Federal Register

3–26–10 Friday
Vol. 75 No. 58 Mar. 26, 2010

Book 1 of 2 Books

UNITED STATES GOVERNMENT PRINTING OFFICE

Federal Register

3–26–10
Vol. 75 No. 58
Book 1 of 2 Books
Pages 14491–14668

Friday
Mar. 26, 2010

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.

The **FEDERAL REGISTER** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see *www.federalregister.gov*.

The seal of the National Archives and Records Administration authenticates the Federal Register as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge as one of the databases on GPO Access, a service of the U.S. Government Printing Office.

The online edition of the **Federal Register**, *www.gpoaccess.gov/nara*, available through GPO Access, is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6 a.m. each day the **Federal Register** is published and includes both text and graphics from Volume 59, Number 1 (January 2, 1994) forward.

For more information about GPO Access, contact the GPO Access User Support Team, call toll free 1-888-293-6498; DC area 202-512-1530; fax at 202-512-1262; or via e-mail at *gpoaccess@gpo.gov*. The Support Team is available between 7:00 a.m. and 9:00 p.m. Eastern Time, Monday–Friday, except official holidays.

The annual subscription price for the **Federal Register** paper edition is $749 plus postage, or $808, plus postage, for a combined **Federal Register, Federal Register** Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the **Federal Register** Index and LSA is $165, plus postage. Six month subscriptions are available for one-half the annual rate. The prevailing postal rates will be applied to orders according to the delivery method requested. The price of a single copy of the daily **Federal Register,** including postage, is based on the number of pages: $11 for an issue containing less than 200 pages; $22 for an issue containing 200 to 400 pages; and $33 for an issue containing more than 400 pages. Single issues of the microfiche edition may be purchased for $3 per copy, including postage. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard, American Express, or Discover. Mail to: U.S. Government Printing Office—New Orders, P.O. Box 979050, St. Louis, MO 63197-9000; or call toll free 1-866-512-1800, DC area 202-512-1800; or go to the U.S. Government Online Bookstore site, see *bookstore.gpo.gov*.

There are no restrictions on the republication of material appearing in the **Federal Register.**

How To Cite This Publication: Use the volume number and the page number. Example: 75 FR 12345.

Postmaster: Send address changes to the Superintendent of Documents, Federal Register, U.S. Government Printing Office, Washington, DC 20402, along with the entire mailing label from the last issue received.

Printed on recycled paper.

SUBSCRIPTIONS AND COPIES

PUBLIC	
Subscriptions:	
Paper or fiche	202–512–1800
Assistance with public subscriptions	202–512–1806
General online information	202–512–1530; 1–888–293–6498
Single copies/back copies:	
Paper or fiche	202–512–1800
Assistance with public single copies	1–866–512–1800 (Toll-Free)
FEDERAL AGENCIES	
Subscriptions:	
Paper or fiche	202–741–6005
Assistance with Federal agency subscriptions	202–741–6005

Contents

Federal Register
Vol. 75, No. 58
Friday, March 26, 2010

Reader Aids

Consult the Reader Aids section at the end of this page for phone numbers, online resources, finding aids, reminders, and notice of recently enacted public laws.

To subscribe to the Federal Register Table of Contents LISTSERV electronic mailing list, go to http://listserv.access.gpo.gov and select Online mailing list archives, FEDREGTOC-L, Join or leave the list (or change settings); then follow the instructions.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

Rules and Regulations

Federal Register
Vol. 75, No. 58
Friday, March 26, 2010

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1207

[Doc. No. AMS–FV–09–0024; FV–09–706C]

Potato Research and Promotion Plan

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Correcting amendments.

SUMMARY: The Agricultural Marketing Service is making corrections to its Potato Research and Promotion plan regulations to reflect the modification of the Harmonized Tariff Schedule for imported potatoes by U.S. Customs and Border Protection (Customs). This document also corrects Customs' name within 7 CFR part 1207.

DATES: Effective March 26, 2010.

FOR FURTHER INFORMATION CONTACT: Deborah Simmons, Marketing Specialist, Research and Promotion Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW., Room 0632, Stop 0244, Washington, DC 20250–0244; telephone: (202) 720–9915; or fax: (202) 205–2800; or e-mail: *Deborah.simmons@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: This amendment corrects 7 CFR part 1207, section 1207.510 Levy of Assessments paragraphs (b)(1) to correct the name of U.S. Customs and Border Protection and update HTS codes in the table that appears in paragraph (b)(3).

List of Subjects in 7 CFR Part 1207

Administrative practice and procedure, Advertising, Consumer information, Marketing agreements, Potatoes, Promotion, Reporting and recordkeeping requirements.

■ Accordingly, 7 CFR part 1207 is amended by making the following correcting amendments:

PART 1207—POTATO RESEARCH AND PROMOTION PLAN

■ 1. The authority citation for 7 CFR part 1207 continues to read as follows:

Authority: 7 U.S.C. 2611–2627 and 7 U.S.C. 7401.

■ 2. Section 1207.510 is amended by revising paragraph (b)(1), and the table in paragraph (b)(3) to read as follows:

§ 1207.510 Levy of assessments.

* * * * *

(b) * * *

(1) An Assessment rate of 3 cents per hundredweight shall be levied on all tablestock potatoes imported into the United States for ultimate consumption by humans and all seed potatoes imported into the United States. An assessment rate of 3 cents per hundredweight shall be levied on the fresh weight equivalents of imported frozen or processed potatoes for ultimate consumption by humans. The importer of imported tablestock potatoes, potato products, or seed potatoes shall pay the assessment to the Board through the U.S. Customs and Border Protection at the time of entry or withdrawal for consumption of such potatoes and potato products into the United States.

* * * * *

(3) * * *

Tablestock potatoes, frozen or processed potatoes, and seed potatoes	Assessment	
	Cents/cwt	Cents/kg
0701.10.0020	3.0	0.066
0701.10.0040	3.0	0.066
0701.90.1000	3.0	0.066
0701.90.5015	3.0	0.066
0701.90.5025	3.0	0.066
0701.90.5035	3.0	0.066
0701.90.5045	3.0	0.066
0701.90.5055	3.0	0.066
0701.90.5065	3.0	0.066
0710.10.0000	6.0	0.132
2004.10.4000	6.0	0.132
2004.10.8020	6.0	0.132
2004.10.8040	6.0	0.132
2005.20.0070	4.716	0.104
0712.90.3000	21.429	0.472
1105.10.0000	21.429	0.472
1105.20.0000	21.429	0.472
2005.20.0040	21.429	0.472
2005.20.0020	12.240	0.27
1108.13.0010	27.0	0.595

* * * * *

Dated: March 16, 2010.

David R. Shipman,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 2010–6185 Filed 3–25–10; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 73

[Docket No. FDA–2008–C–0098]

Listing of Color Additives Exempt From Certification; Bismuth Citrate

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the color additive regulations to increase the permitted use level of bismuth citrate as a color additive in cosmetics intended for coloring hair on the scalp. This action is in response to a petition filed by Combe, Inc.

DATES: This rule is effective April 27, 2010; except as to any provisions that may be stayed by the filing of proper objections. Submit electronic or written objections and requests for a hearing by April 26, 2010. See section VII of this document for information on the filing of objections.

ADDRESSES: You may submit written or electronic objections and requests for a hearing, identified by Docket No. FDA–2008–C–0098, by any of the following methods:

Electronic Submissions

Submit electronic objections in the following way:

- Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.

Written Submissions

Submit written objections in the following ways:

- FAX: 301–827–6870.
- Mail/Hand delivery/Courier [For paper, disk, or CD–ROM submissions]: Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

Instructions: All submissions received must include the agency name and

docket number for this rulemaking. All objections received will be posted without change to *http://www.regulations.gov*, including any personal information provided. For detailed instructions on submitting objections, see the "Objections" heading of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: For access to the docket to read background documents or objections received, go to *http://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the "Search" box and follow the prompts and/or go to the Division of Dockets Management, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Felicia M. Ellison, Center for Food Safety and Applied Nutrition (HFS–265), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740–3835, 301–436–1264.

SUPPLEMENTARY INFORMATION:

I. Background

In a notice published in the **Federal Register** of February 25, 2008 (73 FR 10035), FDA announced that a color additive petition (CAP 8C0286) had been filed by Combe, Inc., c/o EAS Consulting Group, LLC, 1940 Duke St., suite 200, Alexandria, VA 22314. The petition proposed to amend the color additive regulations in § 73.2110 *Bismuth citrate* (21 CFR 73.2110) by increasing the maximum permitted use level of bismuth citrate as a color additive in cosmetics intended for coloring hair on the scalp from 0.5 percent (weight per volume (w/v)) to 2.0 percent (w/v).

II. Evaluation of Safety

A. Determination of Safety

Under section 721(b)(4) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 379e(b)(4)), a color additive may not be listed for a particular use unless a fair evaluation of the data and information available to FDA establishes that the color additive is safe for that use. FDA's color additive regulations at § 70.3(i) (21 CFR 70.3(i)) define safe as the existence of "convincing evidence that establishes with reasonable certainty that no harm will result from the intended use of the color additive."

B. Safety of the Petitioned Use of the Color Additive

The petition proposes to increase the level of bismuth citrate in cosmetics intended for coloring scalp hair to 2.0 percent (w/v) with no changes to the identity or to the specifications of the color additive listed in § 73.2110. Consequently, the agency's current review focused on whether there are any safety concerns from the proposed increased use level of the color additive.

To assess the safety from use of bismuth citrate at a level of 2.0 percent (w/v) in cosmetic hair coloring products, FDA estimated the potential exposure to the color additive based on conservative assumptions. Directions on a sample label for a hair coloring product containing the color additive recommend that the product be applied daily until the hair reaches the desired color (estimated by the petitioner to be 2 to 3 weeks), followed by a maintenance regimen where the product is applied several times a week. The petitioner contends that the maintenance regimen is most representative of long-term use of bismuth citrate for coloring hair. FDA agrees with the petitioner and used the maintenance regimen to estimate chronic exposure to the color additive. Information in the petition indicates that 10 milliliters of the hair cosmetic product applied three times per week represents the maximum recommended use for the maintenance regimen. Of the amount applied, 2.0 percent of the hair coloring product is expected to reach the scalp and of that, 2.71 percent of the product is expected to be absorbed through the skin, resulting in an estimated potential exposure to the color additive of 46.5 micrograms per person per day (Ref. 1).

To show that the requested increased use level of bismuth citrate would be safe, the petitioner provided results from a 90-day oral toxicity study on bismuth citrate in rats, genotoxicity studies, dermal penetration studies, and dermal photosensitization studies. The dermal penetration studies showed no evidence of detectable systemic absorption of bismuth citrate, and the in vitro (pig skin) dermal penetration study revealed only minimal (2.71 percent) absorption in the epidermis. Neither study showed any evidence that bismuth citrate was a dermal- or photosensitizer. The 90-day oral feeding study showed no evidence of toxicity at 30 milligrams per kilogram body weight per day, which is more than 38,000 times greater than the estimated level of exposure (Ref. 2). Based on the totality of data and information submitted by the petitioner, FDA concludes that the expected exposure to the color additive from the proposed increased use level is safe.

III. Conclusion

FDA reviewed data in the petition and other available relevant material to evaluate the safety of the use of bismuth citrate as a color additive in cosmetics intended for coloring hair on the scalp. Based on this information, the agency concludes that the proposed increased use level of the color additive is safe and that the color additive will achieve its intended technical effect. Therefore, the regulations in part 73 (21 CFR part 73) should be amended as set forth in this document. In addition, based upon the factors listed in § 71.20(b) (21 CFR 71.20(b)), the agency concludes that certification of bismuth citrate is not necessary for the protection of the public health.

IV. Public Disclosure

In accordance with § 71.15 (21 CFR 71.15), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition will be made available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above (see **FOR FURTHER INFORMATION CONTACT**). As provided in § 71.15, the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

V. Environmental Impact

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Division of Dockets Management (see **ADDRESSES**) between 9 a.m. and 4 p.m., Monday through Friday.

VI. Paperwork Reduction Act of 1995

This final rule contains no collection of information. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 is not required.

VII. Objections

This rule is effective as shown in the **DATES** section of this document, except as to any provisions that may be stayed by the filing of proper objections. Any person who will be adversely affected by this regulation may at any time file with the Division of Dockets Management (see **ADDRESSES**) electronic or written objections. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the

regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents are to be submitted and are to be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday. FDA will publish notice of the objections that the agency has received or lack thereof in the **Federal Register**.

VIII. References

The following references have been placed on display in the Division of Dockets Management (see **ADDRESSES**) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. Memorandum from D. Folmer, Division of Petition Review, to F. Ellison, Division of Petition Review, January 30, 2009.

2. Memorandum from A. Khan, Division of Petition Review, to F. Ellison, Division of Petition Review, April 23, 2009.

List of Subjects in 21 CFR Part 73

Color additives, Cosmetics, Drugs, Medical devices.

■ Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, 21 CFR part 73 is amended as follows:

PART 73—LISTING OF COLOR ADDITIVES EXEMPT FROM CERTIFICATION

■ 1. The authority citation for 21 CFR part 73 continues to read as follows:

Authority: 21 U.S.C. 321, 341, 342, 343, 348, 351, 352, 355, 361, 362, 371, 379e.

■ 2. Section 73.2110 is amended by revising paragraph (c)(1) to read as follows:

§ 73.2110 Bismuth citrate.

* * * * *

(c) * * *

(1) The amount of bismuth citrate in the cosmetic shall not be in excess of 2.0 percent (w/v).

* * * * *

Dated: March 17, 2010.

Leslye M. Fraser,

Director, Office of Regulations, Policy and Social Sciences, Center for Food Safety and Applied Nutrition.

[FR Doc. 2010–6731 Filed 3–25–10; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2010–0002]

RIN 1625–AA00

Safety Zone; Dive Platform, Pago Pago Harbor, American Samoa

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone around the USNS Sioux or M/V EL LOBO GRANDE II dive platform and the 332-foot Tanker Barge CAPELLA while they are performing operations in and around the CHEHALIS wreck. The safety zone is necessary to protect other vessels and the general public from hazards associated with pre-staging vessels and dive operations. Entry into or remaining in the safety zone during the effective period is prohibited unless authorized by the Captain of the Port Honolulu.

DATES: This rule is effective from 6 a.m. on March 25, 2010 through 8 p.m. on April 17, 2010.

ADDRESSES: Comments and material received from the public, as well as documents mentioned in this preamble as being available in the docket, are part of docket USCG–2010–0002 and are available online by going to *http://www.regulations.gov*, inserting USCG–2010–0002 in the "Keyword" box, and then clicking "Search." This material is also available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or e-mail Lieutenant Commander Marcella Granquist, Waterways Management Division, U.S. Coast Guard Sector Honolulu, telephone 808–842–2600, e-mail *Marcella.A.Granquist@uscg.mil*. If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Regulatory Information

On February 5, 2010, we published a notice of proposed rulemaking (NPRM) entitled Safety Zone; Dive Platform, Pago Pago Harbor, American Samoa in the **Federal Register** (75 FR 5907). We received no comments and no public meeting was requested or held.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Making this safety zone effective March 25, 2010 is essential to protect the public from the hazards associated with pre-staging large vessels for the planned diving operations in and around the CHEHALIS wreck.

Background and Purpose

On October 7, 1949 the 4,130-ton gasoline tanker CHEHALIS sank in Pago Pago Inner Harbor, in an estimated 160 feet of water, approximately 350-feet from the fuel dock located near Goat Island Point, Pago Pago, American Samoa. From April 23, 2009 to May 10, 2009, the U.S. Coast Guard performed dive operations on the CHEHALIS wreck to determine the wreck's potential pollution threat to the environment. In December 2009, the U.S. Coast Guard planned dive operations to mitigate the wreck's potential pollution threat with pre-staging vessels beginning March 25, 2010 and conducting diving operations from March 27, 2010 to April 17, 2010.

Discussion of Comments and Changes

No comments were received and no public meeting was held. Two changes from the proposed temporary rule to the final temporary rule are necessary to enact the safety zone during the pre-staging of the dive platform and associated 332-foot Tank Barge starting on March 25, 2010 to ensure dive operations finish by April 17, 2010. First, we are changing the effective date of the regulation to March 25, 2010 instead of March 29, 2010. Second, we are slightly enlarging the area of the safety zone to accommodate both the dive platform and the Tank Barge, from a proposed 200-foot radius to an area approximately 600 by 300 feet. We note

that vessels will still be able to transit around the enlarged safety zone.

Regulatory Analyses

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

Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order.

Vessels will be able to transit around the zone. The Sector Honolulu Captain of the Port will allow vessels in the zone on a case-by-case basis.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule would not have a significant economic impact on a substantial number of small entities since vessels will be allowed to transit around temporary Safety Zone north of the fuel dock in Pago Pago Inner Harbor, American Samoa. If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Assistance for Small Entities

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

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

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

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

Technical Standards

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

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

Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and

have made a preliminary determination that this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This rule is categorically excluded, under figure 2–1, paragraph (34)(g), of the Instruction. This rule involves the creation of a temporary safety zone. An environmental analysis checklist and a categorical exclusion determination are available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T14–199 to read as follows:

§ 165.T14–199 Safety Zone; Dive Platform Vessel, Pago Pago Harbor, American Samoa.

(a) *Location.* The following area is a temporary safety zone: All waters contained around the USNS Sioux or M/V EL LOBO GRANDE II dive platform and the 332-foot Tanker Barge CAPELLA while they are performing operations in and around the CHEHALIS wreck in Pago Pago Harbor, American Samoa. This safety zone is in the rough shape of a box 600 feet east/west and 300 feet north/south bounded by the points: 14°16′36″ S, 170°40′51″ W; 14°16′24″ S, 170°40′51″ W; 14°16′27″ S, 170°40′48″ W, 14°16′88″ S, 170°41′67″ W, and 14°16′34″ S, 170°40′56″ W. This safety zone extends from the surface of the water to the ocean floor. These coordinates are based upon the National Oceanic and Atmospheric Administration Coast Survey, Pacific Ocean, Samoa Islands, chart 83484.

(b) *Effective period.* This rule is effective from 6 a.m. on March 25, 2010 through 8 p.m. on April 17, 2010.

(c) *Regulations.* (1) Except for persons or vessels described in paragraph (c)(3) of this section, in accordance with the general regulations in 33 CFR part 165, Subpart C, entry into or remaining in the safety zone described in paragraph (a) of this section is prohibited.

(2) Persons desiring to transit the area of the safety zone may contact the Captain of the Port at telephone number 1–684–633–2299, the dive platform vessel on VHF channel 16 (156.800 MHz), or at telephone number 1–808–842–2600, to seek permission to transit the area. If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port or his designated representative.

(3) No person or vessel may enter or remain in the zone except for support vessels/aircraft and support personnel, or other vessels authorized by the Captain of the Port or his designated representatives.

(e) *Penalties.* Vessels or persons violating this rule would be subject to the penalties set forth in 33 U.S.C. 1232 and 50 U.S.C. 192.

Dated: March 10, 2010.

B.A. Compagnoni,

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

[FR Doc. 2010–6693 Filed 3–25–10; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 251

Correcting Amendments

AGENCY: Forest Service, USDA.

ACTION: Correcting amendments.

SUMMARY: This document contains corrections to the final rule governing the Forest Service's Special Use Program that was published in the **Federal Register** on December 24, 2009 (74 FR 68379). These corrections add phrases which were inadvertently omitted from the final rule and which are necessary to reflect properly the Forest Service's authority to revoke or suspend special use authorizations under the Federal Land Policy and Management Act.

DATES: Effective on March 26, 2010.

FOR FURTHER INFORMATION CONTACT: Julett Denton, Lands Special Uses Program Manager, (202) 205–1256.

SUPPLEMENTARY INFORMATION: In 36 CFR 251.60(a)(2)(i) and (ii), governing revocation and suspension of special use authorizations, the phrase "§ 251.53(e) and (1)" is replaced with "§ 251.53(e) or an easement issued under § 251.53(l)." In 36 CFR 251.60(g), also governing revocation and suspension of special use authorizations, "§ 251.53(e) and (l)" is replaced with "§ 251.53(e) or easements issued under § 251.53(l)." These corrections are necessary to continue to reflect that only revocation or suspension of an easement, not a permit, is subject to formal administrative proceedings under the Federal Land Policy and Management Act.

List of Subjects in 36 CFR Part 251

Administrative practice and procedure, Electric power, National forests, Public lands—rights-of-way, Reporting and recordkeeping requirements, Water resources.

■ Accordingly, 36 CFR part 251 is corrected to read as follows:

PART 251—LAND USES

Subpart B—Special Uses

■ 1. The authority citation for part 251 continues to read as follow:

Authority: 7 U.S.C. 1011; 16 U.S.C. 518, 551, 678a; Pub. L. 76–867, 54 Stat. 1197.

■ 2. In § 251.60, revise paragraphs (a)(2)(i), (a)(2)(ii), and (g) to read as follows:

* * * * *

§ 251.60 Termination, revocation, and suspension.

(a) * * *

(2) *All other special uses*—(i) *Revocation or suspension.* An authorized officer may revoke or suspend a special use authorization for all other special uses, except a permit or an easement issued pursuant to § 251.53(e) or an easement issued under § 251.53(l) of this subpart:

(ii) *Administrative review.* Except for revocation or suspension of a permit or an easement issued pursuant to § 251.53(e) or an easement issued under § 251.53(l) of this subpart, suspension or revocation of a special use authorization under this paragraph is subject to administrative appeal in accordance with 36 CFR part 251, subpart C, of this chapter.

* * * * *

(g) The authorized officer may suspend or revoke permits or easements issued under § 251.53(e) or easements issued under § 251.53(l) of this subpart under the Rules of Practice Governing Formal Adjudicatory Administrative Proceedings instituted by the Secretary under 7 CFR 1.130 through 1.151.

Dated: March 20, 2010.

Hank Kashdan,

Associate Chief.

[FR Doc. 2010–6630 Filed 3–25–10; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF COMMERCE

48 CFR Part 1352

[Document Number: 080730954–0129–03]

RIN 0605–AA26

Commerce Acquisition Regulation (CAR); Correction

AGENCY: Department of Commerce (DOC).

ACTION: Final rule; correction.

SUMMARY: We, the Department of Commerce, issue a final rule to bring the Commerce Acquisition Regulation in alignment with the Federal Acquisition Regulation (FAR) and to streamline DOC's internal policy and guidance.

DATES: This rule is effective April 7, 2010.

ADDRESSES: The final rule is available on the DOC Web site *http://www.doc.gov*, or *http://www.regulations.gov*, or by contacting the Department of Commerce: Room 1854, 1401 Constitution Avenue, NW., Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Virna Evans, 202–482–3483.

SUPPLEMENTARY INFORMATION: On March 8, 2010, the Department of Commerce published a final rule to amend the CAR to update the regulations since its last revision on September 12, 1995. That rule updated the CAR to bring it into alignment with the current provisions of the FAR and added numerous new clauses that correspond to the new procedural requirements added to the CAR. For a detailed description of the changes by CAR Part, see the final rule published on March 8, 2010 in the **Federal Register** (75 FR 10568). The document is also available at *http://www.Regulations.gov* under Docket Number: DOC–2009–0003–0001.

Upon publication of the regulations, the Department identified a typographical error in the clause headings that appear in subpart 1352.2. In each clause heading, the Department included a reference to "DATE" to serve as a placeholder for the month and year when the rule is published so that each clause may have a reference point. However, this placeholder was not updated before the final rule was published. This final rule corrects this typographical error by adding to each clause heading the month and year when the clause is effective, which is April 2010. This amendment is a purely technical, non-substantive change to the regulations. No aspect of this action is controversial.

Classification

Executive Order 12866: This rule has been determined to be not significant for purposes of Executive Order 12866, Regulatory Planning and Review.

Administrative Procedure Act/Regulatory Flexibility Act: Pursuant to 5 U.S.C. 553(b)(B), the Department finds good cause to waive prior notice and opportunity for public comment otherwise required by the section because it is unnecessary. The Department takes this action to correct an error in the headings that appear for each clause in subpart 1352.2. In the final rule published on March 8, 2010, the Department included a reference to "DATE" in each clause heading in subpart 1352 to serve as a placeholder for the month and year when the rule is published so that each clause may have a reference point. This placeholder was inadvertently retained rather than updated with the month and year of the final rule when the rule becomes effective. This final rule corrects this typographical error by adding the month and year when the rule is to become effective, which is April 2010. This amendment is a purely technical, non-substantive change to the regulations. No aspect of this action is controversial. This rule does not change any procurement practices or procedures made by the March 8, 2010 rule. The error should be corrected immediately to eliminate potential confusion by the regulated public.

For the reasons stated above, the Department finds good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effective date.

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.*, do not apply.

Paperwork Reduction Act: This rule does not impose any new information collections subject to review and approval by OMB under the Paperwork Reduction Act. Notwithstanding any other provision of the 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 PRA, unless that collection of information displays a currently valid OMB control number.

In FR Doc. 2010–4132 appearing on page 10568 in the **Federal Register** of Monday, March 8, 2010, the following corrections are made:

PART 1352—[CORRECTED]

■ On pages 10594 through 10616, in part 1352, correct the clause heading of each section by revising each reference to "(DATE)" to read "(APR 2010)".

Dated: March 17, 2010.

Scott Quehl,

Assistant Secretary for Administration.

[FR Doc. 2010–6730 Filed 3–25–10; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–R6–ES–2010–0021; 92220–1113–0000; C6]

RIN 1018–AW97

Endangered and Threatened Wildlife and Plants; Reinstatement of Protections for the Grizzly Bear in the Greater Yellowstone Ecosystem in Compliance With Court Order

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service) are issuing this final rule to comply with a court order that has the effect of reinstating the regulatory protections under the Endangered Species Act of 1973 (ESA), as amended, for the grizzly bear (*Ursus arctos horribilis*) in the Greater Yellowstone Area (GYA) and surrounding area. This rule corrects the grizzly bear listing to reinstate the listing of grizzly bears in the GYA. This final rule also takes administrative action to correct two associated special rules.

DATES: This action is effective March 26, 2010. However, the court order had legal effect immediately upon being filed on September 21, 2009.

FOR FURTHER INFORMATION CONTACT: Dr. Christopher Servheen, Grizzly Bear Recovery Coordinator, U.S. Fish and Wildlife Service, at our Missoula office (*see* **ADDRESSES** above) or telephone (406) 243–4903. Individuals who are hearing-impaired or speech-impaired may call the Federal Relay Service at (800) 877–8337 for TTY assistance.

SUPPLEMENTARY INFORMATION:

Background

On March 29, 2007, we announced the establishment of a distinct population segment (DPS) of the grizzly bear (*Ursus arctos horribilis*) for the

GYA and surrounding area and removed this DPS from the List of Threatened and Endangered Wildlife (72 FR 14866). In that rule, we determined that the Yellowstone grizzly bear population was no longer an endangered or threatened population pursuant to the ESA (16 U.S.C. 1531 *et seq.*), based on the best scientific and commercial data available. Robust population growth, coupled with State and Federal cooperation to manage mortality and habitat, widespread public support for grizzly bear recovery, and the development of regulatory mechanisms, brought the Yellowstone grizzly bear population to the point where making a change to its status was appropriate.

Subsequently, three lawsuits challenging our decision were filed in Federal courts in Boise, Idaho, and in Missoula, Montana. Legal briefings in these cases were completed in 2008.

In the Montana case, the plaintiff presented four claims including: (1) The regulatory mechanisms to protect the grizzly once it is delisted are inadequate; (2) the Service did not adequately consider the impacts of global warming and other factors on whitebark pine nuts, a grizzly food source; (3) the population is unacceptably small and dependent on translocation of outside animals for genetic diversity; and (4) the Service did not properly consider whether the grizzlies were recovered across a significant portion of their range.

On September 21, 2009, the Montana District Court issued an order in which plaintiffs prevailed on the first and second counts, while the United States prevailed on the third and fourth counts. The court's order vacated the delisting and remanded it to the Service. Thus, this final rule is required to correct the Yellowstone grizzly bear population's listing status.

The United States is considering whether to appeal this decision. Regardless, this final rule is necessary because this process, should we move forward with an appeal, would likely take several years to complete.

The grizzly bear is a member of the brown bear species (*U. arctos*) that occurs in North America, Europe, and Asia; the subspecies *U. a. horribilis* is limited to North America (Rausch 1963, p. 43; Servheen 1999, pp. 50–53). The original 1975 grizzly bear listing (40 FR 31734–31736, July 28, 1975) established the listed entity as *U. a. horribilis*. However, the entry for grizzly bear in the List of Endangered and Threatened Wildlife at 50 CFR 17.11(h) was later modified inadvertently to *U. arctos* with a historic holarctic range. We corrected the listed entity back to its original form in the March 29, 2007, final rule (72 FR 14866), which again set forth the listed entity as *U. arctos horribilis* with a historic range of North America. With this final rule, we make this same correction to the special regulations found at 50 CFR 17.40(b) and 17.84(l).

Administrative Procedure

This rulemaking is necessary to comply with the September 21, 2009, court order. Therefore, under these circumstances, the Director has determined, pursuant to 5 U.S.C. 553(b), that prior notice and opportunity for public comment are impractical and unnecessary. The Director has further determined, pursuant to 5 U.S.C. 553(d), that the agency has good cause to make this rule effective upon publication.

Effects of the Rule

As of the filing of the respective court order, any and all grizzly bears in the GYA are listed as a threatened species under the ESA. Because the Court vacated the entire delisting rule and remanded it to the Service, there is no longer a GYA grizzly bear DPS. Thus, all grizzly bears in the lower 48 States are again listed as threatened (50 CFR 17.11(h)). An existing 4(d) rule again applies to this population (50 CFR 17.40(b)).

This rule will not affect the grizzly bear's Appendix II status under the Convention on International Trade of Endangered Species of Wild Fauna and Flora (CITES).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Regulation Promulgation

■ Accordingly, in order to comply with the court orders discussed above, we amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—[AMENDED]

■ 1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500; unless otherwise noted.

■ 2. Amend § 17.11 by revising the entry in the table at paragraph (h) for "Bear, grizzly" as follows:

§ 17.11 [Amended]

* * * * *

(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Mammals							
*	*	*	*	*	*	*	*
Bear, grizzly	*Ursus arctos horribilis.*	North America	U.S.A., conterminous (lower 48) States, except where listed as an experimental population.	T	1, 2D, 9, 759	NA	17.40(b)
Do	do	do	U.S.A. (portions of ID and MT, see 17.84(l)).	XN	706	NA	17.84(l)

* * * * *

§ 17.40 [Amended]

■ 3. Amend § 17.40 by adding the word "horribilis" after the word "arctos" in paragraph (b) heading and in the definition of "Grizzly bear" in paragraph (b)(2).

§ 17.84 [Amended]

■ 4. Amend § 17.84 by adding the word "horribilis" after the word "arctos" in paragraph (l) heading.

Dated: March 9, 2010.

Daniel M. Ashe,

Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. 2010–6802 Filed 3–25–10; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 0910131362–0087–02]

RIN 0648–XV51

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in the West Yakutat District of the Gulf of Alaska

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for pollock in the West Yakutat District of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the 2010 total allowable catch (TAC) of pollock in the West Yakutat District of the GOA.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), March 23, 2010, through 2400 hrs, A.l.t., December 31, 2010.

FOR FURTHER INFORMATION CONTACT: Mary Furuness, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2010 TAC of pollock in the West Yakutat District of the GOA is 2,031 metric tons (mt) as established by the final 2010 and 2011 harvest specifications for groundfish of the GOA (75 FR 11749, March 12, 2010).

In accordance with § 679.20(d)(1)(i), the Regional Administrator has determined that the 2010 TAC of pollock in the West Yakutat District of the GOA will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 2,011mt, and is setting aside the remaining 20 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for pollock in the West Yakutat District of the GOA.

After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of pollock in the West Yakutat District of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of March 22, 2010.

The AA also finds good cause to waive the 30–day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

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

Dated: March 23, 2010.

Emily H. Menashes,

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

[FR Doc. 2010–6754 Filed 3–23–10; 4:15 pm]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 0910131363–0087–02]

RIN 0648–XV52

Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for Atka mackerel in the Central Aleutian District of the Bering Sea and Aleutian Islands management area (BSAI) by vessels participating in the Amendment 80 limited access fishery. This action is necessary to prevent exceeding the 2010 A season allocation of Atka mackerel in this area allocated to vessels participating in the Amendment 80 limited access fishery.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), March 23, 2010, through 1200 hrs, A.l.t., September 1, 2010.

FOR FURTHER INFORMATION CONTACT: Steve Whitney, 908–586–7269.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2010 A season allocation of Atka mackerel allocated to vessels participating in the Amendment 80 limited access fishery in the Central Aleutian District was established as 7,457 metric tons (mt) by the final 2010 and 2011 harvest specifications for groundfish in the BSAI (75 FR 11778, March 12, 2010).

In accordance with § 679.20(d)(1)(i), the Regional Administrator has determined that the 2010 Atka mackerel A season TAC allocated to vessels participating in the Amendment 80 limited access fishery in the Central Aleutian District of the BSAI will soon be reached. Therefore, the Regional Administrator is establishing a directed

fishing allowance of 7,407 mt and is setting aside the remaining 50 mt as incidental catch to support other groundfish fisheries.

In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Atka mackerel in the Central Aleutian District by vessels participating in the Amendment 80 limited access fishery.

After the effective dates of this closure, the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, (AA) finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such a requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of the Atka mackerel fishery in the Central Aleutian District for vessels participating in the Amendment 80 limited access fishery. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of March 22, 2010. The AA also finds good cause to waive the 30–day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

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

Dated: March 23, 2010.

Emily H. Menashes,

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

[FR Doc. 2010–6756 Filed 3–23–10; 4:15 pm]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 75, No. 58
Friday, March 26, 2010

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 205

[Doc. No. AMS–NOP–09–0074; NOP–09–01]

RIN 0581–AC96

National Organic Program, Sunset Review (2012)

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Advance notice of proposed rulemaking with request for comments.

SUMMARY: Sunset of the exempted or prohibited use of substances under the National Organic Program (NOP) is required by the Organic Foods Production Act of 1990 (OFPA). The exemptions and prohibitions granted under the OFPA are required to be reviewed every 5 years by the National Organic Standards Board (NOSB). The Secretary of Agriculture has authority under the OFPA to renew such exemptions and prohibitions. If they are not reviewed by the NOSB and renewed by the Secretary within 5 years of their inclusion on the National List, their authorized use or prohibition expires. This advance notice of proposed rulemaking (ANPR) announces the sunset of 37 exempted substances added to the National List for use in organic handling on June 27, 2007; the sunset of 183 continued exemptions (use) and prohibitions of substances used in organic production and handling added to the list on October 21, 2007; the sunset of 2 exemptions of one substance for continued use in organic crop and livestock production added to the national list on December 11, 2007; and the sunset of 10 exempted substances for use in organic livestock production added to the national list on December 13, 2007. This ANPR establishes June 27, 2012, October 21, 2012, December 11, 2012, and December 13, 2012, as the respective dates by which the sunset review and renewal process must be concluded. The NOP may try to conclude the sunset and renewal process for the 232 combined exempted and prohibited substances used in organic production and handling added to the National List in 2007 by the earliest respective date of June 27, 2012. This ANPR also begins the public comment process on whether the identified existing exemptions and prohibitions should be continued. Finally, this ANPR discusses how the NOP will manage the sunset review and renewal process.

DATES: Comments must be submitted on or before May 25, 2010.

ADDRESSES: Interested persons may submit written comments on this ANPR using the following addresses:

- *Mail:* Comments may be sent by mail to: Toni Strother, Agricultural Marketing Specialist, National Organic Program, USDA–AMS–NOP, 1400 Independence Ave., SW., Room 2624-So., Ag Stop 0268, Washington, DC 20250–0268.
- *Internet: http://www.regulations.gov.*

Written comments responding to this ANPR should be identified with the docket number AMS–NOP–09–0074; NOP–09–01. You should clearly indicate your position on continuing the allowance or prohibition of the substances identified in this ANPR and the reasons for your position. You should include relevant information and data to support your position (e.g., scientific, environmental, manufacturing, industry impact information, etc.). You should also supply information on alternative substances or alternative management practices, where applicable, that support a change from the current exemption of the substance. Only the supporting material relevant to your position will be considered.

It is our intention to have all comments concerning this ANPR, including names and addresses when provided, whether submitted by mail or Internet, available for viewing on the Regulations.gov (*http://www.regulations.gov*) internet site. Comments submitted in response to this ANPR will also be available for viewing in person at USDA–AMS, National Organic Program, Room 2646-South Building, 1400 Independence Ave., SW., Washington, DC, from 9 a.m. to 12 noon and from 1 p.m. to 4 p.m., Monday through Friday (except official Federal holidays). Persons wanting to visit the USDA South Building to view comments received in response to this ANPR are requested to make an appointment in advance by calling (202) 720–3252.

FOR FURTHER INFORMATION CONTACT: Shannon H. Nally, Acting Director, Standards Division, National Organic Program, USDA–AMS–NOP, 1400 Independence Ave., SW., Room 2646-So., Ag Stop 0268, Washington, DC 20250–0268. Telephone: (202) 720–3252.

SUPPLEMENTARY INFORMATION:

Background

The OFPA, 7 U.S.C. 6501 *et seq.*, authorizes the establishment of the National List of exempted and prohibited substances. The National List identifies synthetic substances (synthetics) that are exempted (allowed) and nonsynthetic substances (nonsynthetics) that are prohibited in organic crop and livestock production. The National List also identifies nonsynthetics and synthetics that are exempted for use in organic handling. The exemptions and prohibitions granted under the OFPA are required to be reviewed every 5 years by the National Organic Standards Board (NOSB). The Secretary of Agriculture has authority under the OFPA to renew such exemptions and prohibitions. If they are not reviewed by the NOSB and renewed by the Secretary within 5 years of their inclusion on the National List, their authorized use or prohibition expires.

The NOSB will review the continued exemption (use) of 37 agricultural products not commercially available as organic that are scheduled to expire after June 27, 2012. These products are allowed for use in organic handling in or on processed products based on final commercial availability determinations by accredited certifying agents. The NOSB will review the continued exemption (use) and prohibition of 183 substance listings used in organic production and handling scheduled to expire after October 21, 2012. The NOSB will review the continued exemption (use) of 2 listings for one substance for use in organic crop and livestock production scheduled to expire after December 11, 2012. The NOSB will review the continued exemption (use) of 10 substances for use

in organic livestock production scheduled to expire after December 13, 2012. Additionally, the NOP may try to conclude the sunset and renewal process for the 231 combined exempted and prohibited substances used in organic production and handling added to the National List in 2007 by the earliest respective date of June 27, 2012.

June 27, 2012 Sunset Materials

The Handling Committee will review the continued exemption (use) of the nonorganically produced agricultural products allowed as ingredients in or on processed products labeled as "organic" in § 205.606 depending on final commercial availability determinations performed by accredited certifying agents scheduled to expire after June 27, 2012. They are as follows: Annatto extract color (pigment CAS #1393–63–1)—water and oil soluble; Beet juice extract color (pigment CAS #7659–95–2); Beta-Carotene extract color from carrots (CAS #1393–63–1); Black currant juice color (pigment CAS #'s: 528–58–5, 528–53–0, 643–84–5, 134–01–0, 1429–30–7, and 134–04–3); Black/Purple carrot juice color (pigment CAS #'s: 528–58–5, 528–53–0, 643–84–5, 134–01–0, 1429–30–7, and 134–04–3); Blueberry juice color (pigment CAS #'s: 528–58–5, 528–53–0, 643–84–5, 134–01–0, 1429–30–7, and 134–04–3); Carrot juice color (pigment CAS #1393–63–1); Cherry juice color (pigment CAS #'s: 528–58–5, 528–53–0, 643–84–5, 134–01–0, 1429–30–7, and 134–04–3); Chokeberry—Aronia juice color (pigment CAS #'s: 528–58–5, 528–53–0, 643–84–5, 134–01–0, 1429–30–7, and 134–04–3); Elderberry juice color (pigment CAS #'s: 528–58–5, 528–53–0, 643–84–5, 134–01–0, 1429–30–7, and 134–04–3); Grape juice color (pigment CAS #'s: 528–58–5, 528–53–0, 643–84–5, 134–01–0, 1429–30–7, and 134–04–3); Grape skin extract color (pigment CAS #'s: 528–58–5, 528–53–0, 643–84–5, 134–01–0, 1429–30–7, and 134–04–3); Paprika color—dried powder and vegetable oil extract (CAS #68917–78–2); Pumpkin juice color (pigment CAS #127–40–2); Purple potato juice color (pigment CAS #'s: 528–58–5, 528–53–0, 643–84–5, 134–01–0, 1429–30–7, and 134–04–3); Red cabbage extract color (pigment CAS #'s: 528–58–5, 528–53–0, 643–84–5, 134–01–0, 1429–30–7, and 134–04–3); Red radish extract color (pigment CAS #'s: 528–58–5, 528–53–0, 643–84–5, 134–01–0, 1429–30–7, and 134–04–3); Saffron extract color (pigment CAS #1393–63–1), and Turmeric extract color (CAS #458–37–7).

The following are allowed as ingredients or processing aids from agricultural products per § 205.606: Casings, from processed intestines; Celery powder; Chia (*Salvia hispanica L.*); Dillweed oil (CAS #8006–75–5); Fish oil (Fatty acid CAS #'s: 10417–94–4, and 25167–62–8); Fructooligosaccharides (CAS #308066–66–2); Galangal, frozen; Gelatin (CAS #9000–70–8); Hops (*Humulus lupulus*); Inulin, oligofructose enriched (CAS #9005–80–5); Konjac flour (CAS #37220–17–0); Lemongrass, frozen; Orange shellac, unbleached (CAS #9000–59–3); Pepper, chipotle chile; Sweet potato starch, for bean thread production only; Turkish bay leaves; Wakame seaweed (*Undaria pinnatifida*); and Whey protein concentrate.

The exemptions and prohibitions granted under the OFPA are required to be reviewed every 5 years by the National Organic Standards Board (NOSB). The Secretary of Agriculture has authority under the OFPA to renew such exemptions and prohibitions. If they are not reviewed by the NOSB and renewed by the Secretary within 5 years of their inclusion on the National List, their authorized use or prohibition expires.

This means that the following color ingredients from agricultural products: Annatto extract color (pigment CAS #1393–63–1)—water and oil soluble; Beet juice extract color (pigment CAS #7659–95–2); Beta-Carotene extract color from carrots (CAS #1393–63–1); Black currant juice color (pigment CAS #'s: 528–58–5, 528–53–0, 643–84–5, 134–01–0, 1429–30–7, and 134–04–3); Black/Purple carrot juice color (pigment CAS #'s: 528–58–5, 528–53–0, 643–84–5, 134–01–0, 1429–30–7, and 134–04–3); Blueberry juice color (pigment CAS #'s: 528–58–5, 528–53–0, 643–84–5, 134–01–0, 1429–30–7, and 134–04–3); Carrot juice color (pigment CAS #1393–63–1); Cherry juice color (pigment CAS #'s: 528–58–5, 528–53–0, 643–84–5, 134–01–0, 1429–30–7, and 134–04–3); Chokeberry—Aronia juice color (pigment CAS #'s: 528–58–5, 528–53–0, 643–84–5, 134–01–0, 1429–30–7, and 134–04–3); Elderberry juice color (pigment CAS #'s: 528–58–5, 528–53–0, 643–84–5, 134–01–0, 1429–30–7, and 134–04–3); Grape juice color (pigment CAS #'s: 528–58–5, 528–53–0, 643–84–5, 134–01–0, 1429–30–7, and 134–04–3); Grape skin extract color (pigment CAS #'s: 528–58–5, 528–53–0, 643–84–5, 134–01–0, 1429–30–7, and 134–04–3); Paprika color—dried powder and vegetable oil extract (CAS #68917–78–2); Pumpkin juice color (pigment CAS #127–40–2); Purple potato juice color (pigment CAS #'s: 528–58–5, 528–53–0, 643–84–5, 134–01–0, 1429–30–7, and 134–04–3); Red cabbage extract color (pigment CAS #'s: 528–58–5, 528–53–0, 643–84–5, 134–01–0, 1429–30–7, and 134–04–3); Red radish extract color (pigment CAS #'s: 528–58–5, 528–53–0, 643–84–5, 134–01–0, 1429–30–7, and 134–04–3); Saffron extract color (pigment CAS #1393–63–1), and Turmeric extract color (CAS #458–37–7), currently allowed for use in organic handling, will no longer be allowed for use after June 27, 2012.

This also means that the following ingredients or processing aids from nonorganic agricultural products: Casings, from processed intestines; Celery powder; Chia (*Salvia hispanica L.*); Dillweed oil (CAS #8006–75–5); Fish oil (Fatty acid CAS #'s: 10417–94–4, and 25167–62–8); Fructooligosaccharides (CAS #308066–66–2); Galangal, frozen; Gelatin (CAS #9000–70–8); Hops (*Humulus lupulus*); Inulin, oligofructose enriched (CAS #9005–80–5); Konjac flour (CAS #37220–17–0); Lemongrass, frozen; Orange shellac, unbleached (CAS #9000–59–3); Pepper, chipotle chile; Sweet potato starch, for bean thread production only; Turkish bay leaves; Wakame seaweed (*Undaria pinnatifida*); and Whey protein concentrate, currently allowed for use in organic handling, will no longer be allowed for use after June 27, 2012.

October 21, 2012 Sunset Materials

The Crops Committee will review the continued exemption (use) of the following synthetic substances allowed for use in § 205.601 that are scheduled to expire after October 21, 2012, from use in organic crop production: Ethanol; Isopropanol; Calcium hypochlorite; Chlorine dioxide; Sodium hypochlorite; Hydrogen peroxide; Soap-based algicide/demossers; Herbicides, soap-based; Newspaper or other recycled paper, without glossy or colored inks (2 uses); Plastic mulch and covers; Soaps, ammonium; Ammonium carbonate; Boric acid; Elemental sulfur (3 uses); Lime sulfur (2 uses); Oils, horticultural-narrow range oils as dormant, suffocating, and summer oils (2 uses); Soaps, insecticidal; Sticky traps/barriers; Pheromones; Sulfur dioxide; Vitamin D_3; Copper hydroxide; Copper oxide; Copper oxychloride; Copper sulfate (2 uses); Hydrated lime; Hydrogen peroxide; Potassium bicarbonate; Streptomycin; Aquatic plant extracts (other than hydrolyzed); Humic acids; Lignin sulfonate (2 uses); Magnesium sulfate; Soluble boron products; Sulfates, carbonates, oxides, or silicates of zinc, copper, iron, manganese, molybdenum, selenium, and cobalt; Liquid fish products; Vitamin B_1; Vitamin C; Vitamin E;

Ethylene gas; Sodium silicate; and EPA List 4–Inerts of Minimal Concern.

The Crops Committee will review the continued prohibition of the following nonsynthetic substances in § 205.602 which are scheduled to expire and be allowed for use after October 21, 2012, in organic crop production: Ash from manure burning; Arsenic; Lead salts; Potassium chloride; Sodium fluoaluminate (mined); Sodium nitrate; Strychnine; and Tobacco dust (nicotine sulfate).

The Livestock Committee will review the continued exemption (use) of the following synthetic substances allowed for use in organic livestock production in § 205.603 that are scheduled to expire after October 21, 2012: Ethanol; Isopropanol; Aspirin; Vaccines; Chlorhexidine; Calcium hypochlorite; Chlorine dioxide; Sodium hypochlorite; Electrolytes; Glucose; Glycerine; Hydrogen peroxide; Iodine (2 uses); Magnesium sulfate; Oxytocin; Ivermectin; Phosphoric acid; Copper sulfate; Lidocaine; Lime, hydrated; Mineral oil; Procaine; Trace minerals; Vitamins; and EPA List 4—Inerts of Minimal Concern.

The Livestock Committee will also review the continued prohibition of the following nonsynthetic substance in § 205.604 which is scheduled to expire and be allowed for use after October 21, 2012, in organic livestock production: Strychnine.

The Handling Committee will review the continued exemption (use) of the following nonagricultural (nonorganic) substances allowed as ingredients in or on processed products labeled as "organic" or "made with organic (specified ingredients or food group(s))" currently scheduled for expiration after October 21, 2012 from § 205.605 as (a) Nonsynthetics allowed: Acids (Alginic; Citric; and Lactic); Bentonite; Calcium carbonate; Calcium chloride; Dairy cultures; Diatomaceous earth; Enzymes; Flavors; Kaolin; Magnesium sulfate; Nitrogen; Oxygen; Perlite; Potassium chloride; Potassium iodide; Sodium bicarbonate; Sodium carbonate; Waxes; Yeast (Autolysate; Bakers; Brewers; Nutritional; and Smoked).

The Handling Committee will review the continued exemption (use) of the following nonagricultural (nonorganic) substances allowed as ingredients in or on processed products labeled as "organic" or "made with organic (specified ingredients or food group(s))" currently scheduled for expiration after October 21, 2012, listed on § 205.605 as (b) Synthetics allowed: Alginates; Ammonium bicarbonate; Ammonium carbonate; Ascorbic acid; Calcium citrate; Calcium hydroxide; Calcium phosphates (monobasic, dibasic, and tribasic); Carbon dioxide; Chlorine materials (Calcium hypochlorite; Chlorine dioxide; and Sodium hypochlorite); Ethylene; Ferrous sulfate; Glycerides (mono and di); Glycerin; Hydrogen peroxide; Magnesium carbonate; Magnesium chloride; Magnesium stearate; Nutrient vitamins and minerals; Ozone; Pectin (low-methoxy); Phosphoric acid; Potassium acid tartrate; Potassium carbonate; Potassium citrate; Potassium hydroxide; Potassium iodide; Potassium phosphate; Silicon dioxide; Sodium citrate; Sodium hydroxide; Sodium phosphates; Sulfur dioxide; Tocopherols; and Xanthan gum.

The Handling Committee will review the continued exemption (use) of the nonorganically produced agricultural products allowed as ingredients in or on processed products labeled as "organic" in § 205.606 depending on final commercial availability determinations performed by accredited certifying agents that are scheduled to expire after October 21, 2012. They are as follows: Cornstarch (native); Gums-water extracted only (Arabic, Guar, Locust bean, Carob bean); Kelp; and Pectin (high-methoxy).

The exemptions and prohibitions granted under the OFPA are required to be reviewed every 5 years by the National Organic Standards Board (NOSB). The Secretary of Agriculture has authority under the OFPA to renew such exemptions and prohibitions. If they are not reviewed by the NOSB and renewed by the Secretary within 5 years of their inclusion on the National List, their authorized use or prohibition expires.

This means that the following synthetic substances: Ethanol; Isopropanol; Calcium hypochlorite; Chlorine dioxide; Sodium hypochlorite; Hydrogen peroxide (2 uses); Soap-based algicide/demossers; Herbicides, soap-based; Newspaper or other recycled paper, without glossy or colored inks (2 uses); Plastic mulch and covers; Soaps, ammonium; Ammonium carbonate; Boric acid; Elemental sulfur (3 uses); Lime sulfur (2 uses); Oils, horticultural-narrow range oils as dormant, suffocating, and summer oils (2 uses); Soaps, insecticidal; Sticky traps/barriers; Pheromones; Sulfur dioxide; Vitamin D_3; Copper hydroxide; Copper oxide; Copper oxychloride; Copper sulfate (2 uses); Hydrated lime; Hydrogen peroxide; Potassium bicarbonate; Streptomycin: Aquatic plant extracts (other than hydrolyzed); Humic acids; Lignin sulfonate (2 uses); Magnesium sulfate; Soluble boron products; Sulfates, carbonates, oxides, or silicates of zinc, copper, iron, manganese, molybdenum, selenium, and cobalt; Liquid fish products; Vitamin B_1; Vitamin C; Vitamin E; Ethylene gas; Lignin sulfonate; Sodium silicate; and EPA List 4—Inerts of Minimal Concern; currently allowed for use in organic crop production, will no longer be allowed for use after October 21, 2012.

This also means that the following nonsynthetic substances: Ash from manure burning; Arsenic; Lead salts; Potassium chloride; Sodium fluoaluminate (mined); Sodium nitrate; Strychnine; and Tobacco dust (nicotine sulfate); currently prohibited from use in organic crop production, will be allowed for use after October 21, 2012.

This means that the following synthetic substances: Ethanol; Isopropanol; Aspirin; Vaccines; Chlorhexidine; Calcium hypochlorite; Chlorine dioxide; Sodium hypochlorite; Electrolytes; Glucose; Glycerine; Hydrogen peroxide; Iodine (2 uses); Magnesium sulfate; Oxytocin; Ivermectin; Phosphoric acid; Copper sulfate; Lidocaine; Lime, hydrated; Mineral oil; Procaine; Trace minerals; Vitamins; and EPA List 4—Inerts of Minimal Concern; currently allowed for use in organic livestock production, will no longer be allowed for use after October 21, 2012.

This also means that the following nonsynthetic substance: Strychnine; currently prohibited from use in organic livestock production, will be allowed for use after October 21, 2012.

This means that the following nonagricultural (nonorganic) substances: Acids (Alginic; Citric; and Lactic); Bentonite; Calcium carbonate; Calcium chloride; Dairy cultures; Diatomaceous earth; Enzymes; Flavors; Kaolin; Magnesium sulfate; Nitrogen; Oxygen; Perlite; Potassium chloride; Potassium iodide; Sodium bicarbonate; Sodium carbonate; Waxes; Yeast (Autolysate; Bakers; Brewers; Nutritional; and Smoked); currently allowed for use in organic handling, will no longer be allowed for use after October 21, 2012.

This means that the following synthetic substances: Alginates; Ammonium bicarbonate; Ammonium carbonate; Ascorbic acid; Calcium citrate; Calcium hydroxide; Calcium phosphates (monobasic, dibasic, and tribasic); Carbon dioxide; Chlorine materials (Calcium hypochlorite; Chlorine dioxide; and Sodium hypochlorite); Ethylene; Ferrous sulfate; Glycerides (mono and di); Glycerin; Hydrogen peroxide; Magnesium carbonate; Magnesium chloride; Magnesium stearate; Nutrient vitamins

and minerals; Ozone; Pectin (low-methoxy); Phosphoric acid; Potassium acid tartrate; Potassium carbonate; Potassium citrate; Potassium hydroxide; Potassium iodide; Potassium phosphate; Silicon dioxide; Sodium citrate; Sodium hydroxide; Sodium phosphates; Sulfur dioxide; Tocopherols; and Xanthan gum; currently allowed for use in organic handling, will no longer be allowed for use after October 21, 2012.

This also means that the following ingredients or processing aids from nonorganic agricultural products: Cornstarch (native); Gums-water extracted only (Arabic, Guar, Locust bean, Carob bean); Kelp; and Pectin (high-methoxy); currently allowed for use in organic handling, will no longer be allowed for use after October 21, 2012.

December 11, 2012 Sunset Materials

The Crops Committee will review the continued exemption (use) of the following synthetic substance allowed for use in organic crop production in § 205.601 that is scheduled to expire after December 11, 2012: Sucrose octanoate esters. The Livestock Committee will review the continued use of the following synthetic substance allowed for use in organic livestock production in § 205.603 that is scheduled to expire after December 11, 2012: Sucrose octanoate esters.

The exemptions and prohibitions granted under the OFPA are required to be reviewed every 5 years by the National Organic Standards Board (NOSB). The Secretary of Agriculture has authority under the OFPA to renew such exemptions and prohibitions. If they are not reviewed by the NOSB and renewed by the Secretary within 5 years of their inclusion on the National List, their authorized use or prohibition expires.

This means that the following listings of the synthetic substance: Sucrose octanoate esters (2 uses); currently allowed for use in organic crop and livestock production, will no longer be allowed for use after December 11, 2012.

December 13, 2012 Sunset Materials

The Livestock Committee will review the continued exemptions (use) of the following synthetic substances for use in organic livestock production in § 205.603 that are scheduled to expire after December 13, 2012: Atropine (CAS #–51–55–8); Butorphanol (CAS #–42408–82–2); Flunixin (CAS #–38677–85–9); Furosemide (CAS #–54–31–9); Magnesium hydroxide (CAS #–1309–42–8); Peroxyacetic/Peracetic acid (CAS #–79–21–0); Poloxalene (CAS #–9003–11–6); Tolazoline (CAS #–59–98–3); Xylazine (CAS #–7361–61–7); and Excipients.

The exemptions and prohibitions granted under the OFPA are required to be reviewed every 5 years by the NOSB. The Secretary of Agriculture has authority under the OFPA to renew such exemptions and prohibitions. If they are not reviewed by the NOSB and renewed by the Secretary within 5 years of their inclusion on the National List, their authorized use or prohibition expires.

This means that the following synthetic substances: Atropine (CAS #–51–55–8); Butorphanol (CAS #–42408–82–2); Flunixin (CAS #–38677–85–9); Furosemide (CAS #–54–31–9); Magnesium hydroxide (CAS #–1309–42–8); Peroxyacetic/Peracetic acid (CAS #–79–21–0); Poloxalene (CAS #–9003–11–6); Tolazoline (CAS #–59–98–3); Xylazine (CAS #–7361–61–7); and Excipients; currently allowed for use in organic livestock production, will no longer be allowed for use after December 13, 2012.

Expiration of the exempted or prohibited use of substances is provided for under the OFPA's sunset provision. This ANPR announces the sunset of 37 exempted substances added to the National List for use in organic handling on June 27, 2007; the sunset of 183 continued exemptions (use) and prohibitions of substances used in organic production and handling added to the list on October 21, 2007; the sunset of two exemptions of one substance for use in organic crop and livestock production added to the national list on December 11, 2007; and the sunset of 10 exempted substances for use in organic livestock production added to the national list on December 13, 2007. This ANPR establishes June 27, 2012, October 21, 2012, December 11, 2012, and December 13, 2012, as the respective dates by which the sunset review and renewal process must be concluded. Additionally, the NOP may try to conclude the sunset and renewal process for the 232 combined exempted and prohibited listings used in organic production and handling added to the National List in 2007 by the earliest respective date of June 27, 2012. The exemptions and prohibitions not renewed by their respective dates will be removed from the National List. This ANPR also begins the public comment process on whether the existing specific exemptions on the National List should be continued. This ANPR discusses how the NOP will manage the sunset review and renewal process.

Because these substances may be critical to the production and handling of a wide array of raw and processed organic agricultural products, their expiration could cause disruption of well-established and accepted organic production, handling, and processing systems. Therefore, the NOP is initiating the sunset review and renewal process now, in order to provide ample opportunity for the public to make their views known and to inform the decisions of the NOSB.

The Sunset Process

As the first step in this process, we invite public comment on the specific exemptions currently on the National List that are described in this document. All substances currently on the National List have been previously evaluated and determined by the NOSB for consistency with OFPA and its implementing regulations. According to § 6517(e) of the OFPA, these substances must be reviewed by the NOSB and renewed by the Secretary for their use to continue after 5 years of their addition to the National List which will be June 27, 2012, October 21, 2012, December 11, 2012, and December 13, 2012, respectively. The NOP may try to conclude the sunset and renewal process for the 232 combined exempted and prohibited listings used in organic production and handling added to the National List in 2007 by the earliest respective date of June 27, 2012. Public comments submitted will be considered in the review and renewal process.

The NOP will forward comments received under this ANPR to the NOSB for review. The NOSB will review the exemptions and prohibitions of the listings designated to sunset, including the public comments received during this review. The NOSB will review each of the substances listed in this ANPR and may determine that certain substances warrant a more in-depth review and require additional information or research that considers new scientific data and technological and market advances.

Following the NOSB's review, the NOSB will make a recommendation to the Secretary about the continuation of specific exemptions and prohibitions for the substances listed in this ANPR. After the Secretary receives and reviews the NOSB's recommendations, the NOP will publish a proposed rule regarding the NOSB recommendations. This proposed rule will provide an additional opportunity for the public to express their views. Comments received on the proposed rule will be used to develop a final rule. Because the sunset review and renewal process involves rulemaking, the NOP believes it is appropriate to initiate the process now.

Guidance on Submitting Your Comments

If you provide comments that support the renewal of any or all existing exemptions and/or prohibitions included within this ANPR, you should clearly indicate this and provide your reasons and any relevant documentation that supports your position.

Comments That Support Existing Exemptions and Prohibitions

Comments in support of a continued exemption of a substance should demonstrate that the substance is: (1) Not harmful to human health or the environment, (2) necessary to the production of the agricultural products because of the unavailability of wholly nonsynthetic substitute products, and (3) consistent with organic farming and handling. Comments in support of a continued prohibition should explain how the use of the substance would continue to be: (1) Harmful to human health or the environment, or (2) inconsistent with organic farming and handling.

Comments That DO NOT Support Continuing Existing Exemptions or Prohibitions

If you provide comments that do not support continuing an existing exemption and/or prohibition, you should provide reasons why the use of the substance should no longer be allowed/prohibited in organic agricultural production and handling. Specifically, comments that support the removal of a substance from the National List should provide information to demonstrate that the substance is: (1) Harmful to human health or the environment; (2) unnecessary because of the availability of alternatives; or (3) inconsistent with organic farming or handling. Comments that do not support a continued prohibition should explain how the use of the substance would not be: (1) Harmful to human health or the environment, or (2) inconsistent with organic farming and handling.

The current exemptions were originally recommended by the NOSB based on evidence available to the NOSB at the time of review which demonstrated that the substances were found to be: (1) Not harmful to human health or the environment, (2) necessary because of the unavailability of wholly nonsynthetic alternatives, and (3) consistent and compatible with organic practices. Therefore, comments against the continued exemption or supporting the continued prohibition of a substance should demonstrate how the current substance is: (1) Harmful to human health or the environment, (2) not necessary to the production of the agricultural products because of the availability of wholly nonsynthetic substitute products, or (3) inconsistent with organic farming and handling.

All Comments

An Appendix to this ANPR contains worksheets to assist you in gathering relevant information concerning these issues. These worksheets are not required to submit a comment. These worksheets are used by the NOSB to develop their recommendations to the Secretary to include an exempted substance on the National List. You do not have to answer the questions on the worksheets; they are intended only to help you provide substantive comments to the NOSB when you provide comments on the specific substance.

Comments, regardless of whether they support or do not support the continued use of a substance(s) listed within this ANPR, should provide evidence concerning the viability of alternatives for the substance you believe should be discontinued or renewed. Viable alternatives include, but are not limited to: Alternative management practices that would eliminate the need for the specific substance; other currently exempted substances that are on the National List which could eliminate the need for this specific substance; and other organic or nonorganic agricultural substances. Such evidence should adequately address whether any alternatives have a function and effect that equals or surpasses the specific exempted substance, whether that you want the substance to be renewed or do not want its use to be continued. Assertions about an alternative substance except for those alternatives that already appear on the National List should, if possible include the name and address of the manufacturer of the alternative. Further, your comments should include a copy or the specific source of any supportive literature, which could include product or practice descriptions; performance and test data; reference standards; name and address of producers who have used the alternative under similar conditions and the date of use; and an itemized comparison of the function and effect of the proposed alternative(s) with substance under review. The chart below can help you describe recommended alternatives for different types of organic operations in place of a current exempted substance that you do not want to be continued.

If the currently listed substance is used in . . .	And is a (an) . . .	Then the recommended alternative should be a (an) . . .
Crop or Livestock Production	Synthetic substance	—Another currently listed synthetic substance; —Nonsynthetic substance; or —Management practice.
Crop or Livestock Production	Synthetic inert substance (pesticidal)	—Another currently listed synthetic substance; or —Nonsynthetic substance.
Handling	Synthetic substance	—Another currently listed synthetic substance; —Nonsynthetic (non-ag) substance; or —Management practice.
Handling	Nonsynthetic (non-ag) substance	—Agricultural substance; or —Management practice.
Handling	Nonorganic agricultural product	—Organic agricultural product.

The NOP understands that supportive technical or scientific information for synthetic alternatives not currently on the National List may not be easily available to organic producers and handlers. Such information may, however, be available from the research community including universities, or other sources, including international organic programs.

Request for Comments

The NOP requests that you comment whether the NOSB should continue to recommend the following exemptions and prohibitions on the National List of

Allowed and Prohibited Substances for organic agricultural production and handling. Comments must be submitted on or before May 25, 2010.

Synthetic substances allowed for use in organic crop production.

As algicide, disinfectants, and sanitizer, including irrigation system cleaning systems.

Alcohols.

(1) Ethanol.

(2) Isopropanol.

Chlorine materials— *Except,* That, residual chlorine levels in the water shall not exceed the maximum residual disinfectant limit under the Safe Drinking Water Act.

(3) Calcium hypochlorite.

(4) Chlorine dioxide.

(5) Sodium hypochlorite.

(6) Hydrogen peroxide.

(7) Soap-based algicide/demossers.

As herbicides, weed barriers, as applicable.

(8) Herbicides, soap-based—for use in farmstead maintenance (roadways, ditches, rights of way, building perimeters) and ornamental crops.

Mulches.

(9) Newspaper or other recycled paper, without glossy or colored inks.

(10) Plastic mulch and covers (petroleum-based other than polyvinyl chloride (PVC)).

As compost feedstocks.

(11) Newspapers or other recycled paper, without glossy or colored inks.

As animal repellents.

(12) Soaps, ammonium—for use as a large animal repellant only, no contact with soil or edible portion of crop.

As insecticides (including acaricides or mite control).

(13) Ammonium carbonate—for use as bait in insect traps only, no direct contact with crop or soil.

(14) Boric acid—structural pest control, no direct contact with organic food or crops.

(15) Elemental sulfur.

(16) Lime sulfur—including calcium polysulfide.

(17) Oils, horticultural—narrow range oils as dormant, suffocating, and summer oils.

(18) Soaps, insecticidal.

(19) Sticky traps/barriers.

(20) Sucrose octanoate esters (CAS #s–42944–74–7; 58064–47–4)—in accordance with approved labeling.

As insect management.

(21) Pheromones.

As rodenticides.

(22) Sulfur dioxide—underground rodent control only (smoke bombs).

(23) Vitamin D_3.

As plant disease control.

Coppers, fixed

(24) copper hydroxide

(25) copper oxide

(26) copper oxychloride

(27) Copper sulfate—Substance must be used in a manner that minimizes accumulation of copper in the soil.

(28) Hydrated lime.

(29) Hydrogen peroxide.

(30) Lime sulfur.

(31) Oils, horticultural, narrow range oils as dormant, suffocating, and summer oils.

(32) Potassium bicarbonate.

(33) Elemental sulfur.

(34) Streptomycin, for fire blight control in apples and pears only.

As plant or soil amendments.

(35) Aquatic plant extracts (other than hydrolyzed)—Extraction process is limited to the use of potassium hydroxide or sodium hydroxide; solvent amount used is limited to that amount necessary for extraction.

(36) Elemental sulfur.

(37) Humic acids—naturally occurring deposits, water and alkali extracts only.

(38) Lignin sulfonate—chelating agent, dust suppressant, flotation agent.

(39) Magnesium sulfate—allowed with a documented soil deficiency.

Micronutrients—not to be used as a defoliant, herbicide, or desiccant. Those made from nitrates or chlorides are not allowed. Soil deficiency must be documented by testing.

(40) Soluble boron products.

(41) Sulfates of zinc

(42) Sulfates of copper

(43) Sulfates of iron

(44) Sulfates of manganese

(45) Sulfates of molybdenum

(46) Sulfates of selenium

(47) Sulfates of cobalt

(48) Carbonates of zinc

(49) Carbonates of copper

(50) Carbonates of iron

(51) Carbonates of manganese

(52) Carbonates of molybdenum

(53) Carbonates of selenium

(54) Carbonates of cobalt

(55) Oxides of zinc

(56) Oxides of copper

(57) Oxides of iron

(58) Oxides of manganese

(59) Oxides of molybdenum

(60) Oxides of selemium

(61) Oxides of cobalt

(62) Silicates of zinc

(63) Silicates of copper

(64) Silicates of iron

(65) Silicates of manganese

(66) Silicates of molybdenum

(67) Silicates of selenium

(68) Silicates of cobalt.

(69) Liquid fish products—can be pH adjusted with sulfuric, citric or phosphoric acid. The amount of acid used shall not exceed the minimum needed to lower the pH to 3.5.

(70) Vitamin B_1

(71) Vitamin C

(72) Vitamin E

As plant growth regulators.

(73) Ethylene gas—for regulation of pineapple flowering.

As floating agents in postharvest handling.

(74) Lignin sulfonate.

(75) Sodium silicate—for tree fruit and fiber processing.

As synthetic inert ingredients as classified by the Environmental Protection Agency (EPA), for use with nonsynthetic substances or synthetic substances listed in this section and used as an active pesticide ingredient in accordance with any limitations on the use of such substances.

(76) EPA List 4—Inerts of Minimal Concern.

Nonsynthetic substances prohibited for use in organic crop production.

(77) Ash from manure burning.

(78) Arsenic.

(79) Lead salts.

(80) Potassium chloride—unless derived from a mined source and applied in a manner that minimizes chloride accumulation in the soil.

(81) Sodium fluoaluminate (mined).

(82) Sodium nitrate—unless use is restricted to no more than 20% of the crop's total nitrogen requirement.

(83) Strychnine.

(84) Tobacco dust (nicotine sulfate).

Synthetic substances allowed for use in organic livestock production.

As disinfectants, sanitizer, and medical treatments as applicable.

Alcohols.

(85) Ethanol-disinfectant and sanitizer only, prohibited as a feed additive.

(86) Isopropanol-disinfectant only.

(87) Aspirin-approved for health care use to reduce inflammation.

(88) Atropine (CAS #–51–55–8)—federal law restricts this drug to use by or on the lawful written or oral order of a licensed veterinarian, in full compliance with the AMDUCA and 21 CFR part 530 of the Food and Drug Administration regulations. Also, for use under 7 CFR part 205, the NOP requires: (i) Use by or on the lawful written order of a licensed veterinarian; and (ii) A meat withdrawal period of at least 56 days after administering to livestock intended for slaughter; and a milk discard period of at least 12 days after administering to dairy animals.

Biologics.

(89) Vaccines.

(90) Butorphanol (CAS #–42408–82–2)—federal law restricts this drug to use by or on the lawful written or oral order of a licensed veterinarian, in full compliance with the AMDUCA and 21 CFR part 530 of the Food and Drug Administration regulations. Also, for

use under 7 CFR part 205, the NOP requires: (i) Use by or on the lawful written order of a licensed veterinarian; and (ii) A meat withdrawal period of at least 42 days after administering to livestock intended for slaughter; and a milk discard period of at least 8 days after administering to dairy animals.

(91) Chlorhexidine—Allowed for surgical procedures conducted by a veterinarian. Allowed for use as a teat dip when alternative germicidal agents and/or physical barriers have lost their effectiveness.

Chlorine materials—disinfecting and sanitizing facilities and equipment. Residual chlorine levels in the water shall not exceed the maximum residual disinfectant limit under the Safe Drinking Water Act.

(92) Calcium hypochlorite.

(93) Chlorine dioxide.

(94) Sodium hypochlorite.

(95) Electrolytes—without antibiotics.

(96) Flunixin (CAS #–38677–85–9)—in accordance with approved labeling; except that for use under 7 CFR part 205, the NOP requires a withdrawal period of at least two-times that required by the FDA.

(97) Furosemide (CAS #–54–31–9)—in accordance with approved labeling; except that for use under 7 CFR part 205, the NOP requires a withdrawal period of at least two-times that required that required by the FDA.

(98) Glucose.

(99) Glycerine—Allowed as a livestock teat dip, must be produced through the hydrolysis of fats or oils.

(100) Hydrogen peroxide.

(101) Iodine.

(102) Magnesium hydroxide (CAS #–1309–42–8)—federal law restricts this drug to use by or on the lawful written or oral order of a licensed veterinarian, in full compliance with the AMDUCA and 21 CFR part 530 of the Food and Drug Administration regulations. Also, for use under 7 CFR part 205, the NOP requires use by or on the lawful written order of a licensed veterinarian.

(103) Magnesium sulfate.

(104) Oxytocin—use in postparturition therapeutic applications.

Paraciticides.

(105) Ivermectin—prohibited in slaughter stock, allowed in emergency treatment for dairy and breeder stock when organic system plan-approved preventive management does not prevent infestation. Milk or milk products from a treated animal cannot be labeled as provided for in subpart D of this pari for 90 days following treatment. In breeder stock, treatment cannot occur during the last third of gestation if the progeny will be sold as organic and must not be used during the lactation period for breeding stock.

(106) Peroxyacetic/peracetic acid (CAS #–79–21–0)—for sanitizing facility and processing equipment.

(107) Phosphoric acid—allowed as an equipment cleaner, Provided, That, no direct contact with organically managed livestock or land occurs.

(108) Poloxalene (CAS #–9003–11–6)—for use under 7 CFR Part 205, the NOP requires that poloxalene only be used for the emergency treatment of bloat.

(109) Tolazoline (CAS #–59–98–3)—federal law restricts this drug to use by or on the lawful written or oral order of a licensed veterinarian, in full compliance with the AMDUCA and 21 CFR part 530 of the Food and Drug Administration regulations. Also, for use under 7 CFR part 205, the NOP requires: (i) Use by or on the lawful written order of a licensed veterinarian; (ii) Use only to reverse the effects of sedation and analgesia caused by Xylazine; and (iii) A meat withdrawal period of at least 8 days after administering to livestock intended for slaughter; and a milk discard period of at least 4 days after administering to dairy animals.

(110) Xylazine (CAS #–7361–61–7)—federal law restricts this drug to use by or on the lawful written or oral order of a licensed veterinarian, in full compliance with the AMDUCA and 21 CFR part 530 of the Food and Drug Administration regulations. Also, for use under 7 CFR Part 205, the NOP requires: (i) Use by or on the lawful written order of a licensed veterinarian; (ii) The existence of an emergency; and (iii) A meat withdrawal period of at least 8 days after administering to livestock intended for slaughter; and a milk discard period of at least 4 days after administering to dairy animals. As topical treatment, external parasiticide or local anesthetic as applicable.

(111) Copper sulfate.

(112) Iodine.

(113) Lidocaine—as a local anesthetic. Use requires a withdrawal period of 90 days after administering to livestock intended for slaughter and 7 days after administering to dairy animals.

(114) Lime, hydrated—as an external pest control, not permitted to cauterize physical alterations or deodorize animal wastes.

(115) Mineral oil—for topical use and as a lubricant.

(116) Procaine—as a local anesthetic, use requires a withdrawal period of 90 days after administering to livestock intended for slaughter and 7 days after administering to dairy animals.

(117) Sucrose octanoate esters (CAS #s–42922–74–2; 58064–47–4)—in accordance with approved labeling.

As feed additives.

(118) Trace minerals, used for enrichment or fortification when FDA approved.

(119) Vitamins, used for enrichment or fortification when FDA approved.

As synthetic inert ingredients as classified by the Environmental Protection Agency (EPA), for use with nonsynthetic substances or synthetic substances listed in this section and used as an active pesticide ingredient in accordance with any limitations on the use of such substances.

(120) EPA List 4—Inerts of Minimal Concern.

(121) Excipients, only for use in the manufacture of drugs used to treat organic livestock when the excipient is: Identified by the FDA as Generally Recognized As Safe; Approved by the FDA as a food additive; or Included in the FDA review and approval of a New Animal Drug Application or New Drug Application.

Nonsynthetic substances prohibited for use in organic livestock production.

(122) Strychnine.

