules applicable to existing equity and ETF options would apply, including Market Maker obligations, to Mini Options.[7]

The Exchange notes that by listing the same strike price for Mini Options as for regular options, the Exchange seeks to keep intact the long-standing relationship between the underlying security and an option strike price thus allowing investors to intuitively grasp the option's value, *i.e.,* option is in the money, at the money or out of the money. The Exchange believes that by not changing anything but the multiplier and the option symbol, as discussed above, retail investors will be able to grasp the distinction between regular option contracts and Mini Options. The Exchange notes that The Options Clearing Corporation (''the OCC'') Symbology is structured for contracts that have a deliverable of other than 100 shares to be designated with a numeric added to the standard trading symbol. Further, the Exchange believes that the contract characteristics of Mini Options are consistent with the terms of the Options Disclosure Document.

With regard to the impact of this proposal on system capacity, the Exchange has analyzed its capacity and represents that it and the Options Price Reporting Authority (''OPRA'') have the necessary systems capacity to handle the potential additional traffic associated with the listing and trading

[5] Phlx Rule 1002, Exercise Limits, refers to exercise limits that correspond to aggregate long positions as described in Phlx Rule 1001. Today, the position limits established in a given option under Rule 1001 is also the exercise limit for such option. Thus, although the proposed rule change would not amend the text of Rule 1002 (Exercise Limits) itself, the proposed amendment to Rule 1001 (Position Limits) would have a corresponding effect on the exercise limits.

[6] *See* Securities Exchange Act Release No. 44025 (February 28, 2001), 66 FR 13986 (March 8, 2001) (approving SR–PCX–01–12).

[7] *See* Rule 1014.

of Mini Options. The Exchange has further discussed the proposed listing and trading of Mini Options with the OCC, which has represented that it is able to accommodate the proposal. In addition, the Exchange would file a proposed rule change to adopt transaction fees specific to Mini Options. The Exchange notes that the current Pricing Schedule will not apply to the trading of mini-options contracts. The Exchange will not commence trading of mini-option contracts until specific fees for mini-options contracts trading have been filed with the Commission.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6 of the Securities and Exchange Act of 1934 (''Exchange Act''),[8] in general, and with Section 6(b)(5) of the Exchange Act,[9] in particular, in that the proposal is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

The Exchange believes that investors would benefit from the introduction and availability of Mini Options by making options on high priced securities more readily available as an investing tool at more affordable prices, particularly for average retail investors, who otherwise may not be able to participate in trading options on high priced securities. The Exchange intends to adopt a different trading symbol to distinguish Mini Options from its currently listed option contracts and therefore, eliminate investor confusion with respect to product distinction. Moreover, the proposed rule change is designed to protect investors and the public interest by providing investors with an enhanced tool to reduce risk in high priced securities. In particular, Mini Options would provide retail customers who invest in SPY, AAPL, GLD, GOOG and AMZN in lots of less than 100 shares with a means of protecting their investments that is currently only available to those who have positions of 100 shares or more. Further, the proposed rule change is limited to just five high priced securities to ensure that only securities that have significant options liquidity and therefore, customer demand, are selected to have Mini Options listed on them.

[8] 15 U.S.C. 78f.

[9] 15 U.S.C. 78f(b)(5).

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 not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, the Exchange believes that offering these products on Phlx similar to other exchanges will provide investors with various venues in which to trade Mini Options.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change: (1) Does not significantly affect the protection of investors or the public interest; (2) does not impose any significant burden on competition; and (3) by its terms does not become operative for 30 days after the date of this filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[10] and Rule 19b–4(f)(6) thereunder.[11]

A proposed rule change filed under Rule 19b–4(f)(6) normally does not become operative for 30 days after the date of filing. However, Rule 19b–4(f)(6)(iii) permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange requests that the Commission waive the 30-day operative delay so that it can list and trade the proposed mini options as soon as it is able.[12] The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest.[13] The Commission notes that the proposal is substantively identical to a proposal that was recently approved by the Commission, and does not raise any new regulatory issues.[14] For these reasons, the Commission designates the proposed rule change as operative upon filing.

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 email to *rule-comments@sec.gov*. Please include File Number SR–Phlx–2012–126 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–Phlx–2012–126. This file number should be included on the subject line if email 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

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to provide the Commission with written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has fulfilled this requirement.