Nonagricultural (nonorganic) substances allowed as ingredients in or on processed products labeled as "organic" or "made with organic (specified ingredients or food group(s))."

Nonsynthetics allowed:

(123) Alginic acid.

(124) Citric acid—produced by microbial fermentation of carbohydrate substances.

(125) Lactic acid.

(126) Bentonite.

(127) Calcium carbonate.

(128) Calcium chloride.

(129) Dairy cultures.

(130) Diatomaceous earth—food filtering aid only.

(131) Enzymes—must be derived from edible, nontoxic plants, nonpathogenic fungi, or nonpathogenic bacteria.

(132) Flavors, nonsynthetic sources only and must not be produced using synthetic solvents and carrier systems or any artificial preservative.

(133) Kaolin.

(134) Magnesium sulfate, nonsynthetic sources only.

(135) Nitrogen—oil-free grades.

(136) Oxygen—oil-free grades.

(137) Perlite—for use only as a filter aid in food processing.

(138) Potassium chloride.

(139) Potassium iodide.

(140) Sodium bicarbonate.

(141) Sodium carbonate.

(142) Carnauba wax—nonsynthetic.

(143) Wood resin wax—nonsynthetic.

Yeast—nonsynthetic, growth on petrochemical substrate and sulfite waste liquor is prohibited.

(144) Autolysate.

(145) Bakers.
(146) Brewers.
(147) Nutritional.
(148) Smoked—nonsynthetic smoke flavoring process must be documented.

Synthetics allowed:
(149) Alginates.
(150) Ammonium bicarbonate—for use only as a leavening agent.
(151) Ammonium carbonate—for use only as a leavening agent.
(152) Ascorbic acid.
(153) Calcium citrate.
(154) Calcium hydroxide.
(155) Calcium phosphates monobasic.
(156) Calcium phosphates dibasic.
(157) Calcium phosphates tribasic.
(158) Carbon dioxide.
Chlorine materials—disinfecting and sanitizing food contact surfaces, Except, That, residual chlorine levels in the water shall not exceed the maximum residual disinfectant limit under the Safe Drinking Water Act.
(159) Calcium hypochlorite.
(160) Chlorine dioxide.
(161) Sodium hypochlorite.
(162) Ethylene—allowed for postharvest ripening of tropical fruit and degreening of citrus.
(163) Ferrous sulfate—for iron enrichment or fortification of foods when required by regulation or recommended (independent organization).
(164) Monoglycerides—for use only in drum drying of food.
(165) Diglycerides—for use only in drum drying of food.
(166) Glycerin—produced by hydrolysis of fats and oils.
(167) Hydrogen peroxide.
(168) Magnesium carbonate—for use only in agricultural products labeled "made with organic (specified ingredients or food group(s))," prohibited in agricultural products labeled "organic".
(169) Magnesium chloride—derived from sea water.
(170) Magnesium stearate—for use only in agricultural products labeled "made with organic (specified ingredients or food group(s))," prohibited in agricultural products labeled "organic".
(171) Nutrient vitamins in accordance with 21 CFR 104.20, Nutritional Quality Guidelines For Foods.
(172) Nutrient minerals in accordance with 21 CFR 104.20, Nutritional Quality Guidelines For Foods.
(173) Ozone.
(174) Pectin (low-methoxy).
(175) Phosphoric acid—cleaning of food-contact surfaces and equipment only.
(176) Potassium acid tartrate.
(177) Potassium carbonate.
(178) Potassium citrate.
(179) Potassium hydroxide—prohibited for use in lye peeling of fruits and vegetables except when used for peeling peaches during the Individually Quick Frozen (IQF) production process.
(180) Potassium iodide—for use only in agricultural products labeled "made with organic (specified ingredients or food group(s))," prohibited in agricultural products labeled "organic".
(181) Potassium phosphate—for use only in agricultural products labeled "made with organic (specific ingredients or food group(s))," prohibited in agricultural products labeled "organic".
(182) Silicon dioxide.
(183) Sodium citrate.
(184) Sodium hydroxide—prohibited for use in lye peeling of fruits and vegetables.
(185) Sodium phosphates—for use only in dairy foods.
(186) Sulfur dioxide—for use only in wine labeled "made with organic grapes," Provided, That, total sulfite concentration does not exceed 100 ppm.
(187) Tocopherols—derived from vegetable oil when rosemary extracts are not a suitable alternative.
(188) Xanthan gum.

Nonorganically produced agricultural products allowed as ingredients in or on processed products labeled as "organic."
(189) Casings, from processed intestines.
(190) Celery powder.
(191) Chia (*Salvia hispanica L.*).

Colors derived from agricultural products—
(192) Annatto extract color (pigment CAS #1393–63–1)—water and oil soluble.
(193) Beet juice extract color (pigment CAS #7659–95–2).
(194) Beta-carotene extract color, derived from carrots (CAS #1393–63–1).
(195) Black currant juice color (pigment CAS #'s: 528–58–5, 528–53–0, 643–84–5, 134–01–0, 1429–30–7, and 134–04–3).
(196) Black/Purple carrot juice color (pigment CAS #'s: 528–58–5, 528–53–0, 643–84–5, 134–01–0, 1429–30–7, and 134–04–3).
(197) Blueberry juice color (pigment CAS #'s: 528–58–5, 528–53–0, 643–84–5, 134–01–0, 1429–30–7, and 134–04–3).
(198) Carrot juice color (pigment CAS #1393–63–1).
(199) Cherry juice color (pigment CAS #'s: 528–58–5, 528–53–0, 643–84–5, 134–01–0, 1429–30–7, and 134–04–3).
(200) Chokeberry—Aronia juice color (pigment CAS #'s: 528–58–5, 528–53–0, 643–84–5, 134–01–0, 1429–30–7, and 134–04–3).
(201) Elderberry juice color (pigment CAS #'s: 528–58–5, 528–53–0, 643–84–5, 134–01–0, 1429–30–7, and 134–04–3).
(202) Grape juice color (pigment CAS #'s: 528–58–5, 528–53–0, 643–84–5, 134–01–0, 1429–30–7, and 134–04–3).
(203) Grape skin extract color (pigment CAS #'s: 528–58–5, 528–53–0, 643–84–5, 134–01–0, 1429–30–7, and 134–04–3).
(204) Paprika color (CAS #68917–78–2)—dried, and oil extracted.
(205) Pumpkin juice color (pigment CAS #127–40–2).
(206) Purple potato juice (pigment CAS #'s: 528–58–5, 528–53–0, 643–84–5, 134–01–0, 1429–30–7, and 134–04–3).
(207) Red cabbage extract color (pigment CAS #'s: 528–58–5, 528–53–0, 643–84–5, 134–01–0, 1429–30–7, and 134–04–3).
(208) Red radish extract color (pigment CAS #'s: 528–58–5, 528–53–0, 643–84–5, 134–01–0, 1429–30–7, and 134–04–3).
(209) Saffron extract color (pigment CAS #1393–63–1).
(210) Turmeric extract color (CAS #458–37–7).
(211) Dillweed oil (CAS #8006–75–5).
(212) Fish oil (Fatty acid CAS #'s: 10417–94–4, and 25167–62–8)—stabilized with organic ingredients or only with ingredients on the National List, §§ 205.605 and 205.606.
(213) Fructooligosaccharides (CAS #308066–66–2).
(214) Galangal, frozen.
(215) Gelatin (CAS #9000–70–8).

Gums—water extracted only.
(216) Arabic.
(217) Guar.
(218) Locust bean.
(219) Carob bean.
(220) Hops (*Humulus luplus*).
(221) Inulin-oligofructose enriched (CAS #9005–80–5).
(222) Kelp—for use only as a thickener and dietary supplement.
(223) Konjac flour (CAS #7220–17–0).
(224) Lemongrass—frozen.
(225) Orange shellac-unbleached (CAS #9000–59–3).
(226) Pectin (high-methoxy).
(227) Peppers (Chipotle chile).

Starches.
(228) Cornstarch (native).
(229) Sweet potato starch—for bean thread production only.
(230) Turkish bay leaves.
(231) Wakame seaweed (*Undaria pinnatifida*).
(232) Whey protein concentrate.

Authority: 7 U.S.C. 6501–6522 *et seq.* and 7 CFR part 205.

Dated: March 22, 2010.

Rayne Pegg,

Administrator, Agricultural Marketing Service.

Appendix

This Appendix contains worksheets to assist you in gathering relevant information concerning the compatibility of substances with evaluation criteria of the OFPA. These worksheets are not required to submit a comment. These worksheets are used by the NOSB to develop their recommendations to the Secretary to include an exempted or prohibited substance on the National List. You do not have to answer the questions on the worksheets; they are intended only to help you provide substantive comments to the NOSB when you provide comments on the specific substance.

NOSB Evaluation Criteria for Substances Added to the National List

Question	Yes	No	N/A [1]	Documentation (TAP; petition; regulatory agency; other)
Category 1. Adverse impacts on humans or the environment?				
1. Are there adverse effects on environment from manufacture, use, or disposal? [§ 205.600 b.2]				
2. Is there environmental contamination during manufacture, use, misuse, or disposal? [§ 6518 m.3]				
3. Is the substance harmful to the environment? [§ 6517 c(1)(A)(i); 6517(c)(2)(A)i]				
4. Does the substance contain List 1, 2, or 3 inerts? [§ 6517 c(1)(B)(ii); 205.601(m)2]				
5. Is there potential for detrimental chemical interaction with other materials used? [§ 6518 m.1]				
6. Are there adverse biological and chemical interactions in agro-ecosystem? [§ 6518 m.5]				
7. Are there detrimental physiological effects on soil organisms, crops, or livestock? [§ 6518 m.5]				
8. Is there a toxic or other adverse action of the material or its breakdown products? [§ 6518 m.2]				
9. Is there undesirable persistence or concentration of the material or breakdown products in environment? [§ 6518 m.2]				
10. Is there any harmful effect on human health? [§ 6517 c(1)(A)(i); 6517 c(2)(A)i; § 6518 m.4]				
11. Is there an adverse effect on human health as defined by applicable Federal regulations? [205.600 b.3]				
12. Is the substance GRAS when used according to FDA's good manufacturing practices? [§ 205.600 b.5]				
13. Does the substance contain residues of heavy metals or other contaminants in excess of FDA tolerances? [§ 205.600 b.5]				
Category 2. Is the Substance Essential for Organic Production?				
1. Is the substance formulated or manufactured by a chemical process? [6502 (21)]				
2. Is the substance formulated or manufactured by a process that chemically changes a substance extracted from naturally occurring plant, animal, or mineral, sources? [6502 (21)]				
3. Is the substance created by naturally occurring biological processes? [6502 (21)]				
4. Is there a natural source of the substance? [§ 205.600 b.1]				
5. Is there an organic substitute? [§ 205.600 b.1]				
6. Is the substance essential for handling of organically produced agricultural products? [§ 205.600 b.6]				
7. Is there a wholly natural substitute product? [§ 6517 c (1)(A)(ii)]				
8. Is the substance used in handling, not synthetic, but not organically produced? [§ 6517 c(1)(B)(iii)]				
9. Is there any alternative substances? [§ 6518 m.6]				
10. Is there another practice that would make the substance unnecessary? [§ 6518 m.6]				
Category 3. Is the substance compatible with organic production practices?				
1. Is the substance compatible with organic handling? [§ 205.600 b.2]				

NOSB EVALUATION CRITERIA FOR SUBSTANCES ADDED TO THE NATIONAL LIST—Continued

Question	Yes	No	N/A [1]	Documentation (TAP; petition; regulatory agency; other)
2. Is the substance consistent with organic farming and handling? [§ 6517 c(1)(A)(iii); 6517 c(2)(A)(ii)] 3. Is the substance compatible with a system of sustainable agriculture? [§ 6518 m.7] 4. Is the nutritional quality of the food maintained with the substance? [§ 205.600 b.3] 5. Is the primary use as a preservative? [§ 205.600 b.4] 6. Is the primary use to recreate or improve flavors, colors, textures, or nutritive values lost in processing (except when required by law, e.g., vitamin D in milk)? [205.600 b.4] 7. Is the substance used in production, and does it contain an active synthetic ingredient in the following categories: a. copper and sulfur compounds; b. toxins derived from bacteria; c. pheromones, soaps, horticultural oils, fish emulsions, treated seed, vitamins and minerals? d. livestock parasiticides and medicines? e. production aids including netting, tree wraps and seals, insect traps, sticky barriers, row covers, and equipment cleaners?				
Question	Yes	No	N/A	Comments on information provided (sufficient, plausible, reasonable, thorough, complete, unknown)
Category 4. Is the commercial supply of an agricultural substance as organic, fragile or potentially unavailable? [§ 6610, 6518, 6519, 205.2, 205.105 (d), 205.600 (c), 205.2, 205.105 (d), 205.600 (c)]				
1. *Is the comparative description provided* as to why the non-organic form of the material/substance is necessary for use in organic handling? 2. Does the current and historical industry information, research, or evidence provided explain how or why the material/substance cannot be obtained organically in the appropriate *form* to fulfill an essential function in a system of organic handling? 3. Does the current and historical industry information, research, or evidence provided explain how or why the material/substance cannot be obtained organically in the appropriate *quality* to fulfill an essential function in a system of organic handling? 4. Does the current and historical industry information, research, or evidence provided explain how or why the material/substance cannot be obtained organically in the appropriate *quantity* to fulfill an essential function in a system of organic handling? 5. Does the industry information provided on material/substance non-availability as organic, include (but not limited to) the following: a. Regions of production (including factors such as climate and number of regions); b. Number of suppliers and amount produced; c. Current and historical supplies related to weather events such as hurricanes, floods, and droughts that may temporarily halt production or destroy crops or supplies; d. Trade-related issues such as evidence of hoarding, war, trade barriers, or civil unrest that may temporarily restrict supplies; or e. Are there other issues which may present a challenge to a consistent supply?				

[1] If the substance under review is for crops or livestock production, all of the questions from 205.600 (b) are N/A—not applicable.

[FR Doc. 2010–6683 Filed 3–25–10; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 807

[Docket No. FDA–2009–N–0114]

RIN 0910–AF88

Implementation of Device Registration and Listing Requirements Enacted in the Public Health Security and Bioterrorism Preparedness and Response Act of 2002, the Medical Device User Fee and Modernization Act of 2002, and Title II of the Food and Drug Administration Amendments Act of 2007

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration is proposing to amend its regulations governing medical device establishment registration and device listing. The proposed revisions would modify FDA's current regulations at part 807 (21 CFR part 807) to reflect recent statutory amendments to the device registration and listing provisions of the Federal Food, Drug, and Cosmetic Act (FD&C Act). The Food and Drug Administration Amendments Act of 2007 (FDAAA), which was enacted on September 27, 2007, amended section 510 of the FD&C Act by requiring domestic and foreign device establishments to begin submitting their registration and device listing information to FDA by electronic means rather than on paper forms, and also specified the timeframes when establishments are required to submit such information. In accordance with FDAAA, the agency launched FDA's Unified Registration and Listing System (FURLS), and Internet-based registration and listing system. FDAAA requires electronic submission of device registration and listing information unless FDA grants a waiver request.

In addition, this proposal would facilitate FDA's collection of additional registration information from foreign establishments as required by the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Bioterrorism Act). It also would update certain provisions in part 807 to improve the quality of registration and listing information available to FDA. FDA relies on having complete and accurate registration and listing information in order to accomplish a number of important public health objectives.

DATES: Submit written or electronic comments on the proposed rule by June 24, 2010. Submit comments on information collection issues under the Paperwork Reduction Act of 1995 by April 26, 2010, (see the "Paperwork Reduction Act of 1995" section of this document). See sections IX and X of this document for the proposed effective and proposed compliance dates of a final rule based on this document.

ADDRESSES: You may submit comments, identified by Docket No. FDA–2009–N–0114 and RIN number 0910–AF88, by any of the following methods, except that comments on information collection issues under the Paperwork Reduction Act of 1995 must be submitted to the Office of Regulatory Affairs, Office of Management and Budget (OMB) at FAX: 202–395–7285, or e-mail comments to *OIRA_submission@omb.eop.gov*. Please mark your comments to the attention of the FDA desk officer and reference this rule.

Electronic Submissions

Submit electronic comments in the following way:

- Federal eRulemaking Portal: *http://www.regulations.gov*. Follow the instructions for submitting comments.

Written Submissions

Submit written submissions in the following ways:

- FAX: 301–827–6870.
- Mail/Hand delivery/Courier [For paper, disk, or CD–ROM submissions]: Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

Instructions: All submissions received must include the agency name and Docket No(s). and Regulatory Information Number (RIN) (if a RIN number has been assigned) for this rulemaking. All comments received may be posted without change to *http://www.regulations.gov*, including any personal information provided. For additional information on submitting comments, see the "Comments" heading of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* and insert the docket number found in brackets in the heading of this document into the "Search" box and follow the prompts and/or go to the Division of Dockets Management, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Theresa McDonald, Center for Devices and Radiological Health (HFZ–307), Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002, 301–796–5823.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Background

We originally published establishment registration regulations for medical devices in the **Federal Register** of September 3, 1976 (41 FR 37458) (proposed rule) and August 23, 1977 (42 FR 42520) (final rule), and device listing regulations in the **Federal Register** of September 30, 1977 (42 FR 52808) (proposed rule), and August 25, 1978 (43 FR 37990) (final rule).

These regulations called for establishment registration and device listing information to be submitted to the Center for Devices and Radiological Health (CDRH) on several paper forms: FDA 2891, Registration of Device Establishment; FDA 2891a, Annual Registration of Device Establishment; and FDA 2892, Device Listing. Once these forms were completed and submitted to FDA, FDA then forwarded them to a data entry contractor who entered the information into FDA's device registration and listing database.

In June 2002, section 321 of the Bioterrorism Act amended section 510(i) of the FD&C Act to require those foreign

establishments who are required to register with FDA to do so by electronic means, and to include additional information identifying certain parties involved in the importation of the foreign establishment's devices into the United States as part of their registration. Subsequently, in October 2002, section 207 of MDUFMA further amended section 510 of the FD&C Act by extending the requirement for electronic submission of registration information to include domestic firms as well as foreign firms. However, when adding these new electronic submission requirements, which appear in section 510(p) of the FD&C Act, Congress chose to delay their implementation so that FDA would have an opportunity to first put systems in place to accommodate the electronic receipt of registration information. This was accomplished by including a requirement in section 510(p) of the FD&C Act for the Secretary of the Department of Health and Human Services (the Secretary) to make a finding that the electronic receipt of registration information was feasible before implementing electronic registration.

As reflected in FDAAA, the most recent legislation establishing changes to FDA's device registration and listing program, FDA has now developed a system that makes the electronic receipt of device registration and listing information feasible. FDAAA amended section 510(p) of the FD&C Act by eliminating the need for a feasibility finding and requiring both establishment registration and device listing information to be submitted using electronic means unless FDA grants a waiver request. In accordance with FDAAA, FDA's Unified Registration and Listing System (FURLS), which is a new Internet-based system, became operational on October 1, 2007. FDA believes this electronic system will ultimately make the process of submitting registration and listing information more efficient for industry and will provide faster access to this information for both FDA and industry.

In addition, the new electronic system will allow FDA to more effectively gather information concerning marketed devices. We rely on having complete and accurate registration and listing information to accomplish a number of important statutory and regulatory objectives. For example, we use registration and listing information to:

- Identify establishments producing marketed medical devices;
- Identify establishments producing a specific device when that device is in short supply or is needed for a national emergency. This information helps us facilitate prompt shipment of devices to the places where they are needed most. For example, during a bioterrorism incident, we could use device listing information to identify establishments that could be helpful in preventing or counteracting the deadly effects of biological weapons; with this information, we could facilitate prompt shipment of the devices as needed;
- Facilitate the recall of devices marketed by owners or operators of device establishments;
- Identify and catalogue marketed devices;
- Administer our postmarketing surveillance programs for devices;
- Identify devices marketed in violation of the law;
- Identify and control devices imported or offered for import into the country from foreign establishments; and
- Schedule and plan inspections of registered establishments under section 704 of the FD&C Act (21 U.S.C. 374).

We also rely on registration and listing information to help us comply with several other statutory provisions. For example, we use this information to generate accurate estimates of the number of businesses that are affected by our rulemaking activities. These estimates help us assess the impact of our regulations on regulated industry, which we are required to do under the Regulatory Flexibility Act of 1980 (Public Law 96–354) (5 U.S.C. 601–612), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (Title II of Public Law 104–121); the Unfunded Mandates Reform Act of 1995 (Public Law 104–4) (2 U.S.C. 1501 *et seq.*); the Paperwork Reduction Act of 1995 (the PRA) (44 U.S.C. 3501–3520); Executive Order 12866 (September 30, 1993); and the Congressional Review Act (section 251 of Public Law 104–121).

Registration and listing information will continue to be used for all of the important public health purposes outlined previously. The electronic submission of registration and listing information allows us to use such information more quickly and effectively to carry out all of the activities described previously.

In addition, electronic submission of registration and listing information furthers the purpose of the Government Paperwork Elimination Act of 1998 (Public Law 105–277, Title XVII) (GPEA). GPEA requires Federal agencies to give persons who are required to maintain, submit, or disclose information, the option of doing so electronically when practicable as a substitute for paper, and to use electronic authentication (electronic signature) methods to verify the identity of the sender and the integrity of the electronic content. We believe that electronic submission of registration and listing information furthers the purpose of this law and makes the registration and listing processes more efficient and effective both for industry and us.

II. Summary of Current Registration and Listing Requirements

A. Summary of Section 510 of the FD&C Act (21 U.S.C. 360)

Section 510 of the FD&C Act contains the statutory requirements pertaining to device registration and listing. Section 510(b), (c), and (d) of the FD&C Act address registration obligations that apply to domestic establishments. Section 510(c) of the FD&C Act includes the requirement for owners or operators to immediately register their establishment "upon first engaging in the manufacture, preparation, propagation, compounding, or processing of * * * device or devices." As clarified in section 510(a)(1) of the FD&C Act, the term "manufacture, preparation, propagation, compounding, or processing" as used in section 510 is intended to be rather broad and also includes "repackaging or otherwise changing the container, wrapper, or labeling of any * * * device package in furtherance of the distribution of the * * * device from the original place of manufacture to the person who makes final delivery or sale to the ultimate consumer or user."

In addition to the initial registration requirement in section 510(c), owners or operators of domestic device establishments are also required to renew their registrations on an annual basis. Prior to FDAAA, section 510(b) provided that such registration had to be completed "[o]n or before December 31 of each year." FDAAA amended the timeframes in section 510(b) and now requires annual registration to be performed during the 3-month period beginning on October 1 and ending on December 31 of each year.

Section 510(d) of the FD&C Act requires an owner or operator that has previously registered an establishment to immediately update his registration information on file with the agency to include any additional establishment that he owns or operates in which he begins the "manufacture, preparation, propagation, compounding, or processing" of a device or devices.

Section 510(i) of the FD&C Act contains certain registration and listing requirements that specifically pertain to

foreign establishments. The owner or operator of a foreign establishment has to register and list with FDA if the establishment is engaged in the "manufacture, preparation, propagation, compounding, or processing of * * * a device that is imported or offered for import into the United States." Section 510(i) specifies that the registration and listing information must be submitted to FDA by electronic means, and also requires the foreign establishments to furnish, as part of their registration, "the name of each importer of [the establishment's] device in the United States that is known to the establishment, and the name of each person who imports or offers for import such * * * device to the United States for purposes of importation." Prior to the passage of FDAAA, section 510(i) required foreign establishments to complete their annual registration "[o]n or before December 31 of each year." FDAAA amended the timeframes in section 510(i) and now requires annual registration to be performed during the 3-month period beginning on October 1 and ending on December 31 of each year.

Section 510(g) of the FD&C Act establishes specific exemptions from registration requirements and permits the Secretary, under section 510(g)(5), to create additional exemptions by regulation where the Secretary finds that registration by those persons is not necessary for the protection of public health.

Under section 510(e) of the FD&C Act, we may assign a registration number to any person or establishment who registers. We may also prescribe a uniform system for the identification of devices intended for human use and require that persons who are required to list their devices do so in accordance with such a system.

Section 510(f) of the FD&C Act is the provision governing the public availability of registration and listing information that has been submitted to FDA in accordance with section 510.

Section 510(j) of the FD&C Act prescribes the requirements for device listing. Section 510(j)(1) requires every person who registers to file, at the time of registration, a list of all devices that are being "manufactured, prepared, propagated, compounded, or processed by him for commercial distribution" and which have not been previously listed by him or her. Section 510(j)(1) further requires that the listing information be prepared and submitted in the "form and manner prescribed by the Secretary." Section 510(j)(2) of the FD&C Act requires registrants to periodically update their listing information. Prior to the passage of FDAAA, registrants were required to update their device listings two times each year, once in June and once in December. As amended by FDAAA, section 510(j)(2) now requires device listing information to be updated only once each year during the period beginning on October 1 and ending on December 31, which is the same 3-month period during which establishments are required to complete their annual registration.

Section 510(p) of the FD&C Act, as amended by FDAAA, requires the electronic submission of device registration and listing information unless the Secretary grants a request for a waiver because use of electronic means is not reasonable for the person requesting the waiver.

On October 8, 2009, FDA published the document "Guidance for Industry and FDA Staff—Implementation of Medical Device Establishment Registration and Device Listing Requirements Established by the Food and Drug Administration Amendments Act of 2007." The purpose of the Guidance is to explain changes in the device registration and listing program that are required by Section 207 of the Medical Device User Fee and Modernization Act of 2002 and the Food and Drug Administration Amendments Act of 2007. Copies of the guidance can be found on the Internet at: *http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/ucm185871.htm.*

B. Summary of Current Registration and Listing Regulations

1. Who Must Register and List Under the Current Regulations?

Under current part 807 (21 CFR part 807) of FDA's regulations, with certain exceptions, owners or operators of establishments that engage in the manufacture, preparation, propagation, compounding, assembly, or processing of a device intended for human use must, in addition to other requirements, register their establishments and submit listing information for each of their devices in commercial distribution. FDA has interpreted the types of establishments that must register and/or list to include, among others, manufacturers, contract manufacturers and contract sterilizers (currently required to register and list only if they also distribute the device commercially on behalf of the party initiating the specifications), specification developers, remanufactures, repackages, re labelers, single-use device (SUD) preprocessors, and initial importers (these parties are currently required to register but need not submit listing information). Foreign device establishments that manufacture, prepare, propagate, compound, process or export a device that is imported or offered for import into the United States also must comply with the registration and listing requirements, including the requirement to identify a U.S. agent. The current regulations provide for all registration and listing information to be submitted to us using paper forms FDA 2891, Registration of Device Establishment; FDA 2891a, Annual Registration of Device Establishment; and FDA 2892, Device Listing, as required by § 807.22.

2. What Are the Registration Requirements Under the Current Regulations?

The existing regulations in part 807 contain various provisions governing the requirements for registration. Among others, those provisions include the following:

- Section 807.21(a) requires owners or operators of establishments entering into the manufacture, preparation, propagation, compounding, assembly, or processing of a device or devices to register their establishment within 30 days after beginning such an activity at their establishment.
- Sections 807.25 and 807.40 describe the information required to be submitted by owners or operators of domestic and foreign establishments as part of their registration. This information includes:
- The names of the registered establishment, its owner or operator, and its official correspondent;
- Contact information for the official correspondent;
- Trade names used by the establishment;
- The types of operations or activities conducted at the establishment; and
- The name and contact information for their designated U.S. agent (applies only to foreign establishments).
- Section 807.21(a) requires owners or operators to renew their establishment's registration on an annual basis in accordance with a schedule specified in the regulations.
- Section 807.35 provides for FDA to assign a permanent registration number to each establishment after reviewing the information provided to us on Form FDA 2891 at the time of the establishment's initial registration.

3. What Are the Listing Requirements Under the Current Regulations?

The listing provisions currently found in part 807 include, among others, the following:

• Owners or operators of establishments must, at the time of registration, submit a list of devices being manufactured or processed at the establishment that are in commercial distribution at that time using forms) FDA 2892 (§ 807.21(a)).

• The device listing information required to be submitted to us under § 807.25(f) includes, but is not limited to the classification name and number for the device (in practice, the product code assigned to the device by FDA is ordinarily provided rather than the classification name and number); the proprietary and common names associated with the device; the name and FDA-assigned identification number of the owner or operator; the name, registration number, and establishment type of all establishments under the joint ownership and control of the owner or operator at which the device is manufactured, repackaged, or re labeled; the number assigned by FDA to an approved application for each device listed that is subject to pre market review under section 505 of the FD&C Act (21 U.S.C. 355) or section 515 of the FD&C Act (21 U.S.C. 360e) (in practice, the owners and operators are also providing 510(k) clearance and Humanitarian Device Exemption (HDE) numbers); the reason for the submission (e.g., represents a new device listing, an update to an existing listing, or the device is being discontinued); and if the listing relates to a previously listed device, as in the case of an update, the initial listing number for the device.

• The current regulations at § 807.30(b) require owners or operators to update their device listing information twice each year during June and December, or at their discretion, at the time the change occurs. Updated information must include, but need not be limited to:

• A list of each device introduced by the registrant for commercial distribution that has not been included in any previously-submitted list;

• All previously-listed devices for which commercial distribution has been discontinued;

• A list of all devices for which a notice of discontinuance was submitted and for which commercial distribution has since that time been resumed; and

• Information about any other material change to listed products, as required under current § 807.30(b).

4. Who Is Not Covered by Registration and Listing Requirements Under the Current Regulation?

Under the current regulations, certain establishments are exempt from the registration and listing requirements set forth in part 807. Section 510(g) of the FD&C Act, which establishes certain exemptions from registration requirements, authorized FDA to exempt additional classes of persons from registration requirements by regulation when we determine that registration by those persons is not necessary for the protection of the public health. (21 U.S.C. 360(g)). These exemptions are reflected in our regulations at § 807.65. Section 807.65 provides an exemption from registration requirements for the following types of establishments:

• A manufacturer of raw materials or components;

• A manufacturer of veterinary devices;

• A manufacturer of common and widely-used laboratory equipment and/or chemical reagents not labeled or promoted for medical use; and

• Carriers whose business it is to transport and deliver devices.

Section 807.65 further exempts from registration requirements the following types of establishments, provided they are domestic establishments:

• Licensed practitioners, including physicians, dentists, and optometrists, who manufacture or otherwise alter devices solely for use in their professional practice;

• Persons who manufacture, prepare, propagate, compound or process devices solely for use in research, teaching, or analysis, and do not introduce such devices into commercial distribution;

• Pharmacies, surgical supply outlets, or other similar retail establishments making final delivery or sale to the ultimate user; and

• Persons who dispense previously-manufactured devices or render services to the ultimate consumer (i.e., patient, physician, layman, etc.), such as a hearing aid dispenser, optician, clinical laboratory, assembler of diagnostic x-ray systems, as well as personnel from a hospital, clinic, dental laboratory, orthoepic or prosthetic retail facility whose primary responsibility to the ultimate consumer is to dispense or provide a service through the use of a previously manufactured device.

Additionally, under current § 807.20(c), establishment registration and device listing requirements do not apply to any person who:

• Manufactures the device for another party who initiated the specifications and distributes the device;

• Sterilizes the device on a contract basis for another party who distributes the device; or

• Acts only as a wholesale distributor and does not manufacture, repackage, process, or re label the device.

5. Do the Current Regulations Permit the Disclosure of Registration and Listing Information?

Section 807.37 of the current regulations addresses the extent to which registration and listing information submitted to us will be available for public disclosure and the procedure for obtaining access to such information. Specifically, that provision states that all registration information submitted by an establishment on forms FDA 2891 and FDA 2891a will be made available for inspection at the CDRH Office of Compliance in Maryland and also at the district office that has responsibility for that establishment. In practice, these documents are no longer kept at the district offices, but can still be requested from the Office of Compliance. Registration data also can be searched and downloaded from CDRH's Web site at *www.fda.gov/cdrh*.

Device listing information submitted on Form FDA 2892 may also be requested as specified in current § 807.37(b). Listing information can also be searched and downloaded from CDRH's Web site. The search and download capabilities of the Web-based database is the method of obtaining registration and listing data that is most often used by the public.

III. Highlights of the Proposed Changes to the Current Registration and Listing Requirements

This proposal would modify the current registration and listing regulations to reflect FDAAA's mandate that device registration and listing be submitted electronically and to facilitate the government's collection of additional registration information as mandated by the Bioterrorism Act. It also would revise certain registration and listing provisions to improve the quality of registration and listing information that will be available to FDA for use in pursuing its important health objectives.

Proposed Changes to the Current Registration and Listing Regulations

We are proposing the following changes to the current registration and listing regulations:

1. Switch to an Electronic Registration and Listing System

The current regulations in part 807 require owners and operators of device establishments to submit their registration and listing information to FDA using paper forms (Forms FDA 2891, FDA 2891a, and FDA 2892). This proposal would update the regulations to conform to the requirement in section 510(p) of the FD&C Act, as amended by

FDAAA, that such information be provided to FDA electronically unless FDA grants a request for a waiver.

As part of the new electronic registration and listing system, each owner or operator establish an account using the FURLS, from which the owner or operator creates and updates his or her establishment registration and device listing information. Information submitted to FDA prior to September 15, 2007, has already been migrated to the new electronic database and thus there is no need for owners or operators to reenter this information.

In accordance with section 510 of the FD&C Act, as amended by sections 222 through 224 of FDAAA, device establishment owners and operators have been using FURLS to submit their establishment registration and device listing information electronically since the system became operational on October 1, 2007. In addition, in accordance with section 510(p), as amended by FDAAA section 224, FDA is granting waivers from the new electronic submission requirements only to those owners or operators for whom electronic registration and listing is not reasonable.

2. Foreign Establishment Registration and Listing Requirements of the Bioterrorism Act

Before its devices will be allowed into the United States, each foreign establishment that is required to register must supply to FDA the registration information required by part 807, including the name and contact information for its U.S. agent. Section 321 of the Bioterrorism Act affected foreign establishment registration in part by amending section 510(i) of the FD&C Act to require, as part of an establishment's registration, the name of each importer of the device that is known to the establishment and the name of each person who imports or offers to import the device into the United States. This proposal would amend part 807 to reflect in our regulations the Bioterrorism Act requirement that foreign establishments whose devices are imported or offered for import into the United States must identify: (1) All importers known to the foreign establishment and (2) the name of each person who imports or offers to import the foreign establishment's device into the United States. Proposed changes to § 807.3 also would add specific definitions for these two new categories of information that need to be submitted by foreign establishments.

On August 29, 2006, FDA issued a proposed rule (71 FR 51276) relating to drugs (including certain blood products) which proposed to revoke exemptions from registration and listing requirements found in §§ 207.40(a) and 607.40(a) (21 CFR 207.40(a) and 607.40(a)) relating to foreign establishments whose drug products enter a foreign trade zone and are then re-exported from the foreign trade zone without having entered U.S. commerce. The same rule also proposed to revoke exemptions in §§ 207.40(b) and 607.40(b) which allow a component of a drug imported under section 801(d)(3) of the FD&Act (or a blood product imported under section 801(d)(4) of the FD&C Act) to be imported or offered for import into the United States even if the component is not listed and manufactured, prepared, propagated, compounded, or processed at a registered foreign establishment. (21 U.S.C. 381(d)(3) and (d)(4)).

Consistent with the revisions proposed to §§ 207.40 and 607.40, and for the reasons discussed in that rule (see 71 FR 51283–51284 and 51324), we are proposing to eliminate the exemption in § 807.40(a) for foreign establishments whose devices enter a foreign trade zone and are re-exported from the foreign trade zone without entering U.S. commerce, and the exemption in § 807.40(c) for devices that are imported under section 801(d)(3) of the FD&C Act (21 U.S.C. 381(d)(3)). We believe that removing the exemptions from registration and listing requirements for devices entering foreign trade zones and for products imported under section 801(d)(3) of the Act is consistent with Congress' desire, as reflected in the Bioterrorism Act, to increase the Nation's ability to prepare for and effectively respond to bioterrorism and other public health emergencies by requiring foreign establishments to provide more, rather than less, information for imported products.

3. Change in Requirements Relating to Contract Manufacturers and Sterilizers

The proposed regulation would amend current part 807 regarding the applicability of registration and listing requirements to contract manufacturers and contract sterilizers. Under the proposed regulation, all contract manufacturers and sterilizers would be required to register their establishment and list their devices. Currently § 807.20(a)(2) states that contract manufacturers who do not put the device into commercial distribution do not have to list those devices. In addition, § 807.20(c)(1) and (c)(2) currently provide that contract manufacturers and sterilizers who do not put a device into commercial distribution do not have to register or list. These two provisions, taken together, have been interpreted as requiring contract manufacturers and sterilizers to register and list only if they distribute the device commercially on behalf of the person initiating the specifications.

FDA relies on having a complete and accurate registration of device establishments and the devices processed at those establishments in order to accomplish a number of important statutory and regulatory objectives. FDA's recent experience with contract manufacturers and contract sterilizers since October 1, 2007, suggests that many of these firms that have voluntarily registered and listed in the past, no longer do so. When such establishments experience a problem, it can have significant impact on the product lines for the one or multiple firms for which it is contracted to provide manufacturing or sterilization services. Knowing which products are manufactured or sterilized at the affected site could facilitate the recall of the impacted devices. FDA also believes that knowing that these manufacturing sites exist would be critical information when a device is in short supply or needed in the event of a national emergency.

We are proposing to modify § 807.20(a)(2) and delete § 807.20(c)(1) and (c)(2) such that all contract manufacturers and contract sterilizers would be required to register their establishments and list their devices regardless of whether they put the device in commercial distribution.

4. Requiring Submission of the FDA Product Code Assigned to a Device Rather Than the Classification Name and Number

Current § 807.25(f)(1) indicates that when listing their devices, registrants need to provide, among other information, the classification name and number of each device. The new electronic system would require exempt devices to be identified by product code rather than by classification name and number. The product code is already requested for such devices. This change to the regulation, therefore, is intended to codify the existing practice.

5. Requiring Submission of the 510(k) or HDE Number for Non-Exempt Device Listings

Current § 807.25(f)(3) requires owners or operators to provide as part of their device listing information the premarket submission number assigned by FDA under section 505 or 515 of the FD&C Act (21 U.S.C. 360j) for approved

devices. FDA also has been requesting owners or operators to identify as part of their device listing information the assigned premarket notification number for a device cleared under section 510(k) of the FD&C Act (i.e., the 510(k) number) or the assigned HDE number for a device approved for marketing under section 520(m) of the FD&C Act. This proposal amends § 807.25(f)(3) (at proposed § 807.25(g)(4)) to include 510(k) numbers and HDE numbers among the types of premarket submission numbers required to be provided as part of the listing information submitted to FDA for non-exempt devices.

Collection of the premarket submission numbers allows FDA to better protect the public health by providing a mechanism FDA can use to follow the total product life cycle of non-exempt medical devices. Having access to this information through the listing process also facilitates the agency's use of information that was collected during premarket review to identify devices by attributes other than the product code that is assigned to the product. This would include information such as whether the device contains materials from animal sources, is an implanted device, and other information that generally is not collected as part of the device listing.

Until FDA began collecting the 510(k) number, it was difficult to determine which products listed under registration and listing requirements were being marketed under a specific premarket notification clearance. At times, the product code assigned to a device during the premarket notification clearance process was not accurately identified when the device was listed. This meant that a device assigned one product code during the 510(k) review process could ultimately be listed with FDA under a different product code once the device was put in commercial distribution.

This lack of a direct link between products on the market and their premarket filings made it difficult for FDA to know which devices that we had cleared were being marketed, and where the devices were being marketed. This change would allow us to better identify, evaluate, and resolve potential problems with marketed devices when public health concerns arise.

Proposed § 807.25(g)(4) would codify the practice of including the 510(k) number when listing a medical device that has gone through premarket clearance or the approved HDE number in the electronic device registration and listing system. This change also would provide FDA with a tool to help ensure that devices that lack a required premarket clearance or premarket approval are not marketed.

6. Identification of a Contact Person to Administer the Electronic System Accounts

Prior to the implementation of FURLS, each owner or operator identified an official correspondent on Forms FDA 2891 and FDA 2891a. The official correspondent was the only person who could supply, delete or change information related to a device establishment and its listings. As a result of the passage of FDAAA, FDA began collecting device registration and listing information using FURLS beginning in October 2007. When using FURLS, an owner or operator needs to identify not only an official correspondent for the establishment but also a contact person for the owner or operator. The contact person is the only person who can administer the owner or operator's user accounts in FURLS.

In instances where owners or operators have only one establishment, they may choose the same person to serve as both the contact person for the user account and the official correspondent for the establishment. For owners or operators with multiple establishments, the contact person for the owner or operator may also serve as the official correspondent for any or all of the owner or operator's establishments. Alternatively, using the accounts management software for FURLS, the owner or operator may create subaccounts in which different official correspondents are identified for each establishment.

Proper control of access to accounts and control of the ability to update an establishment's online information is necessary to avoid errors. Therefore, we are proposing that each owner or operator identify only one contact person within the owner or operator's organization who will be responsible for creating the master account in FURLS for the owner or operator and assigning subaccounts to each establishment, if needed. Once the contact person creates the master account and any needed subaccounts, the official correspondent can then use the accounts to submit the owner or operator's establishment registration and device listing information to FDA.

7. Establishment Operations Will Be Reported Through Device Listing

Currently, owners or operators are required to identify the operations or activities that they conduct at their establishments as part of the registration information required on Forms FDA 2891 and FDA 2891a and also as part of the listing information required on Form FDA 2892. Under the proposed rule, we would require owners or operators to identify the operations or activities their establishments engage in only as part of their device listings. This is because the new electronic system has been designed to automatically migrate the information provided in the device listing to the owner or operator's registration, thus saving the owner or operator from having to provide the same information twice. Because under the new system owners or operators would only have to supply such information once, this change will save time and help avoid inconsistencies between the registration and listing information for a single establishment.

8. Registration Fees

FDAAA section 212 requires that certain medical device establishments pay a registration user fee when they initially register with us and for each annual registration thereafter. Therefore, we are deleting the sentence at the beginning of § 807.20(b) that states, "No registration or listing fee is required."

9. Definition of Restricted Devices

This proposal also would revise the definition of "restricted device" in § 807.3(i) to more accurately reflect the provisions of the FD&C Act that provide us with authority to restrict devices.

IV. Description of the Proposed Rule

We are proposing to amend our establishment registration and device listing regulations in part 807 in order to implement changes that are required by FDAAA, section 321 of the Bioterrorism Act, and section 207 of MDUFMA.

As a result, in this proposal we have revised and re-codified some provisions, added new provisions, and eliminated others. The following discussion of the proposed rule describes the new provisions we would add to part 807 and also the changes we would make to the existing provisions.

A. General

1. What Is the Purpose of the Proposed Changes to Part 807?

Changes we are proposing to the current registration and listing requirements are intended to:

- Improve the accuracy and availability of postmarket medical device information;
- Make submission of the information required by the registration and listing provisions of part 807 easier and faster;
- Comply with the Bioterrorism Act and MDUFMA by implementing an

electronic registration and listing system;

- Comply with the additional information collection requirements of the Bioterrorism Act;
- Eliminate ambiguity and clarify requirements in the current device registration and listing regulations; and
- Link postmarket listing data collection with related premarket data by collecting premarket review numbers assigned by FDA.

2. Who Would Be Affected by the Proposed Changes to Part 807?

The proposed changes to part 807 would impact all device establishments that are required to register their establishments and list their devices with FDA; however, the revised regulation would have the greatest impact on contract manufacturers, contract sterilizers, and foreign establishments.

a. *Contract manufacturers and sterilizers.* The proposed rule would require that all contract manufacturers and contract sterilizers register their establishments and list their devices. Currently, there are two provisions, § 807.20(a)(2) and (c), that address the registration and listing requirements for contract manufacturers and contract sterilizers. Current § 807.20(a)(2) states: "* * * person who only manufactures devices according to another person's specifications, for commercial distribution by the person initiating specifications, is not required to list those devices." Current § 807.20(c) states: "Registration and listing requirements shall not pertain to any person who: (1) Manufacturers devices for another party who both initiated the specifications and commercially distributes the device; (2) sterilizes devices on a contract basis for other registered facilities who commercially distribute the devices. * * *"

These two provisions, taken together have been interpreted to require registration and listing by contract manufacturers or contract sterilizers only when they are the party placing the device into commercial distribution. We are proposing to delete current § 807.20(c)(1) and (c)(2) and, in addition, would revise § 807.20(a)(2) in a manner consistent with section 737(13)(A) of the FD&C Act (21 U.S.C. 379i(13)(A)), a provision added by FDAAA that addresses which types of establishments are subject to device registration user fees. These changes to § 807.20(a) and (c) will have the effect of requiring all contract manufacturers and sterilizers to register and list regardless of whether they commercially distribute the devices. The agency believes this approach to registration and listing for these devices and combination products best enables effective oversight by appropriate agency components. Having all contract manufacturers and sterilizers register and list would provide us with basic information about the entities that make and clean devices. This information would allow us to respond in a more timely and effective fashion in the case of an adverse event, shortage, or other problem associated with one of these establishments. The information would also assist us in our fundamental regulatory activities, such as planning and scheduling inspections.

We recognize that with regard to combination products, this approach to registration and listing may result in registration of the same facility and listing of the same product with more than one agency component. However, we also note the agency is currently working to develop harmonized electronic registration and listing systems within FDA. We anticipate that once these harmonized systems are in place, the agency will be able implement a more streamlined approach to facility registration and product listing for combination products.

(b) Foreign establishments engaged in the manufacture, preparation, propagation, compounding, or processing of a device that is imported or offered for import into the United States are currently required to register and to submit listing information in accordance with section 510 of the FD&C Act and § 807.40 of our regulations. These foreign establishments are also required to designate a U.S. agent, and to provide contact information for that person to FDA.

The revised regulation will codify requirements established by section 222 of FDAAA, which changed the timeframes in section 510(i) of the FD&C Act for annual registration by foreign device establishments to a specific 3-month period each year beginning on October 1 and ending on December 31. It also would codify in part 807 certain requirements established by section 321 of the Bioterrorism Act. The Bioterrorism Act amended section 510(i) of the FD&C Act to require those foreign establishments that have to register with FDA to do so by electronic means, and to include additional pieces of information as part of their registration. The additional information required by section 510(i) includes the name of each "importer of such * * * device in the United States that is known to the establishment," and the name of each "person who imports or offers for import such * * * device to the United States for purposes of importation." As discussed at section IV.A.4 of this document, this proposal also would incorporate, at § 807.3, definitions clarifying these two new categories of information that need to be submitted by foreign establishments.

Most of the provisions in section 321 of the Bioterrorism Act became effective on December 8, 2002, but the effective date of the electronic registration requirement was later delayed by MDUFMA section 207 (which added section 510(p) of the FD&C Act) so that FDA would have an opportunity to put systems in place to accommodate the electronic receipt of registration information. The agency has now developed a system, FURLS, which became operational on October 1, 2007, that makes the electronic receipt of device establishment registration and device listing information feasible.

3. Who Would Be Exempt From Registration and Listing?

We propose no changes to the categories of persons or establishments that are exempt from registration requirements under § 807.65. As discussed in section IV.A.2.a. of this document, however, we are proposing to eliminate the exemption from listing requirements for contract manufacturers under § 807.20(a), and the exemption from registration and listing requirements for contract manufacturers and contract sterilizers under § 807.20(c)(1) and (c)(2). As a result, all contract manufacturers and sterilizers would need to register and list regardless of whether they put the devices into commercial distribution.

For the same reasons as stated in the proposed revisions to part 207 of FDA's regulations addressing drug establishment registration and listing, which were published in the **Federal Register** of August 29, 2006 (71 FR 51276), we are proposing to revoke exemptions in current § 807.40(a) relating to foreign establishments whose devices enter a foreign trade zone and are re-exported from that foreign trade zone without having entered U.S. commerce, and in § 807.40(c) regarding devices that are imported into the United States under section 801(d)(3) of the FD&C Act for further processing and then exported without having been placed on the U.S. market. We propose eliminating these two exemptions because of certain statutory changes that have occurred since the publication of the final rule on foreign establishment registration and listing. Those changes include enactment of the Bioterrorism Act, which reflects Congress' desire to

increase the nation's ability to prepare for and respond effectively to bioterrorism and other public health emergencies and Congressional findings that greater controls over imported products be part of that effort.

4. What Definitions and Interpretations of Terms Would Apply to Part 807?

In proposed § 807.3, we set forth new definitions and interpretations of terms as follows:

a. We are proposing to add a definition for the term Product Code at § 807.3(k) to help describe the identifying information that would have to be submitted when listing a medical device that is exempt from premarket notification requirements. Currently, the product code is a three-letter code used by FDA to identify the generic category of a device. Section 807.25(f)(1) of our regulations currently states that the owner or operator must identify the classification name and number when providing device listing information. In practice, however, CDRH instead has requested and accepted the three-letter product code which can be identified from the Web-based medical device classification database at *http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfPCD/classification.cfm*.

b. Proposed § 807.3(v) includes a definition for FURLS, which as stated previously, stands for FDA Unified Registration and Listing System. FURLS is the Internet-based electronic system that owners and operators of device establishments must use to submit device registration and listing information to FDA.

c. As described more fully in section IV.B.3 of this document, this proposal would help to implement the requirement in section 510(i) of the FD&C Act, as amended by the Bioterrorism Act, that a foreign establishment engaged in the manufacture, preparation, propagation, compounding, or processing of a device that is imported or offered for import into the United States provide as part of its registration with FDA identifying information for each importer of such device that is known to the establishment. In proposed § 807.3(x), we are proposing to define the term "importer" to mean a company or individual in the United States that is an owner, consignee, or recipient of the foreign establishment's device that is imported into the United States. We recognize that a foreign establishment may have more than one "importer" and we are proposing to include in this term any owner, consignee, or recipient, even if not the initial owner, consignee, or recipient, of the foreign establishment's device that is imported into the United States. Under this proposal, the term "importer" would not include the consumer or patient who ultimately purchases, receives, or is the end user of the device, unless the foreign establishment ships the device directly to the consumer or patient. We invite comments on our definition of importer, including the scope of the entities included in the definition.

d. Section 510(i) of the FD&C Act, as amended by the Bioterrorism Act, also requires that foreign establishments who are required to register with FDA identify as part of their registration information each "person who imports or offers for import" the establishments' devices to the United States. This requirement, which would be implemented at proposed § 807.41, is discussed further in section IV.B.3 of this document. In addition, we are proposing a separate definition for the term "person who imports or offers for import" at § 807.3(y). As defined, this term would include an agent, broker, or other entity, that the foreign establishment uses to facilitate the importation of its device into the United States. However, consistent with the legislative history of the Bioterrorism Act, the term "person who imports or offers for import" would not include carriers. We invite comments on our proposed definition of the term "person who imports or offers for import."

B. Registration

1. Who Would Be Required To Register?

Section 510(b) of the FD&C Act states that registration requirements apply to owners and operators of establishments engaged in the "manufacture, preparation, propagation, compounding, or processing of medical devices." Section 510(a)(1) of the FD&C Act defines these terms to include "repackaging or otherwise changing the container, wrapper or labeling of any device package in furtherance of the distribution of the device * * *".

The revisions we are proposing would not change the classes of persons required to register, except to specify that all contract manufacturers and sterilizers must register their establishments, regardless of whether they put the device in commercial distribution or instead return it to the specification developer or point of origin.

2. When Would Initial Registration Information Need to Be Provided?

Section 807.21, the provision specifying timeframes for establishment registration, is being renumbered in this proposal to § 807.22. Proposed § 807.22 would retain the requirement that owners or operators must register each establishment no later than 30 calendar days after entering into an activity that triggers registration requirements under part 807.

Under current § 807.40(c), with certain limited exceptions, a foreign owner or operator must register an establishment before a device manufactured at the establishment may be imported or offered for import into the United States. This proposal would not change the timeframe for initial registration by a foreign establishment.

3. What Information Would Be Required for Registration?

Under proposed § 807.25, all owners or operators would need to provide the following information in order to register their establishments:

a. *Name of the owner or operator of each establishment.* Section 807.3(f) defines the owner or operator as the corporation, subsidiary, affiliated company, partnership, or proprietor directly responsible for the activities of the registering establishment. While the requirement to identify the owner or operator of the establishment is not new, we are addressing it here to provide assistance in identifying the owner or operator for medical device registration and listing purposes.

In practice, the owner or operator usually is the entity that has final responsibility over the device establishment, such as the establishment's parent company or corporate headquarters. For most small device manufacturers who conduct their business activities at the same site as their regulated device activities, this typically is the same name and address as that of the registered establishment itself. In other words, for a business that has only one location where all medical device production activities are conducted and where corporate responsibility for those activities resides, the owner or operator name and address information is the same as the establishment information.

This has often been a source of confusion regarding the information that must be submitted for registration and listing. We invite comments and questions about what constitutes the "owner or operator" of a device establishment for purposes of part 807.

b. *Name, trade name(s), and address of each establishment (proposed § 807.25(b)).* This provision is consistent with section 510(c) of the FD&C Act, which requires owners and operators to register the names and place of business of the establishment. There are no

changes being proposed to this requirement in the revised regulation.

c. *Registration number of each establishment.* Section 510(e) of the FD&C Act authorizes us to assign a registration number to any person or establishment who registers. Under § 807.35(a) of our regulations, we currently assign a permanent registration number to each device establishment when that establishment registers for the first time. The proposed regulation would only change the method of delivery of the FDA registration number to the owner or operator. FDA registration numbers are communicated to the registrant by email after we receive the registration information through the electronic device registration and listing system and it has been verified by the appropriate FDA district office. As there is no physical document to validate and return, FDA no longer sends a validated copy of a form back to the registrant by postal mail.

d. *Name, address, telephone and fax numbers, and e-mail address of the official correspondent for each establishment (proposed § 807.25(e)).* In this document, we continue to require information regarding the official correspondent of the establishment because we need a contact person to be responsible for submitting and keeping the establishment's registration and device listing information current, and to facilitate contact between FDA and the owner or operator. Under proposed § 807.25(e), this information must be kept current and any change in this information must be provided to us within 30 calendar days.

e. *Information for foreign establishments only.* With respect to foreign establishments who are required to register their establishment with FDA, we would require under proposed §§ 807.40 and 807.41, that such establishments submit the name, address, telephone and fax numbers, and e-mail address for the following:

- The U.S. agent;
- Each importer of the establishment's device in the United States that is known to the establishment; and
- Each person who imports or offers for import the establishment's device to the United States.

The name, address, and phone number of the United States agent is information that already must be submitted under current § 807.40(c). We are proposing that owners or operators also be required to provide information regarding importers and persons who import or offer for import the foreign establishment's device because of changes made to section 510(i) of the FD&C Act by section 321 of the Bioterrorism Act. Section 510(i), as amended, requires foreign establishments to submit as part of their annual registration, among other things, the name of each "importer" of their device that is known to the foreign establishment and also the name of each "person who imports or offers for import" the foreign establishment's device to the United States. We, therefore, expect the person responsible for providing the registration and listing information on behalf of the foreign establishment to undertake appropriate due diligence in gathering and entering the information, which would include identifying and reporting those importers that others in his or her establishment know of or have reason to know of. In addition to identifying them by name, the proposal would require that the foreign establishment provide the address, telephone and fax numbers, and e-mail address of each importer and each person who imports or offers for import to enable us to contact these persons.

We expect that some of the foreign establishments' "importers" will be parties who also are considered "initial importers" as that term is defined in our current registration and listing regulations at § 807.3(g). Under § 807.3(g), the term initial importer means any importer who furthers the marketing of a device from a foreign manufacturer to the person who makes the final delivery or sale of the device to the ultimate consumer or user, but does not repackage, or otherwise change the wrapper or labeling of the device of device package. Because initial importers are already required to register, the electronic registration and listing system will permit foreign establishments to use a search mechanism built into the system to identify those importers of the foreign establishment's devices that are also initial importers. Foreign establishments providing information for other types of importers such as retail establishments and end users who are not ordinarily required to register with FDA would have to provide the name, address and contact information for each such importer, except they would not need to identify an end user that is either a consumer or patient, unless the foreign establishment ships its product directly to the consumer or patient.

Because foreign establishments may use different importers and persons who import or offer for import for different devices, in order to collect this information efficiently, the agency proposes to have foreign establishments provide this information when they are listing their devices. The electronic system will provide an interface for the foreign establishment to identify each product's importers and persons who import or offer for import on a listing-by-listing basis.

The foreign establishment would not be considered registered until all information required under proposed §§ 807.25, 807.40 and 807.41 is submitted. Foreign establishment registration data collected through the electronic registration and listing system will allow us to accurately identify who is making devices, where they are being made, and where they are going within the United States. Having this information is critically important to the nation's ability to prepare for and effectively respond to public health emergencies, including bioterrorism threats and other public health emergencies.

4. What Are the Proposed Requirements for Reviewing and Updating Registration Information?

This proposal would modify and streamline the requirements associated with updating registration information. Currently, the regulations require that owners or operators submit changes to their establishment registration information on Form FDA 2891a at the time of annual registration, or by letter if the changes occur at other times. Under proposed § 807.22, establishments would access FURLS and review their current registration information online, making changes only where needed. Updating registration information is less time consuming using FURLS because the establishment's current information is easily accessible at all times and only changes to the information already in the system need to be entered into the applicable fields. Previously, the registration and listing forms required that most or all of an establishment's registration and/or device listing information be re-entered on each paper form submitted to FDA.

Some of the specific requirements proposed for updating registration information include the following:

a. *Updates of registration information.* Owners or operators, under proposed § 807.25, would report the following changes no later than 30 calendar days after the change occurs:

- The closing or sale of an establishment;
- Any change in the name or address of an establishment;
- Any change in the name or address of the owner or operator; and
- Any change in the name, address, telephone and fax numbers, or e-mail

address of the official correspondent or the U.S. agent.

We encourage establishments to provide expedited updates as soon as possible after the change occurs, which the new electronic device registration and listing system will facilitate, but no later than 30 calendar days after the change occurs.

b. *Annual review and update of registration information.* Proposed § 807.22 would require that registration information be reviewed and updated annually, during the period beginning on October 1 and ending on December 31, which represents the first 3 months of FDA's fiscal year. This timeframe is consistent with the requirements in section 510(b) and (i) of the FD&C Act as amended by section 222 of FDAAA. Current § 807.21 provides a schedule for the annual registration of establishments during one of four periods of the calendar year (i.e., March, June, August, and November) based on the first letter of the owner or operator's name. Proposed § 807.22 would replace this schedule with the requirement that all owners or operators renew their registration information annually, during the period beginning on October 1 and ending on December 31 of the fiscal year for which they are registering.

All registration information would need to be reviewed and updated each year using FURLS, even when no changes have occurred during the previous year. The phrase "review and update" as used in proposed § 807.22(b) stresses the importance of first reviewing all registration information to determine if any changes have occurred, and then updating the information where needed, or confirming the accuracy of the current information. Under proposed § 807.22, updates must reflect all changes that have occurred since the last update.

When an owner or operator fails to comply with the annual registration or listing requirements, the establishment converts to a "failed to register" or "failed to list" status as applicable. This would include registrants who have not been granted a waiver from electronic registration who attempt to re-register their establishment by submitting a paper-based form or letter. These establishments would retain their failed to register and/or list status until the owner or operator uses the electronic system to review, update, and certify the accuracy of their registration and listing information.

We believe that placing establishments whose owners or operators fail to comply with registration or listing requirements in one or both of these categories, as applicable, is reasonable given the importance of registration and listing information. To increase the nation's ability to prepare for and respond effectively to public health emergencies, including bioterrorism threats and other public health emergencies, it is becoming increasingly important for owners and operators of device establishments to comply with our registration and listing requirements. With accurate registration and listing information, FDA can more quickly identify where particular types of devices, e.g., respirators or blood tubing, are being made and help ensure that they are available as promptly as possible for a public health emergency. Furthermore, taking steps to increase compliance with these requirements is consistent with section 301(p) of the FD&C Act (21 U.S.C. 331(p)), which makes it a prohibited act to fail to register or list in accordance with section 510 of the FD&C Act.

c. *Type of operation.* We are proposing to have owners or operators enter information about the types of operations or activities conducted at each of their establishments only when they are entering listing information. Before the implementation of FURLS, changing the types of operations or activities required updates to both registration and listing data. This has in some instances led to discrepancies between the types of activities being reported on an establishment's registration forms as compared to the activities being reported on their device listing forms.

FURLS automatically keeps an establishment's registration record current and consistent with its listing information by assigning or removing activities to and from the registration record based on the current active listing information for each device. This practice will help to avoid confusion and conflicts between registration and listing information for a single establishment.

d. *How the information would be submitted.* Proposed § 807.21 would require establishments to submit information to us electronically, unless we grant a waiver under proposed § 807.21(b).

e. *Transfer of device establishment ownership.* Under this proposal, information regarding changes to ownership of device establishments would also be submitted using the electronic device registration and listing system. There would be a selection from the main menu that will appear for the device registration and listing system when accessed through FURLS that will prompt the user through the process of submitting all information required to report the transfer of ownership.

C. Listing

1. Who Would Be Required to List Devices?

The changes we are proposing would not change the classes of persons that are required to list devices, except to alter the listing obligations of those contract manufacturers and sterilizers who are currently exempt from listing under § 807.20(a)(2), (c)(1), and (c)(2) because the establishments for whom they make or sterilize devices on a contract basis are the ones who commercially distribute the devices. As stated elsewhere in this document, we are proposing to eliminate this exemption, which will have the effect of requiring all contract manufacturers and contract sterilizers to register and list regardless of who has responsibility for placing the devices into commercial distribution.

Under this proposal, all parties who are required to register would continue to be required to also provide device listings to FDA, with the exception of initial importers. Initial importers currently are not required to submit a device listing for those devices for which the initial importer did not initiate or develop the specifications, or repackage or relabel the device. We are not proposing to change this practice.

2. When Would Listing Information Be Provided?

Under proposed § 807.22(a), at the time an establishment is initially registered, owners and operators would list any device that the establishment manufactures or otherwise puts in commercial distribution. This provision is consistent with section 510(j)(1) of the FD&C Act, which requires, among other things, that every person who registers with the Secretary under section 510(b), (c), (d), or (i) of the FD&C Act must, at that time, provide the Secretary with a list of the devices being manufactured, prepared, propagated, compounded, or processed by that person for commercial distribution.

Proposed § 807.22(a) and (b) also address providing listing information for devices not previously listed and reviewing and updating information for devices that have already been listed. Previously, owners or operators were required to review and update listing information each June and December and submit all material changes to the device listing information that had been previously submitted.

Although registrants may choose to amend their device listing information at any time throughout the year, under proposed § 807.22(a) and (b), owners and operators would be required to review and update their listing information only once per year, during the annual registration period beginning on October 1 and ending on December 31 of each year. In addition, foreign establishments would continue to be required to submit device listings before their devices may be imported or offered for import into the United States.

3. What Listing Information Would Be Required?

The following discussion summarizes the new information that would be required under proposed §§ 807.25, 807.26, and 807.28:

a. *The assigned FDA premarket submission number of the approved application or cleared premarket notification for each device listed that is subject to sections 505, 510, 515, or 520 of the FD&C Act, which includes devices that are not exempt from premarket notification and approval.* In the case of non-exempt products, owners or operators would be required to identify a product's premarket submission number, that is, the number FDA assigned to the 510(k), premarket approval (PMA) application, product development protocol (PDP), humanitarian device exemption (HDE), or new drug application (NDA). Unlike the previous system, which assigned one listing per product code, under the new electronic system (FURLS) each device with a premarket submission number now constitutes a separate listing and is assigned a unique listing number. In FURLS, when the premarket submission number is entered, the product codes that were assigned to the premarket submission based on the FDA premarket review are automatically displayed. This new system helps establishments ensure that the listed product codes match those that appear on the substantial equivalence notification or on the premarket approval letter.

This change, which would be codified in § 807.25(g)(4), generates more unique listing numbers than the previous system, because individual listings are generated for each product subject to a 510(k), PMA, PDP, HDE, or NDA.

b. *Additional types of information required to be provided by foreign establishments.* With respect to foreign establishments only, for devices manufactured, prepared, propagated, compounded, or processed at the establishment, the establishment must identify and provide contact information for: (1) The U.S. agent, (2) each importer of the foreign establishment's device in the United States that is known to the establishment ("importers"), and (3) each person who imports or offers for import such device to the United States. The requirement for foreign establishments to designate a U.S. agent is already included in the current regulations at § 807.40(b) and this requirement would not change. However, the information regarding importers and persons who import or offer for import currently is not required to be submitted under part 807. Because section 321 of the Bioterrorism Act requires the submission of information about importers and persons who import or offer for import, we are proposing to amend our regulations to conform to the statutory requirements.

In order to make it easier for foreign establishments to provide information about importers and persons who import or offer for import when they are registering and listing with FDA, FURLS includes an interface that allows the foreign establishments to select their importers from the FDA database of registered initial importers, and to enter the names, addresses, and other contact information for any additional importers and persons who import or offer for import (e.g., agents, brokers) who have not previously been entered into the electronic database.

Several of the listing requirements in current §§ 807.25, 807.26, and 807.28 have changed only insofar as how the information would be submitted using FURLS. These requirements include the following:

c. *The current registration number and name of each establishment under the ownership and control of the owner or operator that performs a regulated function to a device.* Proposed § 807.25(g)(1) requires that the owner or operator provide FDA with the registration number(s) for all establishments under his or her ownership or control that perform a regulated function on, to, or for a device. This means the owner or operator does not need to inform FDA of any activity regarding the device that is performed at an establishment that is not under the owner or operator's ownership or control. For example, an owner or operator that develops specifications at one establishment that is under its ownership and control, and then manufacturers the device at another establishment that is also under its ownership and control, must inform FDA about both establishments when listing the device. However, an owner or operator that develops specifications for a device that is then manufactured by another owner or operator's establishment, i.e., an establishment which is not under its ownership and control, must only identify the establishment where the specifications were developed, when submitting listing information. In this case, the owner or operator would not need to identify the manufacturing establishment.

This requirement, while not new, has in the past been the source of some confusion. To avoid further confusion, FURLS has been designed such that an owner or operator can only submit listing information for establishments under its ownership or control. Under FURLS, the owner or operator selects their establishment(s) from a pick list that only includes establishments under the owner or operator's control.

d. *The product code for all listed devices that are exempt from premarket notification and approval, as well as devices put into commercial distribution prior to May 28, 1976.* Under this proposal, owners or operators listing devices that are considered exempt from premarket notification, "pre-amendment" devices, (i.e., devices put into commercial distribution prior to May 28, 1976), or devices intended for export only, would continue to identify an applicable product code for the device at the time of listing. When submitting listing information using Form FDA 2892, the owner or operator had to make the determination of which products could be listed under their product code and did not require an FDA premarket submission number. However, the new electronic system automatically displays only the product codes for which an owner or operator can create an exempt or export-only listing during the listing process, thereby eliminating the possibility of the owner or operator selecting a product code that requires a premarket submission.

e. *The proprietary or brand name(s) under which the device is marketed.* FURLS accommodates entry of as many proprietary or brand names as are needed for all listings. This is a change from the paper-based system which limited the number of characters available for entry of the proprietary or brand names. The design of the FURLS database and Web interface allows entry of as many proprietary or brand names as may be associated with the listing.

f. *Each activity or process that is conducted on, or done to, the device by the listing owner or operator at each establishment shown on the listing, such as manufacturing, manufacturing for export only, repacking, relabeling,*

developing specifications, remanufacturing, SUD reprocessing, contract manufacturing, or contract sterilizing. We are proposing that information about the activities or processes that are performed with respect to a device at each registered establishment such as manufacturing, manufacturing for export only, repacking, relabeling, developing specifications, remanufacturing, single-use device reprocessing, contract manufacturing, or contract sterilizing, be identified as a part of the listing process only. Previously, we required such information to be submitted on the establishment registration form (under "Establishment Types") and on the device listing form. Consequently, at times there were inconsistencies between the two forms, which led to confusion about the activities actually being conducted at a particular device establishment at any given time, especially as companies added new products or discontinued previously-listed products. By limiting the submission of this information to the listing process, the information available to FDA should become more consistent and accurate because FURLS is designed to automatically conform the establishment registration record to reflect any changes made to the device listing information, including any changes in the types of activities or processes performed at the establishment. For example, if an owner or operator lists a product under product code ABC as being manufactured at Establishment 1, and lists another product under product code DEF as being repacked or relabeled at Establishment 1, then Establishment 1's registration would automatically include manufacturing and repacking/relabeling as activities at the establishment. If the owner or operator were to amend its listing information to reflect that it discontinued the product under product code DEF, the registration data for Establishment 1 would automatically be revised to show Establishment 1 as a manufacturing site only.

We expect this will be a more efficient way to collect this information, and should lessen the burden on the owner or operator, who no longer would be required to enter information about the establishment's operations during both the registration and the listing processes. The owner or operator would no longer be responsible for ensuring that the activities identified in their registration record are consistent with those in their listing records because changes made to the activities included on their listing records would automatically update the activities on their registration record.

4. What Are the Proposed Requirements for Reviewing and Updating Listing Information?

Previously, establishments had to enter new or revised listing information on Form FDA 2892 and return the form to FDA. Under this proposal, owners or operators would instead be required to access our electronic device registration and listing system (FURLS), review their current listing information online, and make any changes as needed. Updating listing information is less time-consuming under the proposal because owners or operators are able to access their information at any time, and only need to enter data in the fields where there are changes to listing information. It also eliminates the need to mail the form to FDA, and eliminates the return and re-mailing of listing forms when the information initially provided on the form was incorrect or incomplete. The electronic system has automatic validations and edits built in to help ensure that all listing information is complete and correct.

Under proposed § 807.22(b), during the annual review and update of registration information, establishments would be required to provide original listing information for any device that has not been previously listed, as well as updates to listings for devices that have been previously listed.

Under proposed § 807.22(b)(3), owners or operators would review and update their listing information during the period beginning on October 1 and ending on December 31 of each year. This is consistent with the timeframes set forth in the amendments to section 510(j)(2) of the FD&C Act by section 223 of FDAAA.

D. Electronic Format

1. How Would Registration and Listing Information Be Provided To FDA?

Under proposed § 807.21, all registration and listing information would be provided to FDA through use of our electronic device registration and listing system, FURLS, with the exception of labeling and advertisement information for a device (when submission of this information is appropriate), and information from those owners and operators who are granted a waiver from the requirement to submit information electronically.

To register their establishment and list their devices using FURLS, owners or operators need to do the following:

- Create an account in the FURLS. If owners or operators already have a FURLS account as a food or drug establishment, they would update their existing FURLS account to include access to the device registration and listing system;
- Create subaccounts, as necessary, for the official correspondent for each establishment that is being registered;
- Follow the prompts and the help text provided to enter their establishment registration and device listing information; and
- Certify that the information entered is accurate and complete.

Electronic submission of registration and listing information provides a number of advantages over the paper-based submission process. For example:

- We receive more accurate information than with paper submissions. The information received is more consistent and accurate because FURLS includes validation and automated edits to help provide consistency among the data. This also helps eliminate errors of transcription made when we input paper-based data into our old registration and listing database;
- Both for industry and FDA, electronic transmission of the information is easier and more efficient than the use of paper forms. For example, users submitting information receive onscreen, real-time feedback if the information submitted is incomplete, thereby reducing errors and the time and cost of communicating with FDA. Electronic transmission of the information also significantly reduces the time and cost associated with processing paper forms and communicating with industry about errors found on those forms; and
- The registration and listing information available for search and retrieval, both for FDA and industry, is more accurate and up-to-date. Updates may be made to FURLS in real time as opposed to the paper-based system where submissions could take several weeks to arrive at FDA from foreign establishments, then require another week to 10 days to be screened at our mail facility, forwarded to our data entry contractor, and entered in our current database.

2. How Does the Electronic Device Registration and Listing System Work?

Information that is required from owners and operators is submitted to our electronic device registration and listing system (FURLS) over the Internet. The system has a number of features designed to improve the overall accuracy and verifiability of submitted information, and decrease the burden on owners and operators to comply with

FDA's registration and listing regulations. The system is consistent with conventions found on other government sites. Some key features of the system are: (1) Our electronic device registration and listing system (FURLS) is accessible through our FDA Internet site. To use the Web site, you need access to the Internet using a browser. You could arrange for Internet access through one of many available Internet Service Providers (ISPs).You need an e-mail address so we can send you confirmation of submissions and other related information. This e-mail address could be obtained through the ISP or from other sources; (2) prior to accepting registration and listing information from this online system, we authenticate the source (that is, the owner or operator) providing the data. We authenticate entry into the electronic device registration and listing system by establishing user accounts based on current registration information. We also contacted owners or operators of currently registered establishments to identify the single contact person who is responsible for creating and maintaining the owner or operator's account and creating and maintaining any subaccounts that the owner or operator may require for additional official correspondents if more than one establishment is owned or operated by a single entity; and (3) to register and list electronically and to provide updates to your registration and listing information you would go to our Web site and follow the instructional prompts. You sign onto the system by entering the account number, user name, and password obtained by following the procedures on the FDA Web site and e-mailed and paper-mailed to all current owners or operators describing our electronic device registration and listing system. You are prompted to provide general information about the owner or operator and then specific information about each establishment and device as described in the provisions of proposed part 807. When all of the required information has been provided, the official correspondent is notified electronically that FDA has received the information.

3. Will FDA Provide Training on How to Submit Registration and Listing Information Electronically?

We provide detailed instructions on our Web-sent e-mail and paper mailings to registered establishments explaining FURLS. These materials explain the electronic process for providing registration and listing information, including step-by-step instructions on creating user accounts and entering the information that is required under proposed part 807.

4. What Language Would Be Used to Provide Registration and Listing Information?

All domestic firms already submit registration to us in English and, in this proposal, we would retain the current requirement under § 807.40(c) that foreign establishments also submit their registration and listing information in the English language. While the requirement has not changed, it has been renumbered as § 807.40(d) to accommodate the revisions to part 807 as described in this document.

5. Could the Electronic Format Requirements Be Waived?

Section 510(p) of the FD&C Act, as amended by FDAAA section 224, requires the electronic submission of registration and listing information unless we grant a request for a waiver because the use of electronic means is not reasonable for the person requesting the waiver. Consistent with section 510(p), proposed § 807.21(b) would permit establishments to request waivers from the new electronic submission requirements.

We do not anticipate many waiver requests because the business expenses associated with owning a personal computer, obtaining an e-mail address, and subscribing to Internet access are low. During the first 3 months of operation of the Web-based system, i.e, October through December 2007, we received fewer than 10 requests for waivers from the requirement to submit registration and listing data electronically. As we received data electronically for more than 16,000 establishments for that same period, the waiver requests amount to less than one-tenth of 1 percent of the total number of establishments that have responded.

Under proposed § 807.21(b), we may grant a waiver request upon a showing that use of the Internet to access our Web-based registration and listing system is not reasonable for the person requesting the waiver. This is consistent with the requirement described in section 510(p) of the FD&C Act, as amended by section 224 of FDAAA. Under proposed § 807.21(b), the waiver request must explain why use of the Internet and our electronic registration and listing system is not reasonable for the requestor and must include a telephone number and mailing address where we can contact the person making the request. This information is necessary to contact the requestor and for FDA to determine whether a waiver can be granted. It should be noted, however, that waiver requests stating that it is not possible for the owner or operator to own a computer will probably not be granted since there are other ways to access the Internet. For example, most public libraries have computers with Internet access that can be used, often free of charge, by members of the public.

In those instances when we do grant a request for a waiver, we plan to provide information at that time regarding how the requestor should submit its registration and listing information.

E. Miscellaneous

1. What Are the Proposed Requirements for an Official Correspondent and a U.S. Agent?

Under proposed § 807.25(e) owners or operators that are subject to the registration requirements in proposed part 807 would continue to have to designate an official correspondent for each establishment. The official correspondent would be responsible for:

- Entering and updating all registration and listing information for the establishment in the electronic system or, if the owner or operator has been granted a waiver from using the electronic system, providing all registration and listing information for the establishment to FDA via postal mail;
- Serving as the point of contact with FDA on matters relating to the annual registration of the establishment and all updates of registration information;
- Serving as the point of contact with FDA on matters relating to initial device listings and device listing updates, including discontinuances;
- Maintaining a current list of officers and directors for submission to FDA upon FDA's request; and
- The receipt of pertinent correspondence from FDA directed to and involving the owner or operator and/or any of the owner or operator's establishments. Under proposed § 807.25(e), we are also adding the requirement that each owner or operator provide FDA with the name of a contact person at the owner or operator's offices who will be responsible for identifying the official correspondent for each establishment. The owner or operator contact person will be the official correspondent in the event no one else has been properly designated. The contact person would be responsible for establishing and updating the owner or operator's electronic registration and

listing accounts and all subaccounts that may be necessary.

In addition, each foreign establishment is required under our existing regulations at § 807.40(b) to designate a single U.S. agent. This proposal retains that requirement. The U.S. agent's responsibilities include:

- Helping FDA communicate with the foreign establishment;
- Responding to questions concerning the foreign establishment's devices; and
- Helping us schedule inspections.

We would not object if the same individual serves as both the U.S. agent and the official correspondent for a foreign establishment, or if the same individual serves as the U.S. agent for more than one foreign establishment.

We are not proposing to change the requirement that each foreign establishment be limited to designating only one U.S. agent. We interpret section 510(i) of the FD&C Act as allowing only one U.S. agent for each foreign establishment because section 510(i) refers to the U.S. agent in singular, rather than plural, terms. We also interpret section 510(i) of the FD&C Act as requiring that the U.S. agent must be located in the United States. These provisions are also consistent with the use of "U.S. agent" in the agency's interim final rule entitled "Registration of Food Facilities Under the Public Health Security and Bioterrorism Preparedness Act of 2002" (68 FR 58894 at 58915, October 10, 2003).

Currently, the provisions concerning a U.S. agent are set forth in our regulations at §§ 807.3(r) and 807.40(b). Current § 807.3(r) defines U.S. agent as a person residing or maintaining a place of business in the United States whom a foreign establishment designates as its agent. The definition further states that the term "United States agent" excludes mailboxes, answering machines or services, or other places where an individual acting as the foreign establishment's agent is not physically present. Section 807.40(b) also indicates that the U.S. agent must reside or maintain a place of business in the United States, and adds that if FDA is unable to contact the foreign establishment directly or expeditiously, FDA may provide information to the U.S. agent and this action will be considered as equivalent to giving the same information to the foreign establishment itself.

This proposal would retain the requirements from the existing regulations concerning the U.S. agent.

2. What Legal Status Is Conferred by Registration and Listing?

This proposal would retain provisions in our existing regulations, at §§ 807.35(c) and 807.39, addressing the legal status of registrants and their devices. These provisions indicate that registration of an establishment or listing of a device does not denote approval of the establishment, the device, or other devices of the establishment; nor does it mean that a product may be legally marketed. Any representation that creates an impression of official approval or that a device is approved or is legally marketable because of registration or listing would be misleading and would constitute misbranding under section 502 of the FD&C Act (21 U.S.C. 352).

3. Would the Proposal Require Electronic Submission of Labeling and Advertisements?

Current § 807.31(e) requires owners or operators to submit labeling and in certain cases advertisements or other information for their device when they are specifically requested to do so by FDA. Currently such information, if requested, would be provided to us in paper format. This proposal would give owners or operators from whom copies of labeling or advertisements are requested under § 807.31 (which we are proposing to redesignate as § 807.26) the option of submitting the information to us either in paper format or electronically. In those instances where the owner or operator chooses to submit the requested information electronically, they would do so by email rather than using FURLs. We intend to indicate in public Docket No. 92S–0251 that we are prepared to accept this information in electronic format.

4. What Registration and Listing Information Would Be Made Available for Public Disclosure?

Current § 807.37 pertains to the public availability of registration and listing information. The proposal would revoke the introductory text of current § 807.37(a), which includes a description of the types of forms available for inspection, the addresses at which such forms can be inspected, and the addresses to which requests for verification of registration numbers and requests for locations of registered establishments can be directed. We are proposing to revoke this introductory text because these forms are no longer being used under FURLS. Instead, we intend to continue the current practice of making registration and listing information that is available for public disclosure accessible from our Web site. We expect that the registration and listing information available on the Web under the new electronic system will not change from that which is currently available. This initiative is consistent with the GPEA and also helps to reduce the number of Freedom of Information Act (5 U.S.C. 552) requests we receive for registration and listing information.

5. How Would Part 11 Apply to the Electronic Submission of Registration and Listing Information?

Under part 807 as revised by this proposal, the submission of registration and listing information would be subject to the requirements of part 11 (21 CFR part 11), except for the requirements under § 11.10(b), (c), and (e) and the corresponding requirements under § 11.30.

In the **Federal Register** of March 20, 1997 (62 FR 13430), we published regulations on electronic records and electronic signatures (part 11). Part 11 regulations, among other things, set forth the criteria under which records submitted to us may be submitted in electronic format in lieu of paper records. Section 11.2(b) provides for the submission of electronic records instead of paper records provided the requirements of Part 11 are met and the documents or parts of documents to be submitted have been identified by us in public Docket No. 92S–0251 as being the type of submission we are prepared to accept in electronic format.

Part 11 permits the widest possible use of electronic technology, compatible with our responsibility to promote and protect the public health (62 FR 13430). Part 11 helps to ensure the authenticity, integrity, and, when appropriate, the confidentiality of electronic records. Part 11 also helps to safeguard against the possible repudiation of those records. The controls in subpart B of part 11 are intended to further this purpose.

In the **Federal Register** of September 5, 2003 (68 FR 52779), we announced the availability of a guidance for industry entitled "Part 11, Electronic Records; Electronic Signatures—Scope and Application" (the part 11 guidance). The part 11 guidance explains our current thinking regarding the requirements and application of part 11 and states that we intend to exercise enforcement discretion in the manner specified in the guidance with respect to the validation (§ 11.10 (a)), audit trail (§ 11.10(e) and (k)(2)), record retention (§ 11.10(c)), and copies of records (§ 11.10(b)) requirements of part 11, and any corresponding requirements in § 11.30. In addition, we announced that

we intend to exercise enforcement discretion and do not intend to take (or recommend) action to enforce any part 11 requirements with regard to systems that were operational before August 20, 1997, the effective date of part 11 (commonly known as legacy systems) under the circumstances described in section III.C.3 of the part 11 guidance. The part 11 requirements from which we propose exemptions in this proposal differ from the part 11 requirements for which we intend to exercise enforcement discretion, as described in the part 11 guidance. They differ because the proposed exemptions in this rule are specific to the electronic submission of registration and listing information for devices that would be covered under proposed part 807, whereas the part 11 guidance applies to the maintenance of all electronic records and to all electronic submissions subject to part 11.

With respect to the electronic submission of registration and listing information, as previously noted, we believe, as provided in proposed § 807.25(a), that several of the requirements in subpart B of part 11 are not necessary to further the goals of part 11. Because we control the electronic device registration and listing system (FURLS), certain controls for systems would not apply to the submission of registration and listing information, such as:

- The ability to generate accurate and complete copies of records in both human readable and electronic form suitable for inspection, review, and copying by the agency (§ 11.10(b));
- The protection of records to enable their accurate and ready retrieval throughout the records retention period (§ 11.10(c));
- The use of secure, computer-generated, time-stamped audit trails to independently record the date and time of operator entries and actions that create, modify, or delete electronic records (§ 11.10(e)); and
- The corresponding controls of § 11.30.

You would be exempt from these subpart B controls because FURLS is designed to ensure the authenticity, integrity, and confidentiality of this information in several ways. For example, we would control the database, and you would only be able to enter and/or revise information in your own account. In addition, the database would contain records of registration and listing information, including the history of all changes to those records, and we could generate accurate and complete copies of these records.

With respect to the electronic submission of labeling or advertisements in connection with device listing, we believe, as provided in proposed § 807.26, that the following requirements in subpart B of part 11 are not necessary to further the goals of part 11:

- The validation of systems to ensure accuracy, reliability, consistent intended performance, and the ability to discern invalid or altered records (§ 11.10(a));
- The protection of records to enable their accurate and ready retrieval throughout the records retention period (§ 11.10(c));
- Limiting system access to authorized individuals (§ 11.10(d));
- The use of secure, computer-generated, time-stamped audit trails to independently record the date and time of operator entries and actions that create, modify, or delete electronic records (§ 11.10(e));
- The use of operational system checks to enforce permitted sequencing of steps and events, as appropriate (§ 11.10(f));
- The use of authority checks to ensure that only authorized individuals can use the system, electronically sign a record, access the operation or computer system input or output device, alter a record, or perform the operation at hand (§ 11.10(g));
- The use of device checks to determine, as appropriate, the validity of the source of data input or operational instruction (§ 11.10(h));
- The use of appropriate controls over certain systems documentation (§ 11.10(k)); and
- The corresponding controls of § 11.30.

We are proposing to exempt the electronic submission of labeling and advertisements from these controls for systems because we believe these requirements are not critical to ensure the quality of the labeling and advertisements that would be submitted under this proposed rule and we do not think it is necessary for industry to expend resources on controls that are not necessary to further the goals of part 11.

With regard to labeling and advertising submissions in electronic format, we recognize there are some differences with respect to the exemptions from part 11 requirements provided in this proposed rule (that is, § 11.10(a), (c) through (h), and (k), and the corresponding requirements of § 11.30), and the part 11 requirements set forth in the part 11 guidance for which we intend to exercise enforcement discretion (that is, § 11.10(a) through (c), (e), and (k)(2), and the corresponding requirements in § 11.30). Although this proposal does not provide an exemption from § 11.10(b) for the labeling and advertisements, the part 11 guidance announces that we intend to exercise enforcement discretion with respect to that section in the manner described in the guidance.

If this proposed rule is finalized, we intend to identify in public Docket No. 92S–0251 the registration and listing information and the labeling and advertising information specified previously as types of records that we are prepared to accept in electronic format.

F. Conforming Actions

The proposed changes will not result in changes to any regulations other than part 807.

V. Legal Authority

We have the legal authority to amend our regulations on foreign and domestic establishment registration and listing for human devices. The statutory basis for our authority includes sections 201, 301, 501, 502, 510, 513, 515, 519–520, 701, 704, 801, and 903 of the FD&C Act (21 U.S.C. 321, 331, 351, 352, 360c, 360e, 360i–360j, 371, 374, 381, and 393); and sections 361 and 368 of the Public Health Service Act (42 U.S.C. 264 and 271) (the PHS Act).

Section 510(c) of the FD&C Act requires every person upon first engaging in the manufacture, preparation, propagation, compounding, or processing of a device to immediately register with the Secretary his name, place of business, and the establishment. The provisions in section 510(b) and (d) of the FD&C Act require annual registration and registration of additional establishments, respectively. As amended by section 222 of FDAAA, section 510(b) of the FD&C Act requires that annual registration take place during the period beginning on October 1 and ending on December 31 of each year. Section 510(i) of the FD&C Act, as amended by section 222 of FDAAA, requires any establishment within any foreign country engaged in the manufacture, preparation, propagation, compounding, or processing of a device that is imported or offered for import into the United States, upon first engaging in such activity, to immediately register with the Secretary through electronic means, and thereafter to register annually during the period beginning on October 1 and ending on December 31 of each year. These provisions, together with section 701(a) (among others) of the FD&C Act,

authorize us to require the submission of the registration information specified in the proposal. The information specified in this proposal would help us identify who is manufacturing, repacking, or relabeling devices and where those operations are being performed. In addition, some information (e.g., official correspondent information) would help us communicate with establishments more effectively and schedule inspections more efficiently.

Section 510(j)(1) of the act requires every person who registers to file with the Secretary, at the time of registration, a list of all devices that are being manufactured, prepared, propagated, compounded, or processed by the registrant for commercial distribution. That list must be prepared in the form and manner prescribed by the Secretary and must be accompanied by a copy of labeling (or the label and package insert) and, in some cases, advertising, when requested. Section 510(j)(2) of the FD&C Act, as amended by section 223 of FDAAA, requires each person who registers with the Secretary under this section to report listing information updates once each year during the period beginning on October 1 and ending on December 31 of each year. Listing information gives us a current inventory of marketed devices. These provisions and others of the FD&C Act, together with section 701(a) of the FD&C Act, provide authority for requiring the submission of the listing information set forth in this proposal. The device listing information specified in this proposal would help us: (1) Develop a more current, robust inventory of devices as a counter-terrorism measure; (2) administer our postmarket surveillance programs more effectively; (3) facilitate recalls of products; (4) identify devices in short supply in the event of a national emergency; and (5) identify devices marketed in violation of the FD&C Act.

Section 510(p) of the FD&C Act, as amended by section 224 of FDAAA, requires that registration and listing information be submitted electronically, subject to FDA's grant of waivers to individual requestors who meet the criteria set forth in section 510(p). Electronic receipt of registration and listing information will enable us to shift resources from performing more ministerial tasks, such as data entry, to pursuing important public health objectives such as those described in section I of this document. Electronic receipt of registration and listing information also will help us with the efficient enforcement of the act because we would be able to distinguish situations where there has been noncompliance with registration and listing requirements from situations where there have been no changes in information. The failure to register or list is a prohibited act under section 301(p) of the FD&C Act and the failure to do either renders a device misbranded under section 502(o) of the FD&C Act.

VI. Analysis of Economic Impacts

FDA has examined the impacts of the proposed rule under Executive Order 12866 and the Regulatory Flexibility Act (5 U.S.C. 601–612), and the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). The Office of Management and Budget has determined that this proposed rule is a significant regulatory action as defined by the Executive order.

The Regulatory Flexibility Act requires agencies to analyze regulatory options that would minimize any significant impact of a rule on small entities. Because the burdens imposed by this proposed rule are expected to be minor, the agency proposes to certify that the final rule will not have a significant economic impact on a substantial number of small entities.

Section 202(a) of the Unfunded Mandates Reform Act of 1995 requires that agencies prepare a written statement, which includes an assessment of anticipated costs and benefits, before proposing "any rule that includes any Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more (adjusted annually for inflation) in any one year." The current threshold after adjustment for inflation is $130 million, using the most current (2007) Implicit Price Deflator for the Gross Domestic Product. FDA does not expect this proposed rule to result in any 1-year expenditure that would meet or exceed this amount.

We contracted with the Eastern Research Group, Inc. (ERG), to collect data, interview industry experts, and estimate the costs and benefits of the proposed rule. The analysis in support of the effects of the proposed rule (ERG Memo) is on file with the Division of Dockets Management. ERG identified several very small impacts, both costs and benefits, associated with this proposed rule. For most of these impacts, ERG found the incremental costs and savings to be so small that it was not a meaningful exercise to generate numeric estimates.[1] ERG was able identify recurring costs associated with this proposed rule, plus additional costs that would not apply to U.S. establishments. After updating ERG's findings with more recent cost information, we find annual costs of $340,000 associated with this proposed rule, and an additional $138,000 that would only affect non-U.S. establishments. We were unable to quantify specific benefits attributable to the proposed rule. However, we believe the ultimate use of electronic registration and listing data, the mandate under the Bioterrorism Act to collect additional pieces of registration data, and the requirement under the Bioterrorism Act and FDAAA that information be submitted to FDA electronically justify taking this action.

A. The Need for Regulation

As discussed elsewhere in this preamble, section 224 of FDAAA amended section 510(p) of the FD&C Act to require establishment registrations and device listings to be submitted to FDA by electronic means unless the Secretary grants a waiver from electronic submission requirements. We currently maintain databases that contain establishment registration and device listing information obtained from owners and operators of device establishments. Prior to FDAAA, these databases relied on paper forms submitted by the owners and operators to us, which were then forwarded by us to a data entry contractor for input into our device registration and listing databases.

Our device registration and listing databases play an important role in our efforts to accomplish many regulatory and statutory objectives. For example, we can use this information to identify device manufacturers to facilitate recalls or information alerts in the case of potential safety concerns. We also use it to plan and conduct inspections, administer postmarket surveillance, generate estimates of the number of businesses that are affected by our rulemaking, and to otherwise exercise competent oversight of the device industry.

The quality and completeness of these databases depends on prompt submission of information and the

[1] ERG memorandum from Cal Franz, et al., September 15, 2008, (hereinafter referred to as ERG Memo), p. 1.

immediate inclusion of the data in our system. Under a paper-based registration and listing system, we were unable to readily verify the accuracy of the information submitted and, in some instances, manufacturers were not timely in informing us of changes. In addition, because we were using physical paper forms, it was possible for information to be mishandled or lost before being added to the system, thereby further reducing the reliability of the databases.

In accordance with FDAAA, the agency began collecting registration and listing information using FURLS, FDA's new Internet-based electronic registration and listing system which became operational on October 1, 2007. The electronic submission of information makes the registration and listing process more efficient for industry and allows us to review and use such information more quickly, thus helping to ensure that medical devices will be safe and effective.

Despite the obvious public health advantages to society of using an electronic device registration and listing system, the private returns alone would not be adequate to move the entire device industry to a new registration and listing format that would meet the requirements of section 510(i) and (p) of the FD&C Act. Because the social benefits are largely external to the firms, the large number of entities operating individually cannot be expected to voluntarily move to a new uniform standard. Few entities would choose to adopt a new format without significant private benefits.

B. Background

ERG examined FDA's databases of registered device establishments and listed devices and estimates that revisions to the existing device registration and listing regulations would affect approximately 29,370 owner-operators of approximately 33,500 registered device establishments, and 89,200 listed devices. Of the roughly 33,500 registered establishments, approximately 19,700 are registered as domestic and 13,800 are registered as foreign.[2]

Under the existing regulations, with certain exceptions, owners or operators of establishments that engage in the manufacture, preparation, propagation, compounding, assembly, or processing of a device intended for human use must, in addition to other requirements, register their establishments and submit listing information for each of their devices in commercial distribution. Foreign device establishments engaged in the manufacture, preparation, propagation, compounding, or processing of a device that is imported or offered for import into the United States must comply with the registration and listing requirements, including the requirement to identify a U.S. agent. Until the recent change to electronic submissions mandated by section 224 of FDAAA, all domestic and foreign registration and listing information was submitted using paper forms.

C. The Proposed Regulation

A major objective of this proposal is to update FDA's regulations at part 807 to reflect the requirement for electronic submission of establishment registration and device listing information as required by FDAAA. A paper-based system of registering and listing is burdensome. It does not facilitate timely updates, which does not allow for the best use of these data in inspections and recalls. We believe that electronic submission of registration and listing information improves the quality and timeliness of information available to FDA. In addition, a system of electronic registration and listing improves the quality and timeliness of information available to health care professionals and consumers. Furthermore, to the extent that these quality improvements to the registration and listing process facilitate device recalls, complement postmarketing surveillance programs, help ensure the safety of imported devices, improve the scheduling and planning of inspections, and otherwise assist the agency in carrying out its statutory and regulatory objectives, there is a broad public health benefit. Moreover, the development and maintenance of high quality databases of information about devices and device establishments would enhance future uses of technology in the delivery of health care. An electronic database that contains current and accurate information about devices could, for example, facilitate the development of technology that would allow for communication among devices, giving them additional functionality and the potential for interoperability.

This proposed regulation would also slightly modify the types of information that would need to be submitted as registration and listing information. However, these modifications would be minor and are generally consistent with achieving a more accurate and useful database of device industry information.

D. Estimated Impacts

ERG reviewed the proposed registration and listing regulation, comparing it to the current provisions, and projected the impacts of the proposed regulation. A memorandum prepared by ERG based on this review identifies eight areas where revisions to the current device registration and listing provisions may affect the cost of compliance.[3] These impacts would stem from provisions associated with:

- The creation of an account on FURLS;
- The requirement for submission of additional information as part of the annual registration process;
- Modifications to requirements relating to registration information updates;
- The requirement for submission of additional information when listing a device;
- Changes relating to the requirement for semiannual review and update of device listing information;
- The waiver from the requirement to register and list by electronic means;
- The proposed elimination of the exemptions from registration and listing requirements for foreign establishments whose devices enter a foreign trade zone and are re-exported from the foreign trade zone without having entered U.S. commerce and the exemption for devices that are imported under section 801(d)(3) of the FD&C Act (import-for-export provision); and
- The proposed elimination of the exemption from registration and listing requirements for contract manufacturers and contract sterilizers who do not commercially distribute the devices.

Because most of the identified regulatory impacts only slightly increase or decrease the costs of registering and listing, sometimes involving offsetting impacts, we present the impacts grouped by the eight impact areas identified previously, as opposed to trying to present the impacts as distinct groups of costs and benefits.

1. Creation of FURLS Accounts

Under the proposed rule, establishments would go through the one-time process of creating a FURLS account. According to ERG, the costs associated with setting up the FURLS account are negligible.[4]

2. Changes to Annual Registration Information

This proposed rule could affect the burden on establishments by changing the information they submit in the annual registration process. ERG found that differences in the information collected currently and under the

[2] See ERG , appendix B, table 1.

[3] ERG memo, p. 3.

[4] ERG memo, p. 5

proposed rule would be minor and should not increase the time spent completing the registration.[5] Some of the additional information is already submitted voluntarily. For example, the e-mail addresses for the establishment's official correspondent and owner-operator, as well as the universal resource locator (URL) for the establishment's Web site, are already being collected. There would be little, if any additional burden for those establishments not currently providing this information. There would be modest savings associated with the annual registration process, as establishments would be able to access and edit registration information online and would no longer have to wait for physical forms to be mailed from FDA, review them, make edits, and mail the forms back to FDA.

As amended by section 321 of the Bioterrorism Act, section 510(i) of the FD&C Act requires foreign establishments whose devices are imported or offered for import to the United States to identify and provide contact information for importers of the establishment's device that are known to the establishment and also those persons who import or offer for import the device into the United States. According to the ERG memo, foreign establishments identifying importers known to them and persons who import or offer for import the establishments' devices would typically be identifying one or two entities of each type with readily available contact information, so the impact would be negligible.[6] OMB Circular A–4 directs us to carefully evaluate new U.S. rules that might act as non-tariff barriers to imported goods. As the burden to these foreign establishments would be quite small and would not have a significant adverse effect on trade, the impact on U.S. consumers from this provision would be negligible.

3. Changes Relating to the Requirement to Update Registration Information

Under proposed § 807.22(b)(2), establishments would be required to update their registration within 30 days if their registration information were to change. Current § 807.26 requires that establishments update registration information for a change in ownership or a change in the location of the establishment. As the proposed rule includes a broader set of circumstances requiring a mandatory update, it has the potential to be slightly more burdensome. Under the proposed rule, however, establishments would provide updates electronically, as opposed to submitting such information to FDA using a paper form as required by current § 807.26. ERG found that the ability to submit updated information through FURLS rather than completing and mailing paper forms would result in a net reduction in administrative burden and, therefore, a cost savings to establishments. ERG did not quantify the amount of the estimated savings, but we feel it would roughly negate any increase in burden from the increased likelihood of a mandatory update.

4. Requirement for Additional Device Listing Information

Under proposed § 807.25, establishments would be required to submit additional information, including 510(k) numbers and HDE numbers among the types of premarket submission numbers submitted to FDA for non-exempt devices. Establishments would also submit all proprietary and brand names under which each device is marketed. Although the agency already collects proprietary or brand names as part of device listings, the device listing form specified for use under the existing regulation has a single block of 80 characters for proprietary and brand names, which may have been restricting the amount of information establishments have been providing. In contrast, establishments using FURLS to list their devices have an unlimited amount of space within which to provide information and therefore could submit more data. According to the ERG memo, device listings would rarely have more than three proprietary or brand names, so the additional information that establishments would be providing under the proposed rule would be limited.[7]

Under proposed § 807.25(g)(4), establishments also would be required to submit 510(k) and HDE numbers for non-exempt devices as part of the listing process. This information has been collected by FDA on a voluntary basis since 2005. It is our experience from processing these forms that most establishments submitting device listings since this practice began in 2005 already provide 510(k) and HDE numbers. Because these establishments already are complying with the proposal, they would not face an additional burden as a result of this new requirement. However, there was an additional burden associated with providing 510(k) and HDE numbers for those devices listed prior to 2005. Because we have already begun to collect information on these devices electronically, much of this one-time burden has already been incurred. Based on a query of non-exempt listings included in FDA's registration and listing database, FDA estimated that 9,300 owners or operators would provide submission numbers for approximately 31,000 device listings. We believe that affected owners or operators needed only a few minutes to look up this information from readily available sources.[8] ERG did not attempt to quantify this very small burden, but noted that the inclusion of the 510(k) number in the device listing would result in significant benefits. Such information would improve our postmarket surveillance efforts by permitting devices to be tracked based on the submission number assigned to the particular device, as opposed to the previous method of tracking based on the reported product codes which did not necessarily correspond to the product codes under which a device was cleared. Also, having the registrant supply the premarket submission number and FDA determine the appropriate product code saves time, as incorrect product codes can lead to delays in listing.

5. Changes Relating to Review and Update of Device Listings

Section 510(j)(2) of the FD&C Act, as amended by section 223 of FDAAA, now requires device listings to be updated once each year during the period beginning on October 1 and ending on December 31. Previously, as reflected in the current registration and listing regulations, registrants had to review and update their device listings on a semiannual basis, during June and December. In the past, FDA has not strictly enforced this requirement but has encouraged establishments to update their listings throughout the year whenever information has changed. Thus, although the required updates would be less frequent and less burdensome, we recognize the potential for a minor impact associated with increased enforcement of an existing requirement. We believe any additional impact would be extremely small, and we do not attempt to quantify it.

6. Requests for a Waiver from Submitting Information Electronically

Under the proposed rule, parties for whom registering and listing by electronic means is not reasonable may request a waiver from FDA. Because one would only need to have access to a

[5] ERG memo, p. 6.

[6] ERG memo, p. 5.

[7] ERG memo, p. 5.

[8] ERG memo, p. 6.

computer, Internet access, and an e-mail address to register and list by electronic means, we do not anticipate that we will receive many requests for waivers.

For the first few months of operation (i.e., October through December 2007) of the Web-based system, , FDA received fewer than 10 requests for waivers from the requirement to submit registration and listing information electronically. As FDA received electronic submissions for more than 16,000 establishments over that period, these requests amount to about 0.06 percent of the total number of establishments that responded.

Based on information taken from our databases as of October 2007, FDA estimated there were 29,370 owners or operators who collectively registered a total of 33,490 device establishments. If 0.06 percent of the 33,490 total device establishments would request waivers from FDA, there would be 20 requests (33,490 x 0.0006). We estimate that the annual burden on these establishments would be an hour of time from a mid-level manager to draft, approve, and mail a letter. Assuming a burden of 20 hours and a labor cost of $41 per hour including benefits, the cost for all affected establishments would be $820 ($41 per hour x 20 hours).[9] This estimate may overstate the actual burden, as we received only nine waiver requests in 2008.

We anticipate a small number of additional firms would enter the device industry over the next several years and would need to list and register. To the extent that a small fraction of these firms would request waivers, there may be small additional costs in the future.

7. Elimination of Exemptions for Some Foreign Establishments

Under current § 807.40(a), foreign establishments are not required to comply with the registration and listing requirements if their device enters a foreign trade zone and is re-exported from that foreign trade zone without having entered U.S. commerce. As previously discussed, the proposed rule would eliminate the exemption from registration and listing requirements for such establishments.

Current § 807.40(c), which states that no device may be imported or offered for import into the United States unless the device is listed and is manufactured, prepared, propagated, compounded, or processed at a registered foreign establishment, also states that this restriction does not apply to a device imported under section 801(d)(3) of the FD&C Act ("import-for-export" provision). As previously discussed, we are proposing to eliminate the exemption from registration and listing requirements for devices imported under section 801(d)(3). This means such devices would have to be listed and the foreign establishments that manufacture these devices would have to register with FDA. ERG estimates that the burden of listing would be 2.5 hours per affected device. Assuming an hourly labor cost of $41 per hour, the cost of this provision to foreign establishments would be $103 per device.

ERG has reviewed the databases maintained by FDA's Division of Import Operations and Policy and found that 1,344 shipments of devices entered the United States under the "import-for-export" provision in 2006.[10] This figure represents approximately 0.13 percent of the device shipments to the United States. If each of these shipments required establishment registration and device listing, the cost to foreign exporters would be less than $138,000 (1,344 shipments x 2.5 hours per shipment x $41/hour). These are one-time costs, as subsequent shipments of the same device would not require an additional registration and listing. ERG concludes foreign establishments may incur future costs if there are shipments of devices not previously listed and assumes the estimated first year cost is incurred annually. We believe future annual costs would be substantially less than $138,000 but we do not attempt to quantify them.

ERG was unable to obtain information on the number of devices and firms affected by the loss of the exemption for devices imported into foreign trade zones. We believe the impact of this loss of exemption on individual foreign firms would be very small, but welcome comment on this issue.

Domestic device establishments would not face a substantial burden as a result of the elimination of these exemptions. As these devices are not intended for U.S. commerce, there would be no impact on the domestic market for these devices. Moreover, based on the small cost per affected device, we believe the elimination of these exemptions would have a negligible impact on U.S. industries doing "import-for-export" and operating in foreign trade zones.

For this analysis, we assume that the foreign establishments that would be losing these exemptions are foreign entities and not merely a foreign presence of a domestic entity. We lack detailed information on these establishments and welcome comment on this issue.

8. Elimination of Registration and Listing Exemptions for Contract Manufacturers and Sterilizers Who Do Not Commercially Distribute the Devices

Under current § 807.20(a)(2), (c)(1), and (c)(2), contract manufacturers and contract sterilizers are exempt from registration and listing obligations if they make or sterilize a device according to another person's specifications for commercial distribution by the person who developed the specifications. This proposed rule would eliminate the exemption from registration and listing for contract manufacturers and contract sterilizers who do not commercially distribute. This means that those contract manufacturers and contract sterilizers that currently do not register or list would be required to do so. Moreover, because there are recurring obligations associated with registration and listing, these firms would bear an additional annual burden.

According to our registration and listing database, as of October 2007, there were 1,304 registered contract manufacturers who had not previously listed any products. Of these 1,304 establishments, 736 re-registered in 2006. We also believe there may be contract manufacturers not registered that would be registering for the first time because of the loss of exemption. We do not know the number of contract manufacturers that would be required to register and list, but for the purposes of this analysis, we estimate that 736 establishments that would need to register and initially list products. We invite comment on this estimate.

Based on the October 2007 estimates, the registration and listing database contains about 89,200 listed devices and approximately 33,500 registered establishments, or about 2.66 devices per establishment. If that ratio were to hold for the estimated 736 affected contract manufacturers, we would expect 1,958 additional device listings under the proposed rule.

Between 1999 and 2006, there was an average of 306 initial contract manufacturer registrations each year. We therefore estimate 306 additional contract manufacturers would initially register in 2008 (for fiscal year 2009) and would also incur costs to list their devices, for a total of 1,042. At 2.66 devices per establishment, this would

[9] We use a mean wage rate of $31.55 for compliance officers in the medical equipment and supplies manufacturing industry and add 30 percent for benefits.

[10] ERG memo, p. 10.

result in 814 additional listings, for a total of 2,772.[11]

According to our registration information, fewer than 160 establishments perform contract sterilizations only. Of these, 116 do not list devices. Our registration and listing database includes 533 listings for 114 contract sterilizers, or about 4.68 devices per establishment. Under the proposed rule, the 116 contract sterilizers who currently register would also have to list. Assuming these contract sterilizers would list 4.68 devices per establishment, this would result in 543 additional listings.

ERG estimates that the process of registration and listing would require 2.5 hours of time per listed device each year.[12] At a labor rate of $41 per hour, including benefits, the cost would be $103 per device or about $270 per contract manufacturing establishment ($103 per listing x 2.66 listings) and $480 per contract sterilizing establishment ($103 per listing x 4.68 listings). Across all affected contract manufacturers, including those registering for fiscal year 2009, the cost would be a recurring $284,000 ($41 per hour x 2.5 hours x 2,772 listings). For contract sterilizers, the cost would be $56,000 ($41 per hour x 2.5 hours x 543 listings). Thus, the impact on contract manufacturers and contract sterilizers would be an annual $340,000 ($284,000 + $56,000). We recognize that we may not be aware of some contract sterilizers that have never registered. We believe there are few if any such firms and do not account for them in our analysis, but invite comment on this issue.

The loss of the exemption for contract manufacturers and sterilizers who do not commercially distribute the devices will not only result in social economic costs, but will also result in transfers associated with the payment of user fees. Contract manufacturers and sterilizers that are required to register will also be required to pay user fees. According to section 212 of FDAAA, the Fiscal Year (FY) 2009 establishment registration fee is $1,851. At that rate, we estimate FY 2009 fees of $2.14 million, $1.93 million paid by the 1,042 contract manufacturers and $215,000 paid by the 116 contract sterilizers.

Table 1 of this document summarizes the projected quantified impacts of this proposed rule. The total annual costs are $340,000. Foreign establishments would face an additional annual burden of $138,000 due to the loss of the exemptions from registration and listing requirements relating to devices entering a foreign trade zone that are later re-exported without having entered U.S. commerce and devices that are imported into the United States under section 801(d)(3) of the FD&C Act. There would also be a transfer of $2.14 million in additional user fees paid by contract manufacturers and sterilizers.

TABLE 1.—PROJECTED IMPACTS OF THE PROPOSED RULE

Establishment Category	No. of Affected Establishments/Devices	Incremental Time	Cost per Hour[1]	Total Annual Cost[3]
Requests for a Waiver from Submitting Information Electronically	20 establishments	1 hr	$41	$820
Foreign establishments shipping to United States under import-for-export and to foreign trade zones	none[2]	2.5 hrs	$41	$0[2]
Elimination of Exemptions for Contract Manufacturers	2,772 devices, 1,042 establishments	2.5 hrs	$41	$284,000
Elimination of Exemptions for Contract Sterilizers	543 devices, 116 establishments	2.5 hrs	$41	$56,000
All other	negligible	--	--	negligible[3]
Total	1,178 establishments 3,315 devices	--	--	$340,000

[1] Average hourly wage for medical equipment and supplies compliance officer, adjusted for benefits.
[2] Provision would not be expected to affect U.S. establishments. An estimated 1,344 foreign establishments would face additional annual costs of $138,000.
[3] Estimated incremental time costs are offset by incremental time savings.

TABLE 2.—ECONOMIC TRANSFERS ASSOCIATED WITH THE PROPOSED RULE

From	To	Description	Cost per Entity	Total Cost
1,042 Contract Manufacturers and 116 Contract Sterilizers	U.S. Government	Establishment Registration Fees	$1,851	$2.14 million

The proposed rule would result in benefits associated with an electronic registration and listing database that would provide more up-to-date and complete information. The electronic registration and listing database system could also support future medical and health information technology initiatives. The proposed rule would increase the efficiency of the registration and listing process by eliminating all or nearly all paper submissions. With registration and listing in an electronic format, we are able to review the submitted information more quickly and can contact submitting firms immediately through email if any additional information is needed. In addition, having a database of registered establishments and listed devices that is more accurate and complete can

[11] We do not follow the assumption in the ERG memo that half of these contract manufacturers would not register and pay user fees.

[12] ERG memo, p. 9.

increase patient safety. For example, an electronic database that includes 510(k) clearance numbers and current product codes for devices would help facilitate timely notification of recalls of certain unsafe devices and prompt identification of the affected manufacturers.

Although the scope of the proposed rule does not extend beyond registration and listing, the resulting high-quality, electronic database would facilitate future uses of technology for the public benefit. A current electronic database of device information could, for example, facilitate the development of future devices utilizing wireless connectivity and the interoperation of such devices with hospital information systems, or with handheld personal digital assistant (PDA)-type clients used by health care providers or those managing hospital inventories.

Additionally, having a paper-based registration and listing system is inconsistent with section 510(p) of the FD&C Act, as amended by section 224 of FDAAA, and might deter the medical device industry and healthcare providers from investing in new initiatives that would make use of electronic device listing and establishment registration data.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act requires agencies to analyze regulatory options that would minimize any significant impact of a rule on small entities. The impact of this proposed rule is almost entirely attributable to the requirement that contract manufacturers and contract sterilizers register and list. We have estimated the impacts on small entities and find that the costs associated with registering and listing would not be a significant burden for even the smallest of contract manufacturers and contract sterilizers. Moreover, failing to remove this exemption for contract manufacturers and sterilizers would reduce the benefits potentially realized from this proposed rule. These benefits would include improving the quality and timeliness of information, facilitating device recalls, complementing postmarket surveillance programs, ensuring the safety of imported devices, and improving the scheduling and planning of inspections. Requiring that contract manufacturers and sterilizers register and list allows for the appropriate oversight of these types of facilities. For other elements of this proposed rule, the costs per entity are very small and we do not believe that this proposed rule would have a significant economic impact on a substantial number of small entities.

As described earlier in this preamble, this proposed rule would revise the agency's regulations at part 807 to make them consistent with the requirement under FDAAA that the agency shift to an electronic registration and listing format. The incremental costs to establishments making this switch to electronic registration and listing are so small as to be difficult to quantify. Certain elements of the proposed rule may be burdensome to some entities, but these incremental burdens are estimated to be extremely small. The cost of submitting a waiver claiming electronic listing and registration to be unreasonable would be an estimated $41. The cost of registering and listing a device because of the loss of the exemptions from registration and listing requirements for devices imported into foreign trade zones or imported under section 801(d)(3) of the FD&C Act is not expected to have an effect on domestic establishments. Other elements of the proposed rule involve the submission of information not currently required but readily available and the estimated cost of compliance would be so small as to be difficult to estimate.

Contract manufacturers and contract sterilizers who do not commercially distribute the devices they make or sterilize would be faced with a new requirement to register and list. We do not know how many of the affected contract manufacturers and contract sterilizers would be categorized as small. As shown in table 1 of this document, we estimate 1,042 affected contract manufacturers and 116 affected contract sterilizers. Our internal databases include some contract manufacturers and sterilizers that have in the past voluntarily registered. A review of the contract sterilizers in this database indicate that many are described in external databases as being part of NAICS code 339113 (Surgical Appliance and Supplies Manufacturing). Because of the specific expertise, capital requirements, and economies of scale associated with contract sterilization, we expect contract sterilizers would have more employees and more revenues per employee than would a typical establishment in this class. Medical device contract manufacturers fit in NAICS code 339112 (Surgical and Medical Instrument Manufacturing). For both of these industry classifications, the U.S. Small Business Administration has defined a small business as one with 500 or fewer employees.[13]

According to the U.S. Census, there are 1,352 establishments in class 339112 with 1,302 of them (96 percent) having fewer than 500 employees.[14] Census information on class 339113 lists 1,845 establishments, with 1,805 of them (98 percent) having fewer than 500 employees.[15] Applying these profiles to our estimated contract manufacturers and contract sterilizers, there would be 1,000 small affected contract manufacturers (96 percent of 1,042) and 114 small affected contract sterilizers (98 percent of 118).

For class 339112 covering contract manufacturers, we consider the smallest establishment group with one to four employees. There are 388 establishments with a total of 839 employees and a total value of shipments of approximately $130 million. Average revenue per employee is approximately $150,000. The average establishment in this group has 2.2 employees and receipts of $331,000. As discussed in section V.I.D of this document, establishment registration user fees are $1,851 for FY 2009. As shown in table 1 of this document, the estimated annual burden of listing a device is 2.5 hours at $41 per hour, or $103. A small contract manufacturer with a single listed device would face an annual burden of $1,851 plus $103, or $1,954, which is 0.59 percent of annual revenues.

Assuming the smallest contract sterilizers have five to nine employees, that particular group in class 339113 has 320 establishments with a total of 2,165 employees and a total value of shipments of approximately $380 million. Revenue per employee is approximately $175,000. The average establishment has 6.8 employees and receipts of $1.2 million. Contract sterilizers would face an annual establishment fee of $1,851 plus a cost of $103 per listed device. A small contract sterilizer with two listed devices would face an annual burden of $1,851 plus $2,057, or 0.17 percent of annual revenues.

[13] U. S. Small Business Administration, "Table of Small Business Size Standards Matched to North American Industry Classification System Codes," August 22, 2008, *http://www.sba.gov/idc/groups/public/documents/sba_homepage/serv_sstd_tablepdf.pdf.*

[14] U.S. Census Bureau, 2002 Economic Census, "Surgical and Medical Instrument Manufacturing: 2002," Table 4, p. 4, released December 2004, *http://www.census.gov/prod/ec02/ec0231i339112.pdf.*

[15] U.S. Census Bureau, 2002 Economic Census, "Surgical Appliance and Supplies Manufacturing," Table 4, p. 4, released December 2004, *http://www.census.gov/prod/ec02/ec0231i339113.pdf.*

A $41 burden associated with a waiver request would be about 0.01 percent of revenues for a small entity with revenues in the hundreds of thousands of dollars. As discussed earlier in this section and in section V.I.D of this document, other impacts associated with this proposed rule are all extremely small. We therefore tentatively conclude that the proposed rule, if issued, would not have a significant impact on a substantial number of small entities. We also believe affected entities currently possess the skills required to comply with the provisions of this proposed rule. FDA requests comment on the issue of whether this proposed rule would have a significant impact on a substantial number of small entities.

FDA considered regulatory alternatives such as not regulating and not requiring registration and listing by contract manufacturers and contract sterilizers who do not commercially distribute devices. As explained earlier in this preamble, the electronic submission of information is mandated under FDAAA. Section A discusses the need to regulate in greater detail. The benefits associated with agency oversight of contract manufacturers and contract sterilizers justify the estimated costs of requiring that they register and list.

VII. Paperwork Reduction Act of 1995

This proposed rule contains information collection provisions that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). A description of these provisions is given below with an estimate of the annual reporting and recordkeeping burden. Included in the estimate is the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing each collection of information.

FDA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA'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 respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Implementation of Sections 222, 223, and 224 of the Food and Drug Amendments Act of 2007 (OMB Control No. 0910–0625)—Revision

FDA is proposing to amend its regulations governing medical device establishment registration and device listing. The proposed revisions would modify FDA's current regulations at part 807 to reflect recent statutory amendments to the device registration and listing provisions of the FD&C Act. FDAAA, which was enacted on September 27, 2007, amended section 510 of the FD&C Act by requiring domestic and foreign device establishments to begin submitting their registration and device listing information to FDA by electronic means rather than on paper forms, and also specified the timeframes when establishments are required to submit such information. In accordance with FDAAA, the agency launched FDA's Unified Registration and Listing System (FURLS), an internet-based registration and listing system. FDAAA requires electronic submission of device registration and listing information unless FDA grants a waiver request.

In addition, this proposal would facilitate FDA's collection of additional registration information from foreign establishments as required by the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Bioterrorism Act). It also would update certain provisions in part 807 to improve the quality of registration and listing information available to FDA. FDA relies on having complete and accurate registration and listing information in order to accomplish a number of important public health objectives.

A. Statutory Compliance

To comply with the statutory deadline under the provisions of FDAAA for medical device establishment registration and device listing by electronic means, including waiver provisions, FDA initially obtained a 6-month OMB approval of the collection of information requirements under the emergency processing provisions of the Paperwork Reduction Act (the PRA), and subsequently obtained a 3-year approval of these requirements under the same assigned OMB Control No. 0910–0625. With OMB approval of the collection of information requirements, FDA took several actions: (1) Developed an electronic form "Device Registration and Listing Module," Form FDA 3673 and (2) developed and implemented the guidance entitled "Guidance for Industry and FDA Staff-Implementation of Medical Device Establishments Registration and Device Listing Requirements Established by the Food and Drug Administration Amendments Act of 2007." This guidance among other things explained the recent changes in the device registration and listing program and the process (instructions) for using FURLS, an Internet-based registration and listing system.

B. Transition Process From Paper to Electronic Submission

The information collection requirements for paper submissions were approved under the assigned OMB control number 0910–0387 with the associated Forms FDA 2891, 2891a, and 2892. Upon approval of electronic registration and listing information collection requirements under FDAAA, FDA: (1) Replaced the paper forms FDA 2891, 2891a, and 2892 with the electronic data collection instrument, Form FDA 3673; (2) revised the collection of information 0910–0387 for paper submissions to include only nonregistration and listing paperwork requirement, thereby reducing the annual reporting burden requirements (the registration and listing requirements under FDAAA were updated as a revision to the collection 0910–0625); (3) following notice in a June 17, 2007, letter to firms, shut down the manual data entry system on September 15, 2007, and began using the new electronic system on October 1, 2007; and (4) sent each firm a letter on October 1, 2007, providing account and password information for the new system.

Description: In accordance with the collection of information entitled "Establishment Registration and Device Listing for Manufacturers and Initial Importers of Devices," medical device establishment owners and operators will be required to electronically submit establishment registration and device listing information.

Section 510(c) of the FD&C Act requires owners or operators of domestic establishments upon first engaging in the "manufacture, preparation, propagation, compounding, or processing" of a device or devices in those establishments to immediately register their name and place of business and such establishment. Section 510(a)(1) of the FD&C Act defines the term "manufacture, preparation, propagation, compounding, or processing" to include "repackaging or otherwise changing the container, wrapper, or labeling of any * * *

device package in furtherance of the distribution of the * * * device from the original place of manufacture to the person who makes final delivery or sale to the ultimate consumer or user."

Section 510(a)(2) of the FD&C Act mandates that the term "name" include, among other things, the name of each partner of a partnership, and the name of each corporate officer and director of a corporation. An owner or operator of a registered establishment must also immediately register any additional establishment that he owns or operates in any State and in which he begins the "manufacture, preparation, propagation, compounding, or processing" of a device (section 510(d) of the FD&C Act). An owner or operator of any establishment that engages in these activities must also re-register its establishment once each year during the period beginning on October 1 and ending on December 31 of each year (section 510(b) of the FD&C Act, as amended by FDAAA).

Section 510(i) of the FD&C Act contains certain registration requirements pertaining to foreign establishments (e.g., submission of the name of each importer of the establishment's device in the United States that is known to the establishment, submission of the name of each person who imports or offers for import the establishment's device to the United States for purposes of importation). Section 510(g) of the FD&C Act provides for certain exemptions from the registration requirements. In addition, section 510(p) of the FD&CAct, as amended by FDAAA, requires the electronic submission of device registration and listing information unless the Secretary grants a request for a waiver because use of electronic means is not reasonable for the person requesting the waiver.

Section 510(j)(1) of the FD&C Act requires that every person who registers must, at the time of registration, submit a list of all devices that are being manufactured, prepared, propagated, compounded, or processed by him or her for commercial distribution which have not been previously listed by him or her. This information must be submitted in the form and manner prescribed by the Secretary (section 510(j)(1) of the FD&C Act). Prior to FDAAA, section 510(j)(2) of the FD&C Act required certain changes in listing information to be reported every June and December, including any material changes in information previously submitted under the listing provisions. This information must now be provided only once each year during the period beginning on October 1 and ending on December 31.

Section 510(e) of the FD&C Act permits the Secretary to prescribe a uniform system for the identification of devices intended for human use and may require that persons who are required to list such devices under section 510(j) shall list such devices in accordance with such a system. The disclosure provision in section 510(f) of the FD&C Act requires the Secretary to make available for inspection any registration filed under section 510. Section 510(f) also provides that certain listing information must be exempt from disclosure unless the Secretary finds that such exemption would be inconsistent with protection of the public health.

Complete and accurate registration and listing information is necessary to accomplish a number of statutory and regulatory objectives, such as: Identification of establishments producing marketed medical devices, identification of establishments producing a specific device when that device is in short supply or is needed for national emergency, facilitation of recalls for devices marketed by owners and operators of device establishments, identification and cataloguing of marketed devices, administering postmarketing surveillance programs for devices; identification of devices marketed in violation of the law; identification and control of devices imported into the country from foreign establishments; and scheduling and planning inspections of registered establishments under section 704 of the FD&C Act.

The electronic collection of establishment registration and device listing information from medical device establishment owners and operators also furthers the purpose of several statutes, including: The FDAAA, the Bioterrorism Act, MDUFMA, and GPEA.

Description of Respondents: Owners or operators of establishments that engage in the manufacturing, preparation, propagation, compounding, or processing of a device or devices must register their establishments and submit listing information for each of their devices in commercial distribution. Notwithstanding certain exceptions, foreign device establishments that manufacture, prepare, propagate, compound, or process a device that is imported or offered for import into the United States must also comply with the registration and listing requirements. The total annual estimated burden imposed by this collection of information is 103,536 hours annually.

FDA estimates the burden of this collection of information as follows:

TABLE 3.—ESTIMATED ANNUAL REPORTING BURDEN[1]

21 CFR Section	FDA Form Number	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
807.20(a)[3]	3,673	800	1	800	0.75	600
807.21(a)[3]	3,673	125	1	125	0.5	63
807.21(b)[2]		20	1	20	1	20
807.21(b)[3]		1	1	1	1	1
807.22(a)[3]	3,673	2,566	1	2,566	0.5	1,283
807.22(b)(1)[3]	3,673	29,100	1	29,100	0.75	21,825
807.22(b)(2)[3]	3,673	3,000	1	3,000	0.5	1,500
807.22(b)(3)[3]	3,673	24,870	1	24,870	1	24,870
807.26(e)[3]		100	1	100	1	100

TABLE 3.—ESTIMATED ANNUAL REPORTING BURDEN[1]—Continued

21 CFR Section	FDA Form Number	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
807.34(a)[2]		20	1	20	1	20
807.34(a)[3]		1	1	1	1	1
807.40(b)(2)[3]	3,673	50	1	50	0.5	25
807.40(b)(3)[3]	3,673	1,836	1	1,836	0.25	459
807.41(a)[3]	3,673	11,348	1	11,348	0.5	5,674
807.41(b)[3]	3,673	11,348	1	11,348	0.5	5,674
Total one time burden						40
Total recurring burden						62,075

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.
[2] One Time Burden
[3] Recurring Burden

TABLE 4.—ESTIMATED ANNUAL RECORDKEEPING BURDEN[1]

21 CFR Section	No. of Respondents	Annual Frequency per Recordkeeper	Total Annual Records	Hours per Record	Total Hours
807.25(d)[2]	33,490	1	33,490	.25	8,373
807.26[2]	16,524	4	66,096	.5	33,048
Total					41,421

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.
[2] Recurring burden.

The currently approved reporting and recordkeeping burden for electronic registration and listing under OMB No. 0910–0625 is 71,319. The estimated reporting and recordkeeping burden for electronic registration and listing under the proposed rule is 103,536 hours, an increase of 32,217 hours. This increase is due to an under estimate of the original burden estimate for 0910–0625 and the incremental increase of respondents no longer exempt from these requirements.

Burden estimates are based on recent experience with the existing medical device registration and listing program and the economic analysis provided by ERG. The changes to the actual data collected are, with one exception, very minor. We are assuming that it will take approximately the same amount of time to enter the data online using FURLS as it does to use the portable document format (PDF)-enabled forms that had been used for initial establishment registration prior to FURLS becoming operational in October 2007. Any additional burden associated with creating and using the Web-based system accounts (as shown in table 3 of this document under § 807.21(a)) should be offset by the elimination of the need to re-enter identifying information concerning the establishment or product every time registration or listing information is updated, which was the case when updating such information using the PDF-enabled forms.

The recurring burden for the new data collection under § 807.41 (import-related information provided by foreign companies exporting to the United States) was estimated based on the ERG memo. This report stated that foreign establishments would typically be identifying one or two importers and one or two persons who import or offer for import with readily available contact information.

The estimates for creation of new user accounts under § 807.21(a) are based on the current number of owners or operators, and experience in account creation using the existing FURLS for Food Facility Registration. The estimates for the recurring years assume a similar increase in the number of new owner or operator numbers as were created in FY 2006.

The estimate for § 807.25(d) in table 5 of this document (recordkeeping burden) reflects the requirement that owners or operators keep a list of officers, directors, and partners for each establishment. Owners or operators will need to provide this information only when requested by FDA. However, it is assumed that some effort will need to be expended to keep such lists current.

The requirements shown in table 5 for proposed § 807.26 (renumbered from § 807.31), have not changed based on this revision to the registration and listing regulations. They reflect other recordkeeping requirements for devices listed with FDA, and the requirement to provide these records when requested by FDA. They are based on experience FDA has had with the existing regulation.

This proposed rule also refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in § 807.35(b) have been approved under OMB control number 0910–0052. This rule is not going to impact the burden in 0910–0052 that is already accounted for in that information collection.

To further clarify and track how the burden and associated changes for this proposed rule have been accounted for during the transition process from paper to electronic in which the information is

currently submitted by electronic means through FURLS, FDA has developed tables 5 and 6 of this document as follows:

TABLE 5.—REPORTING REQUIREMENTS

21 CFR Section/ OMB Control No. 0910–0387	Section of the 2007 Amendments/ OMB Control No. 0910–0625	21 CFR Section/ NPRM
Paper Format	Electronic Format	Electronic Format
Forms FDA 2891,2891a, and 2892	Form FDA 3673	Form FDA 3673
807.22(a) and 807.40	222	807.22(a)
807.22(b)	223	807.22(b)(3)
807.22(a) and 807.40	224	807.22(b)(1)
807.22(b)	224	807.22(a)
Not reported	224	807.21(b)
Not reported	224	807.21(c)

TABLE 6.—RECORDKEEPING REQUIREMENTS

21 CFR Section/ OMB Control No 0910–0387	Section of the 2007 Amendments OMB Control No. 0910–0625	21 CFR Section/ NPRM
Paper Format	Electronic Format	Electronic Format
Forms FDA 2891,2891a, and 2892	Form FDA 3673	Form FDA 3673
Not reported	222	807.25(d)
807.31	223	807.26

In compliance with the PRA, the agency has submitted the revised information collection provisions of this proposed rule to OMB for review. Interested persons are requested to send comments regarding the information collection to OMB (see **DATES** and **ADDRESSES** sections of this document).

VIII. Environmental Impact

The agency has determined under 21 CFR 25.30(h) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

IX. Proposed Effective Date

FDA proposes that any final rule based on this proposal become effective 90 days after its date of publication in the **Federal Register**.

X. Proposed Compliance Dates

The proposed rule does not affect self-executing statutory responsibilities. Those FDAAA provisions establishing registration and listing requirements that are self-executing must be complied with in accordance with the statute and do not depend on this proposed rule becoming final.

XI. Federalism

FDA has analyzed this proposed rule in accordance with the principles set forth in Executive Order 13132. FDA has determined that the proposed rule, if finalized, would not contain policies that would have substantial direct effects 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. Accordingly, the agency tentatively concludes that the proposed rule does not contain policies that have federalism implications as defined in the Executive order and, consequently, a federalism summary impact statement is not required.

XII. Request for Comments

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) written or electronic comments regarding this document. Submit a single copy of electronic comments or two paper copies of any mailed comments, except that individuals may submit one paper copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

XIII. References

The following references have been placed on display in the Division of Dockets Management (see **ADDRESSES**), and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday. (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. Bureau of Labor Statistics, May 2008, National Industry-Specific Occupational Employment and Wage Estimates, NAICS 339100—Medical Equipment and Supplies Manufacturing, Occupation (SOC code): (131041) *http://www.bls.gov/oes/current/naics4_339100.htm.*

2. Eastern Research Group memorandum from Cal Franz, Derek Singer, and John Eyraud to FDA, September 15, 2008.

3. Office of Management and Budget, Circular A–4, Regulatory Analysis, Washington, DC, 2003, *http://www.whitehouse.gov/omb/circulars/a004/a-4.pdf.*

List of Subjects in 21 CFR Part 807

Imports, Medical devices, Reporting and Recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act, and under authority delegated to the Commissioner

of Food and Drugs, it is proposed that 21 CFR part 807 be amended as follows:

PART 807—ESTABLISHMENT REGISTRATION AND DEVICE LISTING FOR MANUFACTURERS AND INITIAL IMPORTERS OF DEVICES

1. The authority citation for 21 CFR part 807 continues to read as follows:

Authority: 21 U.S.C. 321, 331, 351, 352, 360, 360c, 360e, 360i, 360j, 371, 374, 381, 393; 42 U.S.C. 264, 271.

2. Amend § 807.3 by:

a. Adding "and" at the end of paragraph (e)(3);

b. Removing ";and" at the end of paragraph (e)(4) and adding a period in its place;

c. Removing paragraph (e)(5);

d. Revising paragraph (i);

e. Redesignating paragraphs (k) through (s) as paragraphs (l) through (t), respectively; and

f. Adding a new paragraph (k) and adding paragraphs (u) through (y).

The revisions and additions read as follows:

§ 807.3 Definitions.

* * * * *

(i) *Restricted device* means a device for which a requirement restricting sale, distribution, or use has been established by a regulation issued under section 520(e) of the act, by order as a condition of premarket approval under section 515(d)(1)(B)(ii) of the act, or by a performance standard issued in accordance with sections 514(a)(2)(B)(v) and 514(b) of the act.

* * * * *

(k) *Product code* means the code used by FDA to identify the generic category of a device.

* * * * *

(u) *Fiscal year* means the FDA fiscal year, which runs from October 1 through September 30.

(v) *FURLS* means the Food and Drug Administration's Unified Registration and Listing System,

(w) *FDA premarket submission number* means the number assigned by FDA to a premarket device submission, such as a Premarket Approval Application (PMA); Investigational Device Exemption (IDE); Humanitarian Device Exemption (HDE); Investigational New Drug Application (IND); New Drug Application (NDA); or Premarket Notification (510(k)).

(x) *Importer* means, for purposes of this part, a company or individual in the United States that is an owner, consignee, or recipient, even if not the initial owner, consignee, or recipient, of the foreign establishment's device that is imported into the United States. An importer does not include the consumer or patient who ultimately purchases, receives, or uses the device, unless the foreign establishment ships the device directly to the consumer or patient.

(y) *Person who imports or offers for import* means, for purposes of this part, an agent, broker, or other entity, other than a carrier, that the foreign establishment uses to facilitate the import of its device into the United States.

3. Revise § 807.20 to read as follows:

§ 807.20 Who must register and submit a device list?

(a) An owner or operator of an establishment not exempt under section 510(g) of the act or subpart D of this part who is engaged in the manufacture, preparation, propagation, compounding, assembly, or processing of a device intended for human use shall register and submit listing information for those devices in commercial distribution, except that registration and listing information may be submitted by the parent, subsidiary, or affiliate company for all the domestic or foreign establishments under the control of one of these organizations when operations are conducted at more than one establishment and there exists joint ownership and control among all the establishments. The term "device" includes all in vitro diagnostic products and in vitro diagnostic biological products not subject to licensing under section 351 of the Public Health Service Act. An owner or operator of an establishment located in any State as defined in section 201(a)(1) of the act shall register its name, places of business, and all establishments and list the devices whether or not the output of the establishments or any particular device so listed enters interstate commerce. The registration and listing requirements shall pertain to any person who:

(1) Initiates or develops specifications for a device that is to be manufactured by a second party;

(2) Manufactures a device, including an establishment that sterilizes or otherwise makes a device for or on behalf of a specifications developer or any other person;

(3) Repackages or relabels a device;

(4) Reprocesses a single use device that has previously been used on a patient;

(5) Acts as an initial importer as defined in § 807.3(g), except that initial importers are not required to provide device listings for any device for which they did not initiate or develop the specifications for the device or repackage or relabel the device. However, the initial importer shall submit, for each such device, the name and address of the manufacturer. Initial importers shall also be prepared to submit, when requested by FDA, the proprietary name, if any, and the common or usual name of each device for which they are the initial importer;

(6) Manufactures components or accessories that are ready to be used for any intended health-related purpose and are packaged or labeled for commercial distribution for such health-related purpose, e.g. blood filters, hemodialysis tubing, or devices which of necessity must be further processed by a licensed practitioner or other qualified person to meet the needs of a particular patient, e.g., a manufacturer of ophthalmic lens blanks.

(b) Registration or listing does not constitute an admission or agreement or determination that a product is a device within the meaning of section 201(h) of the act.

(c) Registration and listing requirements shall not pertain to any person who acts as a wholesale distributor, as defined in § 807.3(t), and who does not manufacture, repackage, process, or relabel a device.

(d) Owners and operators of establishments or persons engaged in the recovery, screening, testing, processing, storage, or distribution of human cells, tissues, and cellular and tissue-based products, as defined in § 1271.3(d) of this chapter, that are regulated under the Federal Food, Drug, and Cosmetic Act must register and list those human cells, tissues, and cellular and tissue-based products with the Center for Biologics Evaluation and Research on Form FDA 3356 following the procedures set out in subpart B of part 1271 of this chapter, instead of the procedures for registration and listing contained in this part, except that the additional listing information requirements of § 807.26 remain applicable.

(e) Owners and operators of establishments that manufacture devices licensed under section 351 of the Public Health Service Act as well as licensed biological products used in the manufacture of a licensed device must register and list following the procedures set out in part 607 of this chapter, instead of the procedures for registration and listing contained in this part.

§ 807.22 [Removed]

4. Remove § 807.22.

§ 807.21 [Redesignated as § 807.22]

5. Redesignate § 807.21 as § 807.22.

6. Add new § 807.21 to subpart B to read as follows:

§ 807.21 How to register establishments and list devices.

(a) Owners or operators of establishments that are subject to the registration and listing requirements of this part must provide the following information to us using our electronic device registration and listing system, except as provided in paragraphs (b), (c), and (d) of this section:

(1) Initial establishment registration information as required by §§ 807.22(a) and 807.25;

(2) Updates to registration information as required by § 807.22(b) and 807.25;

(3) Initial device listing information as required by § 807.22(a), 807.25, and 807.28;

(4) Updates to device listing information as required by § 807.22(b), 807.25, and 807.28, including updates to reflect the discontinuance or resumption of the commercial distribution of a previously-listed device as specified at paragraphs (d) and (e) of § 807.28.

(b) If the information under § 807.21(a) cannot be submitted electronically, a waiver may be requested. Waivers will be granted only if use of electronic means is not reasonable for the person requesting the waiver. To request a waiver, applicants must send a letter to the Office of Compliance, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Building 66, rm. 2621, Silver Spring, MD 20993–0002, that includes the following information:

(1) The name and address of the device establishment(s) to be registered, a contact person for the owner or operator of the establishment, and the telephone number at which that person can be reached. If the establishment has already registered in the past, the letter should also include the owner or operator number, registration number, and any listing numbers previously assigned by FDA for that establishment.

(2) Information about whether the company is an initial importer as defined in § 807.3(g) and, if so, whether it also conducts any other activities or operations relating to devices.

(3) A statement that use of the Internet is not reasonable for the person requesting the waiver, and an explanation of why such use is not reasonable. The statement must be signed by the owner or operator of the establishment, or by a person employed by the owner or operator who is authorized to make the declaration on behalf of the owner or operator.

(c) Those owners or operators who have obtained a waiver from filing . . . registration and listing information electronically should refer to § 807.34 for information on how to submit such information by postal mail.

(d) When additional device listing information (e.g., copies of labeling or advertisements) is requested by FDA as described at § 807.26(e), such information may be submitted by postal mail or electronically by e-mail, but will not be submitted using the FDA electronic device registration and listing system.

7. Revise newly redesignated § 807.22 to read as follows:

§ 807.22 Times for establishment registration and device listing.

(a) *Initial registration and listing.* An owner or operator of an establishment who has not previously entered into an operation described in § 807.20(a) shall register within 30 days after entering into such an operation and submit device listing information at that time.

(b) *Registration and listing updates.* Owners or operators shall review and update all of their establishment registration and device listing information that is on file at FDA, documenting any changes that were not previously reported as follows:

(1) Annual registration for each fiscal year is required for all establishments. Annual registration shall take place during the period beginning on October 1 and ending on December 31 of each fiscal year;

(2) Updates to the registration information as described in § 807.25(b) shall be made within 30 days of any change to such information;

(3) Every fiscal year, during the period beginning on October 1 and ending on December 31, owners or operators shall review and update all of their device listing information that is on file at FDA, reporting any changes or deletions to listings and any new listings that were not previously reported. The accuracy of all information on file must be confirmed each year regardless of whether any changes were made to the owner or operator's list of devices; and

(4) Changes to listing information may also be made at other times, such as when a device is introduced into commercial distribution, when a change is made to a previously-listed device, or when a previously-listed device is removed from commercial distribution.

(c) Failure to submit any of the required information on time, as specified in paragraphs (a) and (b) of this section, will put the establishment in a "failed to register" or "failed to list" status as applicable. The establishment will not be considered active and the establishment registration and device listing information will not appear on the FDA Web site until such time as the owner or operator submits and FDA processes the required information.

8. Revise § 807.25 to read as follows:

§ 807.25 Information required for establishment registration and device listing.

(a) All owners or operators that are subject to the registration and listing requirements of this part shall provide such information to us by using the FDA electronic device registration and listing system, unless granted a waiver from electronic submission in accordance with § 807.21(b). Electronic submissions of registration and listing information must comply with part 11 of this chapter, except for the requirements in § 11.10(b), (c), and (e), and the corresponding requirements in § 11.30. Those owners or operators granted a waiver from electronic submission should refer to paragraphs (c) and (g) of this section and § 807.34 for instructions on how to submit device registration and listing information.

(b) Registration information required to be submitted includes: The name and mailing address of the device establishment; the Web site address of the device establishment, if any; the name, address, phone number, fax number, and e-mail address of the owner or operator; the name, address, phone number; fax number, and e-mail address of the establishment's official correspondent; and all trade names used by the establishment.

(c) Owners or operators who have been granted a waiver from electronic filing must submit the establishment registration information described in paragraph (b) of this section, except for the Web site and e-mail address information, in paper form using the procedures set forth in § 807.34.

(d) Each owner or operator is required to maintain a listing of all officers, directors, and partners for each establishment registered by the owner or operator and to furnish this information to FDA upon request.

(e) For each establishment, an official correspondent must be designated by the owner or operator to serve as a point of contact with FDA on matters relating to the registration of device establishments and the listing of device products. Each owner or operator shall also provide FDA with the name of a contact person at the owner or operator's offices who will be responsible for identifying the official correspondent for each establishment. The owner or operator contact person

will be the official correspondent in the event no one else has been properly designated. The official correspondent is responsible for:

(1) Providing FDA with all required registration and listing information electronically unless a waiver from electronic submission has been granted in accordance with § 807.21(b) ;

(2) Receiving all correspondence from FDA concerning registration and listing;

(3) Supplying, when requested by FDA, the names of all officers, directors, and partners; and

(4) Receiving communications from FDA by e-mail, or by postal mail if the owner or operator has been granted a waiver from the requirement to file registration and listing information electronically.

(f) The designation of an official correspondent does not in any manner affect the liability of the owner or operator of the establishment or any other individual under section 301(p) or any other provision of the act.

(g) Device listing information must be submitted to FDA electronically unless a waiver from electronic submission has been granted in accordance with § 807.21(b). Owners or operators who have been granted a waiver must submit the required device listing information, including information required by this paragraph, § 807.28, and any listing information requested by FDA under § 807.26(e), in paper form using the procedures set forth in § 807.34. The information required for each device listed includes:

(1) The current registration number and name of each establishment under the ownership and control of the owner or operator where the device is manufactured, repackaged, relabeled, or otherwise processed, or where specifications are developed.

(2) The product code for each device that is exempt from premarket notification and approval or which was in commercial distribution prior to May 28, 1976.

(3) The proprietary or brand name(s) under which each device is marketed.

(4) The FDA-assigned premarket submission number of the approved application, cleared premarket notification, or approved humanitarian device exemption for each device listed that is subject to sections 505, 510, 515, or 520 of the act, which includes devices that are not exempt from premarket notification and approval.

(5) Each activity or process that is conducted on or done to the device at each establishment, such as manufacturing, repacking, relabeling, developing specifications, remanufacturing, single-use device reprocessing, contract manufacturing, contract sterilizing, or manufacturing for export only.

§ 807.26 [Removed and Reserved]

9. Remove and reserve § 807.26.

§ 807.31 [Redesignated as § 807.26]

10. Redesignate § 807.31 as § 807.26.

11. Amend newly redesignated § 807.26 by adding paragraph (f) to read as follows:

§ 807.26 Additional listing information.

* * * * *

(f) Labeling, advertisements, and other information to be submitted upon request in accordance with paragraph (e) of this section may be submitted by postal mail or electronically by e-mail, but will not be submitted using the FDA electronic device registration and listing system. Electronic submissions of such information must comply with part 11 of this chapter, except for the requirements in § 11.10 (a), (c) through (h), and (k), and the corresponding requirements in § 11.30. The information provided in electronic format must be in a form that we can process, review, and archive.

§ 807.30 [Redesignated as § 807.28]

12. Redesignate § 807.30 as § 807.28.

13. Revise newly redesignated § 807.28 to read as follows:

§ 807.28 Updating device listing information.

(a) Updating of device listing information is required when an additional establishment begins to engage in any of the activities described in § 807.3(d) with respect to a listed device, such as manufacturing, developing specifications, repackaging, relabeling, or otherwise processing the device. Updating of the listing is also required when an establishment begins performing another activity on or to the device, or ceases to perform an activity on or to the device that had previously been identified on the device listing.

(b) An owner or operator shall create a new device listing using the FDA electronic device registration and listing system:

(1) When introducing into commercial distribution an exempt device identified with a product code that is not currently listed by the owner or operator; or

(2) When introducing into commercial distribution a non-exempt device with an FDA premarket submission number that is not currently listed by the owner or operator.

(c) All device listings for foreign establishments must be submitted before the device may be imported or offered for import into the United States.

(d) An owner or operator who discontinues commercial distribution of a device shall discontinue the device listing using the FDA electronic device registration and listing system. A device listing is considered discontinued if:

(1) All devices under an exempt product code have been discontinued or

(2) All devices associated with an FDA premarket submission number have been discontinued.

(e) If commercial distribution of a discontinued device is resumed, the owner or operator must reactivate the previously-discontinued listing using the electronic device registration and listing system. Any changes to the listing information for the product that is the subject of the listing such as a new establishment, new activity, or new proprietary name must be made using the electronic device registration and listing system at the time the listing is reactivated.

(f) FDA will assign one listing number for all devices exempt from premarket notification requirements under a single product code. For products not exempt from premarket notification requirements, a single listing number will be assigned by FDA for each FDA premarket submission number.

14. Add § 807.34 to subpart B to read as follows:

§ 807.34 Summary of requirements for owners or operators granted a waiver from submitting required information electronically.

(a) For initial registration and listing, owners or operators who have been granted a waiver from electronic filing using the procedures set forth in § 807.21(b) must send a letter containing all of the registration and listing information described in §§ 807.22, 807.25, (and § 807.26 when such information is requested by FDA), at the times described in § 807.22, to: The Office of Compliance, Center for Devices and Radiological Health (HFZ–308), Food and Drug Administration, 10903 New Hampshire Ave., Building 66, room 3521, Silver Spring, MD 20993–0002.

(b) As specified in § 807.22(b)(1) and (b)(3), all owners or operators shall update their establishment registration and device listings annually during the period beginning on October 1 and ending on December 31 of each fiscal year.

(c) Failure to submit any of the required information on time, as specified in § 807.22(a) and (b), will put the establishment in a "failed to register" or "failed to list" status as applicable.

The establishment will not be considered active and the establishment registration and device listing information will not appear on the FDA Web site until the required information is submitted to and processed by FDA.

15. Amend § 807.35 by revising paragraphs (a) and (b) to read as follows:

§ 807.35 Notification of registrant.

(a) FDA will assign each device establishment a permanent registration number after verifying the initial establishment registration information that has been submitted. The owner or operator of the establishment will also be assigned an identifying number. Both numbers will be sent to the official correspondent by e-mail, or by postal mail if the owner or operator has been granted a waiver from the requirement to file registration and listing information electronically.

(b) Owners or operators of device establishments who also manufacture or process biological products (including devices licensed under section 351 of the Public Health Service Act) or drug products at the same establishment must also register and list those products under part 607 or part 207 of this chapter, as appropriate. Registration and listing for human blood and blood products, devices licensed under section 351 of the Public Health Service Act, and licensed biological products used in the manufacture of a device licensed under section 351 of the Public Health Service Act, are subject to part 607 of this chapter; registration and listing for all other drug products (including other biological products that are also regulated as drug products) are subject to part 207 of this chapter.

* * * * *

16. Revise § 807.37 to read as follows:

§ 807.37 Public availability of establishment registration and device listing information.

Establishment registration and device listing information is available for public inspection in accordance with section 510(f) of the act and will be posted on the FDA Web site. Requests for information by persons who do not have access to the Internet should be directed to the Office of Compliance, Center for Devices and Radiological Health (HFZ–308), Food and Drug Administration, 10903 New Hampshire Ave., Building 66, rm. 3521, Silver spring, MD 20993–0002. In addition, there will be available for inspection at each of the Food and Drug Administration district offices the same information for firms within the geographical area of such district offices. Upon request, verification of a registration number or location of a registered establishment will be provided.

17. The heading of subpart C is revised to read as set forth below:

Subpart C—Procedures for Foreign Device Establishments

18. Amend § 807.40 by revising paragraphs (a) and (c) and by adding paragraph (d) to read as follows:

§ 807.40 Establishment registration and device listing for foreign establishments importing or offering for import devices into the United States.

(a) Any establishment within any foreign country engaged in the manufacture, preparation, propagation, compounding, or processing of a device that is imported or offered for import into the United States shall register such establishment and list such devices using the FDA electronic device registration and listing system in conformance with the procedures in this section, § 807.41, and subpart B of this part. The official correspondent for the foreign establishment shall facilitate communication between the foreign establishment's management and representatives of the Food and Drug Administration for matters relating to the registration of device establishments and the listing of device products.

* * * * *

(c) No device may be imported or offered for import into the United States unless it is the subject of a device listing as required under subpart B of this part and is manufactured, prepared, propagated, compounded, or processed at a registered foreign establishment; however, this restriction does not apply to devices imported or offered for import under the investigational use provisions of part 812 of this chapter.

(d) The establishment registration and device listing information shall be in the English language.

19. Add § 807.41 to subpart C to read as follows:

§ 807.41 Identification of importers and persons who import or offer for import.

(a) Upon initial registration, annually, and at the time of any changes, each foreign establishment required to register and list as provided in § 807.40(a) must, using the FDA electronic device registration and listing system, submit the name, address, telephone and fax numbers, e-mail address, and registration number, if any has been assigned, of any importer (defined in § 807.3(x)) of the establishment's devices that is known to the foreign establishment. The foreign establishment must also specify which of the establishment's listed products each importer receives from the foreign establishment.

(b) Upon initial registration, annually, and at the time of any changes, each foreign establishment required to register and list as provided in § 807.40(a) must, using the FDA electronic device registration and listing system, submit the name, address, telephone and fax numbers, e-mail address, and registration number, if any has been assigned, of each person who imports or offers for import the establishment's devices into the United States. The term "person who imports or offers for import," which is defined in § 807.3(y), includes agents, brokers, or other parties used by the foreign establishment to facilitate the import of its device into the United States.