[12] The Commission notes that the Exchange's current Pricing Schedule will not apply to the trading of mini-options contracts, and the Exchange will not commence trading of mini-option contracts until specific fees for mini-options contracts trading have been filed with the Commission.

[13] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[14] *See* Securities Exchange Act Release No. 67948 (September 28, 2012), 77 FR 60735 (October 4, 2012) (SR–NYSEArca–2012–64 and SR–ISE–2012–58).

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 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–Phlx–2012–126 and should be submitted on or before November 28, 2012.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–27131 Filed 11–6–12; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–68129; File No. SR–NASDAQ–2012–120]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Modify the Annual Fees for Companies Listed on the Nasdaq Capital Market

November 1, 2012.

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 October 18, 2012, The NASDAQ Stock Market LLC (''NASDAQ'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I, II, and III 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

NASDAQ is proposing a change to modify the annual fees for companies listed on the Nasdaq Capital Market.

The text of the proposed rule change is below. Proposed new language is in *italics;* proposed deletions are in [brackets].

5920. The Nasdaq Capital Market

(a)–(b) No change.

(c) Annual Fee

(1)

(A) The issuer of each class of securities that is a domestic or foreign issue, other than American Depositary Receipts (ADRs), listed on the Nasdaq Capital Market shall pay to Nasdaq an annual fee in the amount of [$27,500] *$32,000.*

(B) [The] *Effective January 1, 2013, the* issuer of each class of securities that is an ADR listed on [The] *the* Nasdaq Capital Market shall pay to Nasdaq an annual fee *in the amount of $25,000. Effective January 1, 2014, the issuer of each class of securities that is an ADR listed on the Nasdaq Capital Market shall pay to Nasdaq an annual fee in the amount of $32,000.* [calculated on ADRs outstanding according to the following schedule:

Up to 10 million ADRs $17,500
Over 10 million ADRs $21,000]

(2)–(8) No change.

(d)–(e) No change.

* * * * *

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.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Nasdaq proposes to modify the annual fee charged to companies that list securities on the Nasdaq Capital Market (''Capital Market''), effective January 1, 2013. Currently, the annual fee for securities other than American Depositary Receipts (''ADRs'') is $27,500. Nasdaq proposes to increase this fee to $32,000. This fee was last changed in 2007.

In addition, the annual fee charged for ADRs is currently tiered, based on the number of ADRs outstanding. Issuers with 10 million or fewer ADRs outstanding pay an annual fee of $17,500, while issuers with more than 10 million ADRs outstanding pay an annual fee of $21,000. Nasdaq has determined that companies that list ADRs on the Capital Market should be charged the same fee as other companies. However, given that these companies currently pay lower annual fees than other companies, Nasdaq proposes to reduce the impact of this change by phasing in the increase over two years. Specifically, Nasdaq proposes that effective January 1, 2013, the annual fee for ADRs will be $25,000 and effective January 1, 2014, the annual fee for ADRs will be $32,000.

Companies currently listed on the Capital Market have already paid their 2012 annual fee. However, any company that lists prior to December 31, 2012 will owe a prorated annual fee based on the existing $27,500 fee schedule or the existing tiered structure applicable to ADRs. The new fees will become effective on January 1, 2013, and companies will be billed their 2013 annual fee based on the new fee schedule shortly thereafter.[3]

2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[4] in general and with Section 6(b)(4) of the Act,[5] in particular in that it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.[6]

Nasdaq believes that the proposed increase in the annual fee for companies listing on the Capital Market is reasonable because the revised fee will better reflect Nasdaq's costs related to companies listed on the Capital Market and the value that such a listing provides to the company. In that regard, Nasdaq notes that it has not increased the annual fees for listing on the Capital Market since January 1, 2007,[7] but has

[15] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Until January 1, 2013, the online Nasdaq rule book will reflect the currently effective fees with a note indicating that this fee change is pending and will become effective on January 1, 2013. The online Nasdaq rule book will also contain a link to the text of the revised rule.

[4] 15 U.S.C. 78f.

[5] 15 U.S.C. 78f(b)(4).

[6] The Commission notes that Section 6(b)(5) of the Act contains the provision that states rules of an exchange ''are not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.'' *See* 15 U.S.C. 78f(b)(5).