(c) For each individual or organization identified by the foreign establishment under paragraphs (a) and (b) of this section, the foreign establishment must submit to FDA electronically the current FDA premarket submission number (e.g., PMA, 510(k), HDE, NDA) and any other identifying information that is known to the establishment for each device being imported or offered for import by the named individuals or organizations.

Dated: March 22, 2010.

Leslie Kux,

Acting Assistant Commissioner for Policy.

[FR Doc. 2010–6662 Filed 3–25–10; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

[Docket No. DEA–333]

Schedules of Controlled Substances: Placement of Carisoprodol Into Schedule IV; Announcement of Hearing

AGENCY: Drug Enforcement Administration (DEA), Department of Justice.

ACTION: Notice of hearing on proposed rulemaking.

SUMMARY: This is notice that the Drug Enforcement Administration (DEA) will hold a hearing with respect to the proposed placement of carisoprodol in schedule IV of the Controlled Substances Act (21 U.S.C. 801, *et seq.*). The control of carisoprodol was initially proposed in a Notice of Proposed Rulemaking published in the **Federal**

Register on November 17, 2009 [74 FR 59108].

DATES: Interested persons desiring to participate in this hearing must provide written notice of desired participation as set out below, on or before April 26, 2010.

The hearing will commence on May 4, 2010 at 10 a.m. at 600 Army Navy Drive, Arlington, VA 22202.

ADDRESSES: To ensure proper handling of notification, please reference "Docket No. DEA–333" on all correspondence. Written notification sent via regular or express mail should be sent to Hearing Clerk, Office of the Administrative Law Judge, Drug Enforcement Administration, 8701 Morrissette Drive, Springfield, VA 22152.

FOR FURTHER INFORMATION CONTACT: Hearing Clerk, Office of the Administrative Law Judge, Drug Enforcement Administration, 8701 Morrissette Drive, Springfield, VA 22152, Telephone (202) 307–8188.

SUPPLEMENTARY INFORMATION:

Background

On November 17, 2009, the Drug Enforcement Administration (DEA) published a Notice of Proposed Rulemaking (NPRM) in the **Federal Register** (74 FR 59108) to place the substance carisoprodol into schedule IV of the Controlled Substances Act (CSA) (21 U.S.C. 801, *et seq.*). The NPRM stated that, if this scheduling action were finalized, carisoprodol would be subject to the regulatory controls and criminal sanctions of schedule IV, as are applicable to the manufacture, distribution, dispensing, importation, and exportation of carisoprodol and products containing carisoprodol.

The NPRM invited interested parties to submit comments, objections, and requests for hearing on or before December 17, 2009. The DEA received 18 comments in response to the NPRM. Seventeen commenters strongly supported the control of carisoprodol. These commenters included health care providers, an organization representing pharmaceutical manufacturers and distributors, State regulatory agencies and State Departments of Health officials, law enforcement entities and one pain management association.

According to these commenters, carisoprodol products are being diverted, abused, misused, and sold on the street and from Internet sites without legitimate prescriptions. Commenters indicated carisoprodol is being abused with other controlled drugs such as opioids. There are incidences of pain patients addicted to carisoprodol.

While 17 comments were supportive of control, one commenter requested a hearing on the issue. This commenter stated that it believes "that the NPRM and the associated documentation do not provide substantial evidence to support the proposed scheduling of carisoprodol." Additionally, the petitioner stated that "the proposal gives inadequate weight to the negative impact on patient care of scheduling carisoprodol." In requesting a hearing, the commenter stated its intention to present factual information concerning the relative potential for abuse of carisoprodol, and expert opinion concerning the significance and reliability of data cited in the NPRM and associated materials.

All comments received in response to the NPRM are part of the administrative record and will be considered by DEA in determining whether to finalize the rule placing carisoprodol into schedule IV.

Hearing Notification

In response to this request, DEA is convening a hearing on the NPRM. Accordingly, notice is hereby given that a hearing in connection with this proposed scheduling action will commence on May 4, 2010, at 10 a.m. at the Drug Enforcement Administration, 600 Army Navy Drive, Arlington, VA 22202 and will continue until all interested persons, as that term is defined in 21 CFR 1300.01(b)(19), desiring to participate, who have given notice of such desire as prescribed below, have been heard. The hearing will be conducted pursuant to the provisions of 5 U.S.C. 556 and 557, and 21 CFR 1308.41–1308.45, and 1316.41–1316.68.

Every interested person desiring to participate in the hearing shall file a written notice of intention to participate, in duplicate, with the Hearing Clerk, Office of the Administrative Law Judge, Drug Enforcement Administration, 8701 Morrissette Drive, Springfield, VA 22152, on or before April 26, 2010. Each notice of intention to participate must be in the form prescribed in 21 CFR 1316.48. The commenter who requested the hearing is hereby directed to file with the Administrative Law Judge a notice of its continued intention to participate in the hearing and to state with particularity its interest in the proceeding.

Dated: March 21, 2010.

Michele M. Leonhart,

Deputy Administrator.

[FR Doc. 2010–6763 Filed 3–25–10; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–134235–08]

RIN 1545–BI28

Furnishing Identifying Number of Tax Return Preparer

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations under section 6109 of the Internal Revenue Code (Code) that provide guidance to tax return preparers on furnishing an identifying number on tax returns and claims for refund of tax that they prepare. These proposed regulations provide guidance on the identifying number of a tax return preparer for tax returns and claims for refund filed before and after the proposed effective date. The proposed regulations describe how the IRS will define the identifying number of tax return preparers. Additional provisions of the proposed regulations provide that tax return preparers must apply for and regularly renew their preparer identifying number as the IRS may prescribe in forms, instructions, or other guidance. This document also invites comments from the public regarding these proposed regulations.

DATES: Written or electronic comments and requests for a public hearing must be received by April 26, 2010.

ADDRESSES: Send submissions to: CC:PA:LPD:PR (REG–134235–08), Room 5205, Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand-delivered Monday through Friday between the hours of 8 a.m. and 4 p.m. to CC:PA:LPD:PR (REG–134235–08), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, or sent electronically via the Federal eRulemaking Portal at *http://www.regulations.gov* (IRS–REG–134235–08).

FOR FURTHER INFORMATION CONTACT: Concerning the proposed regulations, Stuart Murray at (202) 622–4940 (not a toll-free number); concerning submissions of comments and requests for a hearing, Richard Hurst at *richard.a.hurst@irscounsel.treas.gov.*

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The collection of information contained in this notice of proposed rulemaking has been submitted to the Office of Management and Budget for review in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)). Comments on the collection of information should be sent to the Office of Management and Budget, Attn: Desk Officer for the Department of the Treasury, Office of Information and Regulatory Affairs, Washington, DC 20503, with copies to the Internal Revenue Service, Attn: IRS Reports Clearance Officer, SE:W:CAR:MP:T:T:SP, Washington, DC 20224. Comments on the collection of information should be received by April 26, 2010.

Comments are specifically requested concerning:

Whether the proposed collection of information is necessary for the proper performance of the functions of the IRS, including whether the information will have practical utility;

The accuracy of the estimated burden associated with the proposed collection of information (see below);

How the quality, utility, and clarity of the information to be collected may be enhanced;

How the burden of complying with the proposed collections of information may be minimized, including through the application of automated collection techniques or other forms of information technology; and

Estimates of capital or start-up costs of operation, maintenance, and purchase of service to provide information.

The collection of information in these proposed regulations is in § 1.6109–2(d) and (e). This information is required in order for the IRS to issue identifying numbers to tax return preparers who are eligible to receive them. Tax return preparers will need to apply for an identifying number as prescribed in forms, instructions, or other guidance. The use of a prescribed identifying number by tax return preparers on tax returns and claims for refund of tax will enable the IRS to accurately identify tax return preparers, to match tax return preparers to tax returns and claims for refund that they prepare, and to generally administer the internal revenue laws. The collection of information is mandatory. The likely respondents are tax return preparers and employers of tax return preparers.

Estimated total annual reporting burden: 300,000 hours.

Estimated average annual burden hours (or fraction of an hour) per respondent: varies from 10 to 20 minutes, with an estimated average of 15 minutes.

Estimated number of respondents: 1.2 million.

Estimated annual frequency of responses: once every three years.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid control number assigned by the Office of Management and Budget.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Background

This document contains proposed amendments to regulations under section 6109 of the Code relating to furnishing a tax return preparer's identifying number on tax returns and claims for refund of tax. Section 6109 was added to the Code in 1961 (Pub. L. 87–397, 75 Stat. 828) and authorizes the Secretary to prescribe regulations for the inclusion of identifying numbers on a return, statement, or other document required to be filed with the IRS. In addition, section 6109(c) authorizes the Secretary "to require such information as may be necessary to assign an identifying number to any person." Section 6109(a)(4) as originally enacted by section 1203(d) of the Tax Reform Act of 1976 (Pub. L. 94–455, 90 Stat. 1520) required return preparers to furnish on income tax returns and claims for refund of income tax an identifying number, as prescribed, to identify the preparer, the preparer's employer, or both. Section 8246(a)(2)(D)(i) of the Small Business and Work Opportunity Tax Act of 2007 (Pub. L. 110–28, 121 Stat. 112), amended section 6109(a)(4) to allow the IRS to prescribe that tax return preparers furnish identifying numbers on any tax returns or claims for refund they prepare. As currently prescribed in regulations, the identifying number of a tax return preparer who is an individual is the preparer's Social Security number (SSN) or alternative number as prescribed by the IRS. The proposed regulations provide that the identifying number of a tax return preparer is exclusively the number prescribed by the IRS. The proposed regulations will implement some of the recommendations made in Publication 4832, *Return Preparer Review* (Rev. 12–2009), published at the end of last year (the Report). The IRS and the Treasury Department believe that the implementation of the Report's recommendations, including the recommendations implemented by these regulations, will increase tax compliance and allow taxpayers to be confident that the tax return preparers to whom they turn for assistance are knowledgeable, skilled, and ethical.

1. Identifying Numbers Generally

Because an identifying number is unique to the person to whom assigned, the IRS is able to use the number to correctly identify the taxpayer or the tax return preparer. The use of identifying numbers allows the IRS to accurately and timely process returns and issue refunds, centralize information, post information to the correct taxpayer's account, and effectively administer the rules relating to tax return preparers.

2. Requiring Identifying Numbers From Tax Return Preparers

Tax return preparers generally must provide an identifying number on the tax returns they prepare and sign. Specifically, under § 1.6695–1(b), a signing tax return preparer, as defined under § 301.7701–15(b)(1), must sign a return of tax or claim for refund after it is completed and before it is presented to the taxpayer for signature. A signing tax return preparer under § 301.7701–15(b)(1) is a tax return preparer who has primary responsibility for the overall substantive accuracy of the preparation of a return of tax or claim for refund.

Under § 1.6109–2(a)(1), a tax return preparer who must sign a tax return or tax refund claim must also include an identifying number with the preparer's signature. A return of tax includes an information return described in § 301.7701–15(b)(4). If a signing tax return preparer has an employment arrangement or association with another person, then that other person's employer identification number (EIN) must also be included on the tax return or refund claim.

The identifying number of a signing tax return preparer, and the identifying number of any person with whom the preparer has an employment arrangement or association, must be included on electronically filed tax returns, as well as paper returns. Further, because of recent statutory changes, tax return preparers who prepare and file individual income tax returns (Form Series 1040) for their clients will soon be required to electronically file the returns, unless the tax return preparer reasonably expects to file only 10 or fewer individual

income tax returns for the calendar year. *See* Section 17 of the Worker, Homeownership, and Business Assistance Act of 2009, Public Law 111–92, 123 Stat. 2984, 2997 (adding Code section 6011(e)(3)).

Tax return preparers who are required but fail to include their identifying number on a tax return or refund claim, or fail to include the identifying number of any person with whom they have an employment arrangement or association, are subject to a penalty under section 6695(c). A tax return preparer is not liable for the penalty if the failure to include an identifying number is due to reasonable cause and not due to willful neglect.

3. Preparer Tax Identification Numbers

Section 6109(a) initially provided that the identifying number of a tax return preparer was the individual's SSN. Section 3710(a) of the IRS Restructuring and Reform Act of 1998 (Pub. L. 105–206, 112 Stat. 685) (RRA '98), allowed the IRS to prescribe an identifying number for tax return preparers other than the preparer's SSN. In response to section 3710(a) of RRA '98, the IRS developed and began to issue preparer tax identification numbers (PTINs). Tax return preparers currently may apply online for a PTIN using the e-services PTIN process on the IRS Web site at *http://www.irs.gov* or by filing Form W–7P, "Application for Preparer Tax Identification Number." Applying online is faster, and return preparers are encouraged to apply online. In the future, the IRS will prescribe the method to apply for a PTIN consistent with these proposed regulations. Currently, under § 1.6109–2(a)(2), a tax return preparer may use as an identifying number on a tax return or claim for refund either the preparer's SSN or an "alternative number" prescribed by the IRS, including a PTIN. But an EIN, an Electronic Filing Identification Number (EFIN) (which is an identification number assigned to IRS e-file providers), or an Electronic Transmitter Identification Number (ETIN) (which is an identification number assigned to IRS e-file providers who electronically transmit tax returns to the IRS) is not a valid preparer identifying number.

4. Regulation of Tax Return Preparers

In June 2009, the IRS initiated a comprehensive review of tax return preparers, and in December 2009 the IRS published the Report describing its findings from that review. The Report recommended, in part, that tax return preparers be required to obtain and use a PTIN as the exclusive preparer identifying number and undergo a tax-compliance check. As discussed below, the proposed regulations implement those recommendations.

Under current law, any individual may prepare a tax return or claim for refund. The Report recommended that the IRS establish new eligibility standards that an individual must meet in order to prepare tax returns—including testing, continuing education, and tax compliance checks. The Report contemplates that only attorneys, certified public accountants, enrolled agents, as well as tax return preparers who pass a minimum competency exam and meet other requirements (referred to as "registered tax return preparers") will be eligible to prepare and sign tax returns and claims for refund. These proposed regulations do not establish the requirements to become a registered tax return preparer, which primarily will be set forth in future guidance under Treasury Department Circular No. 230, 31 CFR part 10. After a transition period, however, it is intended that only individuals who satisfy the eligibility standards may obtain and use a PTIN as a tax return preparer.

Explanation of Provisions

1. Requiring the Use of PTINs

The proposed regulations provide that for tax returns or refund claims filed after December 31, 2010, the identifying number that a tax return preparer must include with the preparer's signature on tax returns and refund claims is that prescribed by the IRS in forms, instructions, or other guidance. Tax return preparers will not be able to use an SSN as a preparer identifying number unless specifically prescribed by the IRS in forms, instructions, or other guidance. Instead, to the extent provided in forms and instructions, a tax return preparer will be required to use a PTIN as the identifying number unless the IRS prescribes in the future a replacement to the PTIN. Forms and instructions will be revised accordingly. The use of PTINs as the identifying number for tax return preparers will improve tax administration and tax compliance, benefit taxpayers and tax return preparers, and help maintain the confidentiality of SSNs.

For tax returns or claims for refund filed before January 1, 2011, the identifying number of a tax return preparer will remain the preparer's SSN or PTIN. In the case of tax returns for taxable periods ending before January 1, 2011, and made on the appropriate forms prescribed for the taxable periods, but which are filed on or after January 1, 2011, tax return preparers must furnish on the returns the identifying number prescribed on the forms to be filed and in associated instructions.

For tax return preparation businesses and other persons having an employment arrangement or association with a tax return preparer, the business's or employer's EIN continues to be the identifying number that must be included on tax returns and refund claims along with the tax return preparer's signature and preparer identifying number. An individual tax return preparer, however, may not use an EIN as a preparer identifying number on a return, even if the preparer has an EIN (for example, as a sole proprietor). Tax return preparers who use their SSN, or an EIN, EFIN, or ETIN, instead of a valid PTIN, on tax returns or claims for refund filed after the effective date may be subject to the penalty under section 6695(c) unless the failure to include a valid PTIN is due to reasonable cause and not due to willful neglect.

2. Eligibility To Receive a PTIN

The proposed regulations provide that all tax return preparers must apply for a PTIN or other prescribed identifying number at the time and in the manner as may be prescribed by the IRS in forms, instructions, or other appropriate guidance. The proposed regulations also authorize the IRS to prescribe a user fee in connection with applying for, and renewing, a PTIN (or successor number similar to a PTIN). Except as provided in any transitional period, beginning after December 31, 2010, to obtain a PTIN, an individual must be an attorney, certified public accountant, enrolled agent, or registered tax return preparer under future guidance to be provided in Circular 230.

Only for purposes of applying for and renewing a PTIN or other prescribed preparer identifying number, the term *tax return preparer* means any individual who is compensated for preparing, or assisting in the preparation of, all or substantially all, of a tax return or claim for refund of tax. A tax return preparer does not include an individual who is not otherwise a tax return preparer as that term is defined in § 301.7701–15(b)(2), or who is an individual described in § 301.7701–15(f). The proposed regulations provide several examples illustrating who is a tax return preparer required to apply for a PTIN.

As part of the process of applying for a PTIN, a tax return preparer may be subject to both an initial tax-compliance check and subsequent periodic checks, which could include a review of a preparer's history of compliance with personal and business tax filing and

payment obligations. The tax-compliance check is intended to establish whether a tax return preparer has timely filed required personal and business tax returns and has paid taxes that are due or made other acceptable arrangements with the IRS, such as an approved installment agreement under section 6159. If a tax return preparer disregards any applicable requirements to obtain a prescribed identifying number and thereafter omits, when required to include, a valid identifying number on a tax return or claim for refund filed after the effective date, the preparer may be liable for the section 6695(c) penalty, unless the failure to include a valid identifying number was due to reasonable cause and not due to willful neglect.

The information a tax return preparer provides when the preparer initially applies for a PTIN or other prescribed identifying number will often become outdated or otherwise inaccurate. The IRS may require tax return preparers to regularly renew their identifying numbers and otherwise maintain updated information with the IRS. If a tax return preparer who is required to include an identifying number on a tax return or claim for refund filed after the effective date uses an expired identifying number, the tax return preparer may be liable for the section 6695(c) penalty, unless the use of the expired number was due to reasonable cause and not due to willful neglect.

The proposed regulations provide that if necessary for effective tax administration, the IRS may prescribe exceptions to any of the requirements, such as for an interim period while procedures are being implemented. For example, the IRS and the Treasury Department recognize that the procedures for becoming a registered tax return preparer may not be fully implemented when these regulations become effective. It is anticipated that transitional interim guidance will be provided to allow individuals who intend to become registered tax return preparers to obtain an interim PTIN or other interim identifying number that may be used as a preparer identifying number on tax returns and refund claims until the procedures are fully implemented. After the interim period, however, to obtain a PTIN, an individual will need to be an attorney, certified public accountant, enrolled agent, or registered tax return preparer authorized to practice before the IRS under Circular 230.

Proposed Effective/Applicability Date

These regulations are effective after the date that final regulations are published in the **Federal Register.**

Special Analyses

It has been determined that this notice of proposed rulemaking is not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. It has also been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations.

It has been determined that an initial regulatory flexibility analysis under 5 U.S.C. 603 is required for this notice of proposed rulemaking. The analysis is set forth below under the heading, "Initial Regulatory Flexibility Analysis."

Pursuant to section 7805(f) of the Code, this notice of proposed rulemaking has been submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Initial Regulatory Flexibility Analysis

When an agency issues a rulemaking proposal, the Regulatory Flexibility Act (5 U.S.C. chapter 6) requires the agency to "prepare and make available for public comment an initial regulatory flexibility analysis" that "describe[s] the impact of the proposed rule on small entities." 5 U.S.C. 603(a). Section 605 of the Act provides an exception to this requirement if the agency certifies that the proposed rulemaking will not have a significant economic impact on a substantial number of small entities. A small entity is defined as a small business, small nonprofit organization, or small governmental jurisdiction. 5 U.S.C. 601(3)–(6). The IRS and the Treasury Department conclude that the proposed regulations, if promulgated (together with other contemplated guidance provided for in these regulations), will impact a substantial number of small entities and the economic impact will be significant. As a result, an initial regulatory flexibility analysis is required.

Description of the reasons why the agency action is being considered.

Taxpayers' reliance on paid tax return preparers has grown steadily in recent decades. Today, paid tax return preparers assist a majority of U.S. taxpayers in meeting their income tax filing obligations. Beyond preparing tax returns, tax return preparers also help educate taxpayers about the tax laws, and facilitate electronic filing. Tax return preparers provide advice to taxpayers, identify items or issues for which the law or guidance is unclear, and inform taxpayers of the benefits and risks of positions taken on a tax return, and the tax treatment or reporting of items and transactions. Competent tax return preparers who are well educated in the rules and subject matter of their field can prevent costly errors, potentially saving a taxpayer from unwanted problems later on and relieving the IRS from expending valuable examination and collection resources.

Given the important role that tax return preparers play in Federal tax administration, the IRS has a significant interest in being able to accurately identify tax return preparers and monitor their tax return preparation activities. The proposed regulations are intended to advance tax administration by requiring all individuals who are paid to prepare all or substantially all of a tax return or claim for refund of tax to obtain a preparer identifying number prescribed by the IRS. Pursuant to the proposed regulations, the IRS will require individuals who sign tax returns or claims for refund to report the preparer's identifying number on a tax return or claim for refund when the return or refund claim is signed. The proposed regulations also provide that the IRS may require tax return preparers to apply for, and regularly renew, their identifying numbers. Under the proposed regulations, the IRS may prescribe a user fee payable when applying for a number and for renewal.

Further, the IRS and the Treasury Department conclude that taxpayers, tax return preparers, and overall tax administration will be best served through increased oversight of the tax return preparer industry. Mandating a single prescribed identifying number for all tax return preparers and assigning a prescribed number to registered tax return preparers is critical to effective oversight.

Statement of the objectives of, and the legal basis for, the proposed rule.

The principal objective of the proposed regulations is to enable the IRS to more accurately identify tax return preparers and the tax returns and refund claims associated with each tax return preparer. The proposed regulations do this by providing that the IRS may prescribe the use of identifying numbers for tax return preparers and the qualifications or other requirements necessary to obtain a valid number. The legal basis for these provisions is section 6109 of the Code, which authorizes the Secretary to prescribe the "identifying number for securing proper identification of" a tax return preparer and "to require such information as may

be necessary to assign an identifying number to any person."

Description and estimate (where feasible) of the number of small entities subject to the proposed rule.

The proposed regulations apply to individuals who prepare tax returns and claims for refund of tax. The estimated number of paid tax return preparers is as high as 1.2 million, which means the proposed regulations are likely to impact a large number of individuals. Most paid tax return preparers are employed by firms. A substantial number of paid tax return preparers are employed at small tax return preparation firms or are self-employed tax return preparers. Any economic impact of these regulations on small entities generally will be on self-employed tax return preparers who prepare and sign tax returns or on small businesses that employ one or more individuals who sign tax returns.

The appropriate NAICS codes for tax return preparers are those for tax return preparation services (NAICS code 541213) and other accounting services (NAICS code 541219). Entities identified under either of these two codes are considered small under the Small Business Administration's size standards (13 CFR 121.201), if their annual revenue is less than $7 million or $8.5 million, respectively. The IRS estimates that approximately 70 to 80 percent of the individuals subject to these proposed regulations are tax return preparers operating as or employed by small entities.

Description of the projected reporting, recordkeeping, and related requirements of the proposed rule, including an estimate of the classes of small entities that will be subject to the requirements and the type of professional skills necessary for preparation of the report or record.

The proposed regulations do not directly impose any reporting, recordkeeping, or similar requirements on any small entities. Rather, the proposed regulations provide that the IRS may prescribe in forms, instructions, or other guidance (including regulations) requirements for identifying numbers for tax return preparers, regular renewal of identifying numbers, and payment of a user fee when applying for or renewing an identifying number. In addition, other guidance may require certain tax return preparers to complete competency testing, complete continuing education courses, and adhere to established rules of practice governing attorneys, certified public accountants, enrolled agents, enrolled actuaries, and enrolled retirement plan agents.

Applying for an identifying number and subsequent renewal will require reporting of certain information, but are not expected to require recordkeeping. These activities also will not require the purchase or use of any special business equipment or software. To the extent it will be necessary to apply for a PTIN (or similar identifying number that replaces a PTIN) online at *http://www.irs.gov*, most if not all tax return preparation businesses have computers and Internet access. The IRS estimates that applying for a PTIN will take 10 to 20 minutes per individual, with an average of 15 minutes per individual.

Under other guidance that the IRS may issue, tax return preparers who apply to be registered tax return preparers and who regularly renew their status may be subject to recordkeeping requirements because they may be required to maintain specified records, such as documentation and educational materials relating to completion of continuing education courses. These requirements do not involve any specific professional skills other than general recordkeeping abilities already needed to own and operate a small business or to competently act as a tax return preparer. It is estimated that tax return preparers will annually spend approximately 30 minutes to 1 hour in maintaining records relating to the continuing education requirements, depending on individual circumstances.

A separate regulation addressing reasonable user fees will be proposed in the near future. Tax return preparers may be required to pay a user fee when first applying for a PTIN and at every renewal. Small entities may be affected by these costs if the entities choose to pay some or all of these fees for their employees.

Under regulations to be issued in the future, tax return preparers may also incur costs for commercial continuing education courses and minimum competency examinations, plus incidental costs, such as for travel and accommodations in order to maintain their status as registered tax return preparers under Circular 230. Course prices can vary greatly, from free to hundreds of dollars. Many small tax return preparation firms may choose, as with the user fee, to bear these costs for their employees. In some cases, small entities may lose sales and profits while their employed tax return preparers attend training or educational classes or are studying and sitting for examinations. Some small entities that employ tax return preparers may even need to alter their business operations if a significant number of their employees cannot satisfy the necessary registration and competency requirements. The IRS and the Treasury Department conclude, however, that only a small percentage of small entities, if any, may need to cease doing business or radically change their business model due to the proposed regulations.

Although each of the reporting and recordkeeping requirements and the costs identified above (in connection with the proposed regulations and the other anticipated guidance necessary to implement the Return Preparer Review) is not expected to singly result in a significant economic impact, taken together it is anticipated that they may have a significant economic impact on a substantial number of small entities.

Identification, to the extent practicable, of all relevant Federal rules that may duplicate, overlap, or conflict with the proposed rule.

The proposed regulations do not duplicate, overlap, or conflict with any Federal statutes or other rules.

Description of any significant alternatives to the proposed rule that accomplish the stated objectives of applicable statutes and minimize any significant economic impact on small entities.

The IRS and the Treasury Department have determined that there are no viable alternatives to the proposed regulations that would enable the IRS to accurately identify tax return preparers, other than through the use of a prescribed identifying number, as provided in the proposed regulations.

More broadly, the IRS received a large volume of comments as part of the Return Preparer Review on the issue of increased oversight of tax return preparers generally and on the Report's proposed recommendations, including requiring tax return preparers to use a uniform prescribed identifying number. The comments were received from all categories of interested stakeholders, including tax professional groups representing large and small entities, IRS advisory groups, tax return preparers, and the public. The input received from this large and diverse community overwhelmingly expressed support for the proposed requirements.

As to the proposed requirements recommended in the Report, the IRS and the Treasury Department considered various alternatives in determining the best ways to effectuate proposed changes with respect to tax return preparers, including:

(1) Requiring all paid tax return preparers to comply with the ethical standards in Circular 230 or an ethics code similar to Circular 230, but not requiring any paid preparers to

demonstrate their qualification and competency;

(2) Requiring tax return preparers who are not currently authorized to practice before the IRS to register with the IRS, complete annual continuing education requirements, and meet certain ethical standards, but not to pass a minimum competency examination;

(3) Requiring all paid tax return preparers to pass a minimum competency examination and meet other registration requirements; and

(4) Requiring all paid tax return preparers who are not currently authorized to practice before the IRS to pass a minimum competency examination and meet other registration requirements, but "grandfather in" tax return preparers who have accurately and competently prepared tax returns for a certain period of years.

After consideration of these and other alternatives and the responses received in the public comment process, the IRS and the Treasury Department conclude that the provisions of the proposed regulations will most effectively promote sound tax administration. The provisions in the proposed regulations for a single prescribed identifying number for tax return preparers will enable the IRS to accurately identify tax return preparers, match preparers with the tax returns and claims for refund they prepare, and better administer the tax laws with respect to tax return preparers and their clients. The provisions, in combination with anticipated guidance described above, also will ensure that qualified, competent, and ethical tax return preparers will be assigned prescribed preparer identifying numbers. The testing requirements that may be set forth in other guidance will establish a benchmark of minimum competency necessary for tax return preparers to obtain their professional credentials, while the continuing education requirements are intended to ensure that tax return preparers remain current on the Federal tax laws and continue to develop their tax knowledge. The extension in other, prospective guidance of the rules in Circular 230 to any paid tax return preparer will require all practitioners to meet certain ethical standards and allow the IRS to suspend or otherwise appropriately discipline tax return preparers who engage in unethical or disreputable conduct. Accordingly, the implementation of qualification and competency standards is expected to increase tax compliance and allow taxpayers to be confident that the tax return preparers to whom they turn for assistance are knowledgeable, skilled, and ethical.

Comments and Requests for Public Hearing

Before these proposed regulations are adopted as final regulations, consideration will be given to any written comments (a signed original and eight (8) copies) or electronic comments that are submitted timely to the IRS. The IRS and the Treasury Department request comments on the clarity of the proposed rules and how they can be made easier to understand. All comments that are submitted by the public will be available for public inspection and copying. A public hearing will be scheduled if requested in writing by any person who timely submits comments. If a public hearing is scheduled, notice of the date, time, and place for the public hearing will be published in the **Federal Register**.

Drafting Information

The principal author of these proposed regulations is Stuart Murray of the Office of the Associate Chief Counsel, Procedure and Administration.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Proposed Amendments to the Regulations

Accordingly, 26 CFR part 1 is proposed to be amended as follows:

PART 1—INCOME TAXES

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

Authority: 26 U.S.C. 7805 * * *

Section 1.6109–2 also issued under 26 U.S.C. 6109(a) * * *

Par. 2. Section 1.6109–2 is amended by revising the section heading, revising paragraphs (a)(2) and (d), and adding paragraphs (e), (f), (g), (h), and (i) to read as follows:

§ 1.6109–2 Tax return preparers furnishing identifying numbers for returns or claims for refund and related requirements.

(a) * * *

(2)(i) For tax returns or claims for refund filed on or before December 31, 2010, the identifying number of an individual tax return preparer is that individual's social security number or such alternative number as may be prescribed by the Internal Revenue Service in forms, instructions, or other appropriate guidance.

(ii) For tax returns or claims for refund filed after December 31, 2010, the identifying number of a tax return preparer is the individual's preparer tax identification number or such other number prescribed by the Internal Revenue Service in forms, instructions, or other appropriate guidance.

* * * * *

(d) Beginning after December 31, 2010, all tax return preparers must have a preparer tax identification number or other prescribed identifying number that was applied for and received at the time and in the manner, including the payment of a user fee, as may be prescribed by the Internal Revenue Service in forms, instructions, or other appropriate guidance. Except as provided in paragraph (h) of this section, beginning after December 31, 2010, to obtain a preparer tax identification number or other prescribed identifying number, a tax return preparer must be an attorney, certified public accountant, enrolled agent, or registered tax return preparer authorized to practice before the Internal Revenue Service under 31 U.S.C. 330 and the regulations thereunder.

(e) The Internal Revenue Service may designate an expiration date for any preparer tax identification number or other prescribed identifying number and may further prescribe the time and manner for renewing a preparer tax identification number or other prescribed identifying number, including the payment of a user fee, as set forth in forms, instructions, or other appropriate guidance. The Internal Revenue Service may provide that any identifying number issued by the Internal Revenue Service prior to the effective date of this regulation will expire on December 31, 2010, unless properly renewed as set forth in forms, instructions, or other appropriate guidance, including these regulations.

(f) As may be prescribed in forms, instructions, or other appropriate guidance, the IRS may conduct a tax compliance check on a tax return preparer who applies for or renews a preparer tax identification number or other prescribed identifying number.

(g) Only for purposes of paragraphs (d), (e), and (f) of this section, the term *tax return preparer* means any individual who is compensated for preparing, or assisting in the preparation of, all or substantially all of a tax return or claim for refund of tax. Factors to consider in determining whether an individual is a tax return preparer under this paragraph (g) include, but are not limited to, the complexity of the work performed by the individual relative to the overall complexity of the tax return or claim for refund of tax; the amount of the items of income, deductions, or losses

attributable to the work performed by the individual relative to the total amount of income, deductions, or losses required to be correctly reported on the tax return or claim for refund of tax; and the amount of tax or credit attributable to the work performed by the individual relative to the total tax liability required to be correctly reported on the tax return or claim for refund of tax. A tax return preparer does not include an individual who is not otherwise a tax return preparer as that term is defined in § 301.7701–15(b)(2), or who is an individual described in § 301.7701–15(f). The provisions of this paragraph (g) are illustrated by the following examples:

Example 1. Employee A, an individual employed by Tax Return Preparer B, assists Tax Return Preparer B in answering telephone calls, making copies, inputting client tax information gathered by B into the data fields of tax preparation software on a computer, and using the computer to file electronic returns of tax prepared by B. Although Employee A must exercise judgment regarding which data fields in the tax preparation software to use, A does not exercise any discretion or independent judgment as to the clients' underlying tax positions. Employee A, therefore, merely provides clerical assistance or incidental services and is not a tax return preparer required to apply for a PTIN or other identifying number as the Internal Revenue Service may prescribe in forms, instructions, or other appropriate guidance.

Example 2. The facts are the same as in *Example 1*, except that Employee A also interviews B's clients and obtains from them information needed for the preparation of tax returns. Employee A determines the amount and character of entries on the returns and whether the information provided is sufficient for purposes of preparing the returns. For at least some of B's clients, A obtains information and makes determinations that constitute all or substantially all of the tax return. Employee A is a tax return preparer required to apply for a PTIN or other identifying number as the Internal Revenue Service may prescribe in forms, instructions, or other appropriate guidance. Employee A is a tax return preparer even if Employee A relies on tax preparation software to prepare the return.

Example 3. C is an employee of a firm that prepares tax returns and claims for refund of tax for compensation. C is responsible for preparing a Form 1040, "U.S. Individual Income Tax Return," for a client. C obtains the information necessary for completing the return during a meeting with the client, and makes determinations with respect to the proper application of the tax laws to the information in order to determine the client's tax liability. C completes the tax return and sends the completed return to employee D, who reviews the return for accuracy before signing it. Both C and D are tax return preparers required to apply for a PTIN or other identifying number as the Internal Revenue Service may prescribe in forms, instructions, or other appropriate guidance.

Example 4. E is an employee at a firm which prepares tax returns and claims for refund of tax for compensation. The firm is engaged by a corporation to prepare its Federal income tax return on Form 1120, "U.S. Corporation Income Tax Return." Among the documentation that the corporation provides to E in connection with the preparation of the tax return is documentation relating to the corporation's potential eligibility to claim a recently enacted tax credit for the taxable year. In preparing the return, and specifically for purposes of the new tax credit, E (with the corporation's consent) obtains advice from F, a subject matter expert on this and similar credits. F advises E as to the corporation's entitlement to the credit and provides his calculation of the amount of the credit. Based on this advice from F, E prepares the corporation's Form 1120 claiming the tax credit in the amount recommended by F. The additional credit is one of many tax credits and deductions claimed on the tax return, and determining the credit amount does not constitute preparation of all or substantially all of the corporation's tax return under this paragraph (g). F will not be considered to have prepared all or substantially all of the corporation's tax return, and F is not a tax return preparer required to apply for a PTIN or other identifying number as the Internal Revenue Service may prescribe in forms, instructions, or other appropriate guidance. The analysis is the same whether or not the tax credit is a substantial portion of the return under § 301.7701–15 of this chapter, and whether or not F is in the same firm with E. E is a tax return preparer required to apply for a PTIN or other identifying number as the Internal Revenue Service may prescribe in forms, instructions, or other appropriate guidance.

(h) The Internal Revenue Service, through forms, instructions, or other appropriate guidance, may prescribe exceptions to the requirements of this section, including the requirement that an individual be authorized to practice before the Internal Revenue Service before receiving a preparer tax identification number or other prescribed identifying number, as necessary in the interest of effective tax administration.

(i) *Effective/applicability date.* Paragraph (a)(2) of this section is effective for returns and claims for refund filed after the date that final regulations are published in the **Federal Register.** Paragraphs (d) through (h) of this section are effective after the date that final regulations are published in the **Federal Register.**

Steven T. Miller,

Deputy Commissioner for Services and Enforcement.

[FR Doc. 2010–6867 Filed 3–24–10; 11:15 am]

BILLING CODE 4830–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2009–0958; FRL–9131–3]

Revisions to the California State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve revisions to the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) portion of the California State Implementation Plan (SIP). These revisions concern volatile organic compound (VOC) emissions from refinery vacuum producing systems and process unit turnaround. We are approving local rules that regulate these emission sources under the Clean Air Act as amended in 1990 (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 April 26, 2010.

ADDRESSES: Submit comments, identified by docket number [EPA–R09–OAR–2009–0958], by one of the following methods:

1. *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the on-line instructions.

2. *E-mail: steckel.andrew@epa.gov.*

3. *Mail or deliver:* Andrew Steckel (Air–4), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Instructions: All comments will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through *http://www.regulations.gov* or e-mail. *Http://www.regulations.gov* is an "anonymous access" system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send e-mail directly to EPA, your e-mail address will be automatically captured and included as part of the public comment. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

Docket: The index to the docket for this action is available electronically at *http://www.regulations.gov* and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (e.g., copyrighted material), and some may not be publicly available in either location (e.g., CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Joanne Wells, EPA Region IX, (415) 947–4118, *wells.joanne@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, "we," "us" and "our" refer to EPA.

Table of Contents

I. The State's Submittal

A. What rules did the State submit?

Table 1 lists the rules addressed by this proposal with the dates that they were amended by the local air agency and submitted by the California Air Resources Board (CARB).

TABLE 1—SUBMITTED RULES

District	Rule No.	Rule title	Amended	Submitted
SJVUAPCD	4453	Refinery Vacuum Producing Devices or Systems	12/17/92	08/24/07
SJVUAPCD	4454	Refinery Process Unit Turnaround	12/17/92	08/24/07

On September 17, 2007, EPA determined that the submittal for San Joaquin Valley Unified Air Pollution Control District Rules 4453 and 4454 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 these rules?

SIP versions of submitted SJVUAPCD rules are old rules from three of the eight counties that now comprise SJVUAPCD: These SIP-approved rules are described below:

Precursor SIP rules for submitted SJVUAPCD Rule 4453:

- Kern County Rule 414.2, Refinery Process Vacuum Producing Devices or Systems (approved on August 21, 1981, 46 FR 42459).
- Kings County Rule 414.2, Refinery Vacuum Producing Devices or Systems (approved on May 7, 1982, 47 FR 19696).
- San Joaquin County Rule 413.2, Refinery Vacuum Producing Devices (approved on May 7, 1982, 47 FR 19696).

Precursor SIP rules for submitted SJVUAPCD Rule 4454:

- Kern County Rule 414.3, Refinery Process Unit Turnaround (approved on August 21, 1981, 46 FR 42459).
- Kings County Rule 414.3, Refinery Process Unit Turnaround (approved on May 7, 1982, 47 FR 19696).
- San Joaquin County Rule 413.3, Refinery Process Unit Turnaround (approved on May 7, 1982, 47 FR 19696).

C. What is the purpose of the submitted rules and rule revisions?

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. These rules were developed as part of the local agency's program to control VOCs.

The purposes of amendments to Rules 4453 and 4454 are as follows:

- 4453: The rule requires reducing VOC emissions from refinery vacuum producing devices by covering hot wells and collecting vapors for recycle to refinery gas or incineration. The format is improved, the rule is renumbered, the rule purpose and applicability are added, and a 90% VOC control efficiency requirement is added.
- 4454: The rule requires reducing VOC emissions from a refinery process unit turnaround by collecting vapors for recycle to refinery gas, incineration, or flaring. The format is improved, the rule is renumbered, and the rule purpose and applicability are added.

EPA's technical support document (TSD) has more information about these rules.

II. EPA's Evaluation and Action

A. How is EPA evaluating the rules?

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). The SJVUAPCD regulates an ozone nonattainment area (see 40 CFR part 81), so these rules must fulfill RACT.

Guidance and policy documents that we use to evaluate enforceability and RACT requirements consistently include the following:

1. Portions of the proposed post-1987 ozone and carbon monoxide policy that concern RACT, 52 FR 45044 (November 24, 1987).
2. *Requirements for Preparation, Adoption, and Submittal of Implementation Plans,* U.S. EPA, 40 CFR part 51.
3. Addendum to the General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990, 59 FR 41998 (August 16, 1994).
4. *Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations,* EPA (May 25, 1988). [The Bluebook]
5. *Guidance Document for Correcting Common VOC & Other Rule Deficiencies,* EPA Region 9 (August 21, 2001). [The Little Bluebook]
6. *Control of Refinery Vacuum Producing Systems, Wastewater Separators, and Process Unit Turnarounds,* EPA–450/2–77–025 (October 1977).
7. *2007 Ozone Plan,* San Joaquin Valley Unified Air Pollution Control District (April 30, 2007).*http://www.arb.ca.gov/planning/sip/2007sip/sjv8hr/sjvozone.htm.*
8. *RACT Demonstration for Ozone SIP,* San Joaquin Valley Unified Air Pollution Control District (April 16, 2009).

B. Do the rules meet the evaluation criteria?

We believe these rules are consistent with the relevant policy and guidance regarding enforceability, RACT, and SIP relaxations. The TSD has more information on our evaluation.

C. EPA Recommendations To Further Improve the Rules

The TSD describes additional rule revisions that we recommend for the next time the local agency modifies the rules.

D. Public Comment and Final Action

Because EPA believes the submitted rules fulfill all relevant requirements, we are proposing to fully approve them 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 these rules 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 action merely approves State law as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law. For that reason, this 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, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule 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, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: March 8, 2010.

Jared Blumenfeld,

Regional Administrator, Region IX.

[FR Doc. 2010–6804 Filed 3–25–10; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

48 CFR Chapter 14

RIN 1076–AE95

Tribal Consultation on Draft Buy Indian Act Regulations

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of tribal consultation meetings.

SUMMARY: Indian Affairs will conduct consultation meetings with Indian tribes to obtain oral and written comments concerning draft regulations to implement the Buy Indian Act. *See* the **SUPPLEMENTARY INFORMATION** section of this notice for details.

DATES: The tribal consultation meetings will take place on Monday, April 26, 2010; Wednesday, April 28, 2010; and Friday, April 30, 2010.

FOR FURTHER INFORMATION CONTACT: Kathy Daum, Director, Indian Affairs, Office of Acquisition and Property Management (OAPM), 2051 Mercator Drive, Reston, VA 20191; Telephone: (703) 390–6460; Fax: (703) 390–6582; E-mail: *kathy.daum@bia.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Indian Affairs is developing a rule to guide implementation of the Buy Indian Act, 25 U.S.C. 47, which provides authority to set aside procurement contracts for qualified Indian-owned businesses. The rule will supplement the Federal Acquisition Regulation (FAR) and the Department of the Interior Acquisition Regulations (DIAR). Indian Affairs is developing the rule to describe uniform administrative procedures that Indian Affairs will use in all of its locations to encourage procurement relationships with eligible Indian economic enterprises in the execution of the Buy Indian Act. The draft rule being developed includes revisions to address the input received as a result of earlier publications in the **Federal Register** soliciting comment and consultation hearings in Indian Country. Indian Affairs reviewed all comments received to date, addressed them in succeeding draft versions, and incorporated them into the current draft version of the rule, where applicable. A consultation booklet containing the current draft version of the rule will be distributed to federally recognized Indian tribes and BIA regional and agency offices and will be available at the meetings.

II. Meeting Details

Tribal consultation meetings will be held at the following dates and locations:

Date	Time	Location
Monday, April 26, 2010	9 a.m.–5 p.m	Holiday Inn Portland Airport, 8439 NE Columbia Blvd., Portland, OR 97220, (503) 914–5251.
Wednesday, April 28, 2010	9 a.m.–5 p.m	Holiday Inn Rushmore Plaza 505, North Fifth Street, Rapid City, SD 57701, (605) 348–8000.
Friday, April 30, 2010	9 a.m.–5 p.m	Tulsa Marriott Southern Hills, 1902 East 71st, Tulsa, OK 74136, (918) 493–7000.

Dated: March 18, 2010.

Larry Echo Hawk,

Assistant Secretary—Indian Affairs.

[FR Doc. 2010–6742 Filed 3–25–10; 8:45 am]

BILLING CODE 4310–02–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 0911051395–0145–01]

RIN 0648–AY32

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Comprehensive Ecosystem-Based Amendment for the South Atlantic Region

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS issues this proposed rule to implement the Comprehensive Ecosystem-Based Amendment 1 (CE–BA1) to the following South Atlantic fishery management plans (FMPs): The FMP for Coral, Coral reefs, and Live/Hard Bottom Habitats of the South Atlantic Region (Coral FMP); the FMP for the Dolphin and Wahoo Fishery off the Atlantic States (Dolphin and Wahoo FMP); the FMP for Golden Crab of the South Atlantic Region (Golden Crab FMP); the FMP for the Shrimp Fishery of the South Atlantic Region (Shrimp FMP); and the FMP for the Snapper-Grouper Fishery of the South Atlantic Region (Snapper-Grouper FMP), as prepared and submitted by the South Atlantic Fishery Management Council (Council); as well as the FMP for Coastal Migratory Pelagic (CMP) Resources (CMP FMP); and the FMP for the Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic (Spiny Lobster FMP), as prepared and submitted by the South Atlantic and Gulf of Mexico Fishery Management Councils. This proposed rule would establish Deepwater Coral Habitat Areas of Particular Concern (Deepwater Coral HAPCs) off the coast of the southern Atlantic States in which the use of specified fishing gear and methods and the possession of coral would be prohibited. Within the Deepwater Coral HAPCs, fishing zones would be created that would allow continued fishing on the historical grounds for golden crab and deepwater shrimp. In addition, CE–BA1 would update existing Essential Fish Habitat (EFH) information in the area off the southern Atlantic States, thus, addressing the need for spatial representation of designated EFH and EFH–HAPCs. The intended effects of this rule are to protect what is thought to be the largest distribution of pristine deepwater coral ecosystems in the world while minimizing the effects on traditional fishing in the Deepwater Coral HAPCs.

DATES: Written comments on this proposed rule must be received no later than 5 p.m., eastern time, on May 10, 2010.

ADDRESSES: You may submit comments, identified by RIN 0648–AY32, by any one of the following methods:

- *Electronic Submissions:* Submit all electronic public comments via the Federal eRulemaking Portal *http://www.regulations.gov*
- *Fax:* 727–824–5308, Attn: Karla Gore
- *Mail:* Karla Gore, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701

Instructions: No comments will be posted for public viewing until after the comment period has closed. All comments received are a part of the public record and will generally be posted to *http://www.regulations.gov* without change. 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.

To submit comments through the Federal e-Rulemaking Portal: *http://www.regulations.gov*, enter "NOAA–NMFS–2009–0158" in the keyword search, then select "Send a Comment or Submission." NMFS will accept anonymous comments. Enter N/A in the required field if you wish to remain anonymous. Attachments to electronic comments will be accepted in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

Copies of CE–BA1 may be obtained from the South Atlantic Fishery Management Council, 4055 Faber Place, Suite 201, North Charleston, SC 29405; phone: 843–571–4366 or 866–SAFMC–10 (toll free); fax: 843–769–4520; e-mail: *safmc@safmc.net*. CE–BA1 includes a Final Environmental Impact Statement (FEIS), an Initial Regulatory Flexibility Analysis (IRFA), a Regulatory Impact Review, and a Social Impact Assessment/Fishery Impact Statement.

FOR FURTHER INFORMATION CONTACT: Karla Gore, telephone: 727–824–5305.

SUPPLEMENTARY INFORMATION: The fisheries for coastal migratory pelagics; coral, coral reefs, and live/hard bottom habitats; dolphin and wahoo; golden crab; shrimp; spiny lobster; and snapper-grouper off the southern Atlantic States are managed under their respective FMPs. The FMPs were prepared by the Council(s) and are implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

Deepwater Coral HAPCs

Deepwater corals are slow growing and easily damaged by bottom-tending gear. Areas of deepwater coral provide hard substrates and habitat for a biologically rich and diverse community of associated fish and invertebrates. More than 99 species of fish and invertebrates are associated with deepwater coral habitats, including commercial species such as wreckfish, deepwater groupers, and golden crab.

The proposed rule would establish five Deepwater Coral HAPCs: Cape Lookout Lophelia Banks Deepwater Coral HAPC, Cape Fear Lophelia Banks Deepwater Coral HAPC, Stetson-Miami Terrace Deepwater Coral HAPC, Pourtales Terrace Deepwater Coral HAPC, and Blake Ridge Diapir Deepwater Coral HAPC. These Deepwater Coral HAPCs would provide positive biological benefits to the deepwater corals and to the species that rely on these areas. In all of the proposed Deepwater Coral HAPCs, possession of coral species and the use of bottom longline, trawl (mid-water and bottom), dredge, pot, or trap gear would be prohibited. The use of anchor, anchor and chain, or grapple and chain would also be prohibited within the Deepwater Coral HAPCs. The fishery for wreckfish would not be affected since the use of bottom tending hook-and-line gear used in that fishery would not be prohibited in the proposed Deepwater Coral HAPCs. Similarly, the use of hook-and-line gear commonly used in the snapper-grouper fishery would not be prohibited.

Given the slow-growth of these deepwater corals, the restrictions in this proposed rule would be expected to result in long-term biological benefits to deepwater coral habitat as well as the species that utilize this habitat.

Shrimp Fishery Access Areas

This rule would designate four portions of one of the Deepwater Coral HAPCs as shrimp fishery access areas. In these areas, an owner or operator of a vessel for which a valid commercial

vessel permit for rock shrimp (South Atlantic EEZ) has been issued would be allowed to trawl for and possess shrimp. Such vessels are required to have an operating vessel monitoring system (VMS) approved by NMFS for use in the South Atlantic rock shrimp fishery on board when on a trip in the South Atlantic.

The proposed shrimp fishery access areas are areas where shrimp fishermen have traditionally trawled when fishing for deepwater shrimp and where damage to bottom habitat is already expected to have occurred during fishing operations. Currently, these areas are experiencing low levels of shrimp fishing effort. Because damage to deepwater coral is already expected to have occurred and current shrimp fishing effort levels are low, further habitat degradation in these areas is not likely.

Golden Crab Fishery Access Areas

This rule would designate five portions of the Deepwater Coral HAPCs as golden crab fishery access areas. In these areas, an owner or operator of a vessel for which a valid commercial permit for South Atlantic golden crab has been issued would be allowed to use a trap to fish for golden crab and use a grapple and chain while engaged in such fishing. Access to a specific area would be contingent on the zone restrictions stated on the vessel's permit for South Atlantic golden crab.

The proposed golden crab fishery access areas are areas traditionally fished for golden crab. The golden crab fishermen avoid setting their traps on coral to protect their gear as well as the coral habitat, and therefore, damage to deepwater coral in these areas is expected to be minimal. Currently, these areas are heavily regulated and experience low levels of golden crab fishing effort. Because damage to deepwater coral is unlikely to occur and current golden crab fishing effort levels are low, further habitat degradation in these areas is not likely.

Additional Measures in CE–BA1

CE–BA1 proposes to update existing EFH information regarding the area off the southern Atlantic States by including spatial representation of previously designated EFH and EFH–HAPCs in a Geographic Information System. The addition of this information does not change EFH specifications currently in the FMPs and does not require any change in regulatory language.

Amendments to FMPs

The Deepwater Coral HAPCs and the additional measures in CE–BA1, discussed above, constitute amendments to FMPs as follows: Amendment 19 to the CMP FMP; Amendment 6 to the Coral FMP; Amendment 1 to the Dolphin and Wahoo FMP; Amendment 4 to the Golden Crab FMP; Amendment 8 to the Shrimp FMP; Amendment 5 to the Spiny Lobster FMP; and Amendment 19 to the Snapper-Grouper FMP.

Availability of CE–BA1

Additional background and rationale for the measures discussed above are contained in CE–BA1. The availability of CE–BA1 was announced in the **Federal Register** on March 4, 2010 (75 FR 9864). Written comments on CE–BA1 must be received by May 3, 2010. All comments received on CE–BA1 or on this proposed rule during their respective comment periods will be addressed in the preamble to the final rule.

Classification

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

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

NMFS prepared a Draft Environmental Impact Statement (DEIS) for this amendment. A notice of availability for the DEIS was published on July 24, 2009 (74 FR 36706).

NMFS prepared an IRFA, as required by section 603 of the Regulatory Flexibility Act, for this proposed rule. The IRFA describes the economic impact this proposed rule, if adopted, would have on small entities. A description of the action, why it is being considered, and the objectives of and legal basis for this action are contained at the beginning of this section in the preamble and in the **SUMMARY** section of the preamble. A copy of the full analysis is available from the Council (*see* **ADDRESSES**). A summary of the IRFA follows.

This proposed rule would establish Deepwater Coral HAPCs off the coast of the southern Atlantic States in which the use of specified fishing gear and methods and the possession of coral would be prohibited. Within the Deepwater Coral HAPCs, fishing zones would be created that would allow continued fishing on the historical grounds for golden crab and deepwater shrimp. The Magnuson-Stevens Act provides the statutory basis for this proposed rule.

No duplicative, overlapping, or conflicting Federal rules have been identified. However, similar to the proposed rule, which would prohibit the use of bottom longlines in the Deepwater Coral HAPCs, current regulation (50 CFR 622.31(d)) prohibits the use of bottom longlines in the wreckfish fishery in the South Atlantic EEZ. Also, similar to the proposed rule, which would prohibit the use of traps in the Deepwater Coral HAPCs, current regulation (50 CFR 622.31(c)) prohibits the use of fish traps in the South Atlantic EEZ. Finally, similar to the proposed rule, which would prohibit the possession of coral within the Deepwater Coral HAPCs, current regulation (50 CFR 622.32(b)(3)(i)) does not allow "Gulf and South Atlantic prohibited coral" (50 CFR 622.2) to be sold or purchased, and, when taken as incidental catch, the prohibited coral must be returned immediately to the sea in the general area of fishing. This proposed rule would directly affect commercial fishing entities that operate in the proposed Deepwater Coral HAPCs and use bottom longline gear, trawls (mid-water and bottom), dredges, pots, or traps; anchor and chain; or grapple and chain; and/or possess coral in these Deepwater Coral HAPCs. Although many commercial species are found in the proposed areas, only wreckfish, golden crab, and royal red shrimp are known to be presently harvested in these areas. However, if any snapper-grouper species are caught in the proposed Deepwater Coral HAPCs, the proposed rule would not prohibit snapper-grouper fishermen, such as those that harvest wreckfish, from deploying commonly used gear, such as rod and reel, bandit, and handline gear. Hence, the only entities expected to be directly affected by this proposed rule are those that fish for golden crab or royal red shrimp.

This proposed rule includes provisions that reduce the adverse economic effects on golden crab and royal red shrimp fishing vessels. First, the proposed Shrimp Fishery Access Areas would be areas within the Deepwater Coral HAPCs where royal red shrimp fishing vessels with a valid commercial vessel permit for rock shrimp (South Atlantic EEZ) and equipped with an approved VMS would be allowed to continue to operate in the historical royal red shrimp fishing areas without added restrictions. Second, the

proposed Golden Crab Fishery Access Areas would be areas within the proposed Deepwater Coral HAPCs where golden crab fishing vessels would be allowed to continue to operate in historic fishing areas without added restrictions.

There are six vessels that fish for royal red shrimp in the South Atlantic and, at present, two of these vessels are believed to fish for the species full time. Atlantic and Gulf of Mexico landings of royal red shrimp combined peaked at approximately 507,000 lbs (229,971 kg) in 2007. With an average price of $4 per pound, total revenue from these landings was approximately $2 million, or approximately $333,000 per vessel. Most vessels that fish for royal red shrimp operate in other shrimp fisheries, such as the rock shrimp fishery, and are expected to own a commercial vessel permit for rock shrimp (South Atlantic EEZ), however, this is uncertain from available data. The individual and combined annual revenues from all fishing activities of royal red shrimp vessels is unknown.

Seven vessels reported landings of golden crab from 2004 to 2007, although there were 11 vessels with an annual permit to fish for or possess golden crab in, or off-load or sell golden crab from, the South Atlantic EEZ. Total dockside revenue from golden crab sales averaged $714,000 annually during the 3-year period, or approximately $102,000 annually per vessel. Vessels that operate in this crab fishery typically do not participate in other fisheries, and therefore the golden crab revenues generated by these vessels can be assumed to be the total annual revenues for these vessels.

The vessels that fish for royal red shrimp and golden crab represent businesses in the shellfish fishing industry (NAICS 114112). A small business in the shellfish fishing industry does not have annual receipts in excess of $4.0 million, is independently owned and operated and is not dominant in its field of operations. Based on the average revenue information provided above, all vessels that operate in the royal red shrimp and golden crab fisheries are determined for the purpose of this analysis to be small businesses.

This proposed rule would allow royal red shrimp fishing vessels with a commercial vessel permit for rock shrimp (South Atlantic EEZ) and equipped with an approved VMS to continue fishing in their historic fishing areas. Vessels that fish for royal red shrimp are not required to have a commercial vessel permit for rock shrimp (South Atlantic EEZ) and an approved VMS, however, because they use similar gear as rock shrimp vessels, royal red shrimp vessels are likely to have both a commercial vessel permit for rock shrimp (South Atlantic EEZ) and a VMS. As a result, this proposed rule would not be expected to have any adverse economic impact on vessels that operate in the royal red shrimp fishery.

Golden crab fishing currently occurs in the proposed Stetson-Miami Terrace Deepwater Coral HAPC and Pourtales Terrace Deepwater Coral HAPC. The three proposed Golden Crab Fishery Access Areas, including the Golden Crab Northern and Middle Access Areas within the proposed Stetson-Miami Terrace Deepwater Coral HAPC and the Golden Crab Southern Access Area within the proposed Pourtales Terrace Deepwater Coral HAPC, would allow golden crab fishing vessels to continue current fishing practices in the traditional fishing areas. As a result, this proposed rule would not be expected to have any adverse economic impact on any vessels that operate in the golden crab fishery.

No other potential direct adverse economic impacts on small entities have been identified. Thus, it is expected that this proposed rule would not result in a significant economic impact on a substantial number of small entities. However, NMFS specifically invites comments on this finding.

Two alternatives, including the status quo no-action alternative, were considered for the action to establish Deepwater Coral Habitat Areas of Particular Concern (Deepwater Coral HAPCs). The proposed rule would establish five Deepwater Coral HAPCs: Cape Lookout Lophelia Banks Deepwater Coral HAPC, Cape Fear Lophelia Banks Deepwater Coral HAPC, Stetson-Miami Terrace Deepwater Coral HAPC, Pourtales Terrace Deepwater Coral HAPC, and Blake Ridge Diapir Deepwater Coral HAPC. In all of the proposed Deepwater Coral HAPCs, possession of coral species and the use of bottom longline, trawl (mid-water and bottom), dredge, pot, or trap gear would be prohibited. The use of anchor, anchor and chain, or grapple and chain would also be prohibited within the Deepwater Coral HAPCs. The status quo would not establish Deepwater Coral HAPCs and would not achieve the Council's objectives.

Three alternatives, including the status quo no-action alternative, were considered to reduce the adverse economic impact of the establishment of Deepwater Coral HAPCs on small businesses that harvest royal red shrimp. The royal red shrimp fishery operates almost exclusively within an area inshore of, but also along, the western boundary of the proposed Stetson-Miami Terrace Deepwater Coral HAPC. This proposed rule would protect vulnerable deepwater corals and reduce the adverse economic impact on royal red shrimp fishermen by creating a Shrimp Fishery Access Area within the Stetson-Miami Terrace Deepwater Coral HAPC where fishing with a shrimp trawl and shrimp possession would be allowed by any royal red shrimp fishing vessel holding a commercial vessel permit for rock shrimp (South Atlantic EEZ) and equipped with an approved VMS. The status quo no-action alternative would not allow continued fishing by royal red shrimp vessels and, as a result, would have the largest adverse economic impact on royal red shrimp fishing vessels caused by the creation of the Deepwater Coral HAPCs. The other alternative to the proposed action would move the western boundary of the Stetson-Miami Terrace Deepwater Coral HAPC and eliminate the adverse economic impact on royal red shrimp fishing vessels; however, it would not protect vulnerable deepwater corals and, as a result, would not achieve the Council's objectives.

Three alternatives, including the status quo no-action alternative, were considered to reduce the adverse economic impact of the establishment of Deepwater Coral HAPCs on small businesses that fish for golden crab. This proposed rule would create three Golden Crab Fishery Access Areas, which would substantially reduce the adverse economic impact on golden crab fishing vessels caused by the creation of the Deepwater Coral HAPCs. The status quo no-action alternative would not create the allowable fishing areas and, as a result, would have the largest adverse economic impact on small businesses that fish for golden crab because it would prohibit fishing in almost all golden crab fishing areas. The other alternative would position part of the Golden Crab Fishery Access Areas on historical royal red shrimp fishing grounds. As a result, this alternative would reduce the direct adverse economic impact of the establishment of the Deepwater Coral HAPCs on small businesses that fish for golden crab, but it could have negative economic impacts to both shrimp and golden crab fishing vessels in the future due to gear conflicts. None of the three Golden Crab Fishery Access Areas created by this proposed rule are located in historical royal red shrimp fishing areas.

Three alternatives, including the status quo no-action alternative, were considered to amend the Golden Crab

FMP to require a VMS on board fishing vessels that harvest golden crab. This proposed rule, which would maintain the status quo, would not require a VMS for this fishery and would not result in the added cost to golden crab fishing businesses. The second alternative would require a VMS on board any vessel that fishes for golden crab in the Golden Crab Fishery Access Areas, and the third alternative would require a VMS on board any vessel fishing in the South Atlantic EEZ with a limited access golden crab permit. Both non-status quo alternatives would impose additional costs on small businesses in the fishery, while the status quo alternative would not.

List of Subjects in 50 CFR Part 622

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

Dated: March 22, 2010.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 622 is proposed to be 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 § 622.35, paragraph (m) is added to read as follows:

§ 622.35 Atlantic EEZ seasonal and/or area closures.

* * * * *

(m) *Deepwater Coral HAPCs*—(1) *Locations.* The following areas are designated Deepwater Coral HAPCs:

(i) *Cape Lookout Lophelia Banks* is bounded by rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
Origin	34°24′37″	75°45′11″
1	34°10′26″	75°58′44″
2	34°05′47″	75°54′54″
3	34°21′02″	75°41′25″
Origin	34°24′37″	75°45′11″

(ii) *Cape Fear Lophelia Banks* is bounded by rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
Origin	33°38′49″	76°29′32″
1	33°32′21″	76°32′38″
2	33°29′49″	76°26′19″
3	33°36′09″	76°23′37″
Origin	33°38′49″	76°29′32″

(iii) *Stetson Reefs, Savannah and East Florida Lithotherms, and Miami Terrace (Stetson-Miami Terrace)* is bounded by—

(A) Rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
Origin	28°17′10″	79°00′00″
1	31°23′37″	79°00′00″
2	31°23′37″	77°16′21″
3	32°38′37″	77°16′21″
4	32°38′21″	77°34′06″
5	32°35′24″	77°37′54″
6	32°32′18″	77°40′26″
7	32°28′42″	77°44′10″
8	32°25′51″	77°47′43″
9	32°22′40″	77°52′05″
10	32°20′58″	77°56′29″
11	32°20′30″	77°57′50″
12	32°19′53″	78°00′49″
13	32°18′44″	78°04′35″
14	32°17′35″	78°07′48″
15	32°17′15″	78°10′41″
16	32°15′50″	78°14′09″
17	32°15′20″	78°15′25″
18	32°12′15″	78°16′37″
19	32°10′26″	78°18′09″
20	32°04′42″	78°21′27″
21	32°03′41″	78°24′07″
22	32°04′58″	78°29′19″
23	32°06′59″	78°30′48″
24	32°09′27″	78°31′31″
25	32°11′23″	78°32′47″
26	32°13′09″	78°30′04″
27	32°14′08″	78°34′36″
28	32°12′48″	78°36′34″
29	32°13′07″	78°39′07″
30	32°14′17″	78°40′01″
31	32°16′20″	78°40′18″
32	32°16′33″	78°42′32″
33	32°14′26″	78°43′23″
34	32°11′14″	78°45′42″
35	32°10′19″	78°49′08″
36	32°09′42″	78°52′54″
37	32°08′15″	78°56′11″
38	32°05′00″	79°00′30″
39	32°01′54″	79°02′49″
40	31°58′40″	79°04′51″
41	31°56′32″	79°06′48″
42	31°53′27″	79°09′18″
43	31°50′56″	79°11′29″
44	31°49′07″	79°13′35″
45	31°47′56″	79°16′08″
46	31°47′11″	79°16′30″
47	31°46′29″	79°16′25″
48	31°44′31″	79°17′24″
49	31°43′20″	79°18′27″
50	31°42′26″	79°20′41″
51	31°41′09″	79°22′26″
52	31°39′36″	79°23′59″
53	31°37′54″	79°25′29″
54	31°35′57″	79°27′14″
55	31°34′14″	79°28′24″
56	31°31′08″	79°29′59″
57	31°30′26″	79°29′52″
58	31°29′11″	79°30′11″
59	31°27′58″	79°31′41″
60	31°27′06″	79°32′08″
61	31°26′22″	79°32′48″
62	31°24′21″	79°33′51″
63	31°22′53″	79°34′41″
64	31°21′03″	79°36′01″
65	31°20′00″	79°37′12″
66	31°18′34″	79°38′15″
67	31°16′49″	79°38′36″
68	31°13′06″	79°38′19″
70	31°11′04″	79°38′39″
70	31°09′28″	79°39′09″
71	31°07′44″	79°40′21″
72	31°05′53″	79°41′27″
73	31°04′40″	79°42′09″
74	31°02′58″	79°42′28″
75	31°01′03″	79°42′40″
76	31°59′50″	79°42′43″
77	30°58′27″	79°42′43″
78	30°57′15″	79°42′50″
79	30°56′09″	79°43′28″
80	30°54′49″	79°44′53″
81	30°53′44″	79°46′24″
82	30°52′47″	79°47′40″
83	30°51′45″	79°48′16″
84	30°48′36″	79°49′02″
85	30°45′24″	79°49′55″
86	30°41′36″	79°51′31″
87	30°38′38″	79°52′23″
88	30°35′29″	79°52′54″
89	30°32′55″	79°54′19″
90	30°31′05″	79°55′27″
91	30°28′09″	79°56′06″
92	30°26′57″	79°56′34″
93	30°25′25″	79°57′36″
94	30°23′03″	79°58′25″
95	30°21′27″	79°59′24″
96	30°18′22″	80°00′09″
97	30°16′34″	80°00′33″
98	30°14′55″	80°00′23″
99	30°12′36″	80°01′44″
100	30°12′00″	80°01′49″
101	30°06′52″	80°01′58″
102	29°59′16″	80°04′11″
103	29°49′12″	80°05′44″
104	29°43′59″	80°06′24″
105	29°38′37″	80°06′53″
106	29°36′54″	80°07′18″
107	29°31′59″	80°07′32″
108	29°29′14″	80°07′18″
109	29°21′48″	80°05′01″
110	29°20′25″	80°04′29″
111	29°08′00″	79°59′43″
112	29°06′56″	79°59′07″
113	29°05′59″	79°58′44″
114	29°03′34″	79°57′37″
115	29°02′11″	79°56′59″
116	29°00′00″	79°55′32″
117	28°56′55″	79°54′22″
118	28°55′00″	79°53′31″
119	28°53′35″	79°52′51″
120	28°51′47″	79°52′07″
121	28°50′25″	79°51′27″
122	28°49′53″	79°51′20″
123	28°49′01″	79°51′20″
124	28°48′19″	79°51′10″
125	28°47′13″	79°50′59″
126	28°43′30″	79°50′36″
127	28°41′05″	79°50′04″
128	28°40′27″	79°50′07″
129	28°39′50″	79°49′56″
130	28°39′04″	79°49′58″
131	28°36′43″	79°49′35″
132	28°35′01″	79°49′24″
133	28°30′37″	79°48′35″
134	28°14′00″	79°46′20″
135	28°11′41″	79°46′12″

Point	North lat.	West long.
136	28°08′02″	79°45′45″
137	28°01′20″	79°45′20″
138	27°58′13″	79°44′51″
139	27°56′23″	79°44′53″
140	27°49′40″	79°44′25″
141	27°46′27″	79°44′22″
142	27°42′00″	79°44′33″
143	27°36′08″	79°44′58″
144	27°30′00″	79°45′29″
145	27°29′04″	79°45′47″
146	27°27′05″	79°45′54″
147	27°25′47″	79°45′57″
148	27°19′46″	79°45′14″
149	27°17′54″	79°45′12″
150	27°12′28″	79°45′00″
151	27°07′45″	79°46′07″
152	27°04′47″	79°46′29″
153	27°00′43″	79°46′39″
154	26°58′43″	79°46′28″
155	26°57′06″	79°46′32″
156	26°49′58″	79°46′54″
157	26°48′58″	79°46′56″
158	26°47′01″	79°47′09″
159	26°46′04″	79°47′09″
160	26°35′09″	79°48′01″
161	26°33′37″	79°48′21″
162	26°27′56″	79°49′09″
163	26°25′55″	79°49′30″
164	26°21′05″	79°50′03″
165	26°20′30″	79°50′20″
166	26°18′56″	79°50′17″
167	26°16′19″	79°54′06″
168	26°13′48″	79°54′48″
169	26°12′19″	79°55′37″
170	26°10′57″	79°57′05″
171	29°09′17″	79°58′45″
172	26°07′11″	80°00′22″
173	26°06′12″	80°00′33″
174	26°03′26″	80°01′02″
175	26°00′35″	80°01′13″
176	25°49′10″	80°00′38″
177	25°48′30″	80°00′23″
178	25°46′42″	79°59′14″
179	25°27′28″	80°02′26″
180	25°24′06″	80°01′44″
181	25°21′04″	80°01′27″
182	25°21′04″	79°42′04″

(B) The outer boundary of the EEZ in a northerly direction from Point 182 to the Origin.

(iv) *Pourtales Terrace* is bounded by—

(A) Rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
Origin	24°20′12″	80°43′50″
1	24°33′42″	80°34′23″
2	24°37′45″	80°31′20″
3	24°47′18″	80°23′08″
4	24°51′08″	80°27′58″
5	24°42′52″	80°35′51″
6	24°29′44″	80°49′45″
7	24°15′04″	81°07′52″
8	24°10′55″	80°58′11″

(B) The outer boundary of the EEZ in a northerly direction from Point 8 to the Origin.

(v) *Blake Ridge Diapir* is bounded by rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
Origin	32°32′28″	76°13′16″
1	32°30′44″	76°13′24″
2	32°30′37″	76°11′21″
3	32°32′21″	76°11′13″
Origin	32°32′28″	76°13′16″

(2) *Restrictions.* In the Deepwater Coral HAPCs specified in paragraph (l)(1) of this section, no person may:

(i) Use a bottom longline, trawl (mid-water or bottom), dredge, pot, or trap.

(ii) If aboard a fishing vessel, anchor, use an anchor and chain, or use a grapple and chain.

(iii) Fish for coral or possess coral in or from the Deepwater Coral HAPC on board a fishing vessel.

(3) *Shrimp fishery access areas.* The provisions of paragraph (l)(2)(i) of this section notwithstanding, an owner or operator of a vessel for which a valid commercial vessel permit for rock shrimp (South Atlantic EEZ) has been issued may trawl for shrimp in the following portions of the Stetson-Miami Terrace Deepwater Coral HAPC:

(i) *Shrimp access area A* is bounded by rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
Origin	30°12′00″	80°01′49″
1	30°06′52″	80°01′58″
2	29°59′16″	80°04′11″
3	29°49′12″	80°05′44″
4	29°43′59″	80°06′24″
5	29°38′37″	80°06′53″
6	29°36′54″	80°07′18″
7	29°31′59″	80°07′32″
8	29°29′14″	80°07′18″
9	29°21′48″	80°05′01″
10	29°20′25″	80°04′29″
11	29°20′25″	80°03′11″
12	29°21′48″	80°03′52″
13	29°29′14″	80°06′08″
14	29°31′59″	80°06′23″
15	29°36′54″	80°06′00″
16	29°38′37″	80°05′43″
17	29°43′59″	80°05′14″
18	29°49′12″	80°04′35″
19	29°59′16″	80°03′01″
20	30°06′52″	80°00′46″
21	30°12′00″	80°00′42″
Origin	30°12′00″	80°01′49″

(ii) *Shrimp access area B* is bounded by rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
Origin	29°08′00″	79°59′43″
1	29°06′56″	79°59′07″
2	29°05′59″	79°58′44″
3	29°03′34″	79°57′37″
4	29°02′11″	79°56′59″
5	29°00′00″	79°55′32″
6	28°56′55″	79°54′22″
7	28°55′00″	79°53′31″
8	28°53′35″	79°52′51″
9	28°51′47″	79°52′07″
10	28°50′25″	79°51′27″
11	28°49′53″	79°51′20″
12	28°49′01″	79°51′20″
13	28°48′19″	79°51′10″
14	28°47′13″	79°50′59″
15	28°43′30″	79°50′36″
16	28°41′05″	79°50′04″
17	28°40′27″	79°50′07″
18	28°39′50″	79°49′56″
19	28°39′04″	79°49′58″
20	28°36′43″	79°49′35″
21	28°35′01″	79°49′24″
22	28°30′37″	79°48′35″
23	28°30′37″	79°47′27″
24	28°35′01″	79°48′16″
25	28°36′43″	79°48′27″
26	28°39′04″	79°48′50″
27	28°39′50″	79°48′48″
28	28°40′27″	79°48′58″
29	28°41′05″	79°48′56″
30	28°43′30″	79°49′28″
31	28°47′13″	79°49′51″
32	28°48′19″	79°50′01″
33	28°49′01″	79°50′13″
34	28°49′53″	79°50′12″
35	28°50′25″	79°50′17″
36	28°51′47″	79°50′58″
37	28°53′35″	79°51′43″
38	28°55′00″	79°52′22″
39	28°56′55″	79°53′14″
40	29°00′00″	79°54′24″
41	29°02′11″	79°55′50″
42	29°03′34″	79°56′29″
43	29°05′59″	79°57′35″
44	29°06′56″	79°57′59″
45	29°08′00″	79°58′34″
Origin	29°08′00″	79°59′43″

(iii) *Shrimp access area C* is bounded by rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
Origin	28°14′00″	79°46′20″
1	28°11′41″	79°46′12″
2	28°08′02″	79°45′45″
3	28°01′20″	79°45′20″
4	27°58′13″	79°44′51″
5	27°56′23″	79°44′53″
6	27°49′40″	79°44′25″
7	27°46′27″	79°44′22″
8	27°42′00″	79°44′33″
9	27°36′08″	79°44′58″
10	27°30′00″	79°45′29″
11	27°29′04″	79°45′47″
12	27°27′05″	79°45′54″
13	27°25′47″	79°45′57″
14	27°19′46″	79°45′14″
15	27°17′54″	79°45′12″
16	27°12′28″	79°45′00″
17	27°07′45″	79°46′07″
18	27°04′47″	79°46′29″
19	27°00′43″	79°46′39″
20	26°58′43″	79°46′28″
21	26°57′06″	79°46′32″
22	26°57′06″	79°44′52″
23	26°58′43″	79°44′47″
24	27°00′43″	79°44′58″

Point	North lat.	West long.
25	27°04′47″	79°44′48″
26	27°07′45″	79°44′26″
27	27°12′28″	79°43′19″
28	27°17′54″	79°43′31″
29	27°19′46″	79°43′33″
30	27°25′47″	79°44′15″
31	27°27′05″	79°44′12″
32	27°29′04″	79°44′06″
33	27°30′00″	79°43′48″
34	27°30′00″	79°44′22″
35	27°36′08″	79°43′50″
36	27°42′00″	79°43′25″
37	27°46′27″	79°43′14″
38	27°49′40″	79°43′17″
39	27°56′23″	79°43′45″
40	27°58′13″	79°43′43″
41	28°01′20″	79°44′11″
42	28°04′42″	79°44′25″
43	28°08′02″	79°44′37″
44	28°11′41″	79°45′04″
45	28°14′00″	79°45′12″
Origin	28°14′00″	79°46′20″

(iv) *Shrimp access area D* is bounded by rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
Origin	26°49′58″	79°46′54″
1	26°48′58″	79°46′56″
2	26°47′01″	79°47′09″
3	26°46′04″	79°47′09″
4	26°35′09″	79°48′01″
5	26°33′37″	79°48′21″
6	26°27′56″	79°49′09″
7	26°25′55″	79°49′30″
8	26°21′05″	79°50′03″
9	26°20′30″	79°50′20″
10	26°18′56″	79°50′17″
11	26°18′56″	79°48′37″
12	26°20′30″	79°48′40″
13	26°21′05″	79°48′08″
14	26°25′55″	79°47′49″
15	26°27′56″	79°47′29″
16	26°33′37″	79°46′40″
17	26°35′09″	79°46′20″
18	26°46′04″	79°45′28″
19	26°47′01″	79°45′28″
20	26°48′58″	79°45′15″
21	26°49′58″	79°45′13″
Origin	26°49′58″	79°46′54″

(4) *Golden crab fishery access areas.* The provisions of paragraphs (l)(2)(i) and (ii) of this section notwithstanding, an owner or operator of a vessel for which a valid commercial permit for South Atlantic golden crab has been issued may use a trap to fish for golden crab and use a grapple and chain while engaged in such fishing in the following portions of the Stetson-Miami Terrace and the Pourtales Terrace Deepwater Coral HAPCs. Access to an area specified in paragraph (l)(4)(i) through (v) of this section is contingent on that zone being authorized on the vessel's permit for South Atlantic golden crab. *See* § 622.17(b) of this part for specification of zones.