[7] Securities Exchange Act Release No. 55202 (January 30, 2007), 72 FR 6017 (February 8, 2007) (approving SR–NASDAQ–2006–040). The annual fees for ADRs have not been changed since 2005.

Continued

continued to enhance the listing experience and has invested in its regulatory and compliance program.[8] These initiatives have been funded through listing fees, including the Capital Market annual fee.

Nasdaq also believes that the proposed changes are equitable and not unfairly discriminatory because they would apply equally to all companies listed on the Capital Market. While the increase on ADRs would be implemented over two years, this is also equitable and not unfairly discriminatory because these companies currently pay lower fees based on a recognition that the U.S. listing is not typically their primary listing. While Nasdaq believes it is equitable to charge them the same fee as other companies because they receive the same benefits from their listing, the Exchange also believes that implementing the increase over two years will help reduce its impact and is appropriate given the currently reduced fees that they pay. Nasdaq also notes that other exchanges charge the same annual fee for ADRs as for other securities.[9]

Finally, NASDAQ notes that it operates in a highly competitive market in which market participants can readily switch exchanges if they deem the listing fees excessive.[10] In such an environment, NASDAQ must continually review its fees to assure that they remain competitive. In that regard, Nasdaq notes that the proposed fees remain similar to the fees charged by NYSE MKT.[11]

B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended. The market for listing services is extremely competitive and listed companies may freely choose alternative venues. For this reason, and the reasons discussed in connection with the statutory basis for the proposed rule change, Nasdaq does not believe that the proposed rule change will result in any burden on competition for listings.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were neither solicited nor received.

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 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. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or 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 email to *rule-comments@sec.gov.* Please include File Number SR–NASDAQ–2012–120 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–NASDAQ–2012–120. This file number should be included on the subject line if email 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 the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal offices of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2012–120, and should be submitted on or before November 28, 2012.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–27129 Filed 11–6–12; 8:45 am]

BILLING CODE 8011–01–P

Securities Exchange Act Release No. 50838 (December 10, 2004), 69 FR 75578 (December 17, 2004) (approving SR–NASD–2004–128).

[8] For example, Nasdaq now accepts many notifications from listed companies through a web-based interface and provides detailed compliance information to companies through the Nasdaq Listing Center's Reference Library. *See https://listingcenter.nasdaqomx.com/Show_Doc.aspx?File=listing_information.html#forms* and *https://listingcenter.nasdaqomx.com/assets/Get_Started_Guide.pdf.*

[9] *See, e.g.,* NYSE MKT Listed Company Guide Section 220(b); NYSE Listed Company Manual Section 902.03.

[10] The Justice Department recently noted the intense competitive environment for exchange listings. *See* ''NASDAQ OMX Group Inc. and IntercontinentalExchange Inc. Abandon Their Proposed Acquisition Of NYSE Euronext After Justice Department Threatens Lawsuit'' (May 16, 2011), available at *http://www.justice.gov/atr/public/press_releases/2011/271214.htm.*

[11] NYSE MKT has proposed to charge annual fees in 2013 that range from $30,000 to $45,000, based on a company's shares outstanding. *See* SR–NYSEMKT–2012–51 (filed September 28, 2012) [sic].

[12] 15 U.S.C. 78s(b)(3)(A)(ii).

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–68084A; File No. SR–FINRA–2012–042]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Order Granting Approval of Proposed Rule Change Relating to Post-Trade Transparency for Agency Pass-Through Mortgage-Backed Securities Traded in Specified Pool Transactions and SBA-Backed Asset-Backed Securities Transactions; Correction

October 31, 2012.

AGENCY: Securities and Exchange Commission.

ACTION: Order; correction.

SUMMARY: The Securities and Exchange Commission published a document in the **Federal Register** on October 26, 2012, concerning an Order Granting Approval of Proposed Rule Change Relating to Post-Trade Transparency for Agency Pass-Through Mortgage-Backed Securities Traded in Specified Pool Transactions and SBA-Backed Asset-Backed Securities Transactions. The document contained a typographical error.

FOR FURTHER INFORMATION CONTACT: Michael P. Bradley, Division of Trading and Markets, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549, (202) 551–5594.

Correction

In the **Federal Register** of October 26, 2012 in FR Doc. 2012–65436, on page 65437, in the seventh line in the paragraph under the heading ''Regulatory Notice'' in the second column, correct the reference to 180 days instead to 270 days.

Dated: October 31, 2012.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–27081 Filed 11–6–12; 8:45 am]

BILLING CODE 8011–01–P

DEPARTMENT OF STATE

[Public Notice 8080]

Notification of Contact Information Change for the Benghazi Accountability Review Board

SUMMARY: On October 1, 2012, the Department of State announced the formation of the Benghazi Accountability Review Board (ARB) in the **Federal Register** (FR Doc. 2012–24504). Effective November 5, 2012, the ARB will permanently change offices. The main telephone number will change to (202) 647–2316. The main fax number will change to (202) 647–3301.

Dated: October 31, 2012.

Patrick F. Kennedy,

Under Secretary of State for Management, Department of State.

[FR Doc. 2012–27189 Filed 11–6–12; 8:45 am]

BILLING CODE 4710–35–P

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Approved for Consumptive Uses of Water

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: This notice lists the projects approved by rule by the Susquehanna River Basin Commission during the period set forth in **DATES**.

DATES: September 1, 2012, through September 30, 2012.

ADDRESSES: Susquehanna River Basin Commission, 1721 North 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; email: *rcairo@srbc.net*. Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, receiving approval for the consumptive use of water pursuant to the Commission's approval by rule process set forth in 18 CFR 806.22(f) for the time period specified above:

Approvals by Rule Issued Under 18 CFR 806.22(f)

1. Southwestern Energy Production Company, Pad ID: ENDLESS MOUNTAIN RECREATION, ABR–201209001, New Milford Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: September 4, 2012.

2. Talisman Energy USA Inc., Pad ID: 05 112 Abell G, ABR–201209002, Warren Township, Bradford County, Pa.; Consumptive Use of Up to 6.000 mgd; Approval Date: September 10, 2012.

3. Atlas Resources, LLC, Pad ID: Logue Pad B, ABR–201209003, Gamble Township, Lycoming County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: September 11, 2012.

4. WPX Energy Appalachia, LLC, Pad ID: Beckley Well Pad, ABR–201209004, Franklin Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: September 11, 2012.

5. XTO Energy Incorporated, Pad ID: West Brown B, ABR–201209005, Moreland Township, Lycoming County, Pa.; Consumptive Use of Up to 4.500 mgd; Approval Date: September 14, 2012.

6. Southwestern Energy Production Company, Pad ID: WOOSMAN PAD, ABR–201209006, New Milford Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: September 18, 2012.

7. Southwestern Energy Production Company, Pad ID: SWOPE PAD, ABR–201209007, Jackson Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: September 18, 2012.

8. Southwestern Energy Production Company, Pad ID: MULLOY PAD, ABR–201209008, Jackson Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: September 18, 2012.

9. Southwestern Energy Production Company, Pad ID: MARVIN PAD, ABR–201209009, Jackson Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: September 18, 2012.

10. Southwestern Energy Production Company, Pad ID: FREITAG PAD, ABR–201209010, Jackson Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: September 18, 2012.

11. Chesapeake Appalachia, LLC, Pad ID: Gene, ABR–201209011, Overton Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: September 24, 2012.

12. Chesapeake Appalachia, LLC, Pad ID: Yencha, ABR–201209012, Monroe Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: September 24, 2012.

13. SWEPI LP, Pad ID: Delaney 651, ABR–201209013, Sullivan Township, Tioga County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: September 24, 2012.

14. Chesapeake Appalachia, LLC, Pad ID: Blueberry Hill, ABR–201209014, Overton Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: September 25, 2012.

15. Chesapeake Appalachia, LLC, Pad ID: Carr, ABR–201209015, Wilmot Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: September 25, 2012.

16. Talisman Energy USA Inc., Pad ID: 01 099 Storch, ABR–201209016, Troy Township, Bradford County, Pa.; Consumptive Use of Up to 6.000 mgd; Approval Date: September 25, 2012.

17. Southwestern Energy Production Company, Pad ID: Cooley (Pad 2), ABR–201209017, Orwell Township, Bradford County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: September 25, 2012.

18. Southwestern Energy Production Company, Pad ID: Gypsy Hill-Eastabrook (Pad 5), ABR–201209018, Orwell Township, Bradford County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: September 25, 2012.