(i) *Golden crab northern zone access area* is bounded by rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
Origin	29°00′00″	79°54′24″
1	28°56′55″	79°53′14″
2	28°55′00″	79°52′22″
3	28°53′35″	79°51′43″
4	28°51′47″	79°50′58″
5	28°50′25″	79°50′17″
6	28°49′53″	79°50′12″
7	28°49′01″	79°50′13″
8	28°48′19″	79°50′01″
9	28°47′13″	79°49′51″
10	28°43′30″	79°49′28″
11	28°41′05″	79°48′56″
12	28°40′27″	79°48′58″
13	28°39′50″	79°48′48″
14	28°39′04″	79°48′50″
15	28°36′43″	79°48′27″
16	28°35′01″	79°48′16″
17	28°30′37″	79°47′27″
18	28°30′37″	79°42′12″
19	28°14′00″	79°40′54″
20	28°14′00″	79°45′12″
21	28°11′41″	79°45′04″
22	28°08′02″	79°44′37″
23	28°04′42″	79°44′25″
24	28°01′20″	79°44′11″
25	28°00′00″	79°43′59″
26	28°00′00″	79°38′16″
27	28°11′42″	79°38′13″
28	28°23′02″	79°38′57″
29	28°36′50″	79°40′25″
30	28°38′33″	79°41′33″
31	28°38′20″	79°43′04″
32	28°41′00″	79°43′39″
33	28°48′16″	79°44′32″
34	28°54′29″	79°45′55″
35	29°00′00″	79°45′50″
Origin	29°00′00″	79°54′24″

(ii) *Golden crab middle zone access area A* is bounded by—

(A) Rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
Origin	26°58′45″	79°35′05″
1	27°00′39″	79°36′26″
2	27°07′55″	79°37′52″
3	27°14′52″	79°37′09″
4	27°29′21″	79°37′15″
5	28°00′00″	79°38′16″
6	28°00′00″	79°43′59″
7	27°58′13″	79°43′43″
8	27°56′23″	79°43′45″
9	27°49′40″	79°43′17″
10	27°46′27″	79°43′14″
11	27°42′00″	79°43′25″
12	27°36′08″	79°43′50″
13	27°30′00″	79°44′22″
14	27°30′00″	79°43′48″
15	27°29′04″	79°44′06″
16	27°27′05″	79°44′12″
17	27°25′47″	79°44′15″
18	27°19′46″	79°43′33″
19	27°17′54″	79°43′31″
20	27°12′28″	79°43′19″
21	27°07′45″	79°44′26″
22	27°04′47″	79°44′48″
23	27°00′43″	79°44′58″
24	26°58′43″	79°44′47″
25	26°57′06″	79°44′52″
26	26°57′06″	79°42′34″
27	26°49′58″	79°42′34″
28	26°49′58″	79°45′13″
29	26°48′58″	79°45′15″
30	26°47′01″	79°45′28″
31	26°46′04″	79°45′28″
32	26°35′09″	79°46′20″
33	26°33′37″	79°46′40″
34	26°27′56″	79°47′29″
35	26°25′55″	79°47′49″
36	26°21′05″	79°48′08″
37	26°20′30″	79°48′40″
38	26°18′56″	79°48′37″
39	26°03′38″	79°48′16″
40	26°03′35″	79°46′09″
41	25°58′33″	79°46′08″
42	25°54′27″	79°45′37″
43	25°46′55″	79°44′14″
44	25°38′04″	79°45′58″
45	25°38′05″	79°42′27″

(B) The outer boundary of the EEZ in a northerly direction from Point 45 to Point 46.

(C) Rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
46	26°07′49″	79°36′07″
47	26°17′36″	79°36′06″
48	26°21′18″	79°38′04″
49	26°50′46″	79°35′12″
50	26°50′40″	79°33′45″

(D) The outer boundary of the EEZ in a northerly direction from Point 50 to the Origin.

(iii) *Golden crab middle zone access area B* is bounded by rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
Origin	25°49′10″	80°00′38″
1	25°48′30″	80°00′23″
2	25°46′42″	79°59′14″
3	25°27′28″	80°02′26″
4	25°24′06″	80°01′44″
5	25°21′04″	80°01′27″
6	25°21′04″	79°58′12″
7	25°23′25″	79°58′19″
8	25°32′52″	79°54′48″
9	25°36′58″	79°54′46″
10	25°37′20″	79°56′20″
11	25°49′11″	79°56′00″
Origin	25°49′10″	80°00′38″

(iv) *Golden crab middle zone access area C* is bounded by—

(A) Rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
Origin	25°33′32″	79°42′18″
1	25°33′32″	79°47′14″
2	25°21′04″	79°53′45″

Point	North lat.	West long.
3	25°21′04″	79°42′04″

(B) The outer boundary of the EEZ in a northerly direction from Point 3 to the Origin.

(v) *Golden crab southern zone access area* is bounded by—

(A) Rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
Origin	24°14′07″	80°53′27″
1	24°13′46″	81°04′54″
2	24°10′55″	80°58′11″

(B) The outer boundary of the EEZ in a northerly direction from Point 2 to the Origin.

[FR Doc. 2010–6764 Filed 3–25–10; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 75, No. 58
Friday, March 26, 2010

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Collaborative Forest Landscape Restoration Advisory Committee

AGENCY: Office of the Secretary, USDA.

ACTION: Notice; extension of application acceptance period.

SUMMARY: On March 5, 2010, the Department of Agriculture published in the **Federal Register** (75 FR 10204) a notice of intent to establish the Collaborative Forest Landscape Restoration Advisory Committee and call for nominations for committee members. The Department of Agriculture is extending the date that applications for nominations will be accepted from March 22, 2010, to March 29, 2010.

DATES: All nominations must be received in writing by March 29, 2010. Nominations must contain a completed application packet that includes the nominee's name, resume, and completed form AD–755 (Advisory Committee Membership Background Information). The package must be sent to the address below.

ADDRESSES: Send nominations and applications to William Timko, USDA Forest Service; Forest Management, Room 3NW; 201 14th Street, SW., Washington, DC 20024 by express mail or overnight courier service. If sent via the U.S. Postal Service, send to the following address: U.S. Department of Agriculture, Forest Service, Forest Management, National Forest System, Mail Stop 1103, 1400 Independence Avenue, SW.,Washington, DC 20250–1123.

FOR FURTHER INFORMATION CONTACT: Thomas Peterson, U.S. Department of Agriculture, National Forest System, Forest Management; telephone 202–205–0893, fax 202–205–1045, e-mail: *tpeterson01@fs.fed.us*, or contact William Timko, U.S. Department of Agriculture; National Forest System, Forest Management, telephone 202–205–0893, fax 202–205–1045, e-mail: *btimko@fs.fed.us*. Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern Standard Time, Monday through Friday.

Dated: March 21, 2010.

Pearlie S. Reed,

Assistant Secretary of Administration.

[FR Doc. 2010–6777 Filed 3–25–10; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Announcement of Grant and Loan Application Deadlines and Funding Levels

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of funding availability and solicitation of applications.

SUMMARY: The Rural Utilities Service (RUS) announces its Revolving Fund Program (RFP) application window for Fiscal Year (FY) 2010. In addition to announcing the application window, RUS announces the available funding of $497,000 for RFP competitive grants for the fiscal year.

DATES: You may submit completed applications for grants on paper or electronically according to the following deadlines:

- Paper copies must be postmarked and mailed, shipped, or sent overnight *no later than* May 25, 2010 to be eligible for FY 2010 grant funding. Late or incomplete applications will not be eligible for FY 2010 grant funding.
- Electronic copies must be received by May 25, 2010 to be eligible for FY 2010 grant funding. Late or incomplete applications will not be eligible for FY 2010 grant funding.

ADDRESSES: You may obtain application guides and materials for the RFP program at the Water and Environmental Programs (WEP) Web site: *http://www.usda.gov/rus/water/index.htm*. You may also request application guides and materials by contacting Anita O'Brien at (202) 690–3789.

Submit completed paper applications for RFP grants to the USDA Rural Utilities Service, 1400 Independence Ave., SW., Room 2233, STOP 1570, Washington, DC 20250–1570. Applications should be marked "Attention: Assistant Administrator, Water and Environmental Programs."

Submit electronic grant applications at *http://www.grants.gov* (Grants.gov) and follow the instructions you find on that Web site.

FOR FURTHER INFORMATION CONTACT: Joyce Taylor, Community Program Specialist, USDA, Rural Utilities Service, Water and Environmental Programs; telephone: (202) 720–0499, fax: (202) 690–0649.

SUPPLEMENTARY INFORMATION:

Overview

Federal Agency: Rural Utilities Service (RUS).

Funding Opportunity Title: Grant Program to Establish a Fund for Financing Water and Wastewater Projects (Revolving Fund Program (RFP)).

Announcement Type: Funding Level Announcement, and Solicitation of Applications.

Catalog of Federal Domestic Assistance (CFDA) Number: 10.864.

Dates: You may submit completed application for a RFP grant from March 26, 2010 to May 25, 2010.

Reminder of competitive grant application deadline: Applications must be mailed, shipped or submitted electronically through Grants.gov no later than May 25, 2010 to be eligible for FY 2010 grant funding.

Items in Supplementary Information

I. Funding Opportunity: Brief introduction to the RFP.
II. Award Information: Available funds, maximum amounts.
III. Eligibility Information: Who is eligible, what kinds of projects are eligible, what criteria determine basic eligibility.
IV. Application and Submission Information: Where to get application materials, what constitutes a completed application, how and where to submit applications, deadlines, items that are eligible.
V. Application Review Information: Considerations and preferences, scoring criteria, review standards, selection information.
VI. Award Administration Information: Award notice information, award recipient reporting requirements.
VII. Agency Contacts: Web, phone, fax, e-mail, contact name.

I. Funding Opportunity

Drinking water systems are basic and vital to both health and economic development. With dependable water facilities, rural communities can attract families and businesses that will invest in the community and improve the quality of life for all residents. Without dependable water facilities, the communities cannot sustain economic development.

RUS provides financial and technical assistance to help communities bring safe drinking water and sanitary, environmentally sound waste disposal facilities to rural Americans. It supports the sound development of rural communities and the growth of our economy without endangering the environment.

The RFP has been established to assist communities with water or wastewater systems. Qualified private non-profit organizations, who are selected for funding, will receive RFP grant funds to establish a lending program for eligible entities. Eligible entities for the revolving loan fund will be the same entities eligible to obtain a loan, loan guarantee, or grant from the Water and Waste Disposal loan and grant programs administered by RUS, under 7 U.S.C. 1926(a)(1) and (2). As grant recipients, the non-profit organizations will set up a revolving loan fund to provide loans to finance predevelopment costs of water or wastewater projects, or short-term small capital projects not part of the regular operation and maintenance of current water and wastewater systems. The amount of financing to an eligible entity shall not exceed $100,000.00 and shall be repaid in a term not to exceed 10 years. The rate shall be determined in the approved grant work plan.

II. Award Information

Available funds: RUS is making available $497,000 for competitive grants in FY 2010.

III. Eligibility Information

A. Who is eligible to apply?

An applicant is eligible to apply for the RFP grant if it:

1. Is a private, non-profit organization;

2. Is legally established and located within one of the following:

(a) A state within the United States;

(b) The District of Columbia;

(c) The Commonwealth of Puerto Rico; or

(d) A United States territory;

3. Has the legal capacity and authority to carry out the grant purpose;

4. Has a proven record of successfully operating a revolving loan fund to rural areas;

5. Has capitalization acceptable to the Agency, and is composed of at least 51 percent of the outstanding interest or membership being citizens of the United States or individuals who reside in the United States after being legally admitted for permanent residence;

6. Has no delinquent debt to the Federal Government or no outstanding judgments to repay a Federal debt;

7. Demonstrates that it possesses the financial, technical, and managerial capability to comply with Federal and State laws and requirements.

B. What are the basic eligibility requirements for a project?

1. The following activities are authorized under the RFP statute:

(a) Grant funds must be used to capitalize a revolving fund program for the purpose of providing direct loan financing to eligible entities for pre-development costs associated with proposed or with existing water and wastewater systems, or

(b) Short-term costs incurred for equipment replacement, small-scale extension of services, or other small capital projects that are not part of the regular operations and maintenance activities of existing water and wastewater systems.

2. Grant funds may not be used to pay any of the following:

(a) Payment of the Grant Recipient's administrative costs or expenses, and

(b) Delinquent debt owed to the Federal Government.

IV. Application and Submission Information

A. The Grant Application Guide, Copies of Necessary Forms and Samples, and the RFP Regulation Are Available From These Sources

1. The Internet: *http://www.usda.gov/rus/water/index.htm* or *http://www.grants.gov.*

2. For paper copies of these materials telephone (202) 720–0499.

B. You May File an Application in Either Paper or Electronic Format

1. Applications submitted by paper:

(a) Send or deliver paper applications by the U.S. Postal Service (USPS) or courier delivery services to: Assistant Administrator—Water and Environmental Programs, Rural Utilities Service, 1400 Independence Avenue, SW., STOP 1548, Room S–5145, Washington, DC, 20250–1548.

(b) For paper applications mail or ensure delivery of an original paper application (no stamped, photocopied, or initialed signatures) and two copies by the deadline date. The application and any materials sent with it become Federal records by law and cannot be returned to you.

2. Electronically submitted applications:

(a) Applicant may file an electronic application at *http://www.grants.gov.* Applications will not be accepted via facsimile machine transmission or electronic mail. Grants.gov contains full instructions on all required passwords, credentialing, and software. Follow the instructions at Grants.gov for registering and submitting an electronic application. If a system problem or technical difficulty occurs with an electronic application, please use the customer support resources available at the Grants.gov Web site.

(b) First time Grants.gov users should go to the "Get Started" tab on the Grants.gov site and carefully read and follow the steps listed. These steps need to be initiated early in the application process to avoid delays in submitting your application online.

(c) Registering with the Central Contractor Registry (CCR) will take some time to complete, so keep that in mind when beginning the application process. In order to register with the CCR, your organization will need a Data Universal Numbering System (DUNS) Number.

(d) A DUNS number is a unique nine-character identification number provided by the commercial company, Dun & Bradstreet (D&B). Whether you file a paper or an electronic application, you will need a DUNS number. To investigate if your organization already has a DUNS number or to obtain a DUNS number, contact Dun & Bradstreet at 1–866–705–5711 or access the Web site at *http://www.dunandbradstreet.com.* You must provide your DUNS number on the SF–424, "Application for Federal Assistance." The following information is needed when requesting a DUNS number:

(1) Legal Name

(2) Headquarters name and address of the organization

(3) Doing business as (dba) or other name by which the organization is commonly recognized

(4) Physical address

(5) Mailing address (if separate from headquarters and/or physical address)

(6) Telephone number

(7) Contact name and title

(8) Number of employees at the physical location

(e) Be sure to complete the Marketing Partner ID (MPIN) and Electronic Business Primary Point of Contact fields during the CCR registration process. These are mandatory fields that are

required when submitting grant applications through Grants.gov. Information about registering with CCR was published in the **Federal Register** on January 17, 2006. (See 71 FR 2549.) Additional application instructions for submitting an electronic application can be found by selecting this funding opportunity on Grants.gov.

C. A Complete Application Must Meet the Following Requirements

1. To be considered for support, you must be an eligible entity and must submit a complete application by the deadline date. You should consult the cost principles and general administrative requirements for grants pertaining to their organizational type in order to prepare the budget and complete other parts of the application. You also must demonstrate compliance (or intent to comply), through certification or other means, with a number of public policy requirements.

2. Applicants must complete and submit the following forms to apply for a RFP grant:

(a) Standard Form 424, "Application for Federal Assistance"

(b) Standard Form 424A, "Budget Information—Non-Construction Programs"

(c) Standard Form 424B, "Assurances—Non-Construction Programs"

(d) Standard Form LLL, "Disclosure of Lobbying Activity"

(e) Form RD 400–1, "Equal Opportunity Agreement"

(f) Form RD 400–4, "Assurance Agreement" (Under Title VI, Civil Rights Act of 1964)

3. The project proposal should outline the project in sufficient detail to provide a reader with a complete understanding of how the loan program will work. Explain what you will accomplish by lending funds to eligible entities. Demonstrate the feasibility of the proposed loan program in meeting the objectives of this grant program. The proposal should cover the following elements:

(a) Present a brief project overview. Explain the purpose of the project, how it relates to RUS' purposes, how you will carry out the project, what the project will produce, and who will direct it.

(b) Describe why the project is necessary. Demonstrate that eligible entities need loan funds. Quantify the number of prospective borrowers or provide statistical or narrative evidence that a sufficient number of borrowers will exist to justify the grant award. Describe the service area. Address community needs.

(c) Clearly state your project goals. Your objectives should clearly describe the goals and be concrete and specific enough to be quantitative or observable. They should also be feasible and relate to the purpose of the loan program.

(d) The narrative should cover in more detail the items briefly described in the Project Summary. It should establish the basis for any claims that you have substantial expertise in promoting the safe and productive use of revolving funds. In describing what the project will achieve, you should tell the reader if it also will have broader influence. The narrative should address the following points:

(1) Document your ability to administer and service a revolving fund in accordance with the provisions of 7 CFR part 1783.

(2) Document your ability to commit financial resources to establish the RFP with funds your organization controls. This documentation should describe the sources of funds other than the RFP grant that will be used to pay your operational costs and provide financial assistance for projects.

(3) Demonstrate that you have secured commitments of significant financial support from other funding sources, if appropriate.

(4) List the fees and charges that borrowers will be assessed.

(e) The work plan must describe the tasks and activities that will be accomplished with available resources during the grant period. It must show the work you plan to do to achieve the anticipated outcomes, goals, and objectives set out for the RFP. The plan must:

(1) Describe the work to be performed by each person.

(2) Give a schedule or timetable of work to be done.

(3) Show evidence of previous experience with the techniques to be used or their successful use by others.

(4) Outline the loan program to include the following: specific loan purposes, a loan application process, priorities, borrower eligibility criteria, limitations, fees, interest rates, terms, and collateral requirements.

(5) Provide a marketing plan.

(6) Explain the mechanics of how you will transfer loan funds to the borrowers.

(7) Describe follow-up or continuing activities that should occur after project completion such as monitoring and reporting borrowers' accomplishments.

(8) Describe how the results will be evaluated. The evaluation criteria should be in line with the project objectives.

(9) List all personnel responsible for administering this program along with a statement of their qualifications and experience.

(f) The written justification for projected costs should explain how budget figures were determined for each category. It should indicate which costs are to be covered by grant funds and which costs will be met by your organization or other organizations. The justification should account for all expenditures discussed in the narrative. It should reflect appropriate cost-sharing contributions. The budget justification should explain the budget and accounting system proposed or in place. The administrative costs for operating the budget should be expressed as a percentage of the overall budget. The budget justification should provide specific budget figures, rounding off figures to the nearest dollar. Applicants should consult OMB Circular A–122: "Cost Principles for Non-Profit Organizations" for information about appropriate costs for each budget category.

(g) In addition to completing the standard application forms, you must submit:

(1) Supplementary material that demonstrate that your organization is legally recognized under state and Federal law. Satisfactory documentation includes, but is not limited to, certificates from the Secretary of State, or copies of state statutes or laws establishing your organization. Letters from the IRS awarding tax-exempt status are not considered adequate evidence.

(2) A certified list of directors and officers with their respective terms.

(3) Evidence of tax exempt status from the IRS.

(4) Debarment and suspension information required in accordance with 7 CFR, part 3017, subpart 3017.335, if it applies. The section heading is "What information must I provide before entering into a covered transaction with the Department of Agriculture?" It is part of the Department of Agriculture's rules on Government-wide Debarment and Suspension.

(5) All of your organization's known workplaces by including the actual address of buildings (or parts of buildings) or other sites where work under the award takes place. Workplace identification is required under the drug-free workplace requirements in accordance with 7 CFR, part 3021, subpart 3021.230. The section heading is "How and when must I identify workplaces?" It is part of the Department of Agriculture's rules on Government-wide Requirements for

Drug-Free Workplace (Financial Assistance).

(6) The most recent audit of your organization.

(7) The following financial statements:

i. A pro forma balance sheet at start-up and for at least three additional years; Balance sheets, income statements, and cash flow statements for the last three years.

ii. If your organization has been formed less than three years, the financial statements should be submitted for the periods from inception to the present. Projected income and cash flow statements for at least three years supported by a list of assumptions showing the basis for the projections. The projected income statement and balance sheet must include one set of projections that shows the revolving loan fund only and a separate set of projections that shows your organization's total operations.

(8) Additional information to support and describe your plan for achieving the grant objectives. The information may be regarded as essential for understanding and evaluating the project such as letters of support, resolutions, policies, etc. The supplements may be presented in appendices to the proposal.

V. Application Review Information

A. Within 30 days of receiving your application, RUS will send you a letter of acknowledgment. Your application will be reviewed for completeness to determine if you included all of the items required. If your application is incomplete or ineligible, RUS will return it to you with an explanation.

B. A review team, composed of at least two members, will evaluate all applications and proposals. They will make overall recommendations based on factors such as eligibility, application completeness, and conformity to application requirements. They will score the applications based on criteria in the next section.

C. All applications that are complete and eligible will be ranked competitively based on the following scoring criteria:

Scoring criteria	Points
1. Degree of expertise and successful experience in making and servicing commercial loans, with a successful record, for the following number of full years:	
(i) At least 1 but less than 3 years	5 points.
(ii) At least 3 but less than 5 years	10 points.
(iii) At least 5 but less than 10 years	20 points.
(iv) 10 or more years	30 points.
2. Percentage of applicant contributions. Points allowed under this paragraph will be based on written evidence of the availability of funds from sources other than the proceeds of a RFP grant to pay part of the cost of a loan recipient's project. In-kind contributions will not be considered. Funds from other sources as a percentage of the RFP grant and points corresponding to such percentages are as follows:	
Less than 20 percent –;	Ineligible.
At least 20 percent but not more than 49 percent of the total project costs	10 points.
3. Extent to which the work plan clearly articulates a well thought out comprehensive approach to accomplishing objectives; clearly defines who will be served by the project or program; clearly articulates the problem/issues to be addressed, identifies the service area to be covered by the RFP loans, and appears likely to be sustainable.	Up to 40 points.
4. Extent to which the goals and objectives are clearly defined, tied to the work plan, and are measurable	Up to 15 points.
5. Lowest ratio of projected administrative expenses to loans advanced	Up to 10 points.
6. Evaluation methods for considering loan applications and making RFP loans are specific to the program, clearly defined, measurable, and are consistent with program outcomes.	Up to 20 points.
7. Administrator's discretion, taking into consideration such factors as: Creative outreach ideas for marketing RFP loans; Amount of funds requested in relation to the amount of needs demonstrated in the proposal;. Excellent utilization of a previous revolving loan fund; and, Optimizing the use of agency resources.	Up to 10 points.

VI. Award Administration Information

A. RUS will rank all qualifying applications by their final score. Applications will be selected for funding, based on the highest scores and the availability of funding for RFP grants. Each applicant will be notified in writing of the score its application receives.

B. In making its decision about your application, RUS may determine that your application is:

1. Eligible and selected for funding,

2. Eligible but offered fewer funds than requested,

3. Eligible but not selected for funding, or

4. Ineligible for the grant.

C. In accordance with 7 CFR part 1900, subpart B, you generally have the right to appeal adverse decisions. Some adverse decisions cannot be appealed. For example, if you are denied RUS funding due to a lack of funds available for the grant program, this decision cannot be appealed. However, you may make a request to the National Appeals Division (NAD) to review the accuracy of our finding that the decision cannot be appealed. The appeal must be in writing and filed at the appropriate Regional Office, which can be found at *http://www.nad.usda.gov/offices.htm* or by calling (703) 305–1166.

D. Applicants selected for funding will complete a grant agreement, which outlines the terms and conditions of the grant award.

E. Grantees will be reimbursed as follows:

1. SF–270, "Request for Advance or Reimbursement," will be completed by the grantee and submitted to either the State or National Office.

2. Upon receipt of a properly completed SF–270, the funds will be requested through the field office terminal system. Ordinarily, payment will be made within 30 days after receipt of a proper request for reimbursement.

F. Any change in the scope of the project, budget adjustments of more than 10 percent of the total budget, or any other significant change in the project must be reported to and approved by the approval official by written amendment to the grant agreement. Any change not approved may be cause for termination of the grant.

G. Grantees shall constantly monitor performance to ensure that time schedules are being met, projected work by time periods is being accomplished, and other performance objectives are

being achieved. The Grantee will provide project reports as follows:

1. SF–269, "Financial Status Report (short form)," and a project performance activity report will be required of all grantees on a quarterly basis, due 30 days after the end of each quarter.

2. A final project performance report will be required with the last SF–269 due 90 days after the end of the last quarter in which the project is completed. The final report may serve as the last quarterly report.

3. All multi-State grantees are to submit an original of each report to the National Office. Grantees serving only one State are to submit an original of each report to the State Office. The project performance reports should detail, preferably in a narrative format, activities that have transpired for the specific time period.

H. The grantee will provide an audit report or financial statements as follows:

1. Grantees expending $500,000 or more Federal funds per fiscal year will submit an audit conducted in accordance with OMB Circular A–133. The audit will be submitted within 9 months after the grantee's fiscal year. Additional audits may be required if the project period covers more than one fiscal year.

2. Grantees expending less than $500,000 will provide annual financial statements covering the grant period, consisting of the organization's statement of income and expense and balance sheet signed by an appropriate official of the organization. Financial statements will be submitted within 90 days after the grantee's fiscal year.

VII. Agency Contacts

A. Web site: *http://www.usda.gov/rus/water.* The Rural Utilities Service Web site maintains up-to-date resources and contact information for the RFP.

B. Phone: 202–720–0499.

C. Fax: 202–690–0649.

D. E-mail: *joycem.taylor@wdc.usda.gov.*

E. Main point of contact: Joyce Taylor, Community Programs Specialist, Water and Environmental Programs, Water Programs Division, Rural Utilities Service, USDA.

Dated: March 5, 2010.

Jonathan Adelstein,

Administrator, Rural Utilities Service.

[FR Doc. 2010–6686 Filed 3–25–10; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Household Water Well System Grant Program Announcement of Application Deadlines and Funding

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of funding availability and solicitation of applications.

SUMMARY: The Rural Utilities Service (RUS) announces the availability of $993,000 in grant funds to be competitively awarded for the Household Water Well System (HWWS) Grant Program for fiscal year 2010. RUS will make grants to qualified private non-profit organizations to establish lending programs for homeowners to borrow up to $11,000 to construct or repair household water wells for an existing home. The HWWS Grant Program regulations are contained in 7 CFR 1776.

DATES: The deadline for completed applications for a HWWS grant is May 31, 2010. Applications in either paper or electronic format must be postmarked or time-stamped electronically on or before the deadline. Late applications will be ineligible for grant consideration.

ADDRESSES: Submit electronic grant applications through *http://www.grants.gov* (Grants.gov), following the instructions on that Web site. Submit completed paper applications to the U.S. Department of Agriculture, Rural Utilities Service, Mail Stop #1570, Room 2233–S, 1400 Independence Ave., SW., Washington, DC 20250–1570. Applications should be marked "Attention: Water and Environmental Programs."

Application guides and materials for the HWWS Grant Program may be obtained electronically through *http://www.usda.gov/rus/water/well.htm.* Call (202) 720–9589 to request paper copies of application guides and materials from the Water and Environmental Programs staff.

FOR FURTHER INFORMATION CONTACT: Lorrie Davis, Community Programs Specialist, U.S. Department of Agriculture, RUS Programs, Water and Environmental Programs, *telephone:* (202) 720–9631, *fax:* (202) 690–0649, *e-mail: Lorrie.davis@wdc.usda.gov.*

SUPPLEMENTARY INFORMATION:

Overview

Federal Agency: Rural Utilities Service.

Funding Opportunity Title: HWWS Grant Program.

Announcement Type: Grant—Initial.

Catalog of Federal Domestic Assistance (CFDA) Number: 10.862.

Due Date for Applications: May 31, 2010.

Items in Supplementary Information

I. Funding Opportunity

A. Program Description

The HWWS Grant Program has been established to help individuals with low to moderate incomes finance the costs of household water wells that they own or will own. The HWWS Grant Program is authorized under Section 306E of the Consolidated Farm and Rural Development Act (CONACT), 7 U.S.C. 1926e. The CONACT authorizes the RUS to make grants to qualified private non-profit organizations to establish lending programs for household water wells.

As the grant recipients, private non-profit organizations will receive HWWS grants to establish lending programs that will provide water well loans to individuals. The individuals, as loan recipients, may use the loans to construct, refurbish, and service their household well systems. A loan may not exceed $11,000 and will have a term up to 20 years at a one percent annual interest rate.

B. Background

The RUS supports the sound development of rural communities and the growth of our economy without endangering the environment. The RUS provides financial and technical assistance to help communities bring safe drinking water and sanitary, environmentally sound waste disposal facilities to rural Americans in greatest need.

Central water systems may not be the only or best solution to drinking water problems. Distance or physical barriers make public central water systems expensive in remote areas. A significant

number of geographically isolated households without water service might require individual wells rather than connections to new or existing community systems. The goal of the RUS is not only to make funds available to those communities most in need of potable water but also to ensure that facilities used to deliver drinking water are safe and affordable. There is a role for private wells in reaching this goal.

C. Purpose

The purpose of the HWWS Grant Program is to provide funds to private non-profit organizations to assist them in establishing loan programs from which individuals may borrow money for HWWS. Faith-based organizations are eligible and encouraged to apply for this program. Applicants must show that the project will provide technical and financial assistance to eligible individuals to remedy household well problems.

Due to the limited amount of funds available under the HWWS Grant Program, five applications may be funded from FY 2010 funds. Previously funded grant recipients must apply for a different target area to be considered for funding under this announcement.

II. Award Information

Funding Instrument Type: Grant.

Anticipated Total Priority Area Funding: Undetermined at this time.

Anticipated Number of Awards: 5.

Length of Project Periods: 12-month project.

Assistance Instrument: Grant Agreement with successful applicants before any grant funds are disbursed.

III. Eligibility Information

A. Who Is Eligible for Grants?

1. An organization is eligible to receive a HWWS grant if it:

a. Is a private, non-profit organization;

b. Is legally established and located within one of the following:

(1) A state within the United States

(2) The District of Columbia

(3) The Commonwealth of Puerto Rico

(4) A United States territory

c. Has the legal capacity and authority to carry out the grant purpose;

d. Has sufficient expertise and experience in lending activities;

e. Has sufficient expertise and experience in promoting the safe and productive use of individually-owned HWWS and ground water;

f. Has no delinquent debt to the Federal Government or no outstanding judgments to repay a Federal debt;

g. Demonstrates that it possesses the financial, technical, and managerial capability to comply with Federal and State laws and requirements.

2. An individual is ineligible to receive a Household Water Well grant. An individual may receive only a loan.

B. What are the basic eligibility requirements for a project?

1. *Project Eligibility.* To be eligible for a grant, the project must:

a. Be a revolving loan fund created to provide loans to eligible individuals to construct, refurbish, and service individually-owned HWWS (*see* 7 CFR 1776.11 and 1776.12). Loans may not be provided for home sewer or septic system projects.

b. Be established and maintained by a private, non-profit organization.

c. Be located in a rural area. Rural area is defined as locations other than cities or towns of more than 50,000 people and the contiguous and adjacent urbanized area of such towns and cities.

2. *Required Matching Contributions.* Grant applicants must provide written evidence of a matching contribution of at least 10 percent from sources other than the proceeds of a HWWS grant. In-kind contributions will not be considered for the matching requirement. *Please see* 7 CFR 1776.9 for the requirement.

3. *Other—Requirements*

a. DUNS Number. An organization must have a Dun and Bradstreet Data Universal Numbering System (DUNS) number. A DUNS number will be required whether an applicant is submitting a paper application or an electronic application through *http://www.grants.gov*. To verify that your organization has a DUNS number or to receive one at no cost, call the dedicated toll-free request line at 1–866–705–5711 or request one on-line at *http://www.dnb.com*.

b. Eligibility for Loans. Individuals are not eligible for grants but are eligible for loans. To be eligible for a loan, an individual must:

(1) Be a member of a household of which the combined household income of all members does not exceed 100 percent of the median non-metropolitan household income for the State or territory in which the individual resides. Household income is the total income from all sources received by each adult household member for the most recent 12-month period for which the information is available. It does not include income earned or received by dependent children under 18 years old or other benefits that are excluded by Federal law. The non-metropolitan household income must be based on the most recent decennial census of the United States.

RUS publishes a list of income exclusions in 7 CFR 3550.54(b). Also, the Department of Housing and Urban Development published a list of income exclusions in the **Federal Register**. See "Federally Mandated Exclusions" Notice 66 FR 4669, April 20, 2001, pages 20318–20320.

(2) Own and occupy the home being improved with the proceeds of the Household Water Well loan or be purchasing the home to occupy under a legally enforceable land purchase contract which is not in default by either the seller or the purchaser.

(3) Own the home in a rural area.

(4) Not use the loan for a water well system associated with the construction of a new dwelling.

(5) Not use the loan to substitute a well for water service available from collective water systems. (For example, a loan may not be used to restore an old well abandoned when a dwelling was connected to a water district's water line.)

(6) Not be suspended or debarred from participation in Federal programs.

IV. Application and Submission Information

A. Where To Get Application Information

The Household Water Well System Grant Application Guide (Application Guide), copies of necessary forms and samples, and the HWWS Grant Program regulation are available from these sources:

1. On-line for electronic copies: *http://www.grants.gov* or *http://www.usda.gov/rus/water/well.htm*, and

2. RUS for paper copies: RUS, Water Programs Division, Room 2234 South, Stop 1570, 1400 Independence Avenue, SW., Washington, DC 20250–1570, *Telephone:* (202) 720–9589, *Fax:* (202) 690–0649.

B. Content and Form of Application Submission

1. Rules and Guidelines

a. Detailed information on each item required can be found in the HWWS Grant Program regulation (7 CFR 1776) and the Application Guide. Applicants are strongly encouraged to read and apply both the regulation and the application guide. This Notice does not change the requirements for a completed application for any form of HWWS financial assistance specified in the regulation. The regulation and application guide provide specific guidance on each of the items listed.

b. Applications should be prepared in conformance with the provisions in 7

CFR 1776, subpart B, and applicable regulations including 7 CFR parts 3015 and 3019. Applicants should use the application guide which contains instructions and other important information in preparing their application. Completed applications must include the items found in the checklist in the next paragraph.

2. Checklist of Items in Completed Application Packages

The forms in items a. through f. must be completed and signed where appropriate by an official of your organization who has authority to obligate the organization legally. The forms may be found on-line at the RUS Web site: *http://www.usda.gov/rus/water/wwforms.htm. See* section V, "Application Review Information," for instructions and guidelines on preparing Items g. through m.

Application Items

a. SF–424, "Application for Federal Assistance"
b. SF–424A, "Budget Information—Non-Construction Programs"
c. SF–424B, "Assurances—Non-Construction Programs"
d. SF–LLL, "Disclosure of Lobbying Activity"
e. Form RD 400–1, "Equal Opportunity Agreement"
f. Form RD 400–4, "Assurance Agreement (Under Title VI, Civil Rights Act of 1964)
g. Project Proposal, Project Summary, Needs Assessment, Project Goals and Objectives, Project Narrative
h. Work Plan
i. Budget and Budget Justification
j. Evidence of Legal Authority and Existence
k. Documentation of private non-profit status and Internal Revenue Service (IRS) Tax Exempt Status
l. List of Directors and Officers
m. Financial information and sustainability (narrative)
n. Assurances and Certifications of Compliance with Other Federal Statutes

3. Compliance with Other Federal Statutes

The applicant must provide evidence of compliance with other Federal statutes and regulations, including, but not limited to the following:

a. 7 CFR part 15, subpart A—Nondiscrimination in Federally Assisted Programs of the Department of Agriculture—Effectuation of Title VI of the Civil Rights Act of 1964

b. 7 CFR part 3015—Uniform Federal Assistance Regulations

c. 7 CFR part 3017—Government-wide Debarment and Suspension (Non-procurement)

d. 7 CFR part 3018—New Restrictions on Lobbying

e. 7 CFR part 3019—Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals, and Non-profit Organizations

f. 7 CFR part 3021—Government-wide Requirements for Drug-Free Workplace (Financial Assistance)

g. Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency. "For information on limited English proficiency and agency-specific guidance, go to *http://www.LEP.gov*

h. Federal Obligation Certification on Delinquent Debt

C. How Many Copies of an Application Are Required?

1. *Applications Submitted on Paper.* Submit one signed original and two additional copies. The original and each of the two copies must include all required forms, certifications, assurances, and appendices, be signed by an authorized representative, and have original signatures. Do not include organizational brochures or promotional materials.

2. *Applications Submitted Electronically.* The additional paper copies are unnecessary if the application is submitted electronically through *http://www.grants.gov.*

D. How and Where To Submit an Application

1. Submitting Paper Applications

a. For paper applications mail or ensure delivery of an original paper application (no stamped, photocopied, or initialed signatures) and two copies by the deadline date to: RUS, Water Programs Division, Room 2234 South, Stop 1570, 1400 Independence Avenue, SW., Washington, DC 20250–1570.

b. Applications must show proof of mailing or shipping by one of the following:

(1) A legibly dated U.S. Postal Service (USPS) postmark;

(2) A legible mail receipt with the date of mailing stamped by the USPS; or

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

c. If a deadline date falls on a weekend, it will be extended to the following Monday. If the date falls on a Federal holiday, it will be extended to the next business day.

d. Due to screening procedures at the Department of Agriculture, packages arriving via the USPS are irradiated, which can damage the contents. RUS encourages applicants to consider the impact of this procedure in selecting an application delivery method.

2. Submitting Electronic Applications

a. Applications will not be accepted via facsimile machine transmission or electronic mail.

b. Electronic applications for grants will be accepted if submitted through Grants.gov at *http://www.grants.gov.*

c. Applicants who apply through Grants.gov should submit their applications before the deadline.

d. Grants.gov contains full instructions on all required passwords, credentialing, and software. Follow the instructions at Grants.gov for registering and submitting an electronic application. RUS may request original signatures on electronically submitted documents later.

e. To use Grants.gov:

(1) Follow the instructions on the Web site to find grant information.

(2) Download a copy of an application package.

(3) Complete the package off-line.

(4) Upload and submit the application via the Grants.gov Web site.

f. You must be registered with Grants.gov before you can submit a grant application.

(1) You will need a DUNS number to access or register at any of the services. In addition to the DUNS number required of all grant applicants, your organization must be listed in the Central Contractor Registry (CCR). If you have not used Grants.gov before, you will need to register with the CCR and the Credential Provider. Setting up a CCR listing (a one-time procedure with annual updates) takes up to five business days. RUS recommends that you obtain your organization's DUNS number and CCR listing well in advance of the deadline specified in this notice.

(2) The CCR registers your organization, housing your organizational information and allowing Grants.gov to use it to verify your identity. You may register for the CCR by calling the CCR Assistance Center at 1–888–227–2423 or you may register online at *http://www.ccr.gov.*

(3) The Credential Provider gives you or your representative a username and password, as part of the Federal Government's e-Authentication to ensure a secure transaction. You will need the username and password when you register with Grants.gov or use Grants.gov to submit your application. You must register with the Central Provider through Grants.gov at *https://apply.grants.gov/OrcRegister.*

(4) If a system problem or technical difficulty occurs with an electronic application, please use the customer support resources available at the Grants.gov Web site.

E. Deadlines

The deadline for paper and electronic submissions is May 31, 2010. Paper applications must be postmarked and mailed, shipped, or sent overnight no later than the closing date to be considered for FY 2010 grant funding. Electronic applications must have an electronic date and time stamp by midnight of May 31, 2010, to be considered on time. RUS will not accept applications by fax or e-mail. Applications that do not meet the criteria above are considered late applications and will not be considered. RUS will notify each late applicant that its application will not be considered.

F. Funding Restrictions

1. Eligible Grant Purposes

a. Grant funds must be used to establish and maintain a revolving loan fund to provide loans to eligible individuals for household water well systems.

b. Individuals may use the loans to construct, refurbish, rehabilitate, or replace household water well systems up to the point of entry of a home. Point of entry for the well system is the junction where water enters into a home water delivery system after being pumped from a well.

c. Grant funds may be used to pay administrative expenses associated with providing Household Water Well loans.

2. Ineligible Grant Purposes

a. Administrative expenses incurred in any calendar year that exceeds 10 percent of the household water well loans made during the same period do not qualify for reimbursement.

b. Administrative expenses incurred before RUS executes a grant agreement with the recipient do not qualify for reimbursement.

c. Delinquent debt owed to the Federal Government does not qualify for reimbursement.

d. Grant funds may not be used to provide loans for household sewer or septic systems.

e. Household Water Well loans may not be used to pay the costs of water well systems for the construction of a new house.

f. Household Water Well loans may not be used to pay the costs of a home plumbing system.

V. Application Review Information

A. Criteria

This section contains instructions and guidelines on preparing the project proposal, work plan, and budget sections of the application. Also, guidelines are provided on the additional information required for RUS to determine eligibility and financial feasibility.

1. *Project Proposal.* The project proposal should outline the project in sufficient detail to provide a reader with a complete understanding of the loan program. Explain what will be accomplished by lending funds to individual well owners. Demonstrate the feasibility of the proposed loan program in meeting the objectives of this grant program. The proposal should include the following elements:

a. *Project Summary.* Present a brief project overview. Explain the purpose of the project, how it relates to RUS' purposes, how the project will be executed, what the project will produce, and who will direct it.

b. *Needs Assessment.* To show why the project is necessary, clearly identify the economic, social, financial, or other problems that require solutions. Demonstrate the well owners' need for financial and technical assistance. Quantify the number of prospective borrowers or provide statistical or narrative evidence that a sufficient number of borrowers will exist to justify the grant award. Describe the service area. Provide information on the household income of the area and other demographical information. Address community needs.

c. *Project Goals and Objectives.* Clearly state the project goals. The objectives should clearly describe the goals and be concrete and specific enough to be quantitative or observable. They should also be feasible and relate to the purpose of the grant and loan program.

d. *Project Narrative.* The narrative should cover in more detail the items briefly described in the Project Summary. Demonstrate the grant applicant's experience and expertise in promoting the safe and productive use of individually-owned household water well systems. The narrative should address the following points:

(1) Document the grant applicant's ability to manage and service a revolving fund. The narrative may describe the systems that are in place for the full life cycle of a loan from loan origination through servicing. If a servicing contractor will service the loan portfolio, the arrangement and services provided must be discussed.

(2) Show evidence that the organization can commit financial resources the organization controls. This documentation should describe the sources of funds other than the HWWS grant that will be used to pay your operational costs and provide financial assistance for projects.

(3) Demonstrate that the organization has secured commitments of significant financial support from other funding sources, if appropriate.

(4) List the fees and charges that borrowers will be assessed.

2. *Work Plan.* The work plan or scope of work must describe the tasks and activities that will be accomplished with available resources during the grant period. It must include who will carry out the activities and services to be performed and specific timeframes for completion. Describe any unusual or unique features of the project such as innovations, reductions in cost or time, or extraordinary community involvement.

3. *Budget and Budget Justification.* Both Federal and non-Federal resources shall be detailed and justified in the budget and narrative justification. "Federal resources" refers only to the HWWS Grant Program for which you are applying. "Non Federal resources" are all other Federal and non-Federal resources.

a. Provide a budget with line item detail and detailed calculations for each budget object class identified in section B of the Budget Information form (SF–424A). Detailed calculations must include estimation methods, quantities, unit costs, and other similar quantitative detail sufficient for the calculation to be duplicated. Also include a breakout by the funding sources identified in Block 15 of the SF–424.

b. Provide a narrative budget justification that describes how the categorical costs are derived for all capital and administrative expenditures, the matching contribution, and other sources of funds necessary to complete the project. Discuss the necessity, reasonableness, and allocability of the proposed costs. Consult OMB Circular A–122: "Cost Principles for Non-Profit Organizations" for information about appropriate costs for each budget category.

c. If the grant applicant will use a servicing contractor, the fees may be reimbursed as an administrative expense as provided in 7 CFR 1776.13. These fees must be discussed in the budget narrative. If the grant applicant will hire a servicing contractor, it must demonstrate that all procurement transactions will be conducted in a manner to provide, to the maximum

extent practical, open and free competition. Recipients must justify any anticipated procurement action that is expected to be awarded without competition and exceed the simplified acquisition threshold fixed at 41 U.S.C. 403(11) (currently set at $100,000).

d. The indirect cost category should be used only when the grant applicant currently has an indirect cost rate approved by the Department of Agriculture or another cognizant Federal agency. A grant applicant that will charge indirect costs to the grant must enclose a copy of the current rate agreement. If the grant applicant is in the process of initially developing or renegotiating a rate, the grant applicant shall submit its indirect cost proposal to the cognizant agency immediately after the applicant is advised that an award will be made. In no event, shall the indirect cost proposal be submitted later than three months after the effective date of the award. Consult OMB Circular A–122 for information about indirect costs.

4. *Evidence of Legal Authority and Existence.* The applicant must provide satisfactory documentation that it is legally recognized under state and Federal law as a private non-profit organization. The documentation also must show that it has the authority to enter into a grant agreement with the RUS and to perform the activities proposed under the grant application. Satisfactory documentation includes, but is not limited to, certificates from the Secretary of State, copies of state statutes or laws establishing your organization, and copies of your organization's articles of incorporation and bylaws. Letters from IRS awarding tax-exempt status are not considered adequate evidence.

5. *List of Directors and Officers.* The applicant must submit a certified list of directors and officers with their respective terms.

6. *IRS Tax Exempt Status.* The applicant must submit evidence of tax exempt status from the Internal Revenue Service.

7. *Financial Information and Sustainability.* The applicant must submit pro forma balance sheets, income statements, and cash flow statements for the last three years and projections for three years. Additionally, the most recent audit of the applicant's organization must be submitted.

B. Evaluation Criteria

Grant applications that are complete and eligible will be scored competitively based on the following scoring criteria:

Scoring criteria	Points
Degree of expertise and experience in promoting the safe and productive use of individually-owned household water well systems and ground water.	Up to 30 points.
Degree of expertise and successful experience in making and servicing loans to individuals	Up to 20 points.
Percentage of applicant contributions. Points allowed under this paragraph will be based on written evidence of the availability of funds from sources other than the proceeds of a HWWS grant to pay part of the cost of a loan recipient's project. In-kind contributions will not be considered. Funds from other sources as a percentage of the HWWS grant and points corresponding to such percentages are as follows:	
0 to 9 percent	Ineligible.
10 to 25 percent	5 points.
26 to 30 percent	10 points.
31 to 50 percent	15 points.
51 percent or more	20 points.
Extent to which the work plan demonstrates a well thought out, comprehensive approach to accomplishing the objectives of this part, clearly defines who will be served by the project, and appears likely to be sustainable.	Up to 20 points.
Extent to which the goals and objectives are clearly defined, tied to the work plan, and measurable	Up to 10 points.
Lowest ratio of projected administrative expenses to loans advanced	Up to 10 points.
Administrator's discretion, considering such factors as: Creative outreach ideas for marketing HWWS loans to rural residents; The amount of needs demonstrated in the work plan; Previous experiences demonstrating excellent utilization of a revolving loan fund grant; and Optimizing the use of agency resources.	Up to 10 points.

C. Review Standards

1. Incomplete applications as of the deadline for submission will not be considered. If an application is determined to be incomplete, the applicant will be notified in writing and the application will be returned with no further action.

2. Ineligible applications will be returned to the applicant with an explanation.

3. Complete, eligible applications will be evaluated competitively by a review team, composed of at least two RUS employees selected from the Water Programs Division. They will make overall recommendations based on the program elements found in 7 CFR part 1776 and the review criteria presented in this notice. They will award points as described in the scoring criteria in 7 CFR 1776.9 and this notice. Each application will receive a score based on the averages of the reviewers' scores and discretionary points awarded by the RUS Administrator.

4. Applications will be ranked and grants awarded in rank order until all grant funds are expended.

5. Regardless of the score an application receives, if RUS determines that the project is technically infeasible, RUS will notify the applicant, in writing, and the application will be returned with no further action.

VI. Award Administration Information

A. Award Notices

RUS will notify a successful applicant by an award letter accompanied by a grant agreement. The grant agreement will contain the terms and conditions for the grant. The applicant must execute and return the grant agreement, accompanied by any additional items required by the award letter or grant agreement.

B. Administrative and National Policy Requirements

1. This notice, the 7 CFR part 1776, and the application guide implement the appropriate administrative and national policy requirements. Grant recipients are subject to the requirements in 7 CFR part 1776.

2. Direct Federal grants, sub-award funds, or contracts under the HWWS Grant Program shall not be used to fund inherently religious activities, such as worship, religious instruction, or proselytization. Therefore, organizations that receive direct assistance should

take steps to separate, in time or location, their inherently religious activities from the services funded under the HWWS Grant Program. Regulations for the Equal Treatment for Faith-based Organizations are contained in 7 CFR part 16, which includes the prohibition against Federal funding of inherently religious activities. The regulation may be accessed at the Web site at *http://www.rurdev.usda.gov/rd/fbnp/usdafbci070904.html.*

C. Reporting

1. *Performance Reporting.* All recipients of HWWS Grant Program financial assistance must provide quarterly performance activity reports to RUS until the project is complete and the funds are expended. A final performance report is also required. The final report may serve as the last annual report. The final report must include an evaluation of the success of the project.

2. *Financial Reporting.* All recipients of HWWS Grant Program financial assistance must provide an annual audit, beginning with the first year a portion of the financial assistance is expended. The grantee will provide an audit report or financial statements as follows:

a. Grantees expending $500,000 or more Federal funds per fiscal year will submit an audit conducted in accordance with OMB Circular A–133. The audit will be submitted within 9 months after the grantee's fiscal year. Additional audits may be required if the project period covers more than one fiscal year.

b. Grantees expending less than $500,000 will provide annual financial statements covering the grant period, consisting of the organization's statement of income and expense and balance sheet signed by an appropriate official of the organization. Financial statements will be submitted within 90 days after the grantee's fiscal year.

VII. Agency Contacts

A. *Web site: http://www.usda.gov/rus/water.* The RUS Web site maintains up-to-date resources and contact information for the HWWS Grant Program.

B. *Phone:* 202–720–9589.

C. *Fax:* 202–690–0649.

D. *E-mail: lorrie.davis@wdc.usda.gov.*

E. *Main point of contact:* Lorrie Davis, Community Programs Specialist, Water and Environmental Programs, Water Programs Division, RUS, U.S. Department of Agriculture.

Dated: March 8, 2010.

Jonathan Adelstein,

Administrator, Rural Utilities Service.

[FR Doc. 2010–6685 Filed 3–25–10; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Farm Service Agency

Dairy Industry Advisory Committee; Public Meeting

AGENCY: Farm Service Agency, USDA.

ACTION: Notice of public meeting.

SUMMARY: As required by the Federal Advisory Committee Act, as amended, the Farm Service Agency (FSA) announces a public meeting of the newly established Dairy Industry Advisory Committee (Dairy Committee) to review the current state of the dairy industry, discuss current dairy programs of the U.S. Department of Agriculture (USDA) and Federal dairy policy, hear proposals from the dairy industry, and hear public comments. The Dairy Committee is responsible for advising the Secretary on these issues.

DATES: *Public meeting:* April 13 through April 15, 2010.

Registration: To attend the meeting, register by April 6, 2010.

Comments: We will consider comments that we receive by April 15, 2010.

ADDRESSES: We invite you to participate in the meeting and to submit comments. The public meeting location is: The USDA headquarters, in the Jamie L. Whitten Building, Room 104–A, 12th Street SW. and Jefferson Drive, Washington, DC 20250. The meeting is open to the public. Instructions regarding registering for and attending the meeting are in the **SUPPLEMENTARY INFORMATION** section of this notice.

You may submit comments by any of the following methods:

- *Online:* Go to *http://www.fsa.usda.gov/DIAC.* Follow the online instructions for submitting comments,
- *E-mail: DIAC@wdc.usda.gov,* or
- Orally at the meeting; please also provide a written copy of your comments.

FOR FURTHER INFORMATION CONTACT: Solomon Whitfield, Designated Federal Official; phone: (202) 720–9886; e-mail: *solomon.whitfield@wdc.usda.gov.* Persons with disabilities who require alternative means for communication (Braille, large print, audio tape, *etc.*) should contact the USDA Target Center at (202) 720–2600 (voice and TDD).

SUPPLEMENTARY INFORMATION: In August 2009, USDA established the Dairy Committee. The Dairy Committee will review the issues of farm milk price volatility and dairy farmer profitability. The Dairy Committee will provide recommendations to the Secretary on how USDA can best address these issues to meet the dairy industry's needs.

The Dairy Committee will hold its first meeting April 13 through April 15, 2010, from 8:30 a.m. to 5 p.m. each day. The purpose of the meeting is to:

- Discuss the current state of the dairy industry,
- Review current USDA programs and Federal dairy policy,
- Hear proposals from dairy industry groups, and
- Allow comments from the public.

The meeting is open to the public. The dairy industry and public are invited to provide comments at either the meeting on April 15, 2010, or through any of the addresses listed above.

Instructions for Attending the Meeting

Space for attendance at the meeting is limited. Due to USDA headquarters security and space requirements, all persons wishing to attend the meeting must send an e-mail to *DIAC@wdc.usda.gov* by April 6, 2010, to register the names of those planning to attend. Registrations will be accepted until maximum room capacity is reached. Upon arrival at the USDA Whitten Building, registered persons must provide a valid photo ID in order to enter. Additional information about the public meeting, including directions and how to provide comments is available at the Dairy Committee Web site: *http://www.fsa.usda.gov/DIAC.*

Meeting agenda, materials, and minutes will be made available on the Web site for meetings, as available.

The Secretary of Agriculture selected a diverse group of members representing a broad spectrum of persons interested in providing suggestions and ideas on how USDA can tailor its programs to meet the dairy industry's needs. Equal opportunity practices were considered in all appointments to the Dairy Committee in accordance with USDA policies. The Secretary announced the members on January 6, 2010. Representatives include: producers and producer organizations, processors and processor organizations, consumers, academia, retailers, and a State representative.

If you require special accommodations, such as a sign language interpreter, please use the contact information above.

Notice of this meeting is provided in accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463).

Signed in Washington, DC on March 18, 2010.

Jonathan W. Coppess,

Administrator, Farm Service Agency.

[FR Doc. 2010–6680 Filed 3–25–10; 8:45 am]

BILLING CODE 3410–05–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the California Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a meeting of the California Advisory Committee to the Commission will convene at 10 a.m. and adjourn at 3:15 p.m. on Thursday, April 29, 2010, at the Kyoto Grand Hotel, 120 S. Los Angeles Street, Los Angeles, CA. The purpose of the meeting is for the Committee to receive a briefing regarding free speech on California college campuses and universities.

The briefing will be transcribed and a transcript of the proceedings will be produced and made available to the public. Members of the public are entitled to submit written comments and such comments will be considered part of the official transcript. Comments must be received in the Western Regional Office by May 31, 2010. The address is 300 N. Los Angeles St., Suite 2100, Los Angeles, CA 90012. Persons wishing to e-mail their comments may do so by submitting them to *pminarik@usccr.gov*. Persons who desire to obtain a copy of the agenda of the meeting or additional information should contact Angelina Trevino, Administrative Assistant, Western Regional Office, at (213) 894–3437 or by *e-mail: atrevino@usccr.gov*.

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

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

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

Dated in Washington, DC, March 23, 2010.

Peter Minarik,

Acting Chief, Regional Programs Coordination Unit.

[FR Doc. 2010–6695 Filed 3–25–10; 8:45 am]

BILLING CODE 6335–02–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

[Docket Number: 100311133–0142–01]

NIST Summer Institute for Middle School Science Teachers; Availability of Funds

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice.

SUMMARY: The National Institute of Standards and Technology (NIST) announces the availability of Federal assistance for educational institutions to provide limited support for middle school science teachers to attend the NIST Summer Institute for Middle School Science Teachers. Teachers from qualified applicants should be involved in teaching areas of science, technology, engineering and mathematics (STEM) at the middle school level (grades 6–8), including, but not limited to, earth science, physical science, chemistry, physics, and/or biology. This program responds to a need for these targeted teachers to receive instruction and activities that will encourage them to inspire students to pursue careers in STEM fields.

DATES: Proposals must be received at the address listed below no later than 5 p.m. Eastern Time on April 26, 2010.

ADDRESSES: Hard copies of proposals must be submitted to: Dr. Susan Heller-Zeisler, Office of International and Academic Affairs, National Institute of Standards and Technology, 100 Bureau Drive, Mailstop 8190, Gaithersburg, Maryland 20899–1090. Electronic submissions of full proposals may be uploaded to *http://www.Grants.gov*.

FOR FURTHER INFORMATION CONTACT: A paper copy of the Federal Funding Opportunity (FFO) announcement may be obtained by calling (301) 975–3111. Technical questions should be addressed to: Dr. Susan F. Heller-Zeisler at the address listed in the **ADDRESSES** section above, or at Tel: (301) 975–3111; E-mail: *szeisler@nist.gov*. Grants Administration questions should be addressed to: Grants and Agreements Management Division; National Institute of Standards and Technology; 100 Bureau Drive, Stop 1650; Gaithersburg, MD 20899–1650; Tel: (301) 975–6328. For assistance with using *Grants.gov* contact *support@grants.gov* or call 800–518–4726.

SUPPLEMENTARY INFORMATION:

Statutory Authority: 15 U.S.C. 278g–2a, 15 U.S.C. 272(b)(4)

Catalog of Federal Domestic Assistance Name and Number Catalog of Federal Domestic Assistance (CFDA) Number: 11.609.

Program Description: The National Institute of Standards and Technology (NIST) is soliciting applications from qualified public school districts or accredited private educational institutions that are teaching students in the areas of Science, Technology, Engineering and Mathematics (STEM) at the middle school level (Grades 6–8). This includes, but is not limited to, earth science, physical science, chemistry, physics and/or biology. NIST will award funding that will support the attendance of middle school teachers in the NIST Summer Institute for Middle School Science Teachers (NIST SI), to be held July 6–19, 2010 to be held at the NIST Gaithersburg, Maryland, campus. Please see additional information about this program in the corresponding Federal Funding Opportunity (FFO).

Electronic access: Applicants are strongly encouraged to read the Federal Funding Opportunity (FFO) available at *http://www.grants.gov* for complete information about this program, all program requirements, and instructions for applying by paper or electronically.

Funding Availability: NIST anticipates spending $40,000 this year for awards to support a total of twenty teachers to attend the NIST SI from July 6–19, 2010. Publication of this announcement does not oblige NIST or the Department of Commerce to award any specific project or to obligate any available funds.

Award start dates for new grants are expected to be June 25, 2010. NIST plans to fund the awards as cooperative agreements.

Eligibility: The NIST Summer Institute for Middle School Science Teachers grant program is open to public school districts and private educational institutions teaching at the middle school level. Such schools may offer instruction in general science fields including earth science, physical science, chemistry, physics, and/or biology. Participating teachers from the applicant school districts or private

educational institutes must be U.S. citizens or permanent U.S. residents.

Teachers proposed within the applications for participation in the NIST SI must be employed for the 2010–2011 school year to teach middle school science or math (grades 6, 7, and/or 8) in a public or private school. The topics taught may include earth science, physical science, chemistry, physics, and/or biology.

Please note that no support will be offered for transportation or housing costs accrued by the participating teachers.

Cost Sharing or Matching: The NIST SI does not require any cost sharing or matching funds.

Review and Selection Process: Upon receipt of an application submitted by an eligible institution, NIST will assign each teacher proposed for participation in the NIST SI an identification code without bias. NIST will fill the 20 available slots for the Summer Institute by randomly selecting from the assigned codes using a blind selection process. The amount of the grant awarded to an institution will be determined by the number of teachers who are selected from that institution's application.

The final selection of institutions and awarding of grants will be made by the NIST Grants Officer in Gaithersburg, Maryland, based on compliance with application requirements, as published in this notice, and applicable legal and regulatory requirements. Unsatisfactory performance on any previous Federal award may result in an application not being considered for funding. Applicants may be asked to provide supplemental information required by the agency prior to award. The decision of the Grants Officer is final. Applicants should allow up to 45 days processing time.

The decision of the Grants Officer is final.

The Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements: The Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements, which are contained in the **Federal Register** Notice of February 11, 2008 (73 FR 7696), are applicable to this notice. On the form SF–424 items 8.b. and 8.c., the applicant's 9-digit Employer/Taxpayer Identification Number (EIN/TIN) and 9-digit Dun and Bradstreet Data Universal Numbering System (DUNS) number must be consistent with the information on the Central Contractor Registration (CCR) (*http://www.ccr.gov*) and Automated Standard Application for Payment System (ASAP). For complex organizations with multiple EIN/TIN and DUNS numbers, the EIN/TIN and DUNS number MUST be the numbers for the applying organization. Organizations that provide incorrect/inconsistent EIN/TIN and DUNS numbers may experience significant delays in receiving funds if their proposal is selected for funding. Please confirm that the EIN/TIN and DUNS number are consistent with the information on the CCR and ASAP.

Use of NIST Intellectual Property: If the applicant anticipates using any NIST-owned intellectual property to carry out the work proposed, the applicant should identify such intellectual property. This information will be used to ensure that no NIST employee involved in the development of the intellectual property will participate in the review process for that competition. In addition, if the applicant intends to use NIST-owned intellectual property, the applicant must comply with all statutes and regulations governing the licensing of Federal government patents and inventions, described at 35 U.S.C. 200–212, 37 CFR part 401, 15 CFR 14.36, and in Section B.21 of the Department of Commerce Pre-Award Notification Requirements 73 FR 7696 (February 11, 2008). Questions about these requirements may be directed to the Office of the Chief Counsel for NIST, 301–975–2803.

Any use of NIST-owned intellectual property by a proposer is at the sole discretion of NIST and will be negotiated on a case-by-case basis if a project is deemed meritorious. The applicant should indicate within the statement of work whether it already has a license to use such intellectual property or whether it intends to seek one.

If any inventions made in whole or in part by a NIST employee arise in the course of an award made pursuant to this notice, the United States government may retain its ownership rights in any such invention. Licensing or other disposition of NIST's rights in such inventions will be determined solely by NIST, and include the possibility of NIST putting the intellectual property into the public domain.

Paperwork Reduction Act: The standard forms in the application kit involve a collection of information subject to the Paperwork Reduction Act. The use of Standard Forms 424, 424A, 424B, 424 (R&R), SF–LLL, and CD–346 have been approved by OMB under the respective Control Numbers 0348–0043, 0348–0044, 0348–0040, 4040–0001, 0348–0046, and 0605–0001.

Notwithstanding any other provision of the 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, unless that collection of information displays a currently valid OMB Control Number.

Research Projects Involving Human Subjects, Human Tissue, Data or Recordings Involving Human Subjects: Any proposal that includes research involving human subjects, human tissue, data or recordings involving human subjects must meet the requirements of the Common Rule for the Protection of Human Subjects, codified for the Department of Commerce at 15 CFR part 27. In addition, any proposal that includes research on these topics must be in compliance with any statutory requirements imposed upon the Department of Health and Human Services (DHHS) and other federal agencies regarding these topics, all regulatory policies and guidance adopted by DHHS, the Food and Drug Administration, and other Federal agencies on these topics, and all Presidential statements of policy on these topics.

NIST will accept the submission of human subjects protocols that have been approved by Institutional Review Boards (IRBs) possessing a current registration filed with DHHS and to be performed by institutions possessing a current registration filed with DHHS and to be performed by institutions possessing a current, valid Federal-wide Assurance (FWA) from DHHS. NIST will not issue a single project assurance (SPA) for any IRB reviewing any human subjects protocol proposed to NIST.

President Obama has issued Executive Order No. 13,505 (74 FR 10667, March 9, 2009), revoking previous Executive Orders and Presidential statements regarding the use of human embryonic stem cells in research. On July 30, 2009, President Obama issued a memorandum directing that agencies that support and conduct stem cell research adopt the "National Institutes of Health Guidelines for Human Stem Cell Research" (NIH Guidelines), which became effective on July 7, 2009, "to the fullest extent practicable in light of legal authorities and obligations." On September 21, 2009, the Department of Commerce submitted to the Office of Management and Budget a statement of compliance with the NIH Guidelines. In accordance with the President's memorandum, the NIH Guidelines, and the Department of Commerce statement of compliance, NIST will support and conduct research

using only human embryonic stem cell lines that have been approved by NIH in accordance with the NIH Guidelines and will review such research in accordance with the Common Rule and NIST implementing procedures, as appropriate. NIST will not support or conduct any type of research that the NIH Guidelines prohibit NIH from funding. NIST will follow any additional policies or guidance issued by the current Administration on this topic.

Research Projects Involving Vertebrate Animals: Any proposal that includes research involving vertebrate animals must be in compliance with the National Research Council's "Guide for the Care and Use of Laboratory Animals" which can be obtained from National Academy Press, 2101 Constitution Avenue, NW., Washington, DC 20055. In addition, such proposals must meet the requirements of the Animal Welfare Act (7 U.S.C. 2131 *et seq.*), 9 CFR parts 1, 2, and 3, and if appropriate, 21 CFR part 58. These regulations do not apply to proposed research using pre-existing images of animals or to research plans that do not include live animals that are being cared for, euthanized, or used by the project participants to accomplish research goals, teaching, or testing. These regulations also do not apply to obtaining animal materials from commercial processors of animal products or to animal cell lines or tissues from tissue banks.

Limitation of Liability: Funding for the programs listed in this notice is contingent upon the availability of Fiscal Year 2010 appropriations. The Department of Commerce and NIST will not be held responsible for application preparation costs. Publication of this announcement does not oblige NIST or the Department of Commerce to award any specific project or to obligate any available funds.

Executive Order 12866: This funding notice was determined to be not significant for purposes of Executive Order 12866.

Executive Order 13132 (Federalism): It has been determined that this notice does not contain policies with federalism implications as that term is defined in Executive Order 13132.

Executive Order 12372: Applications under this program are not subject to Executive Order 12372, "Intergovernmental Review of Federal Programs."

Administrative Procedure Act/ Regulatory Flexibility Act: Notice and comment are not required under the Administrative Procedure Act (5 U.S.C. 553) or any other law, for rules relating to public property, loans, grants, benefits or contracts (5 U.S.C. 553(a)). Because notice and comment are not required under 5 U.S.C. 553, or any other law, for rules relating to public property, loans, grants, benefits or contracts (5 U.S.C. 553(a)), a Regulatory Flexibility Analysis is not required and has not been prepared for this notice, 5 U.S.C. 601 *et seq.*

Dated: March 23, 2010.

Marc G. Stanley,

Acting Deputy Director.

[FR Doc. 2010–6749 Filed 3–25–10; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

International Trade Administration

[Application No. 97–10A03]

Export Trade Certificate of Review

ACTION: Notice of issuance (#97–10A03) of an amended Export Trade Certificate of Review to the Association for the Administration of Rice Quotas, Inc.

SUMMARY: The U.S. Department of Commerce issued an amended Export Trade Certificate of Review to the Association for the Administration of Rice Quotas, Inc. ("AARQ") on March 11, 2010. The Certificate has been amended ten times. The previous amendment was issued to AARQ on March 31, 2009, and published in the **Federal Register** on April 10, 2009 (74 FR 16363). The original Certificate for AARQ was issued on January 21, 1998, and published in the **Federal Register** on January 28, 1998 (63 FR 4220).

FOR FURTHER INFORMATION CONTACT: Joseph E. Flynn, Director, Office of Competition and Economic Analysis, International Trade Administration, by telephone at (202) 482–5131 (this is not a toll-free number) or by e-mail at *oetca@ita.doc.gov*.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. Sections 4001–21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. The regulations implementing Title III are found at 15 CFR part 325 (2008).

The Office of Competition and Economic Analysis is issuing this notice pursuant to 15 CFR 325.6(b), which requires the Department of Commerce to publish a summary of the certification in the **Federal Register**. Under Section 305(a) of the Act and 15 CFR 325.11(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

Description of Amended Certificate

AARQ's Export Trade Certificate of Review has been amended to:

1. *Add the following companies as new Members of the Certificate within the meaning of section 325.2(1) of the Regulations (15 CFR 325.(1)):* ADM Grain Company, Decatur, Illinois (a subsidiary of Archer Daniels Midland Company) and TRC Trading Corporation, Roseville, California (a subsidiary of The Rice Company).

2. *Change the listing of the following Members:* "American Commodity Company, LLC, Robbins, California" has been amended to read "American Commodity Company, LLC, Williams, California"; "American Rice, Inc., Houston, Texas (a subsidiary of SOS Cuetara USA, Inc.)" has been amended to read "American Rice, Inc., Houston, Texas (a subsidiary of SOS Corporation Alimentaria, SA)"; "Cargill Americas, Inc., and its subsidiary CAI Trading Company LLC, Coral Gables, Florida" has been amended to read "Cargill Americas, Inc. and its subsidiary CAI Trading, LLC, Coral Gables, Florida"; "JFC International Inc., San Francisco, California (a subsidiary of Kikkoman Corp.)" has been amended to read "JFC International Inc., Los Angeles, California (a subsidiary of Kikkoman Corp.)"; and "Nidera, Inc., Stamford, Connecticut (a subsidiary of Nidera Handelscompagnie BV (Netherlands))" has been amended to read "Nidera, Inc., Wilton, Connecticut (a subsidiary of Nidera Handelscompagnie BV (Netherlands))."

Make corrections to the following Members' listings: "Itochu International Inc., New York, New York (a subsidiary of Itochu Corporation (Japan))" has been amended to read "Itochu International Inc., Portland, Oregon (a subsidiary of Itochu Corporation (Japan))"; and "Nobel Logistics USA Inc., Portland, Oregon" has been amended to read "Noble Logistics USA Inc., Portland, Oregon." The effective date of the amended certificate is December 11, 2009, the date on which AARQ's application to amend was deemed submitted. A copy of the amended certificate will be kept in the International Trade Administration's Freedom of Information Records Inspection Facility, Room 4001, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

Dated: March 15, 2010.

Joseph E. Flynn,

Director, Office of Competition and Economic Analysis.

[FR Doc. 2010–6658 Filed 3–25–10; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–909]

Certain Steel Nails from the People's Republic of China: Extension of Time Limit for Preliminary Results of the First Antidumping Duty Administrative Review

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

EFFECTIVE DATE: March 26, 2010.

FOR FURTHER INFORMATION CONTACT: Emeka Chukwudebe or Matthew Renkey, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, DC 20230; telephone: (202) 482–0219 and (202) 482–2312, respectively.

SUPPLEMENTARY INFORMATION:

Background

On September 22, 2009, the Department of Commerce ("Department") initiated the first administrative review of the antidumping duty order on certain steel nails from the PRC encompassing 158 companies for the period, January 23, 2008, to July 31, 2009. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part*, 74 FR 48224, (September 22, 2009) ("*Initiation Notice*"). On February 16, 2010, the Department issued a memorandum that tolled the deadlines for all Import Administration cases by seven calendar days due to the recent Federal Government closure. *See* Memorandum for the Record from Ronald Lorentzen, DAS for Import Administration, Tolling of Administrative Deadlines as a Result of the Government Closure During the Recent Snowstorm, dated February 12, 2010. As a result, the preliminary results are currently due on May 10, 2010.

Extension of Time Limits for Preliminary Results

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended ("Act"), and 19 CFR 351.213(h)(1) direct the Department to issue the preliminary results in an administrative review of an antidumping duty order 245 days after the last day of the anniversary month of the order for which the administrative review was requested. The Department may, however, extend the deadline for completion of the preliminary results of an administrative review to 365 days if it determines it is not practicable to complete the review within the foregoing time period. *See* section 751(a)(3)(A) of the Act and 19 CFR 351.214(h)(2).

The Department finds that it is not practicable to complete the preliminary results within this time limit. The Department is extending the deadline because the Department twice had to select an additional respondent for individual examination, which has significantly delayed the receipt of the original questionnaire responses. Additionally, the Department requires further time to issue and receive responses to supplemental questionnaires as well as to receive and analyze surrogate country and surrogate value comments. We are therefore extending the time for the completion of the preliminary results of this review by 120 days to September 7, 2010. The final results continue to be due 120 days after the publication of the preliminary results.

This notice is published in accordance with section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(2).

Dated: March 22, 2010.

John M. Andersen,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2010–6797 Filed 3–25–10; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–908]

First Antidumping Duty Administrative Review of Sodium Hexametaphosphate from the People's Republic of China: Extension of Time Limit for the Preliminary Results

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

EFFECTIVE DATE: March 26, 2010.