19. Southwestern Energy Production Company, Pad ID: Rabago Birk (Pad 10), ABR–201209019, Herrick and Standing Stone Townships, Bradford County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: September 25, 2012.

20. WPX Energy Appalachia, LLC, Pad ID: Wootton East Well Pad, ABR–201209020, Liberty Township, Susquehanna County, Pa.; Consumptive

Use of Up to 4.000 mgd; Approval Date: September 25, 2012.

21. Chief Oil & Gas LLC, Pad ID: Romisoukas Drilling Pad, ABR–201209021, Canton Township, Bradford County, Pa.; Consumptive Use of Up to 2.000 mgd; Approval Date: September 25, 2012.

22. WPX Energy Appalachia, LLC, Pad ID: McLallen Well Pad, ABR–201209022, Choconut Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: September 25, 2012.

23. WPX Energy Appalachia, LLC, Pad ID: Mordovancey Well Pad, ABR–201209023, Choconut Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: September 25, 2012.

24. Talisman Energy USA Inc., Pad ID: 02 101 Olson, ABR–201209024, Hamilton Township, Tioga County, Pa.; Consumptive Use of Up to 6.000 mgd; Approval Date: September 27, 2012.

Authority: Pub. L. 91–575, 84 Stat. 1509 *et seq.,* 18 CFR parts 806, 807, and 808.

Dated: October 22, 2012.

Stephanie L. Richardson,

Secretary to the Commission.

[FR Doc. 2012–27110 Filed 11–6–12; 8:45 am]

BILLING CODE 7040–01–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement, San Diego County, California

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Withdrawal.

SUMMARY: The FHWA is issuing this notice to advise the public that the Notice of Intent to prepare an Environmental Impact Statement (EIS) for the proposed State Route 75/282 Transportation Corridor Project in the city of Coronado in San Diego County, California (**Federal Register** Vol. 72, No 10; FR Doc E7–491) will be withdrawn.

FOR FURTHER INFORMATION CONTACT: Manuel E. Sanchez, Senior Transportation Engineer/Border Engineer, Federal Highway Administration—California Division, 401 B Street, Suite 800, San Diego, CA 92101, Regular Office Hours: 6:30 a.m. to 4:00 p.m., Telephone: (619) 699–7336, Email: *manuel.sanchez@dot.gov,* or Bruce L. April, Deputy District Director—Environmental, Caltrans District 11, 4050 Taylor Street, MS 242, San Diego, CA 92110, Regular Office Hours: 8:00 a.m. to 5:00 p.m., Telephone: (619) 688–0100, Email: *Bruce_April@dot.ca.gov.*

SUPPLEMENTARY INFORMATION: The FHWA, on behalf of the California Department of Transportation (Caltrans) is advising the general public that Caltrans conducted studies of the potential environmental impacts associated with the proposed highway project. The SR–75/282 Transportation Corridor Project is located in San Diego County, west of the San Diego-Coronado Bridge and uses the Fourth Street and Third Street couplet to the naval Station Air Station North Island (NASNI). The project proposed various alternatives to improve traffic congestion encountered along State Routes 75 and 282, which included a Transportation Demand Management/Transportation System Management alternative, Grade Separation alternatives, Cut and Cover Tunnel alternatives and Bored Tunnel alternatives. The distance of the project is approximately 1.5 miles.

Issued on: November 1, 2012.

Manuel E. Sánchez,

Senior Transportation Engineer/Border Engineer, Federal Highway Administration, San Diego, California.

[FR Doc. 2012–27227 Filed 11–6–12; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Highway in California

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Limitation on Claims for Judicial Review of Actions by the California Department of Transportation (Caltrans), pursuant to 23 U.S.C. 327.

SUMMARY: The FHWA, on behalf of Caltrans, is issuing this notice to announce actions taken by Caltrans, that are final within the meaning of 23 U.S.C. 139(*l*)(1). The actions relate to a proposed local bridge project, the 6th Street Viaduct Seismic Improvement Project in downtown Los Angeles over the Los Angeles River (Bridge No. 53C–1880) and the 6th Street Viaduct Overcrossing, which spans the US 101 Hollywood Freeway (Bridge No. 53–0595) in Los Angeles County, State of California. Those actions grant licenses, permits, and approvals for the project.

DATES: By this notice, the FHWA, on behalf of Caltrans, is advising the public of final agency actions subject to 23 U.S.C. 139(*l*)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before April 8, 2013 If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: For Caltrans: Carlos Montez, Senior Environmental Planner, Division of Environmental Analysis, California Department of Transportation, 100 S. Main St., Los Angeles, CA 900012, Regular Office Hours 8:00 a.m. to 5:00 p.m., Telephone number 213–897–9116, email *carlos_montez@dot.ca.gov.*

SUPPLEMENTARY INFORMATION: Effective July 1, 2007, the Federal Highway Administration (FHWA) assigned, and the California Department of Transportation (Caltrans) assumed, environmental responsibilities for this project pursuant to 23 U.S.C. 327. Notice is hereby given that the Caltrans, have taken final agency actions subject to 23 U.S.C. 139(*l*)(1) by issuing licenses, permits, and approvals for the following highway project in the State of California: The proposed project would replace the existing 6th Street Viaduct over the Los Angeles River and the overcrossing, which also spans the US 101 Hollywood Freeway. The purpose of this project is to reduce the vulnerability of the structure in a major earthquake event and resolve design deficiencies. The project will take approximately four years to complete. The FHWA project reference number is 5006 (342). The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Final Environmental Impact Statement (FEIS) for the project, approved on October 5, 2011, in the FHWA Record of Decision (ROD) issued on December 21, 2011, and in other documents in the FHWA project records. The FEIS, ROD, and other project records are available by contacting Caltrans at the addresses provided above. The Caltrans FEIS and ROD can be viewed and downloaded from the project web site at *http://www.dot.ca.gov/dist07/resources/envdocs/.* 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. National Environmental Policy Act (NEPA)
2. Safe, Accountable, Flexible and Efficient, Transportation Equity Act, A Legacy for Users (SAFETEA–LU)
3. MAP 21—Moving Ahead for Progress in the 21st Century

4. Title VI of the Civil Rights Act of 1964
5. National Historic Preservation Act of 1966
6. Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations
7. Section 4(f) of the Transportation Act of 1966

(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).

Carlos J. Montez,

Branch Chief, Division of Environmental Planning, District 7, California Department of Transportation.

[FR Doc. 2012–27240 Filed 11–6–12; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2012–0102]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel FIVE O'CLOCK HERE; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before December 7, 2012.

ADDRESSES: Comments should refer to docket number MARAD–2012–0102. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel FIVE O'CLOCK HERE is:

Intended Commercial Use of Vessel: ''Day and overnight charters in California, primarily based out of Channel Islands Harbor in Oxnard, CA. The focus will be day excursions to the Channel Islands as well as whale watching trips.''

Geographic Region: ''California.''

The complete application is given in DOT docket MARAD–2012–0102 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR Part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR Part 388.

Privacy Act

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 (Volume 65, Number 70; Pages 19477–78).

Dated: November 1, 2012.

By Order of the Maritime Administrator.

Julie P. Agarwal,

Secretary, Maritime Administration.

[FR Doc. 2012–27174 Filed 11–6–12; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2012 0101]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel PURE INSANITY; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before December 7, 2012.

ADDRESSES: Comments should refer to docket number MARAD–2012–0101. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel PURE INSANITY is:

Intended Commercial Use of Vessel: ''Vessel Chartering''

Geographic Region: ''South Carolina, North Carolina, Georgia, Florida, Virginia, Maryland, Delaware, New Jersey, New York, Connecticut, Rhode Island, District of Columbia,

Massachusetts, New Hampshire, Maine.''

The complete application is given in DOT docket MARAD–2012–0101 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR Part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR Part 388.

Privacy Act

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 (Volume 65, Number 70; Pages 19477–78).

Dated: November 1, 2012.

By Order of the Maritime Administrator.

Julie P. Agarwal,

Secretary, Maritime Administration.

[FR Doc. 2012–27175 Filed 11–6–12; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2012–0103]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel E SEA RIDER; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before December 7, 2012.

ADDRESSES: Comments should refer to docket number MARAD–2012–0103. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel E SEA RIDER is:

Intended Commercial Use of Vessel: ''Short term (two to seven days) sailing charters.''

Geographic Region: ''Florida, Virginia, Maryland, New Jersey, New York, Maine.''

The complete application is given in DOT docket MARAD–2012–0103 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR Part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR Part 388.