FOR FURTHER INFORMATION CONTACT: Paul Walker, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–0413.

SUPPLEMENTARY INFORMATION:

Background

On April 27, 2009, the Department of Commerce ("Department") published in the **Federal Register** a notice of initiation of an administrative review of sodium hexametaphosphate from the People's Republic of China ("PRC"), covering the period September 14, 2007 February 28, 2009. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part*, 74 FR 19042 (April 27, 2009). From May 26, 2009 to October 28, 2009, the respondent in this review, Hubei Xingfa Chemical Group Co., Ltd. ("Hubei Xingfa"), submitted responses to the Department's antidumping duty questionnaires. From November 9–13, 2009, the Department conducted verification of Hubei Xingfa. On November 25, 2009, the Department extended the time period for issuing the preliminary results of review until January 30, 2010. *See First Antidumping Duty Administrative Review of Sodium Hexametaphosphate from the People's Republic of China: Extension of Time Limit for the Preliminary Results*, 74 FR 61656 (November 25, 2009). On February 5, 2010, the Department published a notice extending the time period for issuing the preliminary results by 41 days to March 12, 2010. *See First Antidumping Duty Administrative Review of Sodium Hexametaphosphate from the People's Republic of China: Extension of Time Limit for the Preliminary Results*, 75 FR 5946 (February 5, 2010). As explained in the memorandum from the Deputy Assistant Secretary for Import Administration, the Department has exercised its discretion to toll deadlines for the duration of the closure of the Federal Government from February 5, through February 12, 2010. *See* Memorandum to the Record regarding "Tolling of Administrative Deadlines As a Result of the Government Closure During the Recent Snowstorm," dated February 12, 2010. Thus, all deadlines in this segment of the proceeding have been extended by seven days. The revised deadline for the preliminary results of this review is now March 19, 2010.

Extension of Time Limit for the Preliminary Results

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended ("the Act"), requires the Department to issue the preliminary results of an administrative review within 245 days after the last day of the anniversary month of an order for

which a review is requested. If it is not practicable to complete the review within the time period, section 751(a)(3)(A) of the Act allows the Department to extend this deadline to a maximum of 365 days.

The Department determines that completion of the preliminary results of this review within the statutory time period is not practicable, given the extraordinarily complicated nature of the proceeding. The Department requires additional time to analyze the information gathered at verification concerning Hubei Xingfa's corporate structure and ownership, sales practices, manufacturing methods, and to issue the verification report. Therefore, given the number and complexity of issues in this case, and in accordance with section 751(a)(3)(A) of the Act, we are extending the time period for issuing the preliminary results of review by 17 days until April 5, 2010. The final results continue to be due 120 days after the publication of the preliminary results.

This notice is published pursuant to sections 751(a)(3)(A) and 777(i)(1) of the Act and 19 CFR 351.213(h)(2).

Dated: March 19, 2010.

John M. Andersen,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2010–6809 Filed 3–25–10; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–843]

Polyethylene Retail Carrier Bags from Taiwan: Final Determination of Sales at Less Than Fair Value

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

SUMMARY: The Department of Commerce (the Department) has determined that imports of polyethylene retail carrier bags (PRCBs) from Taiwan are being, or are likely to be, sold in the United States at less than fair value (LFTV), as provided in section 735 of the Tariff Act of 1930, as amended (the Act). The estimated margins of sales at LTFV are listed in the "Continuation of Suspension of Liquidation" section of this notice.

EFFECTIVE DATE: March 26, 2010.

FOR FURTHER INFORMATION CONTACT: Dmitry Vladimirov or Minoo Hatten, AD/CVD Operations, Office 5, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone (202) 482–0665 or (202) 482–1690, respectively.

SUPPLEMENTARY INFORMATION:

Case History

On October 27, 2009, the Department published in the **Federal Register** its preliminary determination in the antidumping duty investigation of PRCBs from Taiwan. *See Polyethylene Retail Carrier Bags From Taiwan: Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination*, 74 FR 55183 (October 27, 2009) (*Preliminary Determination*).

As explained in the memorandum from the Deputy Assistant Secretary for Import Administration, the Department has exercised its discretion to toll deadlines for the duration of the closure of the Federal Government from February 5, through February 12, 2010. Thus, all deadlines in this investigation have been extended by seven days. The revised deadline for the final determination in this investigation is now March 18, 2010. See Memorandum to the Record from Ronald Lorentzen, DAS for Import Administration, regarding "Tolling of Administrative Deadlines As a Result of the Government Closure During the Recent Snowstorm," dated February 12, 2010.

As provided in section 782(i) of the Act, we conducted sales and cost verifications of the questionnaire responses submitted by the sole participating respondent, TCI Plastic Co., Ltd. (TCI). We used standard verification procedures, including examination of relevant accounting and production records, as well as original source documents provided by TCI. See Memorandum to the File entitled "Verification of the U.S. Sales Response of Interplast Group in the Antidumping Investigation of Polyethylene Retail Carrier Bags from Taiwan," dated December 22, 2009, Memorandum to the File entitled "Verification of the Home–Market and Export–Price Sales Responses of TCI Plastic Co., Ltd., in the Antidumping Investigation of Polyethylene Retail Carrier Bags from Taiwan," dated December 23, 2009, and Memorandum to the File entitled "Verification of the Cost Response of Tis Dis International Co. Ltd. in the Antidumping Investigation of Polyethylene Retail Carrier Bags from Taiwan," dated January 11, 2010. All verification reports are on file and available in the Central Records Unit (CRU), Room 1117, of the main Department of Commerce building.

We received case briefs submitted by Hilex Poly Co., LLC, and Superbag Corporation (hereinafter, the petitioners) and TCI on January 21, 2010. The petitioners and TCI submitted rebuttal comments on January 26, 2010. Although a hearing was requested, the request was withdrawn and we did not hold a hearing.

Period of Investigation

The period of investigation is January 1, 2008, through December 31, 2008. This period corresponds to the four most recent fiscal quarters prior to the month of the filing of the petition, March 2009. See 19 CFR 351.204(b)(1).

Scope of the Investigation

The merchandise subject to this investigation is PRCBs, which also may be referred to as t–shirt sacks, merchandise bags, grocery bags, or checkout bags. The subject merchandise is defined as non–sealable sacks and bags with handles (including drawstrings), without zippers or integral extruded closures, with or without gussets, with or without printing, of polyethylene film having a thickness no greater than 0.035 inch (0.889 mm) and no less than 0.00035 inch (0.00889 mm), and with no length or width shorter than 6 inches (15.24 cm) or longer than 40 inches (101.6 cm). The depth of the bag may be shorter than 6 inches but not longer than 40 inches (101.6 cm).

PRCBs are typically provided without any consumer packaging and free of charge by retail establishments, *e.g.*, grocery, drug, convenience, department, specialty retail, discount stores, and restaurants to their customers to package and carry their purchased products. The scope of this investigation excludes (1) polyethylene bags that are not printed with logos or store names and that are closeable with drawstrings made of polyethylene film and (2) polyethylene bags that are packed in consumer packaging with printing that refers to specific end–uses other than packaging and carrying merchandise from retail establishments, *e.g.*, garbage bags, lawn bags, trash–can liners.

Imports of merchandise included within the scope of this investigation are currently classifiable under statistical category 3923.21.0085 of the Harmonized Tariff Schedule of the United States (HTSUS). This subheading may also cover products that are outside the scope of this investigation. Furthermore, although the HTSUS subheading is provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

Adverse Facts Available

For the final determination, we continue to find that, by failing to provide information we requested, Ipsido Corporation (Ipsido), a respondent selected for individual examination in this investigation, did not act to the best of its ability. Thus, we continue to find that the use of adverse facts available is warranted for this company under sections 776(a)(2) and (b) of the Act. See *Preliminary Determination*, 74 FR at 55185–55186.

As we explained in the *Preliminary Determination*, the rate of 95.81 percent we selected as the adverse facts–available rate for Ipsido is the highest margin alleged in the petition (see the Petition for the Imposition of Antidumping and Countervailing Duties on Polyethylene Retail Carrier Bags from Indonesia, Taiwan, and the Socialist Republic of Vietnam, dated March 31, 2009). See also *Polyethylene Retail Carrier Bags From Indonesia, Taiwan, and the Socialist Republic of Vietnam: Initiation of Antidumping Duty Investigations*, 74 FR 19049, 19054 (April 27, 2009). Further, as discussed in the Preliminary Determination, we corroborated the adverse facts–available rate pursuant to section 776(c) of the Act. See *Preliminary Determination*, 74 FR at 55186.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this antidumping investigation are addressed in the "Issues and Decision Memorandum for the Antidumping Investigation of Polyethylene Retail Carrier Bags from Taiwan" (Decision Memorandum) from John M. Andersen, Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Ronald K. Lorentzen, Deputy Assistant Secretary for Import Administration, dated March 18, 2010, which is hereby adopted by this notice. A list of the issues which parties have raised and to which we have responded, all of which are in the Decision Memorandum, is attached to this notice as an appendix. Parties can find a complete discussion of all issues raised in this investigation and the corresponding recommendations in the Decision Memorandum which is on file in the CRU. In addition, a complete version of the Decision Memorandum can be accessed directly on the Web at http://ia.ita.doc.gov/frn/index.html. The paper copy and electronic version of the Decision Memorandum are identical in content.

Targeted Dumping

In the *Preliminary Determination*, we followed the methodology we adopted in *Certain Steel Nails from the United Arab Emirates: Notice of Final Determination of Sales at Not Less Than Fair Value*, 73 FR 33985 (June 16, 2008), and *Certain Steel Nails from the People's Republic of China: Final Determination of Sales at Less Than Fair Value and Partial Affirmative Determination of Critical Circumstances*, 73 FR 33977 (June 16, 2008) (collectively, *Nails*), used most recently in *Certain New Pneumatic Off–The-Road Tires from the People's Republic of China: Final Affirmative Determination of Sales at Less Than Fair Value and Partial Affirmative Determination of Critical Circumstances*, 73 FR 40485 (July 15, 2008). See *Preliminary Determination*, 74 FR at 55187–55188. Based on the targeted–dumping test that we applied in the *Preliminary Determination*, we found a pattern of export prices and constructed export prices for comparable merchandise that differs significantly among certain customers, regions, and time periods. *Id.* As a result, following the methodology in *Nails*, we applied the average–to-transaction comparison methodology to TCI's targeted sales and the average–to-average comparison methodology to TCI's non–targeted sales; in calculating TCI's weighted–average margin, we combined the margin calculated for the targeted sales with the margin calculated for the non–targeted sales and did not offset any margins found among the targeted sales. See *Preliminary Determination*, 74 FR at 55188.

In the *Preliminary Determination* we announced that, given the now–withdrawn regulations that guided our practice in *Nails*, we would consider various options regarding the specific group of sales to which we apply the average–to-transaction methodology (the withdrawn targeted–dumping regulation would have limited such application to just the targeted sales). See *id.* We offered the following three options: 1) apply the average–to-transaction methodology just to sales found to be targeted as the withdrawn regulation directed and, consistent with our average–to-transaction practice; not offset any margins found on these transactions; 2) apply the average–to-transaction methodology to all sales to the customer, region, or time period found to be targeted (not just those specific sales found to be targeted) and, consistent with our average–to transaction practice, not offset any margins found on these transactions; and 3) apply the average–to-transaction methodology to all sales by TCI and, consistent with our average–to transaction practice, not offset any margins found on these transactions. See *id.*

As in the *Preliminary Determination*, we continue to find a pattern of export prices and constructed export prices for comparable merchandise that differs significantly among customers, regions, or by time period. See Memorandum to the File entitled "Final Determination of Sales at Less Than Fair Value in the Antidumping Duty Investigation of Polyethylene Retail Carrier Bags from Taiwan - Analysis Memorandum for TCI Plastic Co., Ltd.," dated March 18, 2010. We continue to find, pursuant to section 777A(d)(1)(B) of the Act, that application of the average–to-average comparison method does not account for such price differences and results in the masking of dumping that would be unmasked by the application of the average–to-transaction comparison method to all sales. Accordingly, for this final determination we have applied the average–to-transaction methodology to all U.S. sales that TCI reported. For a complete discussion, see the Decision Memorandum at Comment 1.

Changes Since the Preliminary Determination

Based on our analysis of the comments received and our findings at verifications, we have made certain changes to the margin calculation for TCI. For a discussion of these changes, see Memorandum to the File entitled "Final Determination of Sales at Less Than Fair Value in the Antidumping Duty Investigation of Polyethylene Retail Carrier Bags from Taiwan - Analysis Memorandum for TCI Plastic Co., Ltd.," dated March 18, 2010, and Memorandum to Neal Halper entitled "Cost of Production and Constructed Value Calculation Adjustments for the Final Determination TCI Plastic Co. Ltd. and Tis Dis International Co. Ltd.," dated March 18, 2010.

Cost of Production

As explained in the *Preliminary Determination* (74 FR at 55190), we conducted an investigation concerning sales at prices below the cost of production in the home-market. We found that, for certain specific products, more than 20 percent of TCI's home–market sales were at prices less than the cost of production and, in addition, such sales did not provide for the recovery of costs within a reasonable period of time. Therefore, we disregarded these sales and used the

remaining sales as the basis for determining normal value in accordance with section 773(b)(1) of the Act. Based on this test, for this final determination we have disregarded below–cost sales by TCI.

Continuation of Suspension of Liquidation

Pursuant to section 735(c)(1)(B) of the Act, we will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all entries of PRCBs from Taiwan which were entered, or withdrawn from warehouse, for consumption on or after October 27, 2009,

The date of publication of the *Preliminary Determination*. We will instruct CBP to require a cash deposit or the posting of a bond equal to the weighted–average margins, as indicated below, as follows: (1) the rates for TCI and Ipsido will be the rates we have determined in this final determination; (2) if the exporter is not a firm identified in this investigation but the producer is, the rate will be the rate established for the producer of the subject merchandise; (3) the rate for all other producers or exporters will be 36.54 percent, as discussed in the "All–Others Rate" section, below. These suspension–of-liquidation instructions will remain in effect until further notice.

Manufacturer/Exporter	Weighted–Average Margin (Percent)
Ipsido Corporation	95.81
TCI Plastic Co., Ltd.	36.54

All–Others Rate

Section 735(c)(5)(A) of the Act provides that the estimated all–others rate shall be an amount equal to the weighted average of the estimated weighted–average dumping margins established for exporters and producers individually investigated excluding any zero or *de minimis* margins and any margins determined entirely under section 776 of the Act. TCI is the only respondent in this investigation for which the Department has calculated a company–specific rate. Therefore, for purposes of determining the all–others rate and pursuant to section 735(c)(5)(A) of the Act, we are using the weighted–average dumping margin calculated for TCI, 36.54 percent. *See, e.g., Notice of Final Determination of Sales at Less Than Fair Value: Stainless Steel Sheet and Strip in Coils From Italy*, 64 FR 30750, 30755 (June 8, 1999), and *Coated Free Sheet Paper from Indonesia: Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination*, 72 FR 30753, 30757 (June 4, 2007) (unchanged in *Notice of Final Determination of Sales at Less Than Fair Value: Coated Free Sheet Paper from Indonesia*, 72 FR 60636 (October 25, 2007)).

Disclosure

We will disclose the calculations performed within five days of the date of publication of this notice to parties in this proceeding in accordance with 19 CFR 351.224(b).

International Trade Commission Notification

In accordance with section 735(d) of the Act, we have notified the International Trade Commission (ITC) of our final determination. As our final determination is affirmative and in accordance with section 735(b)(2) of the Act, the ITC will determine, within 45 days, whether

The domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports or sales (or the likelihood of sales) for importation of the subject merchandise. If the ITC determines that such injury does exist, the Department will issue

An antidumping duty order directing CBP to assess antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

Notification Regarding APO

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This determination is issued and published pursuant to sections 735(d) and 777(i)(1) of the Act.

Dated: March 18, 2010.

Ronald K. Lorentzen,

Deputy Assistant Secretary for Import Administration.

Appendix -- Issues in Decision Memorandum

1. Targeted Dumping
2. Sales Outside the Ordinary Course of Trade
3. Home–Market Warranty Expenses
4. Direct Material Costs
5. Variable Overhead Costs for Outside Processing Services
6. Unreconciled Costs
7. Financial Expense
8. U.S. Indirect Selling Expenses
9. Miscellaneous Issues

[FR Doc. 2010–6807 Filed 3–25–10; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XV50

Western Pacific Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The Western Pacific Fishery Management Council (Council) will hold meetings of its Hawaii and American Samoa Advisory Panels (AP), Hawaii and American Samoa Plan Teams (PT), and Hawaii and American Samoa Regional Ecosystem Advisory Committees (REAC).

DATES: The Hawaii AP meeting will be held on April 12, 2010, Hawaii REAC meeting on April, 13, 2010, and Hawaii PT meeting on April 14 and 15, 2010. The American Samoa AP meeting will be held on April 19, 2010, American Samoa PT meeting on April 20, 2010, and American Samoa REAC meeting on April 21, 2010. For specific times and agendas, see **SUPPLEMENTARY INFORMATION.**

ADDRESSES: The Hawaii AP, PT and REAC meetings will be held at the Council Office Conference Room, 1164 Bishop Street, Suite 1400, Honolulu, HI. The American Samoa AP and PT meetings will be held at the American Samoa Department of Marine and Wildlife Resources (DMWR) Conference Room, Pago Pago, American Samoa. The American Samoa REAC meeting will be held at the Governor H. Rex Lee Auditorium (Fale Laumei), Department of Commerce Government of American Samoa, Pago Pago, American Samoa.

FOR FURTHER INFORMATION CONTACT: Kitty M. Simonds, Executive Director; telephone: (808) 522–8220.

SUPPLEMENTARY INFORMATION: Public comment periods will be provided throughout the agendas. The order in which agenda items are addressed may change. The meetings will run as late as necessary to complete scheduled business.

Schedule and Agenda for Hawaii AP Meeting

9:30 a.m. 5 p.m., Monday, April 12, 2010

The Hawaii AP will meet to hear reports on, discuss and consider developing recommendations on the following upcoming Council meeting actions:

A. Annual Catch Limits

B. Management Measures for Aquaculture in the Western Pacific

C. Hawaii Archipelago Essential Fish Habitat Review

D. Cooperative Research Projects and Priorities

Reports will be provided on meetings and workshops held related to Catch Shares/Limited Access Privilege Programs for Hawaii bottomfish and monitoring activities and projects including, Kona crab fishery assessment, NMFS biosampling program, and bottomfish regulations and compliance.

Schedule and Agenda for Hawaii REAC Meeting

9 a.m. 4 p.m., Tuesday, April 13, 2010

The Hawaii REAC will meet to hear reports on, discuss and consider developing recommendations on the following upcoming Council meeting actions:

A. Annual Catch Limits

B. Recommendations on Management Measures for Aquaculture in the Western Pacific

C. Recommendations on Hawaii Archipelago Essential Fish Habitat

D. Catch Shares/Limited Access Privilege Programs

In addition, the Hawaii REAC will hear reports on, discuss and consider developing recommendations on Marine Spatial Planning, Hawaii Sanctuary Management Plan and Review, Marine Recreational Planning and Registry, Navy Integrated Natural Resource Management Plan, ESA Incidental Take Permit for Sea Turtles and Monk Seals, and monitoring and research activities.

Schedule and Agenda for the Hawaii PT Meeting

9 a.m. 4 p.m., Wednesday and Thursday, April 14 and 15, 2010

The PT will review the status of 2009 PT recommendations. The PT will discuss and may make recommendations on the Hawaii Archipelago Annual Report Modules for bottomfish, coral reef, precious coral and crustacean fisheries. Reports will be provided on monitoring activities and projects including, Kona crab fishery assessment, precious coral research, NMFS biosampling program, and bottomfish regulations and compliance. The PT will review and make recommendations on the following upcoming Council actions:

A. Annual Catch Limits

B. Catch shares/Limited Access Privilege Programs

C. Management Measures for Aquaculture in the Western Pacific

D. Hawaii Archipelago Essential Fish Habitat Review

E. Recommendations on Cooperative Research Projects and Priorities

Schedule and Agenda for American Samoa AP Meeting

5 p.m. 9 p.m., Monday, April 19, 2010

The American Samoa AP will meet to hear reports on, discuss and consider developing recommendations on the following upcoming Council meeting actions:

A. Annual Catch Limits

B. Management Measures for Aquaculture in the Western Pacific

C. Rose Atoll Marine National Monument

D. Cooperative Research Projects and Priorities

Reports will be provided and the AP will discuss and consider developing recommendations on community issues, research, and monitoring, fisheries development and new boat ramps, biological-sampling for life history information, and a new monitoring tool at FishBox.org.

Schedule and Agenda for American Samoa PT Meeting

9 a.m. 4 p.m., Tuesday, April 20, 2010

The American Samoa PT will meet to hear reports on, discuss and consider developing recommendations on the following upcoming Council meeting actions:

A. Annual Catch Limits

B. Rose Atoll Marine National Monument

C. Offshore Aquaculture Plan

D. Catch Shares/Limited Access Privilege Program

E. Cooperative Research Priorities and Projects

In addition, The PT will review the status of 2009 PT recommendations and will discuss and may make recommendations on the American Samoa Archipelago Fishery Ecosystem Plan Annual Report Modules for bottomfish, coral reef, precious coral and crustacean fisheries. Reports will be provided on monitoring activities and projects being conducted in American Samoa.

Schedule and Agenda for American Samoa REAC Meeting

9 a.m. 4 p.m., Wednesday, April 21, 2010

The American Samoa REAC will meet to hear reports on, discuss and consider developing recommendations on the following upcoming Council meeting actions:

A. Annual Catch Limits

B. Rose Atoll Marine National Monument

C. Offshore Aquaculture Plan

D. Catch Shares/Limited Access Privilege Program

E. Cooperative Research Priorities and Projects

In addition, the American Samoa REAC will hear reports on, discuss and consider developing recommendations on fisheries disaster relief, marine spatial planning, the Fagatele Bay National Marine Sanctuary Management Plan Review, Fisheries Development and new boat ramps, sea turtle interaction mitigation in the American Samoa longline Fishery, DMWR coral reef ecosystem surveys, and DMWR catch monitoring program.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kitty M. Simonds, (808)522–8220 (voice) or (808)522–8226 (fax), at least five days prior to the meeting date.

Authority: 1801 *et seq.*

Dated: March 23, 2010.

Tracey L. Thompson,

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

[FR Doc. 2010–6698 Filed 3–25–10; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

Economic Development Administration

Notice of Petitions by Firms for Determination of Eligibility To Apply for Trade Adjustment Assistance

AGENCY: Economic Development Administration, Department of Commerce.

ACTION: Notice and opportunity for public comment.

Pursuant to Section 251 of the Trade Act of 1974 (19 U.S.C. 2341 *et seq.*), the Economic Development Administration (EDA) has received petitions for certification of eligibility to apply for Trade Adjustment Assistance from the

firms listed below. EDA has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to the total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

LIST OF PETITIONS RECEIVED BY EDA FOR CERTIFICATION OF ELIGIBILITY TO APPLY FOR TRADE ADJUSTMENT 3/4/2010 THROUGH 3/22/2010

Firm	Address	Date accepted for filing	Products
Hollywood Bed & Spring Mfg. Co., Inc.	5959 Corvette Street, Commerce, CA 90040.	3/4/2010	Manufacturing of Bedding Support Products, Bed Frames, Bed Rails, Rollaway Beds, Daybed Hardware.
Charcoal Spring Corp. d/b/a Filter Pro.	811 Main Street, P.O. Box , East Lynne, MO 64743.	3/5/2010	Air, Liquid and compressor filters manufactured and reconditioned.
Fixture Hardware Manufacturing Corp.	4116 First Avenue, Brooklyn, NY 11232.	3/9/2010	Full line of steel display hardware including: Brackets, Standards, Slotted tubing, Pilaster strips, Recessed and Concealed standards (T-Standards), and perimeter hardware.
Jay Industries, Inc	150 E. Longview, Mansfield, OH 44903–4206.	3/9/2010	Seating frames and other plastic components and fabricated metal parts.
Openings d/b/a Total Door	6145 Delfield Drive, Waterford, MI 48342.	3/9/2010	Complete door systems tailored to special needs of various markets.
Trek, Inc	11601 Maple Ridge Road, Medina, NY 14103.	3/9/2010	Voltmeters, field meters, power supplies and high voltage amplifiers.
C&L Aluminum Foundry, Inc	3024 S. Main, Fort Worth, TX 76110.	3/10/2010	Custom aluminum casting for heavy industry.
Consumer Interstate Corporation.	2 Consumers Avenue, Norwich, CT 06360.	3/10/2010	Industrial and business supplies including: janitorial, safety, shipping and packaging, office furniture and supplies, printed forms, and food service.
Innovative Composite Engineering Inc.	P.O. Box 1218, White, WA 98672.	3/11/2010	ICE specializes in the engineering and fabrication of composite (carbon fiber and fiberglass) parts utilizing pre-impregnated carbon fiber materials.
Jarvis Cutting Tools, Inc	100 Jarvis Avenue, Rochester, NH 03868.	3/11/2010	Manufactures exotic metal cutting machine tools including explosives.
Ktech Engineering, Inc	389 N Industrial Rd., St. George, UT 84770.	3/11/2010	Parts of Engines and Motors, primarily used in the aerospace industry. Final assembly of components and testing of motor assembly and electronics.
Aero Metals, Inc	1201 E. Lincolnway, LaPorte, IN 46350.	3/15/2010	Investment cast components from ferrous and non-ferrous metals.
Bentonville International Group, Inc.	1401 South Walton Blvd., Bentonville, AR 72712.	3/15/2010	RFID Systems Integration Services.
Lifetime Products, Inc	Freeport Center Bldg, D–11, Clearfield, UT 84016.	3/15/2010	Folding tables and chairs, basketball hoops, outdoor sheds and utility trailers.
Marlin Steel Wire Products, LLC.	2640 Merchant Drive, Baltimore, MD 21230.	3/15/2010	Marlin Steel Wire manufactures stainless steel, wire, and metal baskets wire forms and hooks.
Tamarack Mills LLC, d/b/a Evergreen Forest d/b/a Clearwater Forest Industries.	Highway 12, P.O. Box 340, Kooskia, ID 83539.	3/15/2010	Coniferous lumber, both boards (1x4 through 1x12) and dimensional (2x4 through 2x12).
Bioscience, Inc	966 Postal Road, Ste 200, Allentown, PA 18109.	3/16/2010	Water testing kits and chemicals.
Power Technology, Inc	P.O. Box 19117, Little Rock, AR 72219–1117.	3/16/2010	Laser Diode products.
American Pride Fasteners, LLC	195 South Fehr Way, Bayshore, NY 11706.	3/19/2010	Manufacture of miniature fasteners and specialty parts of miniature fasteners.
Abbott Action, Inc	10 Campanelli Circle, Canton, MA 02021.	3/22/2010	Corrugated packaging, Point of purchase corrugated displays and foam packaging.
Helio Precision Products	601 North Skokie Highway, Lake Bluff, IL 60044.	3/22/2010	Close-tolerance, complex, heavy duty diesel engine and transmission components and assemblies.
Mandeville Signs, Inc	676 George Washington, Lincoln, RI 02865.	3/22/2010	Electrical signs primarily from aluminum and acrylic with internal illumination via neon, LED or fluorescent tubes.
Package Printing Company, Inc	33 Myron Street, West, MA 01089.	3/22/2010	PPCI manufactures printed packaging. They print primarily on 70 gauge (OPP) Polypropylene rolls, 48 gauge Polyester rolls and 1.5–2.5 ml. Polyethylene rolls.
RES Manufacturing Company	7801 N 73rd Street, Milwaukee, WI 53223.	3/22/2010	Custom stamped metal parts and components.
R.F. Hunter Company, Inc	113 Crosby Road, Suite 9, Dover, NH 03820.	3/22/2010	Filter equipment for edible oils. Sheet metal parts of stainless steel are formed and then nickel plated.
Salamander Designs	811 Blue Hills Ave., Bloomfield, CT 06002.	3/22/2010	Salamander Designs sells modular furniture systems specially engineered to support audio and video equipment.
Sturman Industries	1 Innovation Way, Woodland, Park CO 80863.	3/22/2010	The company manufactures high-tech components for engines and provides related engineering services.
Tastex Corporation	467–469 Roosevelt Avenue, Central Falls, RI 02863.	3/22/2010	Tastex manufacturers air-jet, textured yarn using man-made fibers, nylon, polyester, polypropylene, etc.

LIST OF PETITIONS RECEIVED BY EDA FOR CERTIFICATION OF ELIGIBILITY TO APPLY FOR TRADE ADJUSTMENT 3/4/2010 THROUGH 3/22/2010—Continued

Firm	Address	Date accepted for filing	Products
UEMC, Inc	4343 W. Commerce Street, San Antonio, TX 78237.	3/22/2010	Unisex apparel manufacture.

Any party having a substantial interest in these proceedings may request a public hearing on the matter. A written request for a hearing must be submitted to the Trade Adjustment Assistance for Firms Division, Room 7106, Economic Development Administration, U.S. Department of Commerce, Washington, DC 20230, no later than ten (10) calendar days following publication of this notice.

Please follow the procedures set forth in Section 315.9 of EDA's final rule (71 FR 56704) for procedures for requesting a public hearing. The Catalog of Federal Domestic Assistance official program number and title of the program under which these petitions are submitted is 11.313, Trade Adjustment Assistance.

Dated: March 22, 2010.

Bryan Borlik,

Program Director.

[FR Doc. 2010–6709 Filed 3–25–10; 8:45 am]

BILLING CODE 3510–24–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–920]

Lightweight Thermal Paper From the People's Republic of China: Rescission of the 2008–2009 Administrative Review

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

EFFECTIVE DATE: March 26, 2010.

FOR FURTHER INFORMATION CONTACT: Frances Veith, AD/CVD Operations, Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–4295.

SUPPLEMENTARY INFORMATION:

Background

On November 2, 2009, the Department of Commerce ("Department") published a notice of opportunity to request an administrative review of the antidumping duty order on lightweight thermal paper ("LWTP") from the People's Republic of China ("PRC"). *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review*, 74 FR 56573 (November 2, 2009). The period of review ("POR") is November 20, 2008, through October 31, 2009. On November 30, 2009, in accordance with 19 CFR 351.213(b), the Department received a timely request from Appleton Papers, Inc. ("petitioner") to conduct an administrative review of Shanghai Hanhong Paper Co., Ltd. and Hanhong International Limited (collectively "Hanhong") and Guangdong Guanhao High–Tech Co., Ltd. ("Guanhao"). In this case, there were no other requests for an administrative review by any other party.

Pursuant to this request, the Department published a notice of the initiation of the administrative review of the antidumping duty order on LWTP from the PRC for the POR. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part*, 74 FR 68229 (December 23, 2009).

Rescission of Administrative Review

Pursuant to 19 CFR 351.213(d)(1), the Secretary will rescind an administrative review, in whole or in part, if the party that requested the review withdraws the request within 90 days of the date of publication of the notice of initiation of the requested review. In this case, petitioner timely withdrew its request for a review, and no other interested party requested a review of Hanhong and Guanhao. Therefore, the Department is rescinding the administrative review of the antidumping duty order on LWTP from the PRC covering the period November 20, 2008, through October 31, 2009, in accordance with 19 CFR 351.213(d)(1).

Assessment

The Department will instruct U.S. Customs and Border Protection ("CBP") to assess antidumping duties on all appropriate entries. Antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). The Department intends to issue appropriate assessment instructions directly to CBP 15 days after the publication of this notice in the **Federal Register**.

Notification to Interested Parties

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Pursuant to 19 CFR 351.402(f)(3), failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective order ("APO") of their responsibility concerning the disposition of proprietary information disclosed under APO, in accordance with 19 CFR 351.305 and as explained in the APO itself. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This notice is in accordance with section 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: March 19, 2010.

John M. Andersen,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2010–6798 Filed 3–25–10; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

[Docket No.: 100114021–0023–01]

Voting Equipment Evaluations Phase III

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice.

SUMMARY: NIST is soliciting interest in Phase III of the benchmark research for voting equipment used in an election in 2008 or later and/or certified (or submitted for certification) by the Election Assistance Commission. Manufacturers interested in participating in Phase III of this research will be asked to execute a Letter of Understanding. Interested parties are invited to contact NIST for information regarding participation, Letters of Understanding and shipping.

DATES: Manufacturers who wish to participate in the program must submit a request and an executed Letter of Understanding by 5 p.m. Eastern Standard Time on May 25, 2010.

ADDRESSES: Letters of Understanding may be obtained from and should be submitted to Benjamin Long, National Institute of Standards and Technology, Information Technology Laboratory Office, Building 222, Room B306, 100 Bureau Drive, Mail Stop 8970, Gaithersburg, MD 20899–8970. Letters of Understanding may be faxed to: Benjamin Long at (301) 975–6097.

FOR FURTHER INFORMATION CONTACT: For shipping and further information, you may telephone Benjamin Long at (301) 975–2816, or e-mail: *blong@nist.gov*.

SUPPLEMENTARY INFORMATION: In accordance with the provisions of the Help America Vote Act (Pub. L. 107–252), the National Institute of Standards and Technology (NIST) will be conducting Phase III research on voting equipment used in an election in 2008 or later and/or certified (or submitted for certification) by the Election Assistance Commission. NIST Phase I, NIST Phase II, and NIST Phase III research support Technical Guidelines Development Committee Resolution 05–05, Human Performance-Based Standards and Usability Testing. NIST Phase III research is designed to: (1) Develop advanced test protocols, primarily for usability and accessibility, (2) validate test protocols, and (3) support additional research and test protocol development for next generation voluntary voting system guidelines. NIST may also examine relevant instructions, documentation and error messages, without doing any direct usability studies thereon.

NIST Phase I provided research for determining initial benchmarks (*see: http://vote.nist.gov/meeting-08172007/Usability-Benchmarks-080907.doc*). NIST Phase II provided research to develop usability test protocols. NIST Phase III continues the research to develop and validate advanced test protocols. Interested manufacturers should contact NIST at the address given above. NIST will supply a Letter of Understanding, which the manufacturer must execute and send back to NIST. NIST will then provide the manufacturer with shipping instructions for the manufacturer's equipment. The equipment provided will be returned to the manufacturer after the NIST experiments, approximately two years from commencement of the experiments. Manufacturers should be aware that some of the testing could damage or destroy the equipment, although NIST expects only normal wear and tear. At the conclusion of the experiments, the equipment will be returned to the manufacturer in its post-testing condition. NIST, the Election Assistance Commission, and/or the Technical Guidelines Development Committee, will not be responsible for the condition of the equipment when returned to the manufacturer. As a condition for participating in this program, each manufacturer must agree in advance to hold harmless all of these parties for the condition of the equipment. Information acquired during the tests regarding potential usability problems will be reported to the respective manufacturer. Results for identifiable vendor equipment will not be released. Comparative information may be released in a blind manner. Performance standards, benchmarks and conformance test procedures will be made publicly available. NIST may transport equipment to locations off site from NIST's main campus as required for the purpose of conducting usability tests. NIST will ensure that all off site benchmark testing locations have the same or higher level of security and equipment protection procedures as the on site NIST labs located at the NIST address provided above. Participating manufacturers should include or provide a technical tutorial on the setup and deployment of the equipment. NIST will pay all shipping costs, and there is no cost to the manufacturer for the testing. No modification to the equipment is permitted during the testing process. Voting equipment in an election in 2008 or later and/or certified (or submitted for certification) by the Election Assistance Commission that will be accepted for the experiments may include direct record electronic systems, optical scan systems, accessible voting systems, tabulation and reporting systems, ballot-on-demand, or electronic poll book systems as well as software used for ballot design and creation.

Dated: March 23, 2010.

Marc G. Stanley,

Acting Deputy Director.

[FR Doc. 2010–6746 Filed 3–25–10; 8:45 am]

BILLING CODE 3510–13–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to the Procurement List.

SUMMARY: The Committee is proposing to add to the Procurement List products and a service to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

Comments Must Be Received on or Before: 4/26/2010.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202–3259.

FOR FURTHER INFORMATION OR TO SUBMIT COMMENTS CONTACT: Barry S. Lineback, Telephone: (703) 603–7740, Fax: (703) 603–0655, or e-mail *CMTEFedReg@AbilityOne.gov*.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C 47(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Additions

If the Committee approves the proposed additions, the entities of the Federal Government identified in this notice will be required to procure the products and service listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a

substantial number of small entities. The major factors considered for this certification were:

1. If approved, the action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the products and service to the Government.

2. If approved, the action will result in authorizing small entities to furnish the products and service to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the products and service proposed for addition to the Procurement List.

Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

End of Certification

The following products and service are proposed for addition to Procurement List for production by the nonprofit agencies listed:

Products

NSN: 1670–01–523–7246—LCADS Low Cost Container.
NPA: Winston-Salem Industries for the Blind, Winston-Salem, NC.
Contracting Activity: DEPT OF THE ARMY, XR W6BA ACA NATICK, NATICK, MA.
Coverage: C–List for the government requirements for the Department of the Army, Natick, MA.

Tape, Insulation, Electrical

NSN: 5970–00–240–0617.
NSN: 5970–00–685–9059.
NSN: 5970–01–560–5355.
NPA: Raleigh Lions Clinic for the Blind, Inc., Raleigh, NC.
Contracting Activity: DEFENSE LOGISTICS AGENCY, DES DSCR CONTRACTING SERVICES OFC, RICHMOND, VA.
Coverage: C–List for the government requirements for the Defense Supply Center Richmond, Richmond, VA.

Service

Service Type/Location: Package Reclamation Service, Defense Depot Warner Georgia (DDWG), Robins Air Force Base, Warner Robins, GA.
NPA: Georgia Industries for the Blind, Bainbridge, GA.
Contracting Activity: DEFENSE LOGISTICS AGENCY, DEFENSE DISTRIBUTION CENTER, NEW CUMBERLAND, PA.

Barry S. Lineback,

Director, Business Operations.

[FR Doc. 2010–6706 Filed 3–25–10; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to the procurement list.

SUMMARY: This action adds to the Procurement List products and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: *Effective Date:* 4/26/2010.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia, 22202–3259.

FOR FURTHER INFORMATION CONTACT: Barry S. Lineback, Telephone: (703) 603–7740, Fax: (703) 603–0655, or e-mail *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION:

Additions

On 12/11/2009 (74 FR 65758–65760), 1/22/2010 (75 FR 3714), and 1/29/2010 (75 FR 4783–4784), the Committee for Purchase From People Who Are Blind or Severely Disabled published notices of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the products and services and impact of the additions on the current or most recent contractors, the Committee has determined that the products and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the products and services to the Government.

2. The action will result in authorizing small entities to furnish the products and services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the products and services proposed for addition to the Procurement List.

End of Certification

Accordingly, the following products and services are added to the Procurement List:

Products

NSN: 8105–00–NIB–1300—Grain Bag.
NPA: Mississippi Industries for the Blind, Jackson, MS.
Contracting Activity: Department of Agriculture, Animal And Plant Health Inspection Service, Minneapolis, MN.
Coverage: C–List for 100% of the requirement of the Department of Agriculture, Animal and Plant Health Inspection Service, Minneapolis, MN.

M.R. Laundry Products
NSN: MR 1103—Heavy Duty Laundry Bag.
NSN: MR 1104—Pop Up Mesh Hamper.
NSN: MR 1105—Utility Pop Up Basket.
NPA: Industries for the Blind, Inc., West Allis, WI.
Contracting Activity: Military Resale-Defense Commissary Agency, Fort Lee, VA.
Coverage: C–List for the requirements for Military Resale, Defense Commissary Agency, Fort Lee, VA.

Services

Service Type/Locations: Manufacturing and Development of Prototypes for Equipment and Uniform Items.
Alphapointe Association for the Blind, 7501 Prospect, Kansas City, MO.
Northeastern Association of the Blind at Albany 301 Washington Avenue, Albany, NY.
Association for the Blind and Visually Impaired-Goodwill 422 South Clinton Avenue, Rochester, NY.
Blind Industries and Services of Maryland 3345 Washington Blvd, Baltimore, MD.
Industries of the Blind, Inc. 920 West Lee Street, Greensboro, NC.
Winston-Salem Industries for the Blind 7730 North Point Drive, Winston-Salem, NC.
LC Industries 4500 Emperor Blvd, Durham, NC.
Lions Services, Inc. 4600 North Tryon Street, Charlotte, NC.
San Antonio Lighthouse for the Blind 2305 Roosevelt Avenue, San Antonio, TX.
The Lighthouse for the Blind, Inc. (Seattle Lighthouse) 2501 South Plum Street, Seattle, WA.
Arkansas Lighthouse for the Blind 6918 Murray Street, Little Rock, AR.
NPAs:
National Industries for the Blind, Alexandria, VA (Prime Contractor).
Alphapointe Association for the Blind, Kansas City, MO (Subcontractor).
Northeastern Association of the Blind at Albany, Inc., Albany, NY (Subcontractor).
Association for the Blind and Visually Impaired & Goodwill Industries of Greater Rochester, Rochester, NY (Subcontractor).

Blind Industries & Services of Maryland, Baltimore, MD (Subcontractor).
Industries of the Blind, Inc., Greensboro, NC (Subcontractor).
Winston-Salem Industries for the Blind, Winston-Salem, NC (Subcontractor).
L.C. Industries for the Blind, Inc., Durham, NC (Subcontractor).
Lions Services, Inc., Charlotte, NC (Subcontractor).
San Antonio Lighthouse for the Blind, San Antonio, TX (Subcontractor).
The Lighthouse for the Blind, Inc. (Seattle Lighthouse), Seattle, WA (Subcontractor).
The Arkansas Lighthouse for the Blind, Little Rock, AR (Subcontractor).
Contracting Activity: Department of Homeland Security, US Coast Guard, CG–9, Washington, DC.
Service Type/Location: Shredding & Destruction of Document & Recycling.
U.S. Army Corps of Engineers: Middle East District, 201 Prince Frederick Dr., Winchester, VA.
Records Holding Area (RHA), 205 Brooke Rd., Winchester VA.
Transatlantic Division, 255 Fort Collier Rd., Winchester VA.
NPA: Athelas Institute, Inc., Columbia, MD.
Contracting Activity: Dept of the Army, XU W31R USAEN TRANSATL PGN CTR, Winchester, VA.
Service Type/Location: Mess Attendant and Contingency Cook Services, Malmstrom Air Force Base, MT.
NPA: Skils'kin, Spokane, WA.
Contracting Activity: Dept of the Air Force, FA 4626 341 CONS LGC, Malmstrom Air Force Base, MT.

Barry S. Lineback,

Director, Business Operations.

[FR Doc. 2010–6707 Filed 3–25–10; 8:45 am]

BILLING CODE 6353–01–P

CONSUMER PRODUCT SAFETY COMMISSION

Sunshine Act Meetings

TIME AND DATE: Wednesday, April 7, 2010, 9 a.m.–12 Noon.

PLACE: Hearing Room 420, Bethesda Towers, 4330 East West Highway, Bethesda, Maryland.

STATUS: Commission Meeting—Open to the Public:

MATTER TO BE CONSIDERED:

1. Public Database—Notice of Proposed Rulemaking (NPR).

A live Webcast of the Meeting can be viewed at *http://www.cpsc.gov/webcast/index.html.*

For a recorded message containing the latest agenda information, call (301) 504–7948.

CONTACT PERSON FOR MORE INFORMATION: Todd A. Stevenson, Office of the Secretary, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814 (301) 504–7923.

Dated: March 24, 2010.

Todd A. Stevenson,

Secretary.

[FR Doc. 2010–6933 Filed 3–24–10; 4:15 pm]

BILLING CODE 6355–01–P

CONSUMER PRODUCT SAFETY COMMISSION

Sunshine Act Meetings

TIME AND DATE: Wednesday, March 31, 2010; 2 p.m.–5 p.m.

PLACE: Hearing Room 420, Bethesda Towers, 4330 East West Highway, Bethesda, Maryland.

STATUS: Commission Meeting—Closed to the Public.

MATTER TO BE CONSIDERED:

Compliance Weekly Report—Commission Briefing

The staff will brief the Commission on the status of various compliance matters.

For a recorded message containing the latest agenda information, call (301) 504–7948.

CONTACT PERSON FOR MORE INFORMATION: Todd A. Stevenson, Office of the Secretary, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, (301) 504–7923.

Dated: March 24, 2010.

Todd A. Stevenson,

Secretary.

[FR Doc. 2010–6939 Filed 3–24–10; 4:15 pm]

BILLING CODE 6355–01–P

CONSUMER PRODUCT SAFETY COMMISSION

Sunshine Act Meetings

TIME AND DATE: Wednesday, April 7, 2010; 2 p.m.–5 p.m.

PLACE: Hearing Room 420, Bethesda Towers, 4330 East West Highway, Bethesda, Maryland.

STATUS: Commission Meeting—Closed to the Public.

MATTER TO BE CONSIDERED:

Compliance Weekly Report—Commission Briefing

The staff will brief the Commission on the status of various compliance matters.

For a recorded message containing the latest agenda information, call (301) 504–7948.

CONTACT PERSON FOR MORE INFORMATION: Todd A. Stevenson, Office of the Secretary, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, (301) 504–7923.

Dated: March 24, 2010.

Todd A. Stevenson,

Secretary.

[FR Doc. 2010–6934 Filed 3–24–10; 4:15 pm]

BILLING CODE 6355–01–P

CONSUMER PRODUCT SAFETY COMMISSION

Sunshine Act Meetings

TIME AND DATE: Thursday, April 8, 2010, 9 a.m.–12 Noon & 1 p.m.–3 p.m.

PLACE: Hearing Room 420, Bethesda Towers, 4330 East West Highway, Bethesda, Maryland.

STATUS: Commission Meeting—Open to the Public.

MATTERS TO BE CONSIDERED:

1. Toxicity of Metals in Consumer Products (9 a.m.–12 noon).

2. Testing and Conformance (15 Month Rule)—Notice of Proposed Rulemaking (NPR) (1 p.m.–3 p.m.).

A live Webcast of the meeting can be viewed at *http://www.cpsc.gov/webcast/index.html.*

For a recorded message containing the latest agenda information, call (301) 504–7948.

CONTACT PERSON FOR MORE INFORMATION: Todd A. Stevenson, Office of the Secretary, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, (301) 504–7923.

Dated: March 24, 2010.

Todd A. Stevenson,

Secretary.

[FR Doc. 2010–6937 Filed 3–24–10; 4:15 pm]

BILLING CODE 6355–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2010–OS–0032]

Proposed Collection; Comment Request

AGENCY: Defense Finance and Accounting Service, DoD.

ACTION: Notice.

SUMMARY: In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Defense Finance and Accounting Service announces the extension of a proposed public information collection and seeks public comment on the provisions

thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by May 25, 2010.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: Federal Docket Management System Office, Room 3C843, 1160 Defense Pentagon, Washington, DC 20301–1160.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Disbursing Management Policy Division, Defense Finance and Accounting Service Indianapolis, DFAS–NPD/IN, ATTN: Mr. Clayton Stokley, 8899 E. 56th Street, Indianapolis, IN 46249, or call Mr. Clayton Stokley at (317) 510–8882.

Title, Associated Form, and OMB Number: Personal Check Cashing Agreement, DD Form 2761; OMB Number 0730–0005.

Needs and Uses: The information collection requirement is necessary to meet the Department of Defense's (DoD) requirement for cashing personal checks overseas and on ship by DoD disbursing activities, as provided in 31 U.S.C. 3342. The DoD Financial Management Regulation, Volume 5, provides guidance to DoD disbursing officers in the performance of this information collection. This allows the DoD disbursing officer or authorized agent the authority to offset the pay without prior notification in cases where this form has been signed subject to conditions specified within the approved procedures.

Affected Public: Individuals or households.

Annual Burden Hours: 1,187 hours.

Number of Respondents: 4,748.

Responses per Respondent: 1.

Average Burden per Response: 15 minutes.

Frequency: On occasion.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

The Personal Check Cashing Agreement Form is designed exclusively to help the DoD disbursing offices expedite the collection process of dishonored checks. The front of the form will be completed and signed by the authorized individual requesting check cashing privileges. By signing the form, the individual is freely and voluntarily consenting to the immediate collection from their current pay, without prior notice, for the face value of any check cashed, plus any charges assessed against the government by a financial institution, in the event the check is dishonored. In the event the check is dishonored, the disbursing office will complete and certify the reverse side of the form and forward the form to the applicable payroll office for collection from the individual's current pay.

Dated: March 23, 2010.

Mitchell S. Bryman,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2010–6722 Filed 3–25–10; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Federal Advisory Committee; Defense Science Board; Closed Meeting

AGENCY: Department of Defense (DoD).

ACTION: Notice of advisory committee meeting.

SUMMARY: The Defense Science Board will meet in closed session on May 12 and 13, 2010, at the Pentagon, Arlington, VA. The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology & Logistics on scientific and technical matters as they affect the perceived needs of the Department of Defense.

FOR FURTHER INFORMATION CONTACT: Ms. Debra Rose, Executive Officer, Defense Science Board, 3140 Defense Pentagon, Room 3B888A, Washington, DC 20301–3140, via e-mail at *debra.rose@osd.mil,* or via phone at (703) 571–0084.

SUPPLEMENTARY INFORMATION:

Agenda

At this meeting, the Board will discuss interim finding and recommendations resulting from ongoing Task Force activities. The Board will also discuss plans for future consideration of scientific and technical aspects of specific strategies, tactics, and policies as they may affect the U.S. national defense posture and homeland security.

In accordance with section 10(d) of the Federal Advisory Committee Act, Public Law 92–463, as amended (5 U.S.C. App. 2) and 41 CFR 102–3.155, the Department of Defense has determined that these Defense Science Board Quarterly meeting will be closed to the public. Specifically, the Under Secretary of Defense (Acquisition, Technology and Logistics), with the coordination of the DoD Office of General Counsel, has determined in writing that all sessions of these meetings will be closed to the public because they will be concerned throughout with matters listed in 5 U.S.C. 552b(c)(1).

Written Statements

Interested persons may submit a written statement for consideration by the Defense Science Board. Individuals submitting a written statement must submit their statement to the Designated Federal Official (*see* **FOR FURTHER INFORMATION CONTACT**), at any point, however, if a written statement is not received at least 10 calendar days prior to the meeting, which is the subject of this notice, then it may not be provided to or considered by the Defense Science Board. The Designated Federal Official will review all timely submissions with the Defense Science Board Chairperson, and ensure they are provided to members of the Defense Science Board before the meeting that is the subject of this notice.

Dated: March 22, 2010.

Mitchell S. Bryman,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2010–6690 Filed 3–25–10; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2010–OS–0031]

Privacy Act of 1974; Systems of Records

AGENCY: Defense Intelligence Agency, DoD.

ACTION: Notice to amend a system of records.

SUMMARY: The Defense Intelligence Agency proposes to amend a system of records notice of its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: This action will be effective without further notice on April 26, 2010 unless comments are received that would result in a contrary determination.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

- *Federal Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Federal Docket Management System Office, 1160 Defense Pentagon, Washington, DC 20301–1160.

Instructions: All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Ms. Theresa S. Lowery at (202) 231–1193.

SUPPLEMENTARY INFORMATION: The Defense Intelligence Agency notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the Records and Privacy Act Services (DAN–1A), 200 MacDill Blvd., Washington DC 20340–5100.

The specific changes to the record system being amended are set forth below followed by the notice, as amended, published in its entirety. The proposed amendment is not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: March 22, 2010.

Mitchell S. Bryman,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

LDIA 06–0003

SYSTEM NAME:

Deployment Management Records (June 14, 2006; 71 FR 34318)

CHANGES:

* * * * *

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with "Records include but are not limited to copies of security information, copies of medical files, documentation of fulfilled training requirements, organizational and administrative information. Records include a profile containing: Full name of the individual, Social Security Number (SSN), Deployment Identification Number, home, work, cell and pager numbers, home address, personal and work email address, emergency contact name, telephone number, home address, and e-mail address, contract number and contractor organization name, along with employer's contact name, address and telephone number, travel itineraries, deployment, copies of passport and/or visa and common access or identification card, travel authorization information, trip dates, deployment processing information including training completed certifications, medical and dental screenings, blood type, and other official deployment-related information."

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with "5 U.S.C. 301, Departmental Regulations; 44 U.S.C. 3102, Establishment of program of management; DIA Instruction 1400.003, Civilian Workforce Deployments; and E.O. 9397 (SSN), as amended."

* * * * *

STORAGE:

Delete entry and replace with "Paper and electronic storage media."

* * * * *

RECORD SOURCE CATEGORIES:

Delete entry and replace with "Agency employees, other government agencies and their employees".

* * * * *

LDIA 06–0003

SYSTEM NAME:

Deployment Management Records

SYSTEM LOCATION:

Defense Intelligence Agency (DIA) Deployment Center, 3300 75th Ave., Landover, MD 20781–1501.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military personnel, civilian employees, employees of other government agencies and contractors supporting ongoing contingency operations for DIA missions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include but are not limited to copies of security information, copies of medical files, documentation of fulfilled training requirements, organizational and administrative information. Records include a profile containing: Full name of the individual, Social Security Number (SSN), Deployment Identification Number, home, work, cell and pager numbers, home address, personal and work email address, emergency contact name, telephone number, home address, and email address, contract number and contractor organization name, along with employer's contact name, address and telephone number, travel itineraries, deployment, copies of passport and/or visa and common access or identification card, travel authorization information, trip dates, deployment processing information including training completed certifications, medical and dental screenings, blood type, and other official deployment-related information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 44 U.S.C. 3102, Establishment of program of management; DIA Instruction 1400.003, Civilian Workforce Deployments; and E.O. 9397 (SSN), as amended.

PURPOSE(S):

To plan and manage support personnel who deploy in support of ongoing contingency operations for DIA missions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, these records may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The 'Blanket Routine Uses' set forth at the beginning of the DIA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper and electronic storage media.

RETRIEVABILITY:

Name, Social Security Number (SSN) and Deployment Identification Number (DIN).

SAFEGUARDS:

Records are stored in office buildings protected by guards, controlled screenings, use of visitor registers, electronic access, and/or locks. Access to records is limited to individuals who are properly screened and cleared on a need-to-know basis in the performance of their duties. Passwords and User IDs are used to control access to the system data, and procedures are in place to deter and detect browsing and unauthorized access. Physical and electronic access are limited to persons responsible for servicing and authorized to use the system.

RETENTION AND DISPOSAL:

Disposition and retention pending National Archives and Records Administration (NARA) approval. Records will be treated as permanent until disposition and retention policies are approved by NARA.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Intelligence Agency (DIA) Deployment Center, 3300 75th Ave., Landover, MD 20781–1501.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the DIA Freedom of Information Office (DAN–1A), Defense Intelligence Agency, 200 MacDill Blvd., Washington, DC 20340–5100.

Request should contain the individual's full name, current address, telephone number, and Social Security Number (SSN).

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system of records, should address written inquiries to the DIA Freedom of Information Office (DAN–1A), 200 MacDill Blvd., Washington, DC 20340–5100.

Request should contain the individual's full name, current address, telephone number, and Social Security Number (SSN).

CONTESTING RECORD PROCEDURES:

DIA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DIA Instruction 5400.001, "Defense Intelligence Agency Privacy Program"; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Agency employees, other government agencies and their employees.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 2010–6689 Filed 3–25–10; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Air Force

[Docket ID: USAF–2010–0008]

Privacy Act of 1974; System of Records

AGENCY: Department of the Air Force, DoD.

ACTION: Notice to amend a system of records.

SUMMARY: The Department of the Air Force is proposing to amend a system of records notice in its existing inventory of records systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

DATES: The changes will be effective on April 26, 2010, unless comments are received that would result in a contrary determination.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

- *Federal Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Federal Docket Management System Office, 1160 Defense Pentagon, Washington, DC 20301–1160.

Instructions: All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Mr. Ben Swilley at (703) 696–6172.

SUPPLEMENTARY INFORMATION: The Department of the Air Force systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the Air Force Privacy Act Officer, Office of Warfighting Integration and Chief Information Officer, SAF/XCPPF, 1800 Air Force Pentagon, Washington, DC 20330–1800.

The specific changes to the records systems being amended are set forth below followed by the notices, as amended, published in their entirety. The proposed amendments are not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: March 22, 2010.

Mitchell S. Bryman,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

F036 AFSPC A

SYSTEM NAME:

Space Command Operations Training (June 11, 1997; 62 FR 31793).

CHANGES:

* * * * *

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with "Records related to qualifications, training/evaluation accomplishment, staff/crew alphanumeric identifier, type training/evaluation, scores, proficiency rating, name, grade, Social Security Number (SSN), unit assigned, and dates of training or evaluation."

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with "10 U.S.C. 8013, Secretary of the Air Force; Air Force Space Command Instruction 36–2202; Operations Training and Standardization and Evaluation Programs and E.O. 9397 (SSN), as amended."

* * * * *

STORAGE:

Delete entry and replace with "Paper file folders and electronic storage media."

RETRIEVABILITY:

Delete entry and replace with "Retrieved by name and/or Social Security Number (SSN)."

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with "Director of Operations and Operations Training, Testing Exercise and Evaluation Division Chief at Headquarters Air Force Space Command. HQ AFSPC/A3, 150 Vandenberg Street, Suite 1500, Peterson AFB, CO 80914–4184.

Operations Officers (Second in Command) at Air Force Space Command units that perform the space control, space lift, missile warning (space or ground-based), space surveillance mission. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices."

* * * * *

CONTESTING RECORD PROCEDURES:

Delete entry and replace with "The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Instruction 33–332; 32 CFR part 806b, Privacy Act Program; or may be obtained from the system manager."

* * * * *

F036 AFSPC A

SYSTEM NAME:

Space Command Operations Training

SYSTEM LOCATION:

Operations flights at all units within Air Force Space Command and training flights at all operations support squadrons within 20th Air Force. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force Space Command military personnel currently assigned to operational duties with space, space lift, warning and surveillance systems equipment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records related to qualifications, training/evaluation accomplishment, staff/crew alphanumeric identifier, type training/evaluation, scores, proficiency rating, name, grade, Social Security Number (SSN), unit assigned, and dates of training or evaluation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force; Air Force Space Command Instruction 36–2202; Operations Training and Standardization and Evaluation Programs and E.O. 9397 (SSN), as amended.

PURPOSE(S):

To develop a record source of operations personnel qualifications, capabilities and historical data for analysis by unit and operations support squadrons to determine individual overall job qualifications. The files will provide a source of data to help ensure weapon system currency and adequacy of future training requirements.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, these records may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The 'DoD Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper file folders and electronic storage media.

RETRIEVABILITY:

Retrieved by name and/or Social Security Number (SSN).

SAFEGUARDS:

Records are accessed by individuals responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets. Those in computer storage devices are protected by computer system software.

RETENTION AND DISPOSAL:

Manual files are forwarded to gaining unit upon Permanent Change of Station to another Space Command unit. If individual then separates or transfers to another USAF major command, the file is returned to the individual. Computer records are deleted from the data base upon individual's departure from unit.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Operations and Operations Training, Testing Exercise and Evaluation Division Chief at Headquarters Air Force Space Command. HQ AFSPC/A3, 150 Vandenberg Street, Suite 1500, Peterson AFB, CO 80914–4184.

Operations Officers (Second in Command) at Air Force Space Command units that perform the space control, space lift, missile warning (space or ground-based), space surveillance mission. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on themselves should address written inquiries to the Director of Operations and Operations Training, Testing Standardization and Evaluation, and Configuration Control Division at Headquarters Air Force Space Command. HQ AFSPC/A3, 150 Vandenberg Street, Suite 1500, Peterson AFB, CO 80914–4184.

Operations Officers (Second in Command) at Air Force Space Command units that perform the space control, space lift, missile warning (space or ground-based), space surveillance mission. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

Requests should include full name, Social Security Number (SSN), grade and approximate dates individual was assigned to Air Force Space Command to perform the space control, space lift, missile warning (space or ground-based) or space surveillance mission (after 1 Sep 1983).

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written requests to the Director of Operations and Operations Training, Testing Standardization and Evaluation, and Configuration Control Division at Headquarters Air Force Space Command. HQ AFSPC/A3, 150 Vandenberg Street, Suite 1500, Peterson AFB, CO 80914–4184.

Operations Officers (Second in Command) at Air Force Space Command units that perform the space control, space lift, missile warning (space or ground-based), space surveillance mission. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

Requests should include full name, Social Security Number (SSN), grade and approximate dates individual was assigned to Air Force Space Command to perform the space control, space lift, missile warning (space or ground-based) or space surveillance mission (after 1 Sep 1983).

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Instruction 33–332; 32 CFR part 806b; Privacy Act Program; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is obtained from the individual, instructors, or the standardization evaluators.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 2010–6688 Filed 3–25–10; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The Acting Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before May 25, 2010.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Acting Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.*, new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: March 22, 2010.

James Hyler,

Acting Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management.

Office of Elementary and Secondary Education

Type of Review: New.

Title: Striving Readers Comprehensive Literacy State Formula Grant Application.

Frequency: Annually.

Affected Public: State, Local or Tribal Gov't.

Reporting and Recordkeeping Hour Burden:

Responses: 52

Burden Hours: 5,200

Abstract: The Striving Readers Comprehensive Literacy program is authorized as part of the FY 2010 Consolidated Appropriations Act (Pub. L. No. 111–117) under the Title I demonstration authority (Part E, Section 1502 of the Elementary and Secondary Education Act (ESEA). The FY 2010 Appropriations Act provides $250 million under Section 1502 of the ESEA for a comprehensive literacy development and education program to advance literacy skills for students from birth through grade 12. The Act reserves $10 million for formula grants to assist States in creating or maintaining a State Literacy Team with expertise in literacy development and education for children from birth through grade 12 and to assist States in developing a comprehensive literacy plan. This request includes information collection activities covered under the Paperwork Reduction Act (PRA). The activities consist of: (1) A new application for an SEA to submit to the Department to apply for FY 2010 funds under the 2010 Appropriations Act.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov,* by selecting the "Browse Pending Collections" link and by clicking on link number 4262. When you access the information collection, click on "Download Attachments" to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., LBJ, Washington, DC 20202–4537. Requests may also be electronically mailed to *ICDocketMgr@ed.gov* or faxed to 202–401–0920. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be electronically mailed to *ICDocketMgr@ed.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 2010–6750 Filed 3–25–10; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services—Special Demonstration Programs—Model Demonstration Projects To Improve Outcomes for Individuals Receiving Social Security Disability Insurance (SSDI) Served by State Vocational Rehabilitation (VR) Agencies

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Notice of proposed priority.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.235L.

SUMMARY: The Assistant Secretary for Special Education and Rehabilitative Services proposes a priority under the Special Demonstration Programs to fund a project to identify, develop, and implement model demonstration projects to improve outcomes for individuals receiving Social Security Disability Insurance (SSDI) served by State Vocational Rehabilitation (VR) agencies. The Assistant Secretary may use this priority for competitions in fiscal year (FY) 2010 and later years. We take this action to improve employment outcomes for SSDI beneficiaries receiving services from State VR agencies.

DATES: We must receive your comments on or before April 26, 2010.

ADDRESSES: Address all comments about this notice to Thomas Finch, U.S. Department of Education, 400 Maryland Avenue, SW., room 5147, Potomac Center Plaza (PCP), Washington, DC 20202–2800.

If you prefer to send your comments by e-mail, use the following address: *tom.finch@ed.gov.* You must include the term "SSDI Demonstration" in the subject line of your electronic message.

FOR FURTHER INFORMATION CONTACT: Thomas Finch. Telephone: (202) 245–7343 or by e-mail: *tom.finch@ed.gov.*

If you use a telecommunications device for the deaf (TDD), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Invitation To Comment: We invite you to submit comments regarding this notice.

We invite you to assist us in complying with the specific requirements of Executive Order 12866 and its overall requirement of reducing regulatory burden that might result from this proposed priority. Please let us know of any further ways we could reduce potential costs or increase potential benefits while preserving the effective and efficient administration of the program.

During and after the comment period, you may inspect all public comments about this notice in room 5052, Potomac Center Plaza (PCP), 550 12th Street, SW., Washington DC, between the hours of 8:30 a.m. and 4:00 p.m., Washington, DC time, Monday through Friday of each week except Federal holidays.

Assistance to Individuals With Disabilities in Reviewing the Rulemaking Record: On request we will provide an appropriate accommodation or auxiliary aid to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for this notice. If you want to schedule an appointment for this type of accommodation or auxiliary aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT.**

Purpose of Program: The purpose of this program is to expand and improve the provision of rehabilitation and other services authorized under the Rehabilitation Act of 1973, as amended (the Rehabilitation Act), or to support activities that increase the provision, extent, availability, scope, and quality of rehabilitation services provided under the Rehabilitation Act.

Program Authority: 29 U.S.C. 773(b).

Applicable Program Regulations: 34 CFR part 373.

Proposed Priority

This notice contains one proposed priority.

Model Demonstration Projects To Improve Outcomes for Individuals Receiving Social Security Disability Insurance (SSDI) Served by State Vocational Rehabilitation (VR) Agencies

Background

The Rehabilitation Act of 1973, as amended (the Rehabilitation Act), authorizes the establishment of VR agencies in each State to administer the State's Vocational Rehabilitation Services program. These State VR agencies provide VR services to eligible individuals with disabilities to assist them to prepare for, obtain, or retain employment, preferably competitive employment. Under the VR program, competitive employment means employment in the competitive labor market that is performed in an integrated setting and for which the individual is paid at or above the minimum wage but not less than the customary wage and level of benefits paid by the employer for the same work to individuals who are not disabled (*see generally* 34 CFR 361.5(b)(11)). In this context, an integrated setting means employment in jobs that are typically found in the community and in which individuals with disabilities have the same opportunity to interact with others in the course of their work that is available to any other person employed in a comparable position (*see generally* 34 CFR 361.5(b)(33)(ii)).

The Social Security Administration (SSA) provides income support to more than 10 million working age people with disabilities through its Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) programs. Under the SSDI program, SSA provides benefits to eligible individuals with a work history who have paid Social Security taxes on their earnings and who cannot work because they have a medical condition that is expected to last at least one year or result in death. The SSI program is an income supplement program that provides cash assistance for basic needs, such as food, clothing, and shelter, to individuals who are 65 years of age or older or who are disabled and who have little or no income. Individuals with disabilities may receive assistance under both the SSDI and SSI programs. The Federal government's cost of providing these benefits was almost $101 billion in 2005 and the number of beneficiaries and cost of these programs are expected to increase (GAO–07–332, March 30, 2007).

State VR agencies serve a significant number of SSA beneficiaries. In FY 2008, approximately 28 percent of all individuals whose service records were closed were SSA beneficiaries at the time that they applied for VR services, over half of whom were SSDI beneficiaries. Similarly, SSA beneficiaries represented nearly a quarter of those individuals exiting the State VR program with an employment outcome in FY 2008, over half of whom were SSDI beneficiaries (RSA–911 data). Accordingly, SSA has a significant and ongoing interest in State VR agencies' success in helping individuals with disabilities secure employment.

The Rehabilitation Act Amendments of 1992 increased the role of VR agencies in assisting SSA beneficiaries by requiring that individuals with disabilities who receive SSDI or SSI benefits be considered individuals with significant disabilities and be presumed to be eligible for VR services under the State VR Services program (*see* section 102(a)(3) of the Rehabilitation Act). State VR agencies' role has increased even more since the passage of the Ticket to Work and Work Incentives Improvement Act of 1998 (42 U.S.C. 1320b–19). Under the Ticket to Work program, most SSDI beneficiaries and SSI recipients between the ages of 18 and 64 are offered a "ticket" which they may use to obtain VR services, employment services, and other support services from an SSA employment network services provider. State VR agencies can participate in the Ticket to Work program as an employment network services provider or through a cost reimbursement program. As of March 1, 2010, about 229,224 ticket-holders are working with a State VR agency under the traditional cost reimbursement arrangement. In addition, about 34 percent of the 40,328 tickets that have been assigned have been assigned to State VR agencies as an employment network and about 66 percent have been assigned to other employment networks. The Web site *http://www.socialsecurity.gov/work/tickettracker.html* provides more details on the coordination effort between State VR agencies and the Ticket to Work program. There are also new opportunities for State VR agencies to partner with other VR providers under options that became available under the new Ticket to Work regulations that became effective July 21, 2008 (20 CFR part 411).

Notwithstanding collaboration between SSA and the VR program, recent studies have criticized the return to work efforts for SSA beneficiaries. A GAO study found that while individuals increased their earnings after receiving VR services, only a small proportion of that group of individuals earned a sufficient amount that would enable them to leave the SSA beneficiary rolls (Vocational Rehabilitation: Earnings Increased for Many SSA Beneficiaries after Completing VR Services, but Few Earned Enough to Leave SSA's Disability Rolls, GAO–07–332 March 30, 2007). The most recent GAO study (Vocational Rehabilitation: Improved Information and Practices May Enhance State Agency Earnings Outcomes for SSA Beneficiaries, GAO–07–521, May 23, 2007) reported that State agency outcomes for SSA beneficiaries completing VR programs varied widely

across different outcome measures. For example, according to SSA earning records, there is wide variation among State VR agencies in the amount of money that individuals with disabilities who achieved employment outcomes earned during the first year after closure of the VR service record.

This most recent study also found that some of the variance in outcomes could be explained by factors such as State economic conditions and the characteristics of the individuals receiving agency services. However, GAO did find that a few State VR agency practices appeared to yield positive earnings results and made the following recommendation:

> To improve the effectiveness of Education's program evaluation efforts and ultimately the management of vocational rehabilitation programs, the Secretary of Education should further promote agency practices that show promise for helping more SSA disability beneficiaries participate in the work force. Such a model should seek to increase: (1) The percentage of VR staff who meet State standards and certifications established under the Comprehensive System of Personnel Development (CSPD), (2) partnership or involvement with area business communities, and (3) collaboration with other agencies that provide complementary services (Vocational Rehabilitation: Improved Information and Practices May Enhance State Agency Earnings Outcomes for SSA Beneficiaries, GAO–07–521, May 23, 2007).

We propose to address GAO's recommendation that the Department promote promising practices by examining practices in State VR agencies and other factors affecting the employment outcomes of SSDI beneficiaries. The focus of this proposed priority is limited to individuals with disabilities receiving SSDI benefits at the time of application to the VR program, including those individuals receiving both SSDI and SSI, because differences in program eligibility and other characteristics of the SSDI and SSI programs and their recipients (work history, amount of disability payment, work-related incentives/disincentives), would make it difficult to analyze, interpret, and generalize the results.

There are a number of practices and other factors that may affect the outcomes of SSDI beneficiaries that need to be examined at the State or local level, for example, looking at the effect of partnering with business or collaborating with other agencies that provide complementary services, as suggested by GAO. Likewise, State VR agencies commit varying levels of resources towards rehabilitation of SSA beneficiaries, and these individual State decisions could also explain differences in State VR agency performance. Finally, the existence within States of different levels of extended services and supports available from other agencies to assist individuals with disabilities to maintain employment following the completion of the VR program and case closure may also have a direct impact on job retention and earnings levels.

One way to study these individual State differences is to identify State VR agencies that are particularly successful in achieving employment outcomes for SSDI beneficiaries at comparatively higher wages and hours worked and to conduct in-depth case studies of those agencies to identify practices that are associated with more and better employment outcomes and can be replicated by other State VR agencies.

One source of data that may be used for this analysis is the RSA–911. The RSA–911 is the primary individual service record level database on which State VR agencies report information about individual characteristics of, services provided to, and the employment outcomes obtained by individuals served by the VR program. Examination of RSA–911 information for FY 2008 shows that, as GAO reported, State VR agencies differ considerably in both the number of SSDI beneficiaries served and in the number and quality of the employment outcomes obtained by SSDI beneficiaries. There are differences in relative success rates (called employment outcome rates or rehabilitation rates in VR nomenclature) and relative differences in emphasis on full- or part-time work (as indicated by average hours worked per week). There are also differences in gross weekly wages and in the percentage of individuals who earn more than the substantial gainful activity (SGA) level at closure (RSA analysis of RSA–911 data, FY 2008).

A preliminary review of four performance measures (employment outcome rate, wages at case closure, hours worked, and percentage of individuals earning an amount greater than SGA at closure) in the RSA–911 data indicates that there are 10 State VR agencies that score in the top 20 percent of all State VR agencies for at least three out of the four performance measures. Although a more in-depth analysis of recent RSA–911 data and other information may provide somewhat different results, RSA has concluded from this preliminary review that there is a pool of State VR agencies that are able to achieve more employment outcomes involving full-time work and higher wages for SSDI beneficiaries from which selections for a case study review could be made.

This proposed priority is envisioned as a cooperative agreement with significant interaction and collaboration between RSA and the grantee. There are several distinct activities involved in this research activity. These include: further analysis of existing RSA data and other relevant data to identify high-performing State VR agencies; investigation of practices within these agencies using rigorous case study methodology; analysis of the case study findings; and design, implementation, and evaluation of a demonstration project based on the findings from the case studies.

Some of the preliminary work for this data analysis has been completed, as discussed previously in this notice. Before a grant is made under this priority, RSA staff will conduct a more thorough analysis of State VR agency performance related to serving SSDI beneficiaries to determine whether there are State VR agencies that consistently appear to perform better than others across multiple measures. In conducting this analysis, RSA will likely use other databases in conjunction with the RSA–911. The analysis will refine the criteria for measuring high performance and will be the basis for identifying States that meet the identified criteria. RSA will share the results of this analysis with the grantee during the discussion of the selection of the high-performing State VR agencies to be examined further through the case studies.[1] It is recommended that applicants assume that there will be three case studies on the premise that further analysis will reduce the pool of State VR agencies that show consistent positive outcomes for SSDI beneficiaries and that only some of those State VR agencies will agree to participate in the study.

The purpose of the case studies of State VR agencies that demonstrate sustained success with SSDI beneficiaries is to determine possible factors contributing to that success. High-performing agencies will be asked

[1] State VR agencies that serve individuals who are blind or visually impaired will be excluded from this study for two reasons: individuals who are blind or visually impaired have significantly different benefits under the SSDI program, the most important of which is the allowance of a higher level of earnings before meeting the SGA requirement; and most of these agencies serve relatively few individuals, making analysis more difficult. Likewise, VR programs in the Commonwealths of Puerto Rico and the Northern Marianas and the territories of Guam, American Samoa, and the Virgin Islands are excluded from this study for reasons of small numbers served, cost considerations, and significant differences in availability and organization of other resources for individuals with disabilities.

by RSA to participate in these in-depth case studies to determine factors or variables that are related to high performance as defined for this project. The factors or variables may be decisions or activities that are under the control of the State VR agency, or they may be characteristics of the external State environment. Information from the case study analysis will be used in the design of an intervention model by the successful grantee that will serve as the basis for the demonstration projects to be carried out and evaluated by the grantee under this priority.