Privacy Act

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 (Volume 65, Number 70; Pages 19477–78).

Dated: November 1, 2012.

By Order of the Maritime Administrator.

Julie P. Agarwal,

Secretary, Maritime Administration.

[FR Doc. 2012–27176 Filed 11–6–12; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. AB 57 (Sub-No. 60X)]

Soo Line Railroad Company—Abandonment Exemption—in Cook County, IL

Soo Line Railroad Company, d/b/a Canadian Pacific (Soo Line) has filed a verified notice of exemption under 49 CFR part 1152 subpart F–*Exempt Abandonments* to abandon a 2.88 mile line of railroad between milepost 2.38 +/− and milepost 5.26 +/− in Cook County, Ill. The line traverses United States Postal Service Zip Codes 60622 and 60647.

Soo Line has certified that: (1) No local traffic has moved over the line for at least two years; (2) any overhead traffic on the line can be and has been rerouted over other lines; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the two-year period; and (4) the requirements at 49 CFR 1105.7(c) (environmental report), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on December 7, 2012, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[1] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[2] and trail use/rail banking requests under 49 CFR 1152.29 must be filed by November 19, 2012. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by November 27, 2012, with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001.

A copy of any petition filed with the Board should be sent to Soo Line's representative: W. Karl Hansen, Leonard, Street and Deinard, 150 South Fifth Street, Suite 2300, Minneapolis, MN 55402.

If the verified notice contains false or misleading information, the exemption is void *ab initio.*

Soo Line has filed a combined environmental and historic report that addresses the effects, if any, of the abandonment on the environment and historic resources. OEA will issue an environmental assessment (EA) by November 9, 2012. Interested persons may obtain a copy of the EA by writing to OEA (Room 1100, Surface Transportation Board, Washington, DC 20423–0001) or by calling OEA at (202) 245–0305. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at (800) 877–8339. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), Soo Line shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by Soo Line's filing of a notice of consummation by November 7, 2013, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our Web site at *www.stb.dot.gov.*

Decided: November 1, 2012.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2012–27180 Filed 11–6–12; 8:45 am]

BILLING CODE 4915–01–P

[1] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Office of Environmental Analysis (OEA) in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Serv. Rail Lines,* 5 I.C.C. 2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[2] Each OFA must be accompanied by the filing fee, which currently is set at $1,600. *See Regulations Governing Fees for Servs. Performed in Connection with Licensing & Related Servs.—2012 Update,* EP 542 (Sub-No. 20) (STB served July 27, 2012).

DEPARTMENT OF THE TREASURY

Open Meeting of the Federal Advisory Committee on Insurance

AGENCY: Departmental Offices, Treasury.

ACTION: Notice of Open Meeting; Time change.

SUMMARY: This notice announces a change in the time of the next meeting of the Department of the Treasury's Federal Advisory Committee on Insurance (FACI). The FACI will convene the meeting on Wednesday, November 14, 2012, at the Department of the Treasury, in the Cash Room, 1500 Pennsylvania Avenue NW., Washington, DC 20020, beginning at 1:30 p.m. Eastern Time. The meeting will be open to the public.

DATES: The meeting will be held on November 14, 2012, commencing at 1:30 p.m. Eastern Time.

FOR FURTHER INFORMATION CONTACT: James P. Brown, Senior Policy Advisor to the Federal Insurance Office, Department of the Treasury, 1425 New York Avenue NW., Room 2100, Washington, DC 20220, at (202) 622–6910 (this is not a toll-free number). Persons who have difficulty hearing or speaking may access this number via TTY by calling the toll-free Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION: On October 11, 2012, the Department published in the **Federal Register** (77 FR 61827) a notice announcing the next meeting of the Federal Advisory Committee on Insurance. The time for the November 14, 2012 meeting of the Federal Advisory Committee on Insurance has been changed from 10:00 a.m.–1:00 p.m. to 1:30–4:30 p.m. All other information contained in the original notice remains the same.

James P. Brown,

Designated Federal Officer, Federal Advisory Committee on Insurance.

[FR Doc. 2012–27282 Filed 11–6–12; 8:45 am]

BILLING CODE 4810–25–P

Reader Aids

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CFR Checklist. Effective January 1, 2009, the CFR Checklist no longer appears in the Federal Register. This information can be found online at **http://bookstore.gpo.gov/.**

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