Proposed Priority

The Assistant Secretary for Special Education and Rehabilitative Services proposes a priority under the Special Demonstration Programs to fund a project to identify, develop, and implement model demonstration projects to improve outcomes for individuals receiving Social Security Disability Insurance (SSDI) who are served by State vocational rehabilitation (VR) agencies. Under this priority, the project must be designed to contribute to the following outcomes:

- Identify through in-depth case study of selected State VR agencies factors that account for the relatively better qualitative and quantitative results of these agencies in achieving employment outcomes at or above substantial gainful activity (SGA) for SSDI beneficiaries.
- Determine whether there are a sufficient number of factors related to the better employment outcome results that are within the control of the State VR agency, and if so, develop an intervention model incorporating those factors that can be replicated in other State VR agencies and that can be evaluated in terms of the model's impact after implementation.
- Implement and evaluate the intervention model in at least three State VR agencies, selected by the Rehabilitation Services Administration (RSA) based on information provided by the grantee, that are willing to implement the model. One criterion for selecting these State VR agencies is that SSDI beneficiaries whom they serve have an employment outcome rate at or below the rate for other State VR agencies.
- If the model demonstration projects show an improved employment rate for SSDI beneficiaries, complete the development of the intervention model incorporating information acquired through the model demonstration projects, recommend any strategies needed for implementation of the model by other State VR agencies, and disseminate the findings of this demonstration project to State VR agencies.

Types of Priorities

When inviting applications for a competition using one or more priorities, we designate the type of each priority as absolute, competitive preference, or invitational through a notice in the **Federal Register**. The effect of each type of priority follows:

Absolute priority: Under an absolute priority, we consider only applications that meet the priority (34 CFR 75.105(c)(3)).

Competitive preference priority: Under a competitive preference priority, we give competitive preference to an application by (1) awarding additional points, depending on the extent to which the application meets the priority (34 CFR 75.105(c)(2)(i)); or (2) selecting an application that meets the priority over an application of comparable merit that does not meet the priority (34 CFR 75.105(c)(2)(ii)).

Invitational priority: Under an invitational priority, we are particularly interested in applications that meet the priority. However, we do not give an application that meets the priority a preference over other applications (34 CFR 75.105(c)(1)).

Final Priority

We will announce the final priority in a notice in the **Federal Register**. We will determine the final priority after considering responses to this notice and other information available to the Department. This notice does not preclude us from proposing additional priorities, requirements, definitions, or selection criteria, subject to meeting applicable rulemaking requirements.

Note: This notice does *not* solicit applications. In any year in which we choose to use this priority, we invite applications through a notice in the **Federal Register.**

Executive Order 12866: This notice has been reviewed in accordance with Executive Order 12866. Under the terms of the order, we have assessed the potential costs and benefits of this proposed regulatory action.

The potential costs associated with this proposed regulatory action are those resulting from statutory requirements and those we have determined as necessary for administering this program effectively and efficiently.

In assessing the potential costs and benefits—both quantitative and qualitative—of this proposed regulatory action, we have determined that the benefits of the proposed priority justify the costs.

Intergovernmental Review: This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for this program.

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (*e.g.*, braille, large print, audiotape, or computer diskette) by contacting the Grants and Contracts Services Team, U.S. Department of Education, 400 Maryland Avenue, SW., room 5075, PCP, Washington, DC 20202–2550. Telephone: (202) 245–7363. If you use a TDD, call the FRS, toll free, at 1–800–877–8339.

Electronic Access to This Document: You can view this document, as well as all other documents of this Department published in the **Federal Register**, in the text or Adobe Portable Document Format (PDF) on the Internet at the following site: *http://www.ed.gov/news/fedregister.* To use PDF you must have the Adobe Acrobat Reader, which is available free at this site.

Note: The official version of this document is the document published in the **Federal Register.** Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.gpoaccess.gov/nara/index.html.*

Dated: March 23, 2010.

Alexa Posny,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 2010–6787 Filed 3–25–10; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

National Institute on Disability and Rehabilitation Research (NIDRR)—Disability and Rehabilitation Research Projects and Centers Program—Rehabilitation Research and Training Centers (RRTCs)—Employment Outcomes for Individuals Who Are Blind or Visually Impaired

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Notice of proposed priority.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.133B–6.

SUMMARY: The Assistant Secretary for Special Education and Rehabilitative Services proposes a priority for the Disability and Rehabilitation Research Projects and Centers Program administered by NIDRR. Specifically, this notice proposes a priority for an RRTC. The Assistant Secretary may use this priority for competitions in fiscal year (FY) 2010 and later years. We take this action to focus research attention on areas of national need. We intend this priority to improve rehabilitation services and outcomes for individuals with disabilities.

DATES: We must receive your comments on or before April 26, 2010.

ADDRESSES: Address all comments about this notice to Donna Nangle, U.S. Department of Education, 400 Maryland Avenue, SW., room 6029, Potomac Center Plaza (PCP), Washington, DC 20202–2700.

If you prefer to send your comments by e-mail, use the following address: *donna.nangle@ed.gov*. You must include the term "Proposed Priority for an RRTC on Center on Employment Outcomes for Individuals who are Blind or Visually Impaired" in the subject line of your electronic message.

FOR FURTHER INFORMATION CONTACT: Donna Nangle. Telephone: (202) 245–7462 or by e-mail: *donna.nangle@ed.gov*.

If you use a telecommunications device for the deaf (TDD), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: This notice of proposed priority is in concert with NIDRR's Final Long-Range Plan for FY 2005–2009 (Plan). The Plan, which was published in the **Federal Register** on February 15, 2006 (71 FR 8165), can be accessed on the Internet at the following site: *http://www.ed.gov/about/offices/list/osers/nidrr/policy.html*.

Through the implementation of the Plan, NIDRR seeks to: (1) Improve the quality and utility of disability and rehabilitation research; (2) foster an exchange of expertise, information, and training to facilitate the advancement of knowledge and understanding of the unique needs of traditionally underserved populations; (3) determine best strategies and programs to improve rehabilitation outcomes for underserved populations; (4) identify research gaps; (5) identify mechanisms of integrating research and practice; and (6) disseminate findings.

Invitation to Comment: We invite you to submit comments regarding this notice.

We invite you to assist us in complying with the specific requirements of Executive Order 12866 and its overall requirement of reducing regulatory burden that might result from this proposed priority. Please let us know of any further ways we could reduce potential costs or increase potential benefits while preserving the effective and efficient administration of the program.

During and after the comment period, you may inspect all public comments about this notice in room 6029, 550 12th Street, SW., PCP, Washington, DC, between the hours of 8:30 a.m. and 4:00 p.m., Washington, DC time, Monday through Friday of each week except Federal holidays.

Assistance to Individuals With Disabilities in Reviewing the Rulemaking Record: On request we will provide an appropriate accommodation or auxiliary aid to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for this notice. If you want to schedule an appointment for this type of accommodation or auxiliary aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT.**

Purpose of Program: The purpose of the Disability and Rehabilitation Research Projects and Centers Program is to plan and conduct research, demonstration projects, training, and related activities to develop methods, procedures, and rehabilitation technology that maximize the full inclusion and integration into society, employment, independent living, family support, and economic and social self-sufficiency of individuals with disabilities, especially individuals with the most severe disabilities, and to improve the effectiveness of services authorized under the Rehabilitation Act of 1973, as amended.

Program Authority: 29 U.S.C. 762(g) and 764(b)(2).

Applicable Program Regulations: 34 CFR part 350.

Proposed Priority

This notice contains one proposed priority.

Center on Employment Outcomes for Individuals Who are Blind or Visually Impaired

Background

Rehabilitation Research and Training Centers (RRTCs)

The purpose of the RRTC program is to improve the effectiveness of services authorized under the Rehabilitation Act of 1973, as amended, through advanced research, training, technical assistance, and dissemination activities in general problem areas, as specified by NIDRR. Such activities are designed to benefit rehabilitation service providers, individuals with disabilities, and the family members or other authorized representatives of individuals with disabilities. In addition, NIDRR intends to require all RRTC applicants to meet the requirements of the *General Rehabilitation Research and Training Centers (RRTC) Requirements* priority that it published in a notice of final priorities in the **Federal Register** on February 1, 2008 (72 FR 6132). Additional information on the RRTC program can be found at: *http://www.ed.gov/rschstat/research/pubs/res-program.html#RRTC*.

Statutory and Regulatory Requirements of RRTCs

RRTCs must—

- Carry out coordinated advanced programs of rehabilitation research;
- Provide training, including graduate, pre-service, and in-service training, to help rehabilitation personnel more effectively provide rehabilitation services to individuals with disabilities;
- Provide technical assistance to individuals with disabilities, their representatives, providers, and other interested parties;
- Demonstrate in their applications how they will address, in whole or in part, the needs of individuals with disabilities from minority backgrounds;
- Disseminate informational materials to individuals with disabilities, their representatives, providers, and other interested parties; and
- Serve as centers of national excellence in rehabilitation research for individuals with disabilities, their representatives, providers, and other interested parties.

Center on Employment Outcomes for Individuals Who Are Blind or Visually Impaired

Background

More than 21 million non-institutionalized adults, age 18 and above, report trouble seeing even when wearing glasses or contacts (U.S. Department of Health and Human Services, 2008). Of working-age (16–64 years) individuals who report blindness or serious difficulty seeing even when wearing glasses, 38.9 percent are employed (American Foundation for the Blind, 2009). In contrast, 71.2 percent of individuals in this age range with no disabling condition are employed (U.S. Department of Labor, 2009).

Previous research, some of which has been conducted by NIDRR-funded centers on blindness and low vision, has identified a number of barriers to, and facilitators of, employment for individuals who are blind or visually impaired. Facilitators include, but are not limited to, postsecondary education or training, braille literacy, inclusive corporate cultures, and some characteristics of vocational rehabilitation (VR) services (Capella-McDonall, 2005; Golub, 2006; Jernigan Institute, 2009; Kirchner & Smith, 2005). Barriers include negative employer attitudes about blindness and work disincentives experienced by Social Security beneficiaries. These disincentives include reduced benefits and potential ineligibility for health care coverage for those who become employed and whose income exceeds program income limits (Crudden, Sansing & Butler, 2005; Stapleton, O'Day, Livermore, & Imparato, 2006).

There is little empirical research that applies the results of this research on barriers and facilitators to the development and testing of specific practices, services, and interventions to improve employment outcomes in either the general population of individuals who are blind or who have visual impairments, or in subpopulations of individuals from this population who are at even greater risk for poor employment outcomes. Such populations include, but are not limited to, individuals who have more severe vision loss or who have multiple disabilities (National Longitudinal Transition Study-2, 2005; Shaw, Gold & Wolffe, 2007).

Moreover, although there are a variety of services, practices, and interventions that are currently being used to improve employment outcomes for individuals who are blind or visually impaired, there is little research that supports the effectiveness and use of these interventions and practices. Some of these interventions and practices directly relate to improving employment outcomes. These include the use of peer mentoring as well as collaborations between VR agencies and consumer organizations that can provide access to mentors and input regarding VR services and counselor training (Drew & Alan, 2006; Iowa Department for the Blind, 2009; National Federation of the Blind, 2009). Other practices and interventions, such as training to promote positive adjustment to an acquired disability, and orientation/mobility training, are intended to have more general effects, but appear to affect occupational success as well (Drew & Alan, 2004; Omvig, 2005). Research is necessary to determine the effectiveness of these practices and to identify and validate other promising practices that improve employment outcomes for this population.

References

American Foundation for the Blind. (2009). Interpreting Bureau of Labor Statistics employment data. *See http://www.afb.org/Section.asp?SectionID=15&SubTopicID=177.*

Capella-McDonnall, M.E. (2005). Predictors of competitive employment for blind and visually impaired consumers of vocational rehabilitation services. Journal of Visual Impairment & Blindness, 99, 303–315.

Crudden, A., Sansing, W., & Butler, S. (2005). Overcoming barriers to employment: Strategies of rehabilitation providers. Journal of Visual Impairment & Blindness, 99, 325–335.

Drew, D.W., & Alan, G.M. (Eds). (2004). Contemporary issues in orientation and mobility. Institute on Rehabilitation Issues, Monograph No. 29. Washington, DC: The George Washington University, Rehabilitation Continuing Education Program.

Drew, D.W., & Alan, G.M (Eds.). (2006). Consumer organizations: Important resources for vocational rehabilitation agencies. Institute on Rehabilitation Issues Monograph No. 31. Washington, DC: The George Washington University, Center for Rehabilitation Counseling Research and Education.

Golub, D.B. (2006). A model of successful work experience for employees who are visually impaired: The results of a study. Journal of Visual Impairment & Blindness, 100, 715–725.

Iowa Department for the Blind. (2009). Pathfinders: Changing Lives together. *See http://www.blind.state.ia.us/living/pathfinders.*

Jernigan Institute. (2009). The Braille literacy crisis in America: Facing the truth, reversing the trend, empowering the blind. National Federation of the Blind. *See http://www.nfb.org/nfb/Braille_Initiative.asp.*

Kirchner, C, & Smith, B. (2005). Transition to what?: Education and employment outcomes for visually impaired youths after high school. Journal of Visual Impairment & Blindness, 99, 499–503.

National Federation of the Blind. (2009). National Center for Mentoring Excellence: A program of the National Federation of the Blind. *See http://www.nfb.org/nfb/NCME_Brochure1.asp?SnID=1447563890.*

National Longitudinal Transition Study-2. (2005). Changes over time in the early post school outcomes of youth with disabilities. *See http://www.nlts2.org/reports/2005_06/.*

Omvig, J.H. (2005). Freedom for the blind: The secret is empowerment. Baltimore, MD: National Federation of the Blind.

Shaw, A., Gold, E., & Wolffe, K. (2007). Employment-related experiences of youths who are visually impaired: How are these youths faring? Journal of Visual Impairment & Blindness, 101, 7–21.

Stapleton, D.C., O'Day, B.L., Livermore, G.A., & Imparato, A.J. (2006). Dismantling the poverty trap: Disability policy for the twenty-first century. The Milbank Quarterly, 84, 701–732.

U.S. Department of Health and Human Services. (2008). Summary health statistics for the U.S. population: National Health Interview Survey, 2006. (DHHS Publication No. (PHS) 2008–1564). Hyattsville, MD.

Proposed Priority

The Assistant Secretary for Special Education and Rehabilitative Services proposes a priority for a Rehabilitation Research and Training Center (RRTC) on Employment Outcomes for Individuals Who are Blind or Visually Impaired. This RRTC must conduct research that contributes to improving competitive employment outcomes for individuals who are blind or visually impaired, consistent with the individual's informed choice and abilities (see section 100(a)(2)(B) of Title I of the Rehabilitation Act of 1973, as amended). For the purposes of this priority, this population is defined as individuals who have "central visual acuity of 20/200 or less in the better eye with the use of a correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered for purposes of this paragraph as having a central visual acuity of 20/200 or less" (42 U.S.C. 416(i)(1)(B)). Under this priority, the RRTC must contribute to the following outcomes:

(a) Evidence-based interventions and practices designed to facilitate competitive employment outcomes for individuals who are blind or visually impaired. The RRTC must contribute to this outcome by developing and evaluating new interventions and practices, evaluating practices currently in use, or by conducting both of these types of research.

(b) New knowledge about employment interventions and practices for individuals who are blind or visually impaired, and who are also at greater risk for poor employment outcomes due to other individual characteristics (e.g., individuals with more severe vision loss or individuals with multiple disabilities). The RRTC must contribute to this outcome by conducting research with at least one at-risk group (as described earlier in this paragraph) to: develop and evaluate new interventions or practices, evaluate practices currently being used with members of the at-risk group, or by conducting both of these

types of research. Applicants must identify the specific at-risk group or groups they propose to study, provide evidence that the selected population or populations are, in fact, at greater risk for poor employment outcomes, and explain how the proposed interventions and practices are expected to address the needs of the population or populations.

(c) Increased incorporation of research findings into practice and policy. The RRTC must contribute to this outcome by:

(1) Collaborating with providers of vocational rehabilitation (VR) services, employer groups, and stakeholders (e.g., individuals who are blind or visually impaired or consumer groups) in conducting the work of the RRTC; and

(2) Conducting training and dissemination activities to facilitate the utilization of research findings in employment and VR settings.

(d) In addition, through coordination with the NIDRR Project Officer, this RRTC must collaborate with:

(1) Appropriate NIDRR-funded grantees, including knowledge translation grantees; and

(2) Relevant Office of Special Education Programs and Rehabilitation Services Administration grantees.

Types of Priorities

When inviting applications for a competition using one or more priorities, we designate the type of each priority as absolute, competitive preference, or invitational through a notice in the **Federal Register**. The effect of each type of priority follows:

Absolute priority: Under an absolute priority, we consider only applications that meet the priority (34 CFR 75.105(c)(3)).

Competitive preference priority: Under a competitive preference priority, we give competitive preference to an application by (1) awarding additional points, depending on the extent to which the application meets the priority (34 CFR 75.105(c)(2)(i)); or (2) selecting an application that meets the priority over an application of comparable merit that does not meet the priority (34 CFR 75.105(c)(2)(ii)).

Invitational priority: Under an invitational priority, we are particularly interested in applications that meet the priority. However, we do not give an application that meets the priority a preference over other applications (34 CFR 75.105(c)(1)).

Final Priority

We will announce the final priority in a notice in the **Federal Register**. We will determine the final priority after considering responses to this notice and other information available to the Department. This notice does not preclude us from proposing additional priorities, requirements, definitions, or selection criteria, subject to meeting applicable rulemaking requirements.

Note: This notice does *not* solicit applications. In any year in which we choose to use this priority, we invite applications through a notice in the **Federal Register.**

Executive Order 12866: This notice has been reviewed in accordance with Executive Order 12866. Under the terms of the order, we have assessed the potential costs and benefits of this proposed regulatory action.

The potential costs associated with this proposed regulatory action are those resulting from statutory requirements and those we have determined as necessary for administering this program effectively and efficiently.

In assessing the potential costs and benefits—both quantitative and qualitative—of this proposed regulatory action, we have determined that the benefits of the proposed priority justify the costs.

Discussion of Costs and Benefits

The benefits of the Disability and Rehabilitation Research Projects and Centers Program have been well established over the years in that similar projects have been completed successfully. This proposed priority will generate new knowledge and technologies through research, development, dissemination, utilization, and technical assistance projects.

Another benefit of this proposed priority is that the establishment of a new RRTC will support and will improve the lives of individuals with disabilities. The new RRTC will generate, disseminate, and promote the use of new information that will improve the options for individuals with disabilities to obtain, retain, and advance in employment.

Intergovernmental Review: This program is not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (*e.g.*, braille, large print, audiotape, or computer diskette) by contacting the Grants and Contracts Services Team, U.S. Department of Education, 400 Maryland Avenue, SW., Room 5075, PCP, Washington, DC 20202–2550. Telephone: (202) 245–7363. If you use a TDD, call the FRS, toll free, at 1–800–877–8339.

Electronic Access to This Document: You can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *http://www.ed.gov/news/fedregister.* To use PDF you must have Adobe Acrobat Reader, which is available free at this site.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.gpoaccess.gov/nara/index.html.*

Dated: March 23, 2010.

Alexa Posny,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 2010–6783 Filed 3–25–10; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Proposed Agency Information Collection

AGENCY: U.S. Department of Energy.

ACTION: Notice and request for OMB review and comment.

SUMMARY: Pursuant to the Paperwork Reduction Act of 1995, the Department of Energy (DOE) invites public comment on a proposed emergency collection of information that DOE is developing to collect data on the status of activities, project progress, jobs created and retained, spend rates and performance metrics under the American Recovery and Reinvestment Act of 2009. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Comments regarding this collection must be received on or before April 9, 2010. If you anticipate difficulty in submitting comments within that period, contact the person listed in **ADDRESSES** as soon as possible.

ADDRESSES: Written comments may be sent to:

Anthony Brooks, Department of Energy, 1000 Independence Ave., SW., Washington, DC 20585.

Or by fax at 202–586–6969, or by e-mail at *recoveryinformationcenter@hq.doe.gov* and

DOE Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget. New Executive Office Building, Room 10102, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Anthony Brooks at *recoveryinformationcenter@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: This emergency information collection request contains: (1) New; (2) Information Collection Request Title: Department of Energy (DOE); (3) Type of Review: Emergency; (4) Purpose: To collect data on the status of activities, project progress, jobs created and retained, spend rates and performance metrics under the American Recovery and Reinvestment Act of 2009. This will ensure adequate information is available to support sound project management and to meet the transparency and accountability associated with the Recovery Act by requesting approval for monthly reporting; (5) Annual Estimated Number of Respondents: 3,700; (6) Annual Estimated Number of Total Responses: 14,800; (7) Annual Estimated Number of Burden Hours: Approximately 93,240; (8) Annual Estimated Reporting and Recordkeeping Cost Burden: $13,986,000.

Statutory Authority: Title IV of the American Recovery and Reinvestment Act of 2009, Pub. L. 11–5.

Issued in Washington, DC, on March 19, 2010.

Jay Hoffman,

Director, Office of Program Analysis & Evaluation, Office of CFO.

[FR Doc. 2010–6721 Filed 3–25–10; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

March 18, 2010.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER96–1551–022; ER09–746–003; ER01–615–018.

Applicants: Public Service Company of New Mexico; Optim Energy Marketing, LLC.

Description: Public Service Company of New Mexico *et al.* submits Supplement to Triennial Market Power Update.

Filed Date: 03/08/2010.

Accession Number: 20100315–0088.

Comment Date: 5 p.m. Eastern Time on Monday, March 29, 2010.

Docket Numbers: ER06–733–007.

Applicants: Midland Cogeneration Venture Limited Partnership.

Description: Notice of Non-Material Change in Status of Midland Cogeneration Venture Limited Partnership.

Filed Date: 03/15/2010.

Accession Number: 20100315–5240.

Comment Date: 5 p.m. Eastern Time on Monday, April 5, 2010.

Docket Numbers: ER10–520–001.

Applicants: PJM Interconnection, L.L.C.

Description: PJM Interconnection, LLC submits Wholesale Market Participation Agreement designated as Second Revised Service Agreement No. 1688, effective 2/28/2010 with WM Renewable Energy LLC *et al.*

Filed Date: 03/17/2010.

Accession Number: 20100318–0204.

Comment Date: 5 p.m. Eastern Time on Wednesday, April 7, 2010.

Docket Numbers: ER10–730–000.

Applicants: Wheelabrator Portsmouth Inc.

Description: Supplemental Information of Wheelabrator Portsmouth Inc.

Filed Date: 03/09/2010.

Accession Number: 20100309–5082.

Comment Date: 5 p.m. Eastern Time on Tuesday, March 30, 2010.

Docket Numbers: ER10–854–001.

Applicants: CornerStone Power Development, LLC.

Description: CornerStone Power Development, LLC submits updates to the market based rate application filed 3/12/2010.

Filed Date: 03/16/2010.

Accession Number: 20100317–0208.

Comment Date: 5 p.m. Eastern Time on Friday, March 26, 2010.

Docket Numbers: ER10–900–000.

Applicants: Black Hills Power, Inc.

Description: Black Hills Power Inc submits notice of cancellation of its Rate Schedule FERC No. 48.

Filed Date: 03/17/2010.

Accession Number: 20100318–0203.

Comment Date: 5 p.m. Eastern Time on Wednesday, April 7, 2010.

Docket Numbers: ER10–901–000.

Applicants: PJM Interconnection, L.L.C.

Description: PJM Interconnection, LLC submits executed Wholesale Market Participation Agreement with Dauphin County Industrial Development Authority and PPL Electric Utilities Corporation.

Filed Date: 03/17/2010.

Accession Number: 20100318–0202.

Comment Date: 5 p.m. Eastern Time on Wednesday, April 7, 2010.

Docket Numbers: ER10–902–000.

Applicants: ISO New England Inc. & New England Power Pool.

Description: ISO New England Inc *et al.* submit revised tariff sheets implementing changes to Market Rule 1.

Filed Date: 03/17/2010.

Accession Number: 20100318–0201.

Comment Date: 5 p.m. Eastern Time on Wednesday, April 7, 2010.

Docket Numbers: ER10–905–000.

Applicants: California Power Exchange Corporation.

Description: Petition to Extend Existing Wind-Up Charge Settlement of California Power Exchange Corporation.

Filed Date: 03/18/2010.

Accession Number: 20100318–5034.

Comment Date: 5 p.m. Eastern Time on Thursday, April 8, 2010.

Take notice that the Commission received the following electric reliability filings:

Docket Numbers: RR10–8–000.

Applicants: North American Electric Reliability Corporation.

Description: Errata to the North American Electric Reliability Corporation 3/15/10 filing, to Correct Attachment 1 of NERC's March 15, 2010 Petition for Approval of Amendments to the NERC Rules of Procedure Regarding the CCC Program.

Filed Date: 03/16/2010.

Accession Number: 20100316–5079.

Comment Date: 5 p.m. Eastern Time on Tuesday, April 6, 2010.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need

not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov*. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St. NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed dockets(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*. or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2010–6702 Filed 3–25–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP10–50–000]

Petal Gas Storage, L.L.C.; Notice of Intent To Prepare an Environmental Assessment for the Proposed Cavern 12A Conversion Gas Storage Project and Request for Comments on Environmental Issues

March 19, 2010.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Cavern 12A Conversion Gas Storage Project involving construction and operation of facilities proposed by Petal Gas Storage, L.L.C. (Petal) in Forrest County, Mississippi. This EA will be used by the Commission in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process we will use to gather input from the public and interested agencies on the project. Your input will help the Commission staff determine what issues need to be evaluated in the EA. Please note that the scoping period will close on April 23, 2010.

This notice is being sent to the Commission's current environmental mailing list for this project. State and local government representatives are asked to notify their constituents of this proposed project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, you may be contacted by a pipeline company representative about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The company would seek to negotiate a mutually acceptable agreement. However, if the project is approved by the Commission, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings in accordance with state law.

A fact sheet prepared by the FERC entitled "An Interstate Natural Gas Facility On My Land? What Do I Need To Know?" was attached to the project notice that Petal provided to landowners. This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. It is also available for viewing on the FERC Web site (*http://www.ferc.gov*).

Summary of the Proposed Project

Petal proposes to purchase an existing salt-brine storage cavern (12A) from an affiliate, and convert it into a natural gas storage cavern. The proposed facilities would mostly be within Petal's existing storage field on the Petal Salt Dome. The project would increase Petal's firm natural gas storage capacity to meet anticipated growing demand for storage services in the Southeastern United States. Petal would rework the existing well and expand the underground storage capacity of Cavern 12A through solution mining. Cavern 12A would have an overall capacity of about 8.2 billion cubic feet (Bcf), consisting of 5.0 Bcf of working gas and 3.2 Bcf of cushion gas.

The proposed facilities include:

- Existing Cavern 12A to be converted from brine storage to natural gas storage;
- New 16-inch-diamter pipeline, about 1,525-feet-long, connecting Cavern 12A with Petal's existing withdrawal header between existing Caverns 6 and 7; and
- New appurtenant facilities grouped near existing Petal Compressor Station 2, including a withdrawal separator, heat exchanger, hot oil pump, pressure regulator, and Triethylene Glycol contactor and regeneration skid.

The general location of the proposed facilities is shown in Appendix 1.[1]

Land Requirements for Construction

Petal estimated that about 39 acres of land would be disturbed by construction of the proposed facilities. About 5.8 acres would be retained for Petal's permanent operational easement. following construction. The remaining temporary construction acreage would be restored to its former condition and uses.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us[2] to discover and address concerns the public may have about proposals. This process is referred to as "scoping." The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this notice, the Commission requests public comments on the scope of the issues to be addressed in the EA. All comments received will be considered during the preparation of the EA.

In the EA we will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Geology and soils;
- Water resources and wetlands;
- Vegetation and wildlife;
- Cultural resources;
- Land use;
- Air quality and noise; and
- Safety and reliability.

[1] The appendices referenced in this notice are not being printed in the **Federal Register.** Copies of appendices were sent to all those receiving this notice in the mail and are available at *http://www.ferc.gov* using the link called "eLibrary" or from the Commission's Public Reference Room, 888 First Street, NE., Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

[2] "We," "us," and "our" refer to the environmental staff of the Commission's Office of Energy Projects.

We will also evaluate reasonable alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on various resources. Our independent analysis of the environmental issues will be presented in the EA.

The EA will be placed in the public record and, depending on the comments received during the scoping process, may be published and distributed to the public. A comment period will be allotted if the EA is published for review. We will consider all comments on the EA before we make our recommendations to the Commission. To ensure your comments are considered, please carefully follow the instructions in the Public Participation section of this notice (below).

With this notice, we are asking agencies with jurisdiction and/or special expertise with respect to environmental issues to formally cooperate with us in the preparation of the EA. These agencies may choose to participate once they have evaluated the proposal relative to their responsibilities. Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice (below).

Consultations Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations, we are using this notice to solicit the views of the public on the project's potential effects on historic properties.[3] We will document our findings on the impacts on cultural resources, and summarize the status of consultations under section 106 of the National Historic Preservation Act in our EA.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that your comments are timely and properly recorded, please send your comments so that they will be received in Washington, DC on or before April 23, 2010.

For your convenience, there are three methods which you can use to submit your written comments to the Commission. The Commission encourages electronic filing of comments and has expert eFiling staff available to assist you at 202–502–8258 or *efiling@ferc.gov*.

(1) You may file your comments electronically by using the Quick Comment feature, which is located at *http://www.ferc.gov* under the link called "*Documents and Filings*." Quick Comment is an easy method for interested persons to submit text-only comments on a project;

(2) You may file your comments electronically by using the "eFiling" feature that is listed under the "*Documents and Filings*" link. eFiling involves preparing your submission in the same manner as you would if filing on paper, and then saving the file on your computer's hard drive. You will attach that file to your submission. New eFiling users must first create an account by clicking on the links called "*Sign up*" or "*eRegister.*" You will be asked to select the type of filing you are making. A comment on a particular project is considered a "Comment on a Filing;" or

(3) You may file a paper copy of your comments at the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Room 1A, Washington, DC 20426.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Indian tribes that historically used or occupied the project area; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the project. We will update the environmental mailing list as the analysis proceeds to ensure that we send the information related to this environmental review to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed project.

If the EA is published for distribution, copies will be sent to the environmental mailing list for public review and comment. If you would prefer to receive a paper copy of the document instead of the CD version or would like to remove your name from the mailing list, please return the attached Information Request (Appendix 2).

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an "intervenor," which is an official party to the Commission's proceeding. Intervenors play a more formal role in the process and are able to file briefs, appear at hearings, and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in the proceeding by filing a request to intervene. Instructions for becoming an intervenor are included in the User's Guide under the "e-filing" link on the Commission's Web site.

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at 1–866–208–FERC or on the Internet at *http://www.ferc.gov* using the "eLibrary" link. Click on the eLibrary link, click on "General Search" and enter the docket number, excluding the last three digits, in the Docket Number field (i.e., CP10–50). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at 1–866–208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission now offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries and direct links to the documents. Go to *http://www.ferc.gov/esubscribenow.htm.*

Finally, public meetings or site visits will be posted on the Commission's calendar located at *http://www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–6682 Filed 3–25–10; 8:45 am]

BILLING CODE 6717–01–P

[3] The Advisory Council on Historic Preservation's regulations are at Title 36, Code of Federal Regulations, Part 800. Historic properties are defined in those regulations as any prehistoric or historic district, site, building, structure or object included in or eligible for inclusion in the National Register of Historic Places.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER10–853–000]

Dynamic PL, Inc.; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

March 19, 2010.

This is a supplemental notice in the above-referenced proceeding of Dynamic PL, Inc's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC, 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is April 8, 2010.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov*. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC, 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed dockets(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*. or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–6681 Filed 3–25–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

Nationwide Limited Public Interest Waivers Under Section 1605 (Buy American) of the American Recovery and Reinvestment Act of 2009 (Recovery Act)

AGENCY: Office of Energy Efficiency and Renewable Energy, U.S. Department of Energy (DOE).

ACTION: Notice of limited waivers.

SUMMARY: The Office of Energy Efficiency and Renewable Energy (EERE) of the U.S. Department of Energy hereby provides notice that on March 19, 2010, the Assistant Secretary for EERE granted nationwide limited waivers of the Buy American requirements of the American Recovery and Reinvestment Act of 2009 (Recovery Act; Pub. L. 111–5) under the authority of section 1605(b)(1) [application of the restrictions of section 1605 would be inconsistent with the public interest] for the purchase of light-emitting diode LED lighting (lamps, fixtures, and any supporting components) and heating, ventilation and air conditioning (HVAC) units. These nationwide limited waivers apply to projects using EERE Recovery Act funds for the construction, alteration, maintenance and repair of a public building or public work. These limited waivers only apply in circumstances where the recipient of EERE Recovery Act funds ("grantee") has taken substantial steps to commit funds for the purchase of LED lights or HVAC units between February 17, 2009 and March 31, 2010. Substantial steps to commit funds would include, but are not limited to: (1) issuing a Request for Proposals (RFP) on or before March 31, 2010 (applicable only where the grantee accepts a proposal received under that RFP); (2) in the case of a sole source selection: placing an order for the goods on or before March 31, 2010; (3) commencing a bidding process on or before March 31, 2010; (4) in circumstances where the grantee solicited quotes without an RFP: the grantee purchases the goods based on a quote dated on or before March 31, 2010 and the order for the goods is placed on or before March 31, 2010; and (5) grantee has executed a contract or purchase agreement with a supplier to acquire affected goods between February 17, 2009 and March 31, 2010.

On March 31, 2010, these limited waivers of Buy American provisions will expire, with the exception of LED traffic lights, arrows, and crosswalk signals, which are covered by a nationwide categorical waiver based on domestic nonavailability issued on February 11, 2010. After March 31, 2010, EERE grantees are required to procure LED lighting and HVAC units from domestic manufacturers in accordance with the Recovery Act Buy American provisions.

DATES: *Effective Date:* March 19, 2010.

FOR FURTHER INFORMATION CONTACT: Benjamin Goldstein, Energy Technology Program Specialist, Office of Energy Efficiency and Renewable Energy (EERE), (202) 287–1553, Department of Energy, 1000 Independence Avenue, SW., Mailstop EE–2K, Washington, DC 20585.

SUPPLEMENTARY INFORMATION: Section 1605 of the Recovery Act prohibits the use of recovery funds for the construction, alteration, maintenance, or repair of a public building or public work unless all of the iron, steel, and manufactured goods used in the project are produced in the United States, or unless a waiver is granted by the head of the Federal department or agency. A waiver may be granted if the head of the Federal department or agency determines that one of three listed exceptions applies: (1) The application of Section 1605 requirements would be inconsistent with the public interest; (2) the iron, steel, or relevant manufactured good is not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or (3) the cost of domestic iron, steel, or relevant manufactured goods will increase the cost of the overall project by more than 25 percent.

In accordance with section 1605(c) of the Recovery Act and Section 176.80 of Title 2 of the Code of Federal Regulations, DOE hereby provides notice that, pursuant to a delegation of authority by the Secretary of Energy, dated November 10, 2009, the Assistant Secretary, EERE, has granted limited nationwide waivers of the requirements of Section 1605 of the Recovery Act for LED lighting (lamps, fixtures, and any supporting components) and heating, ventilation and air conditioning (HVAC) units in circumstances where the recipient of EERE Recovery Act funds ("grantee") has taken substantial steps to

commit funds for the purchase of LED lights or HVAC units between February 17, 2009 and March 31, 2010. Under the authority of section 1605(b)(1) of the Recovery Act, the Assistant Secretary, EERE, has determined that the application of section 1605 requirements in these circumstances would be inconsistent with the public interest.

The limited waivers for these two categories of manufactured goods are intended to resolve the confusion surrounding the characterization of LED lights and HVAC units as "supply" items, and thus not subject to the Recovery Act Buy American provisions. The concept of the "supply" item has its origins in the Buy American Act (41 U.S.C. 10a–10d) and the Federal Acquisition Regulation (FAR), neither of which applies to section 1605 of the Recovery Act. The concept of a "supply" item has no significance in the context of section 1605 (the Buy American provisions) of the Recovery Act. The Buy American provisions apply to all iron, steel, and manufactured goods used for a project funded by Recovery Act appropriations for the construction, alteration, maintenance, or repair of a public building or public work. However, there is no requirement with regard to the origin of components or subcomponents in manufactured goods used in the project, as long as the manufacturing occurs in the United States (2 CFR 176.70).

However, it is understandable that a general lack of familiarity with the Buy American provisions would lead Recovery Act stakeholders to reference a similar set of procurement regulations—such as those codified by the FAR and Buy American Act—for guidance in understanding and interpreting section 1605 of the Recovery Act. This confusion ultimately led some recipients of EERE Recovery Act funds to rely on the "supply" item characterization to procure some LED lighting products and HVAC units from foreign manufacturers, without first seeking and obtaining an official waiver of section 1605 of the Recovery Act.

The purpose of the Recovery Act Buy American provisions is to support economic recovery by driving investment into the domestic manufacturing sector and recycling Recovery Act dollars within the U.S. economy. Given that the majority of Recovery Act-related procurement for EERE-funded projects has yet to occur, the Buy American provisions still have ample opportunity to fulfill their purpose and potential. This nationwide limited waiver being issued for LED lighting and HVAC units is critical to resolving the existing confusion, clearly elucidating the requirements of section 1605 of the Recovery Act, and moving forward in a proactive manner.

To support this potential, facilitate the implementation of section 1605 of the Recovery Act, and ensure that Recovery Act funds are deployed expeditiously, EERE is operationalizing a robust and proactive strategy to locate domestic manufacturers for the hard-to-find products sought by grantees. This strategy is outlined in a Request for Information published in **Federal Register** Vol. 75, No. 23 on Thursday, February 4 (and posted on the EERE Buy American Web page *http://www1.eere.energy.gov/recovery/buy_american_provision.html*), and demonstrates EERE's commitment to the fulfillment of the economic and job-creation potential of the Recovery Act Buy American provisions.

Finally, the installation of LED lights and more efficient HVAC units is a proven strategy to achieve impressive energy savings, reduce energy expenditures, and to create immediate jobs in the building, construction, and electrical trades. All three of these attributes can support near-term economic recovery and long-term sustainability in locations across the country. Hence, the installation of these products has inherently supported the goals of the Recovery Act and—as a popular use of Recovery Act funds by EERE grantees—will continue to do so in the unambiguous regulatory landscape made possible by this nationwide limited waiver.

This **SUPPLEMENTARY INFORMATION** constitutes the detailed written justification required by Section 1605(c) for waivers based on a finding under subsection (b).

This waiver determination is pursuant to the delegation of authority by the Secretary of Energy to the Assistant Secretary for Energy Efficiency and Renewable Energy with respect to expenditures within the purview of her responsibility. Consequently, this waiver applies to EERE projects carried out under the Recovery Act.

Authority: Pub. L. 111–5, section 1605.

Dated: March 19, 2010.

Cathy Zoi,

Assistant Secretary for Energy Efficiency and Renewable Energy, U.S. Department of Energy.

[FR Doc. 2010–6720 Filed 3–25–10; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–8989–4]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at 202–564–7146 or *http://www.epa.gov/compliance/nepa/*. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated July 17, 2009 (74 FR 34754).

Notice

In accordance with Section 309(a) of the Clean Air Act, EPA is required to make its comments on EISs issued by other Federal agencies public. Historically, EPA has met this mandate by publishing weekly notices of availability of EPA comments, which includes a brief summary of EPA's comment letters, in the **Federal Register**. Since February 2008, EPA has been including its comment letters on EISs on its Web site at: *http://www.epa.gov/compliance/nepa/eisdata.html*. Including the entire EIS comment letters on the Web site satisfies the Section 309(a) requirement to make EPA's comments on EISs available to the public. Accordingly, after March 31, 2010, EPA will discontinue the publication of this notice of availability of EPA comments in the **Federal Register**.

Draft EISs

EIS No. 20090429, ERP No. D–IBR–L39067–ID, Minidoka Dam Spillway Replacement Project, To Prevent Structural Failure of the Minidoka Dam Spillway and Canal Headworks, Lake Walcott, Minidoka County, ID.

Summary: EPA expressed environmental concerns about water quality impacts, the potential extent of jurisdictional wetlands, and the extent to which the wetlands below the dam would be monitored and adaptively managed. Rating EC1.

EIS No. 20090432, ERP No. D–NPS–D65042–DC, National Mall Plan, To Prepare a Long-Term Plan that will Restore National Mall, Implementation, Washington, DC.

Summary: EPA expressed environmental concerns about impacts

to water resources, fish and wildlife, and soils. Rating EC2.

EIS No. 20090436, ERP No. D–AFS–L65525–OR, Canyon Fuels and Vegetation Management Project, Proposed Fuels and Vegetation Treatment to Reduce the Risk of Stand Loss Due to Overly Dense Stand Conditions, Lookout Mountain Ranger District, Ochoco National Forest, Crook County, OR.

Summary: EPA expressed environmental concerns about water quality and habitat impacts, and recommend the inclusion of additional information on riparian harvest prescriptions and grazing management in riparian habitat conservation areas. Rating EC1.

EIS No. 20100004, ERP No. D–NOA–A91078–00, Amendment 11 to the Atlantic Mackerel, Squid, and Butterfish (MSB), Fishery Management Plan (FMP), Establish an Atlantic Mackerel Limited Access Program, Implementation.

Summary: EPA does not object to the proposed action. Rating LO.

EIS No. 20100005, ERP No. DS–FHW–F40427–WI, WI–23 Highway Project, Transportation Improve between Fond du Lac and Plymouth, Fond du Lac and Sheboygan Counties, WI.

Summary: EPA expressed environmental concerns about wetlands, air quality, upland habitat, noise, and cumulative impacts. Rating EC2.

EIS No. 20100028, ERP No. DS–AFS–J65146–WY, Bridger-Teton National Forest, Proposal to Determine What Terms and Conditions to Allow Development of Oil and Gas Leasing in the Wyoming Range, Sublette County, WY.

Summary: EPA does not object to the proposed action. Rating LO.

Final EISs

EIS No. 20100020, ERP No. F–FTA–G59002–TX, University Corridor Fixed Guideway Project, To Implement Transit Improvements from Hillcroft Transit Center to the Vicinity of the University of Houston (UH)—Central Campus or the Eastwood Transit Center, City of Houston, Harris County, TX.

Summary: No formal comment letter was sent to the preparing agency.

EIS No. 20100025, ERP No. F–COE–E30043–NC, North Topsail Beach Shoreline Protection Project, Seeking Federal and State Permits to Allow Implementation of a Non-Federal Shoreline and Inlet Management Project, New River Inlet, Onslow County, NC.

Summary: EPA expressed environmental concerns about the impacts to marine habitats and migratory species from dredge/fill actions.

EIS No. 20100026, ERP No. F–NOA–E91029–00, Amendment 31 to the Fishery Management Plan for Reef Fish Resources, Addresses Bycatch of Sea Turtles in the Bottom Longline Component of the Reef Fish Fishery, Gulf of Mexico.

Summary: While EPA continues to support the reduction of sea turtle bycatch in bottom longline Reef Fish Fishery proposed by Amendment 31, EPA expressed concern that additional research is needed to supplement the proposed actions to successfully reduce turtle bycatch.

EIS No. 20100043, ERP No. F–FHW–H40194–IA, Southeast (SE) Connector in Des Moines, Iowa, To Provide a Safe and Efficient Link between the MLK Jr. Parkway at SE 14th Street to the U.S. 65 Bypass, Funding, US Army COE Section 404 and NPDES Permits, Polk County, IA.

Summary: EPA's previous comments have been addressed; therefore, EPA does not object to the proposed action.

Dated: March 23, 2010.

Kenneth Mittelholtz,

Deputy Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2010–6771 Filed 3–25–10; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–8989–3]

Environmental Impacts Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–1399 or *http://www.epa.gov/compliance/nepa/.*

Weekly receipt of Environmental Impact Statements
Filed 03/15/2010 Through 03/19/2010
Pursuant to 40 CFR 1506.9.

Notice

In accordance with Section 309(a) of the Clean Air Act, EPA is required to make its comments on EISs issued by other Federal agencies public. Historically, EPA has met this mandate by publishing weekly notices of availability of EPA comments, which includes a brief summary of EPA's comment letters, in the **Federal Register.** Since February 2008, EPA has been including its comment letters on EISs on its Web site at: *http://www.epa.gov/compliance/nepa/eisdata.html.* Including the entire EIS comment letters on the Web site satisfies the Section 309(a) requirement to make EPA's comments on EISs available to the public. Accordingly, after March 31, 2010, EPA will discontinue the publication of this notice of availability of EPA comments in the **Federal Register.**

EIS No. 20100087, Final EIS, USFS, NV, Bridgeport Travel Management Project, To Provide the Primary Framework for Sustainable Management of Motor Vehicle Use on the Bridgeport Ranger District, Humboldt-Toiyabe National Forest, Mono County, CA and Lyon, Douglas, and Mineral Counties, NV, Wait Period Ends: 04/26/2010, Contact: James Winfrey, 775–355–5308.

EIS No. 20100088, Final EIS, USFS, ID, Small-Scale Suction Dredging in Lolo Creek and Moose Creek Project, Updated Information to Analysis Three Alternatives, Clearwater National Forest, North Fork Ranger District, Clearwater and Idaho Counties, ID, Wait Period Ends: 04/26/2010, Contact: Douglas Gober, 208–476–4541.

EIS No. 20100089, Draft EIS, STB, AK, Port MacKenzie Rail Line Extension Construction and Operation, Alaska Railroad Corporation, Port MacKenzie, AK, Comment Period Ends: 05/10/2010, Contact: Dave Navecky 202–245–0294 EIS No. 20100090, Third Draft EIS (Tiering), USFS, OR, Mt. Ashland Ski Area Expansion, To Address Matters Identified by the Ninth Circuit Court of Appeals for the Existing 2004 FEIS, Ashland Ranger District, Rogue River National Forest and Scott River Ranger District, Klamath National Forest, Jackson County, OR, Comment Period Ends: 05/10/2010, Contact: Steve Johnson, 541–552–2900.

EIS No. 20100091, Final EIS, USFS, MT, Bozeman Municipal Watershed Project, To Implement Fuel Reduction Activities, Bozeman Ranger District, Gallatin National Forest, City of Bozeman Municipal Watershed, Gallatin County, MT, Wait Period Ends: 04/26/2010, Contact: Jim Devitt, 406–587–6749.

EIS No. 20100092, Final EIS, USFS, CA, Shasta-Trinity National Forest Motorized Travel Management Project, Proposal to Prohibit Cross-County Motor Vehicle Travel off Designated National Forest Transportation System (NFTS) Roads, Motorized Trails and Areas by the Public Except as Allowed by Permit

or other Authorization (excluding snowmobile use), CA, Wait Period Ends: 04/26/2010, Contact: Tom Kisanuki, 530–226–2421.

EIS No. 20100093, Draft EIS, NRC, TX, South Texas Project, Electric Generating Station Units 3 and 4, Application for Combined Licenses (COLs) for Construction Permits and Operating Licenses, Matagorda County, TX, Comment Period Ends: 06/09/2010, Contact: Jessie M. Muir, 301–415–0491.

EIS No. 20100094, Final EIS, NRC, VA, North Anna Power Station Unit 3, Combined License (COL) application for Construction and Operation of a Based-Load Nuclear Power Plant, (NUREG–1917), in the Town of Mineral, Louisa County, VA, Wait Period Ends: 04/26/2010, Contact: Alicia Williamson, 301–415–1878.

EIS No. 20100095, Final EIS, FHWA, WI, WI–15 Expansion, from New London to Greenville, Funding, U.S. Army COE 404 Permit, Outagamie County, WI, Wait Period Ends: 04/26/2010, Contact: Allen Radliff, 608–829–7500.

EIS No. 20100096, Draft EIS, BLM, CA, Imperial Sand Dunes Recreation Area Management Plan, Implementation, Imperial County, CA, Comment Period Ends: 06/23/2010, Contact: Erin Dreyfuss, 916–978–4642.

Amended Notices

EIS No. 20090362, Draft EIS, DOE, WA, Hanford Site Tank Closure and Waste Management Project, Implementation, Richland, Benton County, WA, Comment Period Ends: 05/03/2010, Contact: Mary Beth Burandi, 888–829–6347. Revision to FR Notice Published 10/30/2009: Extending Comment Period from 03/19/2010 to 05/03/2010.

EIS No. 20100077, Final EIS, USFWS, NV, Southeastern Lincoln County Habitat Conservation Plan, Application Package for Three Incidental Take Permits, Authorize the Take of Desert Tortoise (Gopherus agassizii) and Southwestern Williow Flycatcher (Empidonax traillii extimus), Implementation, Lincoln County, NV, Wait Period Ends: 04/19/2010, Contact: John Robles, 916–414–6731. Revision FR Notice Published 03/19/2010: Correction to Comment Due Date from 05/03/2010 to 04/19/2010.

EIS No. 20100079, Revised Draft EIS, FRA, SC, VOID-Bay Area to Central Valley High-Speed Train (HST) Project, Additional Information and Analysis Needed for Compliance with the Court Judgement, Provide a Reliable High-Speed Electrified Train System to Link Bay Area Cities to the Central Valley, Sacramento, and South California, Comment Period Ends: 05/03/2010, Contact: Dan Leavitt, 916–324–1541. This DEIS was inadvertently filed and published in 03/19/2010 FR. This is a State document which is not required to be filed with EPA.

Dated: March 23, 2010.

Ken Mittelholtz,

Deputy Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2010–6772 Filed 3–25–10; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection Being Reviewed by the Federal Communications Commission for Extension Under Delegated Authority, Comments Requested

March 22, 2010.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3520. Comments are requested concerning: (a) 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; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology, and (e) ways to further reduce the information collection burden on 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 currently valid OMB control number.

DATES: Persons wishing to comments on this information collection should submit comments on or before May 25, 2010. 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: Direct all PRA comments to Nicholas 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, Federal Communications Commission (FCC). To submit your PRA comments by e–mail send them to: PRA@fcc.gov.

FOR FURTHER INFORMATION CONTACT: Judith B. Herman, Office of Managing Director, (202) 418–0214. For additional information about the information collection(s) send an e–mail to PRA@fcc.gov or contact Judith B. Herman, 202–418–0214.

SUPPLEMENTARY INFORMATION:

OMB Control No: 3060–0355.

Title: Rate–of–Return Reports.

Form Nos.: FCC Forms 492 and 492–A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for–profit.

Number of Respondents: 80 respondents; 80 responses.

Estimated Time Per Response: 8 hours.

Frequency of Response: Annual reporting and recordkeeping requirements.

Obligation to Respond: Mandatory. Statutory authority for this collection of information is contained in 47 U.S.C. sections 160, 161, 209(b), and 220.

Total Annual Burden: 640 hours.

Total Annual Cost: N/A.

Privacy Act Impact Assessment: N/A.

Nature and Extent of Confidentiality: The Commission does not require respondents to submit confidential materials. However, if the respondents wish to submit materials they believe is confidential, they may do so under 47 CFR 0.459 of the Commission's rules.

Need and Uses: The Commission will submit this expiring information collection to the Office of Management and Budget (OMB) after this 60 day comment period in order to obtain the full three year clearance from them. There is no change in the reporting and/or recordkeeping requirements. There is a 288 hour adjustment reduction which is due to fewer respondents (from 111 to 80 respondents) subject to the requirements.

FCC Form 492 is filed by each local exchange carrier (LEC) or groups of carriers who file individual access tariffs or who are not subject to Sections 61.41 through 61.49 of the Commission's rules. Each LEC, or group of affiliated carriers, subject to the

previously stated sections, file FCC Form 492–A. This data provides the necessary detail to enable the Commission to fulfill its regulatory responsibilities.

In the April 24, 2008 Memorandum Opinion and Order (MO&O) (ARMIS Forbearance Order), the Commission granted conditional forbearance for all AT&T affiliates, including BellSouth affiliates, to file FCC Form 492 subject to Commission approval of AT&T's compliance plan, among other things. See Petition of AT&T Inc. For Forbearance Under 47 U.S.C. § 160 From Enforcement of the Commission's Cost Assignment Rules; Petition of BellSouth Telecommunications, Inc. For Forbearance Under 47 U.S.C. § 160 From Enforcement of Certain of the Commission's Cost Assignment Rules, WC Docket Nos. 07–21, 05–342, Memorandum Opinion and Order, 23 FCC Rcd 7302 (2008) (AT&T Cost Assignment Forbearance Order), pet. for recon. Pending, pet. for review pending, NASCUA v. FCC Case No. 08–1226 (D.C. Cir. Filed June 23, 2008).

On September 6, 2008, the Commission extended the same relief, subject to the same conditions, to Verizon and Qwest. See Service Quality, Customer Satisfaction, Infrastructure and Operating Data Gathering, WC Docket Nos. 08–190, 07–139, 07–204, 07–273, 07–21, Memorandum Opinion and Order and Notice of Proposed Rulemaking, 23 FCC Rcd 13647 (2008), (Verizon/Qwest cost Assignment Forbearance Order), pet. for recon. Petition for review pending, NASCUA v. FCC, Case No. 08–1226 (D.C. Cir. Filed June 23, 2008). The Commission also issued a Memorandum Opinion and Order granting forbearance for Qwest and Verizon from filing FCC Form 492, among other things, subject to Commission approval of Qwest's and Verizon's compliance plan. See Petition of Qwest for Forbearance From Enforcement of the Commission's ARMIS and 492–A Reporting Requirements Pursuant to 47 U.S.C. § 160(c) From Enforcement of Certain of the Commission's Recordkeeping and Reporting Requirements, WC Docket Nos. 07–204, 07–273, Memorandum Opinion and Order, FCC 08–271 (Dec. 12, 2008) (ARMIS Financial Reporting Forbearance Order).

On December 31, 2008, the Wireline Competition Bureau issued a Public Notice that found AT&T, Verizon and Qwest had satisfied the condition that they obtain Bureau approval of their compliance plan describing in detail how they will continue to fulfill its statutory and regulatory obligations.

Federal Communications Commission.

Bulah P. Wheeler,

Acting Associate Secretary,

Office of the Secretary,

Office of Managing Director.

[FR Doc. 2010–6753 Filed 3–25–10; 8:45 am]

BILLING CODE 6712–01–S

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Sunshine Act; Meeting

March 18, 2010.

TIME AND DATE: 10 a.m., Wednesday, April 7, 2010.

PLACE: The Richard V. Backley Hearing Room, 9th Floor, 601 New Jersey Avenue, NW., Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following in open session: *Secretary of Labor* v. *Eastern Associated Coal Corporation*, Docket No. WEVA 2007–335. (Issues include whether certain violations of roof control requirements constituted an "unwarrantable failure to comply.")

Any person attending this meeting 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.

Jean H. Ellen,

Chief Docket Clerk.

[FR Doc. 2010–6891 Filed 3–24–10; 4:15 pm]

BILLING CODE 6735–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than April 12, 2010.

A. Federal Reserve Bank of Minneapolis (Jacqueline G. King, Community Affairs Officer) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. Vivian Y. Miller Revocable Trust, Roseau, Minnesota; Vivian Y. Miller, Naples, Florida, as trustee of the Vivian Y. Miller Revocable Trust; the Michael J. Miller Trust, Roseau, Minnesota; Jon L. Miller, Naples, Florida, individually and as trustee of the Vivian Y. Miller Revocable Trust and the Michael J. Miller Trust; the William I. Hagen Revocable Trust, Roseau, Minnesota; William I. Hagen, Warroad, Minnesota, individually and as trustee of the William I. Hagen Revocable Trust; William M. Hagen, Salol, Minnesota; Lori Ann Minard, Bozeman, Montana; Melissa L. Tedford, Fargo, North Dakota; Neal L. Broten, River Falls, Wisconsin; Sally T. Broten, River Falls, Wisconsin; Susan L. Miller, Minneapolis, Minnesota; and Brian J. MacLellan, Minneapolis, Minnesota, as a group acting in concert to acquire additional voting shares of Border Bancshares, Inc., and thereby indirectly acquire additional voting shares of Border State Bank, both of Greenbush, Minnesota.

2. Dennis and Terri Brazier, Greenbush, Minnesota, to acquire voting shares of Border Bancshares, Inc., and thereby indirectly acquire voting shares of Border State Bank, both of Greenbush, Minnesota.

Board of Governors of the Federal Reserve System, March 23, 2010.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 2010–6732 Filed 3–25–10; 8:45 am]

BILLING CODE 6210–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Family Violence Prevention and Services/Grants for Domestic Violence Shelters/Grants to Native American Tribes (Including Alaska Native Villages) and Tribal Organizations

Program Office: Administration on Children, Youth and Families (ACYF), Family and Youth Services Bureau (FYSB).

Program Announcement Number: HHS–2010–ACF–ACYF–FVPS–0015.

Announcement Title: Family Violence Prevention and Services/Grants for Domestic Violence Shelters/Grants to Native American Tribes (including Alaska Native Villages) and Tribal Organizations.

CFDA Number: 93.671.

Due Date for Applications: April 15, 2010.

This announcement was originally published on March 16, 2010 on the Administration for Children and Families' (ACF) Funding Opportunities Web site and may be accessed in a pdf format at *http://www.acf.hhs.gov/grants/open/foa/view/hhs-2010-acf-acyf-fvps-0015.*

Executive Summary: This announcement governs the proposed award of formula grants under the Family Violence Prevention and Services Act (FVPSA) to Native American Tribes (including Alaska Native Villages) and Tribal organizations. The purpose of these grants is to assist Tribes in establishing, maintaining, and expanding programs and projects to prevent family violence and to provide immediate shelter and related assistance for victims of family violence and their dependents (42 U.S.C. 10401).

This announcement sets forth the application requirements, the application process, and other administrative and fiscal requirements for grants in Fiscal Year (FY) 2010. Grantees are to be mindful that although the expenditure period for grants is a two-year period, an application is required every year to provide continuity in the provision of services. (See *Section II. Award Information, Expenditure Periods.*)

I. Description

Legislative Authority: Fiscal Year 2010 grant awards are authorized by the Family Violence Prevention and Services Act, 42 U.S.C. 10401 through 10421 (extended by the Department of Health and Human Services Appropriations Act, 2010, Public Law 111–117, and/or any subsequent pertinent legal authorities).

Background

The purpose of this legislation is to assist Tribes, Tribal organizations, nonprofit private organizations approved by Tribes and States in supporting the establishment, maintenance, and expansion of programs and projects to prevent incidents of family violence and to provide immediate shelter and related assistance for victims of family violence and their dependents. Tribes face unique circumstances and obstacles when responding to family violence. The particular legal relationship of the United States to Indian Tribes creates a Federal trust responsibility to assist Tribal governments in safeguarding the lives of Indian victims of family violence.

During FY 2009, the Department of Health and Human Services (HHS) made 193 grants to States and Tribes or Tribal organizations. HHS also made 53 family violence grant awards to non-profit State Domestic Violence Coalitions. In addition, HHS supports the Sacred Circle, National Resource Center to End Violence Against Native Women.

General Grant Program Requirements for Tribes or Tribal Organizations

Client Confidentiality

FVPSA programs must establish or implement policies and protocols for maintaining the safety and confidentiality of the adult victims of domestic violence and their children whom they serve. It is essential that the confidentiality of individuals receiving FVPSA services be protected.

Consequently, when providing statistical data on program activities and program services, individual identifiers of client records will not be used by Tribes, Tribal organizations, the State, or other FVPSA grantees or subgrantees. The address or location of any FVPSA-funded shelter facility will, except with written authorization of the person or persons responsible for the operation of such shelter, not be made public and the confidentiality of records pertaining to any individual provided family violence prevention and treatment services by any FVPSA-funded program will be strictly maintained (42 U.S.C. 10402(a)(2)(E)).

Confidentiality requirements have been strengthened and clarified with the passage of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Pub. L. 109–162). In the interest of establishing a consistent Federal standard for domestic violence programs, HHS follows the confidentiality provisions and definition of "personally identifying information" in sections 40002(b)(2) and 40002(a)(18) of the Violence Against Women Act (VAWA) of 1994 (42 U.S.C. 13925(b)(2) and 42 U.S.C. 13925(a)(18)) as a more detailed guidance for grantees about how to comply with the FVPSA confidentiality obligations, and requires FVPSA-funded programs to comply with the VAWA confidentiality provisions.

No personally identifying client-level data may be shared with a third party, regardless of encryption, hashing or other data security measures, without first obtaining a written, reasonably time-limited consent to release as described in section 40002(b)(2) of the Violence Against Women Act of 1994. A client's consent to the release of personal information must also be informed, which includes the client's receipt of information about the possible risks of releasing information to the third party in question. Additionally, all consents must be voluntary and cannot be or appear to be a precondition for receiving services.

FYSB further requires that grantees only collect unduplicated data for each program. The count should be within a single program only. FYSB acknowledges the count will be duplicated across programs statewide. Grantees may share aggregate data and non-identifying demographic information.

The Importance of Coordinated, Accessible Services

The impacts of family violence may include physical injury and death of primary or secondary victims, psychological trauma, isolation from family and friends, harm to children living with a parent or caretaker who is either experiencing or perpetrating family violence, increased fear, reduced mobility, damaged credit, employment and financial instability, homelessness, substance abuse, chronic illnesses, and a host of other health and related mental health consequences. The physical and cultural obstacles existing in much of Tribal communities compound the basic dynamics of family violence. Barriers such as the isolation of vast rural areas, the concern for safety in isolated settings, lack of housing and shelter options, and the transportation requirements over long distances heighten the need for the coordination of the services through an often limited delivery system.

To help bring about a more effective response to the problem of family violence, HHS urges Tribes and Tribal organizations receiving funds under this grant announcement to coordinate activities funded under this grant with other new and existing resources for the prevention of family violence and related issues.

To serve victims most in need and to comply with Federal law, programs and activities funded in whole or in part with FVPSA funds must not discriminate on the basis of age, handicap, sex, race, color, national origin or religion (See 42 U.S.C. 10406). The HHS Office for Civil Rights provides guidance to grantees in

complying with these nondiscrimination requirements. Moreover, in addition to being widely accessible, all assistance must be provided on a voluntary basis; receipt of shelter or housing must not be conditioned on participation in supportive services.

Annual Tribal Grantee Meeting

At least one FVPSA grant administrator per Tribal organization should expect to attend the annual Tribal Grantee Meeting. Subsequent correspondence will advise the Tribal FVPSA Administrators of the date, time, and location of the grantee meeting.

Definitions

Tribes and Tribal organizations should use the following definitions in carrying out their programs. The definitions are found in 42 U.S.C. 10421.

Family Violence: Any act, or threatened act, of violence, including any forceful detention of an individual, which (a) results or threatens to result in physical injury and (b) is committed by a person against another individual (including an elderly person) to whom such person is, or was, related by blood or marriage, or otherwise legally related, or with whom such person is, or was, lawfully residing.

Indian Tribe: "Indian Tribe" means any Indian Tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 *et seq.*), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians (25 U.S.C. 450b(e)).

Tribal Organization: "Tribal Organization" means the recognized governing body of any Indian Tribe; any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body or which is democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities. In any case where a contract is let or grant made to an organization to perform services benefiting more than one Indian Tribe, the approval of each such Indian Tribe shall be a prerequisite to the letting or making of such contract or grant (25 U.S.C. 450b(l)).

Shelter: The provision of temporary refuge and related assistance in compliance with applicable State law and regulation governing the provision, on a regular basis, of shelter, safe homes, meals, and related assistance to victims of family violence and their dependents.

Related assistance: The provision of direct assistance to victims of family violence and their dependents for the purpose of preventing further violence, helping such victims to gain access to civil and criminal courts and other community services, facilitating the efforts of such victims to make decisions concerning their lives in the interest of safety, and assisting such victims in healing from the effects of the violence. Related assistance includes:

(1) Prevention services such as outreach and prevention services for victims and their children, assistance to children who witness domestic violence, employment training, parenting, and other educational services for victims and their children, preventive health services within domestic violence programs (including services promoting nutrition, disease prevention, exercise, and prevention of substance abuse), domestic violence prevention programs for school-age children, family violence public awareness campaigns, and violence prevention counseling services to abusers;

(2) Counseling with respect to family violence, counseling or other supportive services by peers individually or in groups, and referral to community social services;

(3) Transportation, technical assistance with respect to obtaining financial assistance under Federal and State programs, and referrals for appropriate health care services (including alcohol and drug abuse treatment), but shall not include reimbursement for any health care services;

(4) Legal advocacy to provide victims with information and assistance through the civil and criminal courts, and legal assistance; or

(5) Children's counseling and support services, child care services for children who are victims of family violence or the dependents of such victims, and children who witness domestic violence.

II. Funds Available

Subject to the availability of Federal appropriations and as authorized by law, in FY 2010, HHS will make available to Tribes and Tribal organizations grant funds as described in this announcement. In separate announcements, HHS will make available funds to States for providing immediate shelter and related assistance to victims of family violence and their dependents and funds for State Domestic Violence Coalitions to continue their work within the domestic violence community by providing technical assistance and training, advocacy services, and other activities. These announcements are available at 74 FR 15273 (States—*http://www.acf.hhs.gov/grants/closed/HHS-2009-ACF-ACYF-FVPS-0035.html*) and at 74 FR 15387 (Coalitions—*http://www.acf.hhs.gov/grants/closed/HHS-2009-ACF-ACYF-SDVC-0030.html*). The FVPSA expired on September 30, 2008. Its reauthorization could introduce new statutory or administrative requirements impacting grantees.

Tribal Allocations

In computing Tribal allocations, FYSB will use the latest available population figures from the Census Bureau. The latest Census population counts may be viewed at *http://*www.census.gov. Where Census Bureau data are unavailable, FYSB will use figures from the Bureau of Indian Affairs' (BIA's) Indian Population and Labor Force Report, which is available at *http://www.bia.gov/WhatWeDo/Knowledge/Reports/index.htm*. The funding formula for the allocation of family violence funds is based upon the Tribe's population. The formula has two parts, the Tribal population base allocation and a population category allocation.

The base allocations are determined by a Tribe's population and a funds allocation schedule. Tribes with populations between 1,500 to 50,000 people receive a $2,500 base allocation for the first 1,500 people. For each additional 1,000 people above the 1,500 person minimum, a Tribe's base allocation is increased $1,000. Tribes with populations between 50,001 to 100,000 people receive base allocations of $125,000 and Tribes with a population of 100,001 to 150,000 receive a base allocation of $175,000.

Once the minimum amounts have been distributed to the Tribes that have applied for FVPSA funding, the ratio of the Tribal population category to the total of all base allocations is then considered in allocating the remainder of the funds. By establishing base amounts with distribution of proportional amounts for larger Tribes, FYSB is balancing the need for basic services for all Tribes with the greater demand for services among Tribes with larger populations. In FY 2009, actual grant awards ranged from $26,592 to $2,326,834.

Tribes are encouraged to apply for FVPSA funding as a consortium. Tribal

consortia consist of groups of Tribes who agree to apply for and administer a single FVPSA grant with one Tribe or Tribal organization responsible for grant administration. In a Tribal consortium, the population of the Tribal Trust Land for all of the Tribes involved will be used to calculate the award amount. The allocations for each of the Tribes included in the consortium will be combined to determine the total grant for the consortium.

Expenditure Periods

The project period under this program announcement is 24 months. The FVPSA funds may be used for expenditures on and after October 1 of each fiscal year for which they are granted, and will be available for expenditure through September 30 of the following fiscal year; i.e., FY 2010 funds may be used for expenditures from October 1, 2009 through September 30, 2011. For example:

Award year (Federal fiscal year (FY))	Project period (24 Months)	Application requirements and expenditure periods
FY 2010	10/01/2009—9/30/2011	Regardless of the date the award is received, these funds may be expended by the grantee for obligations incurred since October 1, 2009. The funds may be expended through September 30, 2011.
FY 2011	10/01/2010—9/30/2012	Regardless of the date the award is received, these funds may be expended by the grantee for obligations incurred since October 1, 2010. The funds may be expended through September 30, 2012.

Re-allotted funds, if any, are available for expenditure until the end of the fiscal year following the fiscal year that the funds became available for re-allotment. FY 2010 grant funds that are made available to Tribes and Tribal organizations through re-allotment must be expended by the grantee no later than September 30, 2011.

III. Eligibility

Tribes and Tribal organizations are eligible for funding under this program if they meet the definition of "Indian Tribe" or "Tribal organization" set forth in section 450B of Title 25 and if they are able to demonstrate their capacity to carry out a family violence prevention and services program. Any Tribe or Tribal organization that believes it meets the eligibility criteria and should be included in the list of eligible Tribes, should provide supportive documentation and a request for inclusion in its application. (See Content of Application Submission in Section IV. of this announcement.) Tribes may apply singularly or as a consortium. In addition, a non-profit private organization or Tribal organization, approved by a Tribe for the operation of a family violence shelter or program on a reservation is eligible for funding.

Additional Information on Eligibility

D-U-N-S Requirement

All applicants must have a D&B Data Universal Numbering System (D-U-N-S) number. A D-U-N-S number is required whether an applicant is submitting a paper application or using the Government-wide electronic portal, Grants.gov. A D-U-N-S number is required for every application for a new award or renewal/continuation of an award, including applications or plans under formula, entitlement, and block grant programs. A D-U-N-S number may be acquired at no cost online at *http://www.dnb.com*. To acquire a D-U-N-S and U.S. Virgin Islands: 1–866–705–5711; Alaska and Puerto Rico: 1–800–234–3867 (Select Option 2, then Option 1) Monday–Friday 7 AM to 8 PM C.S.T.

IV. Application Requirements for Tribes and Tribal Organizations

Content of Application Submission

The application from the Tribe or Tribal organization must be signed by the Chief Executive Officer or Tribal Chairperson of the applicant organization.

The cover letter of the application should include the following information:

(1) The name of the Tribe or Tribal organization applying for the FVPSA grant and the mailing address.

(2) The name of the Chief Program Official designated as responsible for administering funds under FVPSA, and the telephone number, fax number, and if available, an e-mail address.

(3) The name of the program person designated to administer coordination of the related programs, and the telephone number, fax number, and if available, an e-mail address.

(4) The Employee Identification Number (EIN) of the applicant organization submitting the application.

(5) The D-U-N-S number of the applicant organization submitting the application. See preceding D-U-N-S Requirement section for additional information.

The content of the application should include the following:

(1) A copy of a current Tribal resolution or an equivalent document that verifies Tribal approval of the application being submitted. The resolution or other document should, at minimum, cover the entirety of FY 2010 and should state that the designated organization or agency has the authority to submit an application on behalf of the individuals in the Tribe(s) and to administer programs and activities funded pursuant to 42 U.S.C. 10402(b)(2)). A Tribe may also opt to include in its resolution or equivalent document an extended approval period of up to four years, or through fiscal year 2013.

Note: An applicant that received no funding in the immediately preceding fiscal year must submit a new Tribal resolution or its equivalent. An applicant funded as part of a consortium in the immediately preceding year that is now seeking funds as a single Tribe must also submit a new resolution or its equivalent. Likewise, an applicant funded as a single Tribe in the immediately preceding fiscal year that is now seeking funding as a part of a consortium must submit a new resolution or its equivalent.

(2) A description of the procedures designed to involve knowledgeable individuals and interested organizations in providing services under FVPSA (42 U.S.C. 10402(b)(2)). For example, knowledgeable individuals and interested organizations may include: Tribal officials or social services staff involved in child abuse or family violence prevention, Tribal law enforcement officials, representatives of State or Tribal Domestic Violence Coalitions, and operators of domestic violence shelters and service programs.

(3) A description of the applicant's operation of and/or capacity to carry out a family violence prevention and services program. This might be demonstrated in ways such as the following:

(a) The current operation of a shelter, safe house, or family violence prevention program;

(b) The establishment of joint or collaborative service agreements with a local public agency or a private non-profit agency for the operation of family violence prevention activities or services; or

(c) The operation of social services programs as evidenced by receipt of BIA contracts awarded under Public Law 93–638; Title II Indian Child Welfare grants from BIA; Child Welfare Services grants under Title IV–B of the Social Security Act; or Family Preservation and Family Support grants under Title IV–B of the Social Security Act.

(4) A description of the services to be provided, how the applicant organization plans to use the grant funds to provide the direct services, to whom the services will be provided, and the expected results of the services.

(5) Documentation of the policies and procedures developed and implemented, including copies of the policies and procedures, to ensure that individual identifiers of client records will not be used when providing statistical data on program activities and program services and that the confidentiality of records pertaining to any individual provided domestic violence prevention or treatment services by any FVPSA-supported program will be strictly maintained (42 U.S.C. 10402(a)(2)(E)).

(6) Documentation of the law or procedure which has been implemented for the eviction of an abusing spouse from a shared household (42 U.S.C. 10402(a)(F)).

(**Note:** As required by the Paperwork Reduction Act of 1995, Pub. L. 104–13, the public reporting burden for the project description is estimated to average 10-hours-per-response, including the time for reviewing instructions, gathering and maintaining the data needed, and reviewing the collection information. The Project Description information collection is approved under OMB control number 0970–0280, which expires on December 31, 2011. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.)

Assurances (See Attachment A)

Each application must provide the assurances in Attachment A. The assurances may be included in the body of the narrative application or Attachment A may be printed, signed, and included in the application as an attachment.

Certifications

All applications must submit or comply with the required certifications found in Attachments B, C, and D as follows:

Anti-Lobbying Certification and Disclosure Form (See Attachment B): Applicants Should Sign and Return the Certification With Their Application

Certification Regarding Environmental Tobacco Smoke (See Attachment C): By signing and submitting the application, applicants are accepting and agreeing to all terms and conditions of the certification.

Certification Regarding Drug-Free Workplace Requirements (See Attachment D): By signing and submitting the application, applicants are accepting and agreeing to all terms and conditions of the certification.

These certifications can also be found at *http://www.acf.hhs.gov/programs/ofs/forms.htm.*

Notification Under Executive Order 12372

The review and comment provisions of the Executive Order (E.O.) and Part 100 do not apply. Federally recognized Tribes are exempt from all provisions and requirements of E.O. 12372.

Applications should be sent to: Family Violence Prevention and Services Program, Family and Youth Services Bureau, Administration on Children, Youth and Families, Administration for Children and Families, Attention: Shena Williams, 1250 Maryland Avenue, SW., Suite 8213, Washington, DC 20024.

V. Approval/Disapproval of a Tribal or Tribal Organization Application

The Secretary of HHS will approve any application that meets the requirements of FVPSA and this announcement. The Secretary will not disapprove an application except after reasonable notice of the Secretary's intention to disapprove has been provided to the applicant and after a six-month period providing an opportunity for applicant to correct any deficiencies. The notice of intention to disapprove will be provided to the applicant within 45 days of the date of the application.

VI. Reporting Requirements

Performance Reports

ACF grantees must submit Performance Progress Reports using a standardized format, the SF–PPR. The SF–PPR is the standard Government-wide performance progress reporting format used by Federal agencies to collect performance information from recipients. A version of the SF–PPR has been tailored for grantees under this announcement as the ACYF–FYSB–FVPS–SF–PPR. A Program Performance Report must be filed with HHS describing the activities carried out, and include an assessment of the effectiveness of those activities in achieving the purposes of the grant. A section of this performance report must be completed by each grantee or sub-grantee that performed the direct services contemplated in the application certifying performance of such services. Consortia grantees should compile performance reports into a comprehensive report for submission. A copy of the ACYF–FYSB–FVPS–SF–PPR is available on the Family and Youth Services Bureau Web site at *http://www.acf.hhs.gov/programs/fysb/content/forms/reportforms/fv/ACF_FYSB_FVPSA_Tribal_SF_PPR_v1_0.pdf.*

Performance reports for Tribes and Tribal organizations are due on an annual basis at the end of the calendar year (December 29). Performance reports should be sent to: Family Violence Prevention and Services Program, Family and Youth Services Bureau, Administration on Children, Youth and Families, Administration for Children and Families, Attention: Shena Williams, 1250 Maryland Avenue, SW., Room 8213, Washington, DC 20024 .

Financial Status Reports

Grantees must submit annual Financial Status Reports. The first SF–269A for funding under this announcement, which is due December 29, 2010, is based on the Federal FY and will cover October 1, 2009, through September 30, 2010. The final SF–269A for funding under this announcement, which is due December 29, 2011, will cover October 1, 2010, through September 30, 2011. The SF 269A can be found at *http://www.whitehouse.gov/omb/assets/omb/grants/sf269.pdf.*

Completed reports may be mailed to: Kalika France, Division of Mandatory Grants, Office of Grants Management, Administration for Children and Families, 370 L'Enfant Promenade, SW., 6th Floor, Washington, DC 20447.

Grantees are encouraged to submit their reports online through the Online Data Collection (OLDC) system at the following address: *https://extranet.acf.hhs.gov/ssi/.*

Failure to submit reports on time may be a basis for withholding grant funds, suspension, or termination of the grant. In addition, all funds reported after the obligation period will be recouped.

VII. Administrative and National Policy Requirements

Grantees are subject to the requirements in 45 CFR part 74 (non-Governmental) or 45 CFR part 92 (Governmental).

Direct Federal grants, sub-award funds, or contracts under this ACF program shall not be used to support inherently religious activities such as religious instruction, worship, or proselytization. Therefore, organizations must take steps to separate, in time or location, their inherently religious activities from the services funded under this program. Regulations pertaining to the Equal Treatment for Faith-Based Organizations, which includes the prohibition against Federal funding of inherently religious activities, can be found at the HHS Web site at *http://www.hhs.gov/fbci/waisgate21.pdf.*

VIII. Other Information

For Further Information Contact: Shena Williams at (202) 205–5932 or e-mail at *shena.williams@acf.hhs.gov.*

Dated: March 19, 2010.

Bryan Samuels,

Commissioner, Administration on Children, Youth and Families.

Attachments: Required Assurances and Certifications:

A. Assurances
B. Certification Regarding Lobbying
C. Certification Regarding Environmental Tobacco Smoke
D. Drug-Free Workplace Requirements

Attachment A—Assurances Of Compliance With Grant Requirements

The grantee certifies that it will comply with the following:

(1) Not less than 70 percent of the funds distributed shall be used for immediate shelter and related assistance, as defined in 42 U.S.C. 10421(4) and (5), to victims of family violence and their dependents and not less than 25 percent of the funds distributed shall be used to provide related assistance as defined in 42 U.S.C. 10421(5) (42 U.S.C. 10402(g)).

(2) Grant funds made available under FVPSA will not be used as direct payment to any victim or dependent of a victim of family violence (42 U.S.C. 10402(d)).

(3) No income eligibility standard will be imposed on individuals receiving assistance or services supported with funds appropriated to carry out FVPSA (42 U.S.C. 10402(e)).

(4) The address or location of any shelter or facility assisted under FVPSA will not be made public, except with the written authorization of the person or persons responsible for the operations of such shelter (42 U.S.C. 10402(a)(2)(E)).

(5) The applicant will comply with FVPSA confidentiality requirements and must provide assurances that individual identifiers of client records will not be used when providing statistical data on program activities and program services and that the confidentiality of records pertaining to any individual provided domestic violence prevention or treatment services by any FVPSA-supported program will be strictly maintained (42 U.S.C. 10402(a)(2)(E)).

(6) That a law or procedure, such as a process for obtaining an order of protection, has been implemented for the eviction of an abusing spouse from a shared household (42 U.S.C. 10402(a)(2)(F)).

(7) That all grants, programs or other activities funded by the State in whole or in part with funds made available under FVPSA will prohibit discrimination on the basis of age, handicap, sex, race, color, national origin or religion (42 U.S.C. 10406).

(8) That the applicant will comply with the applicable Departmental recordkeeping and reporting requirements and general requirements for the administration of grants under 45 CFR Part 92.

Chief Program Official

Title

Organization

Attachment B—Certification Regarding Lobbying

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, Title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Signature

Title

Organization

Attachment C—Certification Regarding Environmental Tobacco Smoke

The Pro-Children Act of 2001, 20 U.S.C. 7181 through 7184, imposes restrictions on smoking in facilities where Federally funded children's services are provided. HHS grants are subject to these requirements only if they meet the Act's specified coverage. The Act specifies that smoking is prohibited in any indoor facility (owned, leased, or contracted for) used for the routine or regular provision of kindergarten, elementary, or secondary education or library services to children under the age of 18. In addition, smoking is prohibited in any indoor facility or portion of a facility (owned, leased, or contracted for) used for the routine or regular provision of federally funded health care, day care, or early childhood development, including Head Start services to children under the age of 18. The statutory prohibition also applies if such facilities are constructed, operated, or maintained with Federal funds. The statute does not apply to children's services provided in private residences, facilities funded solely by Medicare or Medicaid funds, portions of facilities used for inpatient drug or alcohol treatment, or facilities where WIC coupons are redeemed. Failure to comply with the provisions of the law may result in the imposition of a civil monetary penalty of up to $1,000 per violation and/or the imposition of an administrative compliance order on the responsible entity.

Attachment D—Certification Regarding Drug-Free Workplace Requirements

This certification is required by the regulations implementing the Drug-Free Workplace Act of 1988: 45 CFR Part 76, Subpart, F. Sections 76.630(c) and (d)(2) and 76.645(a)(1) and (b) provide that a Federal agency may designate a central receipt point for state-wide and state agency-wide certifications, and for notification of criminal drug convictions. For the Department of

Health and Human Services, the central point is: Division of Grants Management and Oversight, Office of Management and Acquisition, Department of Health and Human Services, Room 517–D, 200 Independence Avenue, SW Washington, DC 20201.

Certification Regarding Drug-Free Workplace Requirements (Instructions for Certification)

(1) By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.

(2) The certification set out below is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.

(3) For grantees other than individuals, Alternate I applies.

(4) For grantees who are individuals, Alternate II applies.

(5) Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.

(6) Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios).

(7) If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph five).

(8) Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

Controlled substance means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

Conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

Criminal drug statute means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

Employee means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All direct charge employees; (ii) All indirect charge employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) Temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

Certification Regarding Drug-Free Workplace Requirements

Alternate I. (Grantees Other Than Individuals)

The grantee certifies that it will or will continue to provide a drug-free workplace by:

(1) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(2) Establishing an ongoing drug-free awareness program to inform employees about—

(a) The dangers of drug abuse in the workplace;

(b) The grantee's policy of maintaining a drug-free workplace;

(c) Any available drug counseling, rehabilitation, and employee assistance programs; and

(d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(3) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(4) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will—

(a) Abide by the terms of the statement; and

(b) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(5) Notifying the agency in writing, within 10 calendar days after receiving notice under paragraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

(6) Taking one of the following actions, within 30 calendar days of receiving notice under paragraph (d)(2), with respect to any employee who is so convicted—

(a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(7) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

Check if there are workplaces on file that are not identified here.

Alternate II. (Grantees Who Are Individuals)

(1) The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant;

(2) If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, he or she will report the conviction, in writing, within 10 calendar days of the conviction, to every grant officer or other designee, unless the Federal agency designates a central point for the receipt of such notices. When notice is made to such a central point, it shall include the identification number(s) of each affected grant.

[FR Doc. 2010–6734 Filed 3–25–10; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2010–D–0143] (formerly Docket No. FDA–2008–D–0128)

Guidance for Industry on Drug-Induced Liver Injury: Premarketing Clinical Evaluation; Opening of Comment Period for Future Revision of Guidance Dated July 2009; Public Conference

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of opening of comment period; notice of public conference.

SUMMARY: The Food and Drug Administration (FDA) is opening a comment period for submission of suggestions for revising the guidance for industry published in the **Federal**

Register July 30, 2009, entitled "Drug-Induced Liver Injury: Premarketing Clinical Evaluation." In addition, FDA, along with the American Association for the Study of Liver Diseases (AASLD) and the Pharmaceutical and Research Manufacturers of America, is sponsoring a public conference to be held on March 24 and 25, 2010, to discuss and debate issues contained in the published guidance document. The purpose of the conference is to consider the effect of the recommendations in the guidance since its publication, and to seek suggestions for future revisions that will incorporate the views expressed.

DATES: The public conference will be held on March 24, 2010, from 8 a.m. to 6 p.m. and March 25, 2010, from 8 a.m. until 3:15 p.m. Submit written or electronic comments on agency guidances at any time.

ADDRESSES: The conference will take place at the National Labor College, 10000 New Hampshire Ave., Silver Spring MD 20993.

Submit written requests for single copies of the July 2009 guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, rm. 2201, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. Submit written comments on the guidance to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic comments to *http://www.regulations.gov*. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT: Lana L. Pauls, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, rm. 4307, Silver Spring MD 20993–0002, 301–796–0518, e-mail: *lana.pauls@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

FDA announced in July 2009 the availability of a guidance for industry entitled "Guidance for Industry on Drug-Induced Liver Injury: Premarketing Clinical Evaluation." The guidance explained that drug-induced liver injury (DILI) has been the most frequent cause of acute liver failure in the United States in the last 10 years, exceeding all other causes combined. It discussed methods of detecting DILI by periodic tests of serum enzyme activities and bilirubin concentration elevations, and how those laboratory tests might change over time, along with symptoms and physical findings, to allow estimation of severity of the injury. It suggested some rules for stopping or interrupting drug treatment, and the need to obtain additional clinical information to estimate the likelihood of the true cause. Previous periods for comments on the draft guidance were opened in 2007 and 2008, and those comments were taken into consideration when issuing the final guidance in July 2009. The guidance was issued consistent with FDA's good guidance practices regulation (21 CFR 10.115), representing the agency's current thinking on evidence for DILI in premarketing clinical evaluation. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

II. The Public Conference

A. Why Are We Holding This Conference?

The purpose of the 2010 conference is to discuss the most current information and thinking about clinical and basic aspects of the still-unsolved problems of exactly how drugs cause liver injury and why certain individual people are more susceptible than others, combining views of both basic science and clinical experts, and selecting for specific debate and discussion some controversial issues such as:

- Whether indications of cholestasis (biliary tract obstruction) are less important than evidence of primarily hepatocellular injury with secondary functional impairment;
- What findings could lead to interrupting or permanently stopping administration of new drugs under evaluation; and
- The appropriate use of rechallenge testing to study hepatotoxicity.

B. Is There a Fee and How Do I Register for the Conference?

A modest registration fee will be charged to attendees other than invited speakers, to help defray the costs of rental of the meeting spaces, meals and snacks provided, and if possible to cover travel costs incurred by invited academic (but not Government or industry) speakers, and other costs. The fee for the 2-day meeting for industry registrants is $450, and $225 for Federal Government and academic registrants. Registration fees will be waived for invited speakers and moderators.

The registration process will be handled by AASLD, a not-for-profit organization which has extensive experience in planning, organizing, and executing educational meetings.

The presentations and discussions will be recorded and published on the Internet for public availability after minor editing by FDA. It will then be posted on the Internet by AASLD following the meeting, to allow consideration of the issues and material presented by those unable to attend the conference in person.

Additional information on the conference, program, and registration procedures, as well as on past conferences 2001 through 2009, is available on the Internet at *http://www.aasld.org* (go to Conferences and Education, Meetings and Conferences), and also at *http://www.fda.gov* by typing into the search box "liver toxicity." (FDA has verified the AASLD Web site address, but FDA is not responsible for any subsequent changes to the Web site after this document publishes in the **Federal Register**.)

III. Comments

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) written or electronic comments regarding the guidance and the issues and questions presented at the conference. Submit a single copy of electronic comments or two paper copies of any mailed comments, except that individuals may submit one paper copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

IV. Electronic Access

Persons with access to the Internet may obtain the document at either *http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm* or *http://www.regulations.gov*.

Dated: March 17, 2010.

Leslie Kux,

Acting Assistant Commissioner for Policy.

[FR Doc. 2010–6701 Filed 3–25–10; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2008–D–0623]

Guidance for Industry on Anesthetics for Companion Animals; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of Guidance for Industry #192 entitled "Anesthetics for Companion Animals." This guidance makes recommendations for the development of anesthetic new animal drug products for companion animals. The guidance discusses the contents of the target animal safety, effectiveness, and labeling technical sections of a new animal drug application (NADA) for general anesthetics.

DATES: Submit written or electronic comments on agency guidances at any time.

ADDRESSES: Submit written requests for single copies of the guidance to the Communications Staff (HFV–12), Center for Veterinary Medicine, Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855. Send one self-addressed adhesive label to assist that office in processing your requests.

Submit written comments on the guidance to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic comments to *http://www.regulations.gov*. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT: Germaine Connolly, Center for Veterinary Medicine, (HFV–116), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 240–276–8331, e-mail: *germaine.connolly@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a Guidance for Industry #192 entitled "Anesthetics for Companion Animals." This guidance document makes recommendations to assist developers of general anesthetic drugs (injectable or inhalational) for use in companion animals (dogs, cats, and horses). The guidance specifically describes what should be considered while planning and executing safety and field studies for the proposed anesthetic. In addition, the guidance includes recommendations on how to analyze and package the collected data for submission to the Center for Veterinary Medicine (CVM).

In the **Federal Register** of December 17, 2008, (73 FR 76657), FDA published the notice of availability for a draft guidance entitled "Anesthetics for Companion Animals" which gave interested persons until March 2, 2009, to comment on the draft guidance. FDA received a few comments on the draft guidance and those comments were considered as the guidance was finalized. In addition to some of the changes based on the comments received, CVM made a few minor changes to the guidance to add clarity and accuracy. The guidance announced in this notice finalizes the draft guidance dated December 17, 2008.

II. Significance of Guidance

This level 1 guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the agency's current thinking on this topic. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

III. Paperwork Reduction Act of 1995

This guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information have been approved under OMB Control No. 0910–0032 (expiration date 04/30/2010).

IV. Comments

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) written or electronic comments regarding this document. Submit a single copy of electronic comments or two paper copies of any mailed comments, except that individuals may submit one paper copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

V. Electronic Access

Persons with access to the Internet may obtain the guidance at either *http://www.fda.gov/AnimalVeterinary/default.htm* or *http://www.regulations.gov*.

Dated: March 22, 2010.

Leslie Kux,

Acting Assistant Commissioner for Policy.

[FR Doc. 2010–6700 Filed 3–25–10; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; 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: Center for Scientific Review Special Emphasis Panel, GWAS of Arthritis, Osteoporosis and Lupus.

Date: March 31, 2010.

Time: 2 p.m. to 4 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, PhD, 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.

(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: March 19, 2010.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–6663 Filed 3–25–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Non-Human Primate Heart/Lung Transplantation Tolerance.

Date: April 16, 2010.

Time: 9 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge 6700, 6700B Rockledge Drive, Bethesda, MD 20817.

Contact Person: B. Duane Price, PhD, Scientific Review Officer, Scientific Review Program, DHHS/NIH/NIAID, 6700B Rockledge Drive, MSC 7616, Room 3139, Bethesda, MD 20892, 301–451–2592, *pricebd@niaid.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: March 19, 2010.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–6664 Filed 3–25–10; 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 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: Center for Scientific Review Special Emphasis Panel; Medical Imaging Overflow.

Date: March 29, 2010.

Time: 4 p.m. to 6 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: Xiang-Ning Li, MD, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5112, MSC 7854, Bethesda, MD 20892, 301–435–1744, *lixiang@csr.nih.gov.*

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: March 19, 2010.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–6671 Filed 3–25–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; R 13 Conference Grants.

Date: April 19–23, 2010.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge 6700, 6700B Rockledge Drive, Bethesda, MD 20817 (Virtual Meeting).

Contact Person: Michelle M. Timmerman, PhD, Scientific Review Officer, Scientific Review Program, NIH/NIAID/DHHS, Room 3147, 6700B Rockledge Drive, MSC–7616, Bethesda, MD 20892–7616, 301–451–4573, *timmermanm@niaid.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: March 18, 2010.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–6674 Filed 3–25–10; 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 a meeting of the Board of Scientific Counselors, NIDDK.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Institute of Diabetes and Digestive and Kidney Diseases, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, NIDDK.

Date: May 12–14, 2010.

Time: May 12, 2010, 8:15 a.m. to 2:15 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institutes of Health, Building 10, 10 Center Drive, Conference Room 9S235, Bethesda, MD 20892.

Time: May 13, 2010, 8:15 a.m. to 3:05 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institutes of Health, Building 10, 10 Center Drive, Conference Room 9S235, Bethesda, MD 20892.

Time: May 14, 2010, 8:15 a.m. to 3 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institutes of Health, Building 10, 10 Center Drive, Conference Room 9S235, Bethesda, MD 20892.

Contact Person: Ira W. Levin, PhD, Director, Division of Intramural Research, National Institute of Diabetes and Digestive and Kidney Diseases, NIH, Bethesda, MD 20892. 301–496–6844. *iwl@helix.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

(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: March 18, 2010.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–6675 Filed 3–25–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–1570–N]

Medicare Program; Request for Nominations to the Advisory Panel on Ambulatory Payment Classification Groups

AGENCY: Centers for Medicare & Medicaid Services, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: This notice solicits nominations of five new members to the Advisory Panel on Ambulatory Payment Classification (APC) Groups (the Panel). There will be five vacancies on the Panel as of September 30, 2010.

The purpose of the Panel is to review the APC groups and their associated weights and to advise the Secretary of the Department of Health and Human Services (DHHS) and the Administrator of the Centers for Medicare & Medicaid Services (CMS), concerning the clinical integrity of the APC groups and their associated weights.

The Secretary re-chartered the Panel in 2008 for a 2-year period effective through November 21, 2010.

DATES: *Submission of Nominations:* We will consider nominations if they are received no later than 5 p.m. (e.s.t.), May 26, 2010.

ADDRESSES: Please mail or hand deliver nominations to the following address: Centers for Medicare & Medicaid Services; Attn: Shirl Ackerman-Ross, Designated Federal Official (DFO), Advisory Panel on APC Groups; Center for Medicare Management, Hospital & Ambulatory Policy Group, Division of Outpatient Care; 7500 Security Boulevard, Mail Stop C4–05–17; Baltimore, MD 21244–1850.

Web Site: For additional information on the APC Panel and updates to the Panel's activities, we refer readers to view our website at the following: *http://www.cms.hhs.gov/FACA/05_AdvisoryPanelonAmbulatoryPaymentClassificationGroups.asp#TopOfPage.* (Use control + click the mouse in order to access the previous URL.) (**Note:** There is an underscore after FACA/05_; there is no space.)

FOR FURTHER INFORMATION CONTACT: *Contact:* Persons wishing to nominate individuals to serve on the Panel or to obtain further information may also contact Shirl Ackerman-Ross, the DFO, at *CMS APCPanel@cms.hhs.gov* (**Note:** There is no underscore in this e-mail address; there is a SPACE between CMS and APCPanel.), or e-mail the DFO at SAckermanross@cms.hhs.gov.

Advisory Committees' Information Lines: You may also refer to the CMS Federal Advisory Committee Hotlines at 1–877–449–5659 (toll-free) or 410–786–9379 (local) for additional information.

News Media: Representatives should contact the CMS Press Office at 202–690–6145.

SUPPLEMENTARY INFORMATION:

I. Background

The Secretary is required by section 1833(t)(9)(A) of the Social Security Act (the Act) to consult with an expert outside advisory Panel regarding the clinical integrity of the APC groups and relative payment weights that are components of the Medicare hospital Outpatient Prospective Payment System (OPPS).

The Charter requires that the Panel meet up to three times annually. CMS considers the technical advice provided by the Panel as we prepare the proposed and final rules to update the OPPS for the next calendar year.

The Panel may consist of a chair and up to 15 members who are full-time employees of hospitals, hospital systems, or other Medicare providers that are subject to the OPPS. (For purposes of the Panel, consultants or independent contractors are not considered to be full-time employees in these organizations.)

The current Panel members are as follows: (**Note:** The asterisks [*] indicate the Panel members whose terms end on September 30, 2010.)

- E. L. Hambrick, M.D., J.D., Chair, a CMS Medical Officer
- Ruth L. Bush, M.D., M.P.H.
- Dawn L. Francis, M.D., M.H.S.
- Kathleen M. Graham, R.N., MSHA, GPHQ
- Patrick A. Grusenmeyer, Sc.D., FACHE
- David Halsey, M.D.
- Judith T. Kelly, B.S.H.A., RHIT, RHIA, CCS
- Michael D. Mills, Ph.D.*
- Agatha L. Nolen, D.Ph., M.S., FASHP
- Randall A. Oyer, M.D.
- Beverly Khnie Philip, M.D.*
- Daniel Pothen, M.S., RHIA, CPHIMS, CCS, CCS–P, CHC
- Gregory J. Przbylski, M.D.
- Russ Ranallo, M.S., B.S.*
- Michael A. Ross, M.D., FACEP *
- Patricia Spencer-Cisek, M.S., APRN–BC, AOCN® *

Panel members serve without compensation, according to an advance written agreement. However, for the meetings, CMS reimburses travel, meals, lodging, and related expenses in accordance with standard Government travel regulations.

CMS has a special interest in attempting to ensure, while taking into account the nominee pool, that the Panel is diverse in all respects of the following: Geography; rural or urban practice; race, ethnicity, sex, and disability; medical or technical specialty; and type of hospital, hospital health system, or other Medicare provider subject to the OPPS.

Based upon either self-nominations or nominations submitted by providers or interested organizations, the Secretary, or his or her designee, appoints new members to the Panel from among those candidates determined to have the required expertise. New appointments are made in a manner that ensures a balanced membership under the guidelines of the Federal Advisory Committee Act.

II. Criteria for Nominees

The Panel must be fairly balanced in its membership in terms of the points of view represented and the functions to be performed. The Panel shall consist of up to 15 members who are representatives of providers. Each Panel member must be employed full-time by a hospital, hospital system, or other Medicare provider subject to payment under the OPPS. All members must have technical expertise to enable them to participate fully in the Panel's work. Such expertise encompasses hospital payment systems; hospital medical care delivery systems; provider billing systems; APC groups; Current Procedural Terminology codes; and alpha-numeric Health Care Common Procedure Coding System codes; and the use of, and payment for, drugs and medical devices, as well as other forms of relevant expertise.

It is not necessary for a nominee to possess expertise in all of the areas listed, but each must have a minimum of 5 years experience and currently have full-time employment in his or her area of expertise. Generally, members of the Panel serve overlapping terms of 4 years, based on the needs of the Panel and contingent upon the re-chartering of the Panel.

Any interested person or organization may nominate one or more qualified individuals. Self-nominations will also be accepted. Each nomination must include the following:

- Letter of Nomination,
- Curriculum Vitae of the nominee, and
- Written statement from the nominee that the nominee is willing to serve on the Panel under the conditions described in this notice and further specified in the Charter.

III. Copies of the Charter

To obtain a copy of the Panel's Charter, submit a written request to the DFO at the address provided in the **ADDRESSES** section or by e-mail at *CMS APCPanel@cms.hhs.gov,* or call 410–786–4474.

Copies of the Charter are also available on the Internet at the following: *http://www.cms.hhs.gov/FACA/05_AdvisoryPanelonAmbulatoryPaymentClassificationGroups.asp#TopOfPage.*

IV. Collection of Information Requirements

This document does not impose information collection and recordkeeping requirements. Consequently, it need not be reviewed by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 35).

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

Dated: March 18, 2010.

Charlene Frizzera,

Acting Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. 2010–6789 Filed 3–25–10; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2010–D–0141]

Small Entity Compliance Guide: Bottled Water: Total Coliform and *E. coli*; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a guidance for industry entitled "Bottled Water: Total Coliform and *E. coli*—Small Entity Compliance Guide" for a final rule published in the **Federal Register** of May 29, 2009. This small entity compliance guide (SECG) is intended to set forth in plain language the requirements of the regulation and to help small businesses understand the regulation.

DATES: Submit electronic or written comments on the SECG at any time.

ADDRESSES: Submit electronic comments on the SECG to *http://www.regulations.gov.* Submit written comments on the SECG to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit written requests for single copies of the SECG to the Division of Plant and Dairy Food Safety (HFS–317), Office of Food Safety, Center for Food Safety and Applied Nutrition, Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, or fax your request to 301–436–2651. Send one self-addressed adhesive label to assist that office in processing your request. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the SECG.

FOR FURTHER INFORMATION CONTACT: Lauren Posnick Robin, Center for Food Safety and Applied Nutrition (HFS–317), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, 301–436–1639.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of May 29, 2009 (74 FR 25651), FDA issued a final rule amending its bottled water regulations to require that bottled water manufacturers test source water for total coliform, as is required for finished bottled water products, and to require, if any coliform organisms are detected in source water, that bottled water manufacturers determine whether any of the coliform organisms are *Escherichia coli* (*E. coli*), an indicator of fecal contamination. FDA also amended its bottled water regulations to require, if any coliform organisms are detected in finished bottled water products, that bottled water manufacturers determine whether any of the coliform organisms are *E. coli.* FDA also amended the adulteration provision of the bottled water standard to reflect the possibility of adulteration caused by the presence of filth. Under the amended regulations, bottled water containing *E. coli* will be considered adulterated, and source water containing *E. coli* will not be considered to be of a safe, sanitary quality and will be prohibited from use in the production of bottled water. FDA also amended its bottled water regulations to require that, before a bottler can use source water from a source that has tested positive for *E. coli*, the bottler must take appropriate measures to rectify or eliminate the cause of *E. coli* contamination of that source, and that the bottler must keep records of such actions. Existing regulatory provisions require bottled water manufacturers to keep records of new testing required by this rule. The effective date of the final rule is December 1, 2009.

FDA examined the economic implications of the final rule as required by the Regulatory Flexibility Act (5 U.S.C. 601–612). Because the costs per entity of this rule are small, the agency believes that the final rule will not have a significant economic impact on a substantial number of small entities. However, FDA could not certify that the final rule would not have a significant economic impact on a substantial number of small entities. Therefore, in compliance with section 212 of the Small Business Regulatory Enforcement Fairness Act (Public Law 104–121), FDA is making available this SECG stating in plain language the legal requirements of the May 29, 2009, final rule set forth in 21 CFR parts 129 and 165 concerning the monitoring requirements for total coliform and *E. coli* in source water and finished bottled water products, the allowable levels of total coliform and *E.*

coli in finished bottled water products, and requirements for recordkeeping and corrective measures.

FDA is issuing this SECG as level 2 guidance consistent with FDA's good guidance practices regulation (21 CFR 10.115(c)(2)). The SECG represents the agency's current thinking on this topic. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

II. Comments

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) electronic or written comments regarding this SECG. Submit a single copy of electronic comments or two paper copies of any mailed comments, except that individuals may submit one paper copy. Comments are to be identified with the docket number found in brackets in the heading of this document. The SECG and received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

III. Paperwork Reduction Act of 1995

This guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in § 129.35(a)(3)(i) and § 129.80(g) and (h) have been approved under OMB control no. 0910–0658.

IV. Electronic Access

Persons with access to the Internet may obtain the document at *http://www.fda.gov/FoodGuidances* or *http://www.regulations.gov*.

Dated: March 22, 2010.

Leslie Kux,

Acting Assistant Commissioner for Policy.

[FR Doc. 2010–6699 Filed 3–25–10; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Statement of Organization, Functions, and Delegations of Authority

Part C (Centers for Disease Control and Prevention) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (45 FR 67772–76, dated October 14, 1980, and corrected at 45 FR 69296, October 20, 1980, as amended most recently at 75 FR 10296, dated March 5, 2010) is amended to reflect the reorganization of the Office of the Chief Science Officer, Office of the Director, Centers for Disease Control and Prevention.

Section C–B, Organization and Functions, is hereby amended as follows: Delete in its entirety the title and functional statement for the Office of the Chief Science Officer (CAS), and insert the following:

Office of the Associate Director for Science (CAS). The Associate Director for Science (OADS) and staff provide CDC/ATSDR with scientific vision and leadership in promoting quality and integrity of CDC science, and helping to encourage the application of science to solving important public health problems.

Office of the Director (CAS1). (1) Directs, manages, and coordinates the activities of the OADS; (2) develops goals and objectives, provides leadership, policy formation, scientific oversight, and guidance in program planning and development; and (3) oversees functions of Office of Science Quality and Translation, Office of Scientific Integrity, and Innovation and Special Projects Activity.

Innovation and Special Projects Activity (CAS13). (1) Provides oversight and leadership in major or cross-cutting scientific activities; (2) represents the agency and the director on high-level internal and external scientific activities and groups; (3) develops and advances CDC research priorities; (4) handles high-profile or controversial issues and mediates (internally and externally) in difficult, contentious situations; (5) helps to develop and encourage innovation throughout the spectrum from scientific discovery to the application of science to solving health problems; (6) maintains regular, open, and transparent communication with CDC science community and uses the results to contribute to problem solving; (7) provides oversight for CDC science-related workgroups; (8) provides leadership opportunities for scientists; and (9) encourages appropriate internal and external collaborations and partnerships related to science issues.

Office of Science Quality and Translation (CASH). (1) Provides consultation and advice and support to the CDC OD, National Centers, programs, ADSs, MMWR, and other relevant organizations related to intramural and extramural scientific activities; (2) leads development of policies related to intramural and extramural science; (3) performs and facilitates good quality internal and external peer review; (4) ensures transparency and accountability of CDC extramural research programs; (5) provides oversight of knowledge management activities involving Documentum and eClearance; (6) supports and champions evidence-based decisionmaking to support practice, program, and policy inside and outside of CDC; (7) encourages the production and communication of science products that address essential questions for practice and policy; (8) assures that science products are perceived as timely and useful for decisionmaking; (9) enhances access to CDC publications; (10) feeds back key program and policy research gaps into the research agenda; and (11) links the needs of public health practitioners and decisionmakers into the development of CDC research projects and publications (in collaboration with Associate Directors for Program, and State, Tribal, Local, and Territorial Support).

Office of Scientific Integrity (CASJ). (1) Protects the rights and welfare of human beings who participate in research; (2) complies with laws and principles in the care and use of laboratory animals at CDC; (3) ensures compliance with Paperwork Reduction Act to protect the privacy of individuals in records maintenance; (4) serves as the agency research integrity liaison officer; (5) ensures leadership in public health ethics and integrate ethical analysis into day-to-day decisions and activities across CDC; (6) oversees emergency use authorization (EUA); (7) establishes newly required oversight and regulatory activities; (8) provides independent assessment and resolution of contentious situations/issues; and (9) provides training relevant to science quality and integrity to CDC community.

Dated: March 11, 2010.

William P. Nichols,

Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2010–6594 Filed 3–25–10; 8:45 am]

BILLING CODE 4160–18–M

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2010–0163]

Commercial Fishing Industry Vessel Safety Advisory Committee; Vacancies

AGENCY: Coast Guard, DHS.

ACTION: Request for applications.

SUMMARY: The Coast Guard seeks applications for membership on the Commercial Fishing Industry Vessel Safety Advisory Committee (CFIVSAC). The CFIVSAC provides advice and makes recommendations to the Coast Guard on matters relating to the safe operation of commercial fishing industry vessels.

DATES: Completed application forms should reach the Coast Guard at the address below on or before June 1, 2010.

ADDRESSES: You may request an application form by writing to Commandant (CG–5433), U.S. Coast Guard, 2100 Second Street, SW., Mail Stop 7581, Washington, DC 20593–7581; by calling 202–372–1249; or by faxing 202–372–1917. Send your application in written form to the above street address. This notice and the application form are also available on the Internet at *http://www.FishSafe.info*.

FOR FURTHER INFORMATION CONTACT: Mr. Jack Kemerer of the Coast Guard by telephone at 202–372–1249, fax 202–372–1917, e-mail: *jack.a.kemerer@uscg.mil*.

SUPPLEMENTARY INFORMATION: The CFIVSAC is a Federal advisory committee under 5 U.S.C. App. (Pub. L. 92–463). The Coast Guard chartered the CFIVSAC to provide advice on issues related to the safety of commercial fishing industry vessels regulated under Chapter 45 of Title 46, United States Code, which includes uninspected fishing vessels, fish processing vessels, and fish tender vessels. (*See 46 U.S.C. 4508.*)

The CFIVSAC meets at least once a year. It may also meet for other extraordinary purposes. Its subcommittees may gather throughout the year to prepare for meetings or develop proposals for the committee as a whole to address specific problems.

The Coast Guard will consider applications for five positions that expire or become vacant in October 2010 in the following categories: (a) Commercial Fishing Industry (two positions); (b) Education or Training Professionals related to fishing vessels or personnel qualifications (one position); (c) Underwriters that insure fishing vessels (one position); and (d) General Public (one position).

The CFIVSAC consists of 17 members as follows: (a) Ten members from the commercial fishing industry who reflect a regional and representational balance and have experience in the operation of vessels to which Chapter 45 of Title 46, United States Code applies, or as a crew member or processing line member on an uninspected fish processing vessel; (b) one member representing each of (1) naval architects or marine surveyors; (2) manufacturers of equipment for vessels to which Chapter 45 of Title 46, U.S.C. applies; (3) education or training professionals related to fishing vessels, fish processing vessels, fish tender vessel safety, or personnel qualifications; and (4) underwriters that insure vessels to which Chapter 45 of Title 46, U.S.C. applies; and (c) three members representing the general public including, whenever possible, an independent expert or consultant in maritime safety and a member of a national organization composed of persons representing owners of vessels to which Chapter 45 of Title 46, U.S.C. applies and persons representing the marine insurance industry.

Each member serves for a term of three years. An individual may be appointed to a term as a member more than once. All members serve at their own expense and receive no salary from the Federal Government, although travel reimbursement and per diem may be provided.

In support of the Coast Guard policy on gender and ethic nondiscrimination, we encourage qualified men and women and members of all racial and ethnic groups to apply. The Coast Guard values diversity; all the different characteristics and attributes of persons that enhance the mission of the Coast Guard.

If you are selected as a "non-representative" member, or as a member who represents the general public, you will be appointed and serve as a Special Government Employee (SGE) as defined in section 202(a) of Title 18, United States Code. As a candidate for appointment as a SGE, applicants are required to complete a Confidential Financial Disclosure Report (OGE Form 450). A completed OGE Form 450 is not releasable to the public except under an order issued by a Federal court or as otherwise provided under the Privacy Act (5 U.S.C. 552a). Only the Designated Agency Ethics Official (DAEO) or the DAEO's designate may release a Confidential Financial Disclosure Report.

Dated: March 18, 2010.

F.J. Sturm,

Acting Director of Commercial Regulations and Standards.

[FR Doc. 2010–6694 Filed 3–25–10; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5376–N–19]

Notice of Submission of Proposed Information Collection to OMB; Emergency Comment Request; HUD ARRA Section 1512 Reporting

AGENCY: Office of Strategic Planning and Management, HUD.

ACTION: Notice of proposed information collection.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for emergency review and approval, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date: April 2, 2010.*

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments must be received within seven (7) days from the date of this Notice. Comments should refer to the proposal by name/or OMB approval number and should be sent to: Mr. Ross A. Rutledge, HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; e-mail: *RossA.Rutledge @omb.eop.gov;* fax: (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Leroy McKinney, PRA Program Manager, OCIO, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; e-mail: *Leroy.McKinneyJr@hud.gov;* telephone (202) 402–5564. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Mr. McKinney.

SUPPLEMENTARY INFORMATION: This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) evaluate the accuracy of the agency's estimate of the burden of the proposed

collection of information; (3) enhance the quality, utility, and clarity of the information to be collected; and (4) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology; e.g., permitting electronic submission of responses.

In addition, section 1512 of the Recovery Act requires that not later than 10 days after the end of each calendar quarter, each recipient that received recovery funds from a federal agency shall submit a report to that agency that contains: (1) The total amount of recovery funds received from the agency; (2) the amount of recovery funds received that were expended or obligated, to projects or activities; and (3) a detailed list of all projects or activities for which recovery funds were expended or obligated, including the name of the project or activity; a description of the project or activity, an evaluation of the completion status of the project or activity; an estimate of the number of jobs created and the number of jobs retained by the project or activity; and for infrastructure investments made by State and local governments, the purpose, total cost, and rationale of the agency for funding the infrastructure investment with funds made available under the Recovery Act and name of the person to contact at the agency if there are concerns with the infrastructure investment.

This Notice also lists the following information:

Title of Proposal: HUD Core Activities related to the Recovery Act.

Description of Information Collection: Public Housing Capital Fund, Assisted Housing Stability and Energy and Green Retrofit Investments Program, Community Development Block Grants, Indian Community Development Block Grant Program, Native American Housing Block Grants, Native Hawaiian Housing Block Grants, Tax Credit Assistance Program, Lead Hazard Control Grant Program; must provide information to HUD for the reporting requirements of HUD ARRA Section 1512. ("Recovery Act") grants. Section 1512 of the Recovery Act details the reporting requirements for the recipients of recovery Act funding. Recipients are to report on the obligation and expenditure of Recovery Act funds, the projects on which those funds have been obligated and expended, an evaluation of the completion status of projects and the number of jobs created and jobs retained by the project.

OMB Control Number: 2577–0264.

Agency Form Numbers: N/A, the data will be collected utilizing a web-based application.

Members of Affected Public: State, Local Government and Non-profit organization.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of responses, and hours of responses: The estimated number of respondents is 5,500 and the number of responses is 4. There will be in total, approximately 22,000 total responses. The total reporting burden is 90,200 hours.

Status of the proposed information collection: Revision of previously approved collection on Recovery Act projects.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: March 22, 2010.

Leroy McKinney Jr.,

Departmental PRA Compliance Officer.

[FR Doc. 2010–6736 Filed 3–25–10; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5376–N–20]

Notice of Submission of Proposed Information Collection to OMB; Emergency Comment Request; Housing Choice Voucher Program (Voucher Management System Enhancements and Reporting Requirements)

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice of proposed information collection.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for emergency review and approval, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal, to assure better understanding of the reporting requirements and consistency in the submission of data.

DATES: *April 2, 2010.*

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments must be received within seven (7) days from the date of this Notice. Comments should refer to the proposal by name/or OMB approval number and should be sent to: Mr. Ross A. Rutledge, HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; *e-mail: RossA.Rutledge@omb.eop.gov; fax:* (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Leroy McKinney, Jr., Departmental Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street, SW., Room 4178, Washington, DC 20410–5000; telephone 202–402–8048, (this is not a toll-free number) or email Mr. McKinney at *Leroy.McKinneyJr@hud.gov* for a copy of the proposed forms, or other available information. Copies of available documents submitted to OMB may be obtained from Mr. McKinney.

SUPPLEMENTARY INFORMATION: This Notice informs the public that the U.S. Department of Housing and Urban Development (HUD) has submitted to OMB, for emergency processing, a proposed information collection that requires the addition of four new input fields within the Voucher Management System (VMS).

The VMS is currently used by Public Housing Agencies (PHAs) to report their monthly leasing and expense information in connection with the Housing Choice Voucher (HCV) program. The VMS collects data on monthly leasing activities and costs for the HCV program via mandatory PHA reporting. It is a critical data system that is used for a variety of major functions, including budget formulation, utilization analysis, and funding allocations. As such, accuracy of the data is extremely important.

The system is periodically enhanced to provide new flexibilities or features for improved ease and accuracy of reporting and use of the data. Accordingly, the new VMS reporting fields are designed to provide greater effectiveness in monitoring the PHAs' financial data and to provide a more complete picture of the PHAs' funding and resources. The reporting enhancements are expected to assist HUD's goal of achieving improved financial accountability by the PHAs and greater recognition of potential shortfalls that may impede the PHAs' ability to assist as many families and individuals as possible while staying within their budget.

Title of Proposed Notice: Housing Choice Voucher Program (Voucher Management System Enhancements and Reporting Requirements.)

Description of Information Collection: This is a revision of a previously approved information collection. The Department of Housing and Urban Development is seeking emergency review of the Paperwork Reduction Act

requirements associated with the Office of Public Housing and Voucher Program's Voucher Management System. The four additional reporting fields will be crucial to the identification of actual or incipient financial problems that will ultimately affect funding for program participants. Through submission of these monthly reports, HUD is able to ensure that PHAs do not over or under utilize their baseline unit months or annual budget authority, thereby maximizing the number of qualified families that can participate in the Housing Choice Voucher programs.

The reporting fields and their definitions are described as follows:

(1) Net Restricted Assets (NRA) as of the Last Day of the Month

For Reference: NRA is the amount reported on the income statement at line 1118—Restricted Net Assets. The NRA reported in VMS must be updated through the end of the reporting month.

Definition: NRA is the amount of Housing Assistance Payments (HAP) Equity for the Housing Choice Voucher (HCV) program. It is equal to total HAP revenue minus total HAP expense for eligible unit months leased on a calendar year basis. Total HAP expense should include expenses for regular vouchers as well as expenses for certain HCV special purpose vouchers including Non-Elderly Disabled (NED), Family Unification Program (FUP), HOPE VI, One Year Mainstream (MS1), Litigation, Tenant Protection (TP), and Homeownership. Total HAP revenue is defined as total funding eligibility for calendar years 2005 and later (including pro-rated renewal eligibility plus funding for incremental vouchers) minus any offsets for 2008 and 2009, and should equal the amount actually disbursed to the PHA. The amount reported must include all interest earned, fraud recovery, and Family Self-Sufficiency (FSS) forfeitures. Veterans Affairs Supportive Housing (VASH) NRA is not reported in this field. Those funds are tracked separately and the balance is reported in Line 1118—Restricted Net Assets.

The balance of this account will be carried forward on a monthly basis beginning January 1, 2005, through the end of the current month. Note: Negative amounts must be reported; however, if the PHA has a negative balance at the end of the calendar year the negative amount must not be carried forward to January of the following year. The PHA must start with a zero balance at the beginning of January for purposes of reporting in this field. PHAs are advised that although the negative amount is not carried forward to the following year the deficit incurred by the PHA is not forgiven nor will additional funds be provided to cover the shortage. The PHA is responsible for operating their program within the amount of funding provided. Negative amounts reported may result in a HUD review and corrective action may be warranted if it is determined the PHA expended any portion of their HAP funding on non-HAP eligible expenses.

Moving to Work (MTW) PHAs should report their financial information as required in their MTW Agreement.

(2) Unrestricted Net Assets (UNA) as of the Last Day of the Month

For reference: UNA is the amount reported on the income statement at line 1117—Administrative Fee Equity. The UNA reported in VMS must be updated through the end of the reporting month.

Definition: UNA is equal to total Administrative Fee (AF) revenue minus total HCV administrative expenses and any AF used for housing assistance payments (HAP) or other activities for Section 8 Tenant Based related purposes. UNA (referred to Administrative Fee Reserve in the HCV voucher program regulations) is the amount by which program administrative fees paid by HUD for a PHA fiscal year exceeded the PHA program administrative expenses for the fiscal year plus any interest earned on the administrative fee reserve (see 24 CFR 982.155(a)). This means that the total administrative fee revenue used to calculate the UNA reported in this Field does not include administrative fees received during the current PHA fiscal year, because excess AF received does not accumulate to the UNA until the end of the PHA's fiscal year. The excess fees received during the PHA's current fiscal year will not be reported in the UNA field until after PHA's fiscal year in which they were received has ended. The monthly amount reported is the current UNA balance (including any interest earned and fraud recovery allocated to the UNA account for the month being reported). PHAs must also include in this field their pre-2005 AF balance, formerly referred to as their operating reserve (also known as their administrative fee reserve). MTW PHAs should report their financial information as required in their MTW Agreement.

(3) Cash/Investments as of the Last Day of the Month

For Reference: These are the amounts reported on the balance sheet at lines 111—Cash—Unrestricted; 113—Cash—other restricted; 131—Investments—Unrestricted; and 132—Investments—restricted. The Cash/Investments reported in VMS must be updated through the end of the reporting month.

Definition: Cash/Investments as of the last day of the month is the total amount of housing assistance payments (HAP) and administrative fee (AF) cash and investments for the Housing Choice Voucher (HCV) program. This amount must include only those HAP and AF funds (including any interest or revenue derived) received for the HCV program, including interest earned, fraud recovery and Family Self-Sufficiency (FSS) forfeitures. Funds received for FSS Coordinator and not expensed must not be included. Cash and investments for FSS escrows must not be included. MTW PHAs should report their financial information as required in their MTW Agreement.

(4) Number of Vouchers Issued But Not Under Active Housing Assistance Payment (HAP) Contract as of the Last Day of the Month

Definition: This figure represents the total number of new vouchers issued and not yet under a HAP contract as of the last day of the reporting period.

This figure excludes vouchers issued to participants who are currently under HAP contract in one unit but have been issued a voucher to search for another unit to which they intend to move with continued voucher assistance.

Example: A PHA has 125 vouchers issued and "on the street," as follows: (a) 105 families are applicants from the PHA's waiting list that were selected and issued vouchers; (b) 10 families are participants whose HQS inspection resulted in abatement, and their contracts were terminated; (c) 5 families are Port-ins that the PHA is absorbing; and (d) 5 families are transferring from other units for which they are currently being assisted. In this example, the first 120 families from categories a, b and c will be reported in the VMS field described in (4), above. The remaining 5 families in (d) would not be reported in this field.

Public comment is invited from interested parties specifically with regard to whether clarification is needed to better understand the definitions provided herein for the four new VMS reporting fields. Commenters are requested to explain in detail the basis for all comments submitted.

OMB Control Number: 2577–0169.

Agency Form Numbers: Automated form HUD 52681–B (VMS) will be used to collect data.

Members Of Affected Public: Business or other for-profit, State, Local Government.

Estimation of the total numbers of hours needed to prepare the information

collection including number of respondents, frequency of responses, and hours of responses: The estimated number of respondents is 2,450; the frequency of response is once per month; and the total reporting burden will change from the current total reporting time of 44,100 hours to 58,800 hours. The requested information is currently maintained by the PHAs as part of their monthly balance sheets, income statements, and on-site voucher tracking for purposes of annual reporting; however the four new fields will require the PHAs to report the information monthly.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: March 22, 2010.

Leroy McKinney,

Departmental Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2010–6737 Filed 3–25–10: 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5374–N–09]

Buy American Exceptions Under the American Recovery and Reinvestment Act of 2009

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice.

SUMMARY: In accordance with the American Recovery and Reinvestment Act of 2009 (Pub. L. 111–05, approved February 17, 2009) (Recovery Act), and implementing guidance of the Office of Management and Budget (OMB), this notice advises that certain exceptions to the Buy American requirement of the Recovery Act have been determined applicable for work using Capital Fund Recovery Formula and Competition (CFRFC) grant funds. Specifically, an exception was granted to the Oshkosh Housing Authority, in Oshkosh, WI, for the purchase and installation of a City Multi R2 ductless, variable refrigerant flow (VRF) split system for Heating, Ventilation, and Air Conditioning (HVAC) renovations at the Mainview Apartments.

FOR FURTHER INFORMATION CONTACT: Dominique G. Blom, Deputy Assistant Secretary for Public Housing Investments, Office of Public Housing Investments, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street, SW., Room 4210, Washington, DC 20410–4000, telephone number 202–402–8500 (this is not a toll-free number). Persons with hearing- or speech-impairments may access this number through TTY by calling the toll-free Federal Information Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION: Section 1605(a) of the Recovery Act provides that none of the funds appropriated or made available by the Recovery Act may be used for a project for the construction, alteration, maintenance, or repair of a public building or public work unless all of the iron, steel, and manufactured goods used in the project are produced in the United States. Section 1605(b) provides that the Buy American requirement shall not apply in any case or category in which the head of a Federal department or agency finds that: (1) Applying the Buy American requirement would be inconsistent with the public interest; (2) iron, steel, and the relevant manufactured goods are not produced in the U.S. in sufficient and reasonably available quantities or of satisfactory quality, or (3) inclusion of iron, steel, and manufactured goods will increase the cost of the overall project by more than 25 percent. Section 1605(c) provides that if the head of a Federal department or agency makes a determination pursuant to section 1605(b), the head of the department or agency shall publish a detailed written justification in the **Federal Register.**

In accordance with section 1605(c) of the Recovery Act and OMB's implementing guidance published on April 23, 2009 (74 FR 18449), this notice advises the public that, on, March 10, 2010, upon request of the Oshkosh Housing Authority, HUD granted an exception to the applicability of the Buy American requirements with respect to work, using CFRFC grant funds, based on the fact that the relevant manufactured goods (ductless VRF split system) are not produced in the U.S. in sufficient and reasonably available quantities or of satisfactory quality.

Dated: March 19, 2010.

Sandra B. Henriquez,

Assistant Secretary for Public and Indian Housing.

[FR Doc. 2010–6729 Filed 3–25–10; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5375–N–11]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Kathy Ezzell, Department of Housing and Urban Development, 451 Seventh Street SW., Room 7266, Washington, DC 20410; telephone (202) 708–1234; TTY number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration,* No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Where

property is described as for "off-site use only" recipients of the property will be required to relocate the building to their own site at their own expense. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Theresa Rita, Division of Property Management, Program Support Center, HHS, room 5B–17, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to Mark Johnston at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (*i.e.,* acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: *AIR FORCE:* Mr. Robert Moore, Air Force Real Property Agency, 143 Billy Mitchell Blvd., San Antonio, TX 78226, (210) 925–3047; *COAST GUARD:* Commandant, United States Coast Guard, *Attn:* Jennifer Stomber, 2100 Second St., SW., Stop 7901, Washington, DC 20593–0001; (202) 475–5609; *GSA:* Mr. Gordon Creed, Acting Deputy Assistant Commissioner, General Services Administration, Office of Property Disposal, 18th & F Streets, NW., Washington, DC 20405; (202) 501–0084; *INTERIOR:* Mr. Michael Wright, Acquisition & Property Management, Department of the Interior, 1849 C Street, NW., Washington, DC 20240: (202) 208–5399; *NAVY:* Mr. Albert Johnson, Director of Real Estate, Department of the Navy, Naval Facilities Engineering Command, Washington Navy Yard, 1330 Patterson Ave., SW., Suite 1000, Washington, DC 20374; (202) 685–9305; (These are not toll-free numbers).

Dated: March 18, 2010.

Mark R. Johnston,

Deputy Assistant Secretary for Special Needs.

Title V, Federal Surplus Property Program

Federal Register Report For 03/26/2010

Suitable/Available Properties

Building

California

Facility 1
OTHB Radar Site
Tulelake, CA 91634
Landholding Agency: Air Force
Property Number: 18200830012
Status: Unutilized
Comments: 7920 sq. ft., most recent use—communications

Facility 2
OTHB Radar Site
Tulelake, CA 91634
Landholding Agency: Air Force
Property Number: 18200830014
Status: Unutilized
Comments: 900 sq. ft., most recent use—veh maint shop

Facilities 3, 4
OTHB Radar Site
Tulelake, CA 91634
Landholding Agency: Air Force
Property Number: 18200830015
Status: Unutilized
Comments: 4160 sq. ft. each, most recent use—communications

Facility 1
OTHB Radar Site
Christmas Valley, CA 97641
Landholding Agency: Air Force
Property Number: 18200830016
Status: Unutilized
Comments: 16566 sq. ft., most recent use—communications

Facility 2
OTHB Radar Site
Christmas Valley, CA 97641
Landholding Agency: Air Force
Property Number: 18200830017
Status: Unutilized
Comments: 900 sq. ft., most recent use—veh maint shop

Facility 4
OTHB Radar Site
Christmas Valley, CA 97641
Landholding Agency: Air Force
Property Number: 18200830018
Status: Unutilized
Comments: 14,190 sq. ft., most recent use—communications

Facility 6
OTHB Radar Site
Christmas Valley, CA 97641
Landholding Agency: Air Force
Property Number: 18200830019
Status: Unutilized
Comments: 14,190 sq. ft., most recent use—transmitter bldg.

Hawaii

Bldg. 849
Bellows AFS
Bellows AFS, HI
Landholding Agency: Air Force
Property Number: 18200330008
Status: Unutilized
Comments: 462 sq. ft., concrete storage facility, off-site use only

Maine

Bldgs 1, 2, 3, 4
OTH–B Radar Site
Columbia Falls, ME
Landholding Agency: Air Force
Property Number: 18200840009
Status: Unutilized
Comments: Various sq. ft., most recent use—storage/office

New York

Bldg. 240
Rome Lab
Rome Co: Oneida NY 13441
Landholding Agency: Air Force
Property Number: 18200340023
Status: Unutilized
Comments: 39108 sq. ft., presence of asbestos, most recent use—Electronic Research Lab

Bldg. 247 Rome Lab
Rome Co: Oneida,NY 13441
Landholding Agency: Air Force
Property Number: 18200340024
Status: Unutilized
Comments: 13199 sq. ft., presence of asbestos, most recent use—Electronic Research Lab

Bldg. 248
Rome Lab
Rome Co: Oneida, NY 13441
Landholding Agency: Air Force
Property Number: 18200340025
Status: Unutilized
Comments: 4000 sq. ft., presence of asbestos, most recent use—Electronic Research Lab

Bldg. 302
Rome Lab
Rome Co: Oneida, NY 13441
Landholding Agency: Air Force
Property Number: 18200340026
Status: Unutilized
Comments: 10288 sq. ft., presence of asbestos, most recent use—communications facility

Ohio

Federal Building
201 Cleveland Ave.
Canton, OH 44702
Landholding Agency: GSA

Property Number: 54201010018
Status: Excess
GSA Number: 1–G–OH–840
Comments: 44,545 sq. ft., possible asbestos/lead paint, National Register of Historic Places, most recent use—office

South Carolina

256 Housing Units
Charleston AFB
South Side Housing
Charleston, SC
Landholding Agency: Air Force
Property Number: 18200920001
Status: Excess
Comments: Various sq. ft., presence of asbestos/lead paint, off-site use only

Suitable/Available Properties

Land

Arizona

Guadalupe Road Land,
Ironwood Road
Apache Junction, AZ 95971
Landholding Agency: GSA
Property Number: 54201010012
Status: Surplus
GSA Number: 9–AZ–851–1
Comments: 1.36 acres, most recent use—aqueduct reach

Houston Road Land,
Ironwood Road
Apache Junction, AZ 85278
Landholding Agency: GSA
Property Number: 54201010013
Status: Surplus
GSA Number: 9–AZ–854
Comments: 5.89 acres, most recent use—aqueduct reach

95th Ave/Bethany Home Rd
Glendale, AZ 85306
Landholding Agency: GSA
Property Number: 54201010014
Status: Surplus
GSA Number: 9–AZ–852
Comments: 0.29 acre, most recent use—irrigation canal

California

Parcels L1 & L2
George AFB
Victorville, CA 92394
Landholding Agency: Air Force
Property Number: 18200820034
Status: Excess
Comments: 157 acres/desert, pump-and-treat system, groundwater restrictions, AF access rights, access restrictions, environmental concerns

Missouri

Communications Site
County Road 424
Dexter Co: Stoddard, MO
Landholding Agency: Air Force
Property Number: 18200710001
Status: Unutilized
Comments: 10.63 acres

Outer Marker Annex
Whiteman AFB
Knob Noster, MO 65336
Landholding Agency: Air Force
Property Number: 18200940001
Status: Unutilized
Comments: 0.75 acres, most recent use—communication

North Carolina

0.14 acres
Pope AFB
Pope AFB, NC
Landholding Agency: Air Force
Property Number: 18200810001
Status: Excess
Comments: Most recent use—middle marker, easement for entry

Texas

0.13 acres
DYAB, Dyess AFB
Tye Co: Taylor TX 79563
Landholding Agency: Air Force
Property Number: 18200810002
Status: Unutilized
Comments: Most recent use—middle marker, access limitation

Suitable/Unavailable Properties

Building

Washington

Bldg. 404/Geiger Heights
Fairchild AFB
Spokane WA 99224
Landholding Agency: Air Force
Property Number: 18200420002
Status: Unutilized
Comments: 1996 sq. ft., possible asbestos/lead paint, most recent use—residential

11 Bldgs./Geiger Heights
Fairchild AFB
Spokane WA 99224
Landholding Agency: Air Force
Property Number: 18200420003
Status: Unutilized
Comments: 2134 sq. ft., possible asbestos/lead paint, most recent use—residential

Bldg. 297/Geiger Heights
Fairchild AFB
Spokane WA 99224
Landholding Agency: Air Force
Property Number: 18200420004
Status: Unutilized
Comments: 1425 sq. ft., possible asbestos/lead paint, most recent use—residential

9 Bldgs./Geiger Heights
Fairchild AFB
Spokane WA 99224
Landholding Agency: Air Force
Property Number: 18200420005
Status: Unutilized
Comments: 1620 sq. ft., possible asbestos/lead paint, most recent use—residential

22 Bldgs./Geiger Heights
Fairchild AFB
Spokane WA 99224
Landholding Agency: Air Force
Property Number: 18200420006
Status: Unutilized
Comments: 2850 sq. ft., possible asbestos/lead paint, most recent use—residential

51 Bldgs./Geiger Heights
Fairchild AFB
Spokane WA 99224
Landholding Agency: Air Force
Property Number: 18200420007
Status: Unutilized
Comments: 2574 sq. ft., possible asbestos/lead paint, most recent use—residential

Bldg. 402/Geiger Heights
Fairchild AFB
Spokane WA 99224
Landholding Agency: Air Force
Property Number: 18200420008
Status: Unutilized
Comments: 2451 sq. ft., possible asbestos/lead paint, most recent use—residential

5 Bldgs./Geiger Heights
Fairchild AFB
222, 224, 271, 295, 260 Spokane WA 99224
Landholding Agency: Air Force
Property Number: 18200420009
Status: Unutilized
Comments: 3043 sq. ft., possible asbestos/lead paint, most recent use—residential

5 Bldgs./Geiger Heights
Fairchild AFB
102, 183, 118, 136, 113
Spokane WA 99224
Landholding Agency: Air Force
Property Number: 18200420010
Status: Unutilized
Comments: 2599 sq. ft., possible asbestos/lead paint, most recent use—residential

Land

South Dakota

Tract 133
Ellsworth AFB
Box Elder Co: Pennington SD 57706
Landholding Agency: Air Force
Property Number: 18200310004
Status: Unutilized
Comments: 53.23 acres

Tract 67
Ellsworth AFB
Box Elder Co: Pennington SD 57706
Landholding Agency: Air Force

Property Number: 18200310005
Status: Unutilized
Comments: 121 acres, bentonite layer in soil, causes movement

Unsuitable Properties

Building

Alabama

15 Bldgs.
Dauphin Island
Mobile, AL
Landholding Agency: Coast Guard
Property Number: 88200930002
Status: Underutilized
Reasons: Secured Area

Alaska

Bldg. 9485
Elmendorf AFB
Elmendorf, AK
Landholding Agency: Air Force
Property Number: 18200730001
Status: Unutilized
Reasons: Secured Area

Bldg. 70500
Seward, AFB
Seward AK 99664
Landholding Agency: Air Force
Property Number: 18200820001
Status: Unutilized
Reasons: Secured Area

Bldg. 3224
Eielson AFB
Eielson, AK 99702
Landholding Agency: Air Force
Property Number: 18200820002
Status: Unutilized
Reasons: Extensive deterioration Secured Area

Bldgs. 1437, 1190, 2375
Eielson, AFB
Eielson AK
Landholding Agency: Air Force
Property Number: 18200830001
Status: Unutilized
Reasons: Secured Area Extensive deterioration

5 Bldgs.
Eielson, AFB
Eielson AK
Landholding Agency: Air Force
Property Number: 18200830002
Status: Unutilized
Directions: 3300, 3301, 3315, 3347, 3383
Reasons: Secured Area Extensive deterioration

4 Bldgs.
Eielson AFB
Eielson, AK
Landholding Agency: Air Force
Property Number: 18200830003
Status: Unutilized
Directions: 4040, 4332, 4333, 4480
Reasons: Extensive deterioration Secured Area

Bldgs. 6122, 6205
Eielson, AFB
Eielson AK
Landholding Agency: Air Force
Property Number: 18200830004
Status: Unutilized
Reasons: Extensive deterioration Secured Area

Bldg. 8128
Elmendorf, AFB
Elmendorf AK 99506
Landholding Agency: Air Force
Property Number: 18200830005
Status: Underutilized
Reasons: Secured Area

Bldg. 7111
Elmendorf AFB
Anchorage, AK
Landholding Agency: Air Force
Property Number: 18200920014
Status: Unutilized
Reasons: Secured Area

Bldgs. 645, 617, 751, 753
Eareckson Air Station
Shemya Island, AK
Landholding Agency: Air Force
Property Number: 18200920015
Status: Unutilized
Reasons: Within airport runway clear zone Extensive deterioration Within 2000 ft. of flammable or explosive material Secured Area

Bldgs. 100, 101
Point Barrow Long Range
Radar Site
Point Barrow, AK
Landholding Agency: Air Force
Property Number: 18201010001
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material Within airport runway clear zone

Radar Tower
Potato Point Comm Site
Valdez, AK
Landholding Agency: Coast Guard
Property Number: 88200710001
Status: Excess
Reasons: Not accessible by road Secured Area Within 2000 ft. of flammable or explosive material

Bldg. 12B
Integrated Support Command
Kodiak, AK
Landholding Agency: Coast Guard
Property Number: 88200810003
Status: Excess
Reasons: Secured Area Within 2000 ft. of flammable or explosive material Extensive deterioration

Bldg. 554
Integrated Support Command
Kodiak, AK
Landholding Agency: Coast Guard
Property Number: 88200810004
Status: Excess
Reasons: Secured Area Within 2000 ft. of flammable or explosive material

Bldg. B02
USCG DGPS
Annette Island, AK 99926
Landholding Agency: Coast Guard
Property Number: 88200820001
Status: Excess
Reasons: Secured Area

Bldg. B02
USCG DGPS
Gustavus, AK 99826
Landholding Agency: Coast Guard
Property Number: 88200820002
Status: Excess
Reasons: Secured Area

Bldg. 10
LORAN Station
Carroll Inlet, AK
Landholding Agency: Coast Guard
Property Number: 88200840001
Status: Excess
Reasons: Not accessible by road Extensive deterioration

Transmitter Bldg. B4A
Loran Station
St. Paul, AK 99660
Landholding Agency: Coast Guard
Property Number: 88200920001
Status: Excess
Reasons: Contamination

Arizona

Railroad Spur
Davis-Monthan AFB
Tucson AZ 85707
Landholding Agency: Air Force
Property Number: 18200730002
Status: Excess
Reasons: Within airport runway clear zone

6 Bldgs., Tract 102–01
National Park
Grand Canyon AZ 86052
Landholding Agency: Interior
Property Number: 61201010004
Status: Excess
Directions: 935, 936, 937, 938, 939, 940
Reasons: Extensive deterioration

Arkansas

Tracts 04–152, 06–110
National Park
Hot Springs AR 71901
Landholding Agency: Interior
Property Number: 61201010003
Status: Unutilized
Reasons: Extensive deterioration

California

Bldgs. 5001 thru 5082
Edwards AFB
Area A
Los Angeles CA 93524
Landholding Agency: Air Force
Property Number: 18200620002
Status: Unutilized
Reasons: Extensive deterioration Secured Area

Garages 25001 thru 25100
Edwards AFB
Area A
Los Angeles CA 93524
Landholding Agency: Air Force
Property Number: 18200620003
Status: Unutilized
Reasons: Extensive deterioration Secured Area

Bldg. 00275
Edwards AFB
Kern CA 93524
Landholding Agency: Air Force
Property Number: 18200730003
Status: Unutilized
Reasons: Within airport runway clear zone Secured Area Extensive deterioration

Bldgs. 02845, 05331, 06790
Edwards AFB
Kern CA 93524
Landholding Agency: Air Force
Property Number: 18200740001
Status: Unutilized
Reasons: Extensive deterioration

Bldgs. 07173, 07175, 07980
Edwards AFB
Kern CA 93524
Landholding Agency: Air Force
Property Number: 18200740002
Status: Unutilized
Reasons: Secured Area

Bldg. 5308
Edwards AFB
Kern CA 93523
Landholding Agency: Air Force
Property Number: 18200810003
Status: Unutilized
Reasons: Secured Area Extensive deterioration

Facility 100
Pt. Arena AF Station
Mendocino CA 95468
Landholding Agency: Air Force
Property Number: 18200810004
Status: Excess
Reasons: Secured Area Extensive deterioration

Bldgs. 1952, 1953, 1957, 1958
Vandenberg AFB
Vandenberg CA 93437
Landholding Agency: Air Force
Property Number: 18200820007
Status: Unutilized
Reasons: Secured Area

Bldgs. 1992, 1995
Vandenberg AFB
Vandenberg CA 93437
Landholding Agency: Air Force
Property Number: 18200820008
Status: Unutilized
Reasons: Secured Area

5 Bldgs.
Pt. Arena AF Station
101, 102, 104, 105, 108

Mendocino CA 95468
Landholding Agency: Air Force
Property Number: 18200820019
Status: Excess
Reasons: Extensive deterioration Secured Area

Bldgs. 160, 161, 166
Pt. Arena AF Station
Mendocino CA 95468
Landholding Agency: Air Force
Property Number: 18200820020
Status: Excess
Reasons: Extensive deterioration Secured Area

8 Bldgs.
Pt. Arena AF Station
Mendocino CA 95468
Landholding Agency: Air Force
Property Number: 18200820021
Status: Excess
Directions: 201, 202, 203, 206, 215, 216, 217, 218
Reasons: Secured Area Extensive deterioration

7 Bldgs.
Pt. Arena AF Station
Mendocino CA 95468
Landholding Agency: Air Force
Property Number: 18200820022
Status: Excess
Directions: 220, 221, 222, 223, 225, 226, 228
Reasons: Secured Area Extensive deterioration

Bldg. 408
Pt. Arena AF Station
Mendocino CA 95468
Landholding Agency: Air Force
Property Number: 18200820023
Status: Excess
Reasons: Secured Area Extensive deterioration

Bldgs. 601 thru 610
Pt. Arena AF Station
Mendocino CA 95468
Landholding Agency: Air Force
Property Number: 18200820024
Status: Excess
Reasons: Secured Area Extensive deterioration

Bldgs. 611–619
Pt. Arena AF Station
Mendocino CA 95468
Landholding Agency: Air Force
Property Number: 18200820025
Status: Excess
Reasons: Secured Area Extensive deterioration

Bldgs. 620 thru 627
Pt. Arena AF Station
Mendocino CA 95468
Landholding Agency: Air Force
Property Number: 18200820026
Status: Excess
Reasons: Secured Area Extensive deterioration

Bldgs. 654, 655, 690
Pt. Arena AF Station
Mendocino CA 95468
Landholding Agency: Air Force
Property Number: 18200820027
Status: Excess
Reasons: Secured Area Extensive deterioration

Bldgs. 300, 387
Pt. Arena Comm Annex
Mendocino CA 95468
Landholding Agency: Air Force
Property Number: 18200820029
Status: Excess
Reasons: Secured Area Extensive deterioration

Bldgs. 700, 707, 796, 797
Pt. Arena Comm Annex
Mendocino CA 95468
Landholding Agency: Air Force
Property Number: 18200820030
Status: Excess
Reasons: Secured Area Extensive deterioration

Bldgs. 748, 838
Vandenberg AFB
Vandenberg CA 93437
Landholding Agency: Air Force
Property Number: 18200820033
Status: Unutilized
Reasons: Secured Area

Bldgs. 1412, 2422, 3514
Edwards AFB
Kern CA 93524
Landholding Agency: Air Force
Property Number: 18200840001
Status: Unutilized
Reasons: Secured Area Extensive deterioration

Bldg. 417
Fort MacArthur
Fort MacArthur CA
Landholding Agency: Air Force
Property Number: 18200920003
Status: Unutilized
Reasons: Secured Area Extensive deterioration

6 Bldgs.
Beale AFB
Beale AFB CA 95903
Landholding Agency: Air Force
Property Number: 18200930001
Status: Unutilized
Directions: 355, 421, 1062, 1088, 1250, 1280
Reasons: Extensive deterioration

7 Bldgs.
Beale AFB
Beale AFB CA 95903
Landholding Agency: Air Force
Property Number: 18200930002
Status: Unutilized
Directions: 2160, 2171, 2340, 2432, 2491, 2560, 5800
Reasons: Extensive deterioration

5 Bldgs.
Edwards AFB
Kern CA 93523
Landholding Agency: Air Force
Property Number: 18200930003
Status: Unutilized
Directions: 3505, 601, 225, 4700, 4222
Reasons: Secured Area

5 Bldgs.
Edwards AFB
Los Angeles CA 93524
Landholding Agency: Air Force
Property Number: 18200940002
Status: Unutilized
Directions: 50, 5510, 7161, 7163, 7184
Reasons: Secured Area

8 Bldgs.
Vandenberg AFB
Santa Barbara CA 93437
Landholding Agency: Air Force
Property Number: 18200940003
Status: Unutilized
Directions: 182, 575, 578, 580, 582, 583, 584, 589
Reasons: Secured Area Extensive deterioration

4 Bldgs.
Vandenberg AFB
Santa Barbara CA 93437
Landholding Agency: Air Force
Property Number: 18200940004
Status: Unutilized
Directions: 590, 596, 598, 599
Reasons: Secured Area Extensive deterioration

5 Bldgs.
Vandenberg AFB
Santa Barbara CA 93437
Landholding Agency: Air Force
Property Number: 18200940005
Status: Unutilized
Directions: 708, 742, 955, 1836, 13403
Reasons: Secured Area Extensive deterioration

14 Bldgs.
Beale AFB
Beale AFB CA 95903
Landholding Agency: Air Force
Property Number: 18200940006
Status: Unutilized
Directions: 4158, 3936, 3942, 3947, 4314, 4318, 4256, 4120, 4103, 3871, 3873, 3887, 3919, 4133
Reasons: Extensive deterioration

Bldgs. 4320, 800
Beale AFB
Beale AFB CA 95903
Landholding Agency: Air Force
Property Number: 18200940007
Status: Unutilized
Reasons: Extensive deterioration

4 Bldgs.
Beale AFB
Beale AFB CA 95903
Landholding Agency: Air Force
Property Number: 18200940008
Status: Unutilized
Directions: 4136, 5223, 5228, 5278
Reasons: Extensive deterioration

4 Bldgs.
Vandenberg AFB
Vandenberg CA 93437
Landholding Agency: Air Force
Property Number: 18201010002
Status: Unutilized
Directions: 1892, 9340, 13400, 21110
Reasons: Secured Area

10 Bldgs.
Edwards AFB
Los Angeles CA 93524
Landholding Agency: Air Force
Property Number: 18201010003
Status: Unutilized
Directions: 4259, 8374, 8647, 8665, 8785, 1005, 1423, 1725, 4233, 9650
Reasons: Secured Area

Bldgs. 1154, 2459, 5114
Beale AFB
Beale CA 95903
Landholding Agency: Air Force
Property Number: 18201010004
Status: Unutilized
Reasons: Extensive deterioration

32 Structures
National Park Service
Redwood
Klamath CA 95548
Landholding Agency: Interior
Property Number: 61201010005
Status: Excess
Directions: 4112, 4310, 4313, 4311A, 4311B, 4312A, 4312B, 4100, 4101, 4107, 4109, 4110, 4118, 4120, 4150, 4198, 4200, 4201, 4202, 4208, 4210, 4212, 4213, 4214, 4217, 4218, 4300, 4301, 4302, 4303, 4304, 4400, 4121
Reasons: Extensive deterioration

12 Bldgs.
Inverness Park
Olema CA
Landholding Agency: Interior
Property Number: 61201010006
Status: Unutilized
Directions: 227840, 555, 556, 97165, 97166, 97167, 97168, 116003, 116004, 116005, 116006, 116007
Reasons: Extensive deterioration

Bldg. 4
Naval Base Coronado
San Diego CA
Landholding Agency: Navy
Property Number: 77201010019
Status: Unutilized
Reasons: Secured Area

Bldgs. X, 35, 384, 1209
Naval Base Coronado
San Diego CA
Landholding Agency: Navy
Property Number: 77201010020
Status: Underutilized
Reasons: Secured Area

Bldg. 19
USCG Integrated Sup Comm
San Pedro CA 90731
Landholding Agency: Coast Guard
Property Number: 88200820004
Status: Unutilized
Reasons: Extensive deterioration

Colorado

Bldg. 9038
U.S. Air Force Academy
El Paso CO 80840
Landholding Agency: Air Force
Property Number: 18200920004
Status: Unutilized
Reasons: Extensive deterioration

Bldgs. 1166, 1435
Peterson AFB
Colorado Springs CO 80914
Landholding Agency: Air Force
Property Number: 18200930004
Status: Unutilized
Reasons: Secured Area

Bldg. 6980
U.S. Air Force Academy
El Paso CO 80840
Landholding Agency: Air Force
Property Number: 18200940009
Status: Unutilized
Reasons: Secured Area

Bldgs. 6966, 6968, 6930, 6932
USAF Academy
El Paso CO 80840
Landholding Agency: Air Force
Property Number: 18201010005
Status: Unutilized
Reasons: Secured Area

Connecticut

Boathouse
USCG Academy
New London CT 06320
Landholding Agency: Coast Guard
Property Number: 88200930001
Status: Unutilized
Reasons: Secured Area Extensive deterioration

Florida

Bldg. 82
Air Force Range
Avon Park FL 33825
Landholding Agency: Air Force
Property Number: 18200840002
Status: Unutilized
Reasons: Contamination Secured Area

Bldg. 202
Avon Park AF Range
Polk FL 33825
Landholding Agency: Air Force
Property Number: 18200930005
Status: Unutilized
Reasons: Extensive deterioration

Facility 47120
Cape Canaveral AFB
Brevard FL 32925
Landholding Agency: Air Force
Property Number: 18200940010
Status: Unutilized
Reasons: Secured Area

15 Bldgs.
Tyndall AFB
Bay FL 32403
Landholding Agency: Air Force
Property Number: 18201010006
Status: Unutilized
Directions: 129, 131, 138, 153, 156, 419, 743, 745, 1003, 1269, 1354, 1355, 1506, 6063, 6067
Reasons: Secured Area

4 Bldgs.
Cape Canaveral AFS
Brevard FL 32925
Landholding Agency: Air Force
Property Number: 18201010007
Status: Unutilized
Directions: 56621, 56629, 56632, 67901
Reasons: Secured Area

Georgia

6 Cabins
QSRG Grassy Pond Rec Annex
Lake Park GA 31636
Landholding Agency: Air Force
Property Number: 18200730004
Status: Unutilized
Reasons: Extensive deterioration

Bldgs. 101, 102, 103
Moody AFB
Lowndes GA 31699
Landholding Agency: Air Force
Property Number: 18200810006
Status: Excess
Reasons: Extensive deterioration

Bldgs. 330, 331, 332, 333
Moody AFB
Lowndes GA 31699
Landholding Agency: Air Force
Property Number: 18200810007
Status: Excess
Reasons: Extensive deterioration

Bldgs. 794, 1541
Moody AFB
Lowndes GA
Landholding Agency: Air Force
Property Number: 18200820012
Status: Unutilized
Reasons: Secured Area

Bldg. 970
Moody AFB
Lowndes GA 31699
Landholding Agency: Air Force
Property Number: 18200840003
Status: Unutilized
Reasons: Secured Area

Bldg. 205
Moody AFB
Lowndes GA 31699
Landholding Agency: Air Force
Property Number: 18200920005
Status: Unutilized
Reasons: Secured Area Extensive deterioration

Bldgs. 104, 118, 739, 742, 973
Moody AFB
Lowndes GA 31699
Landholding Agency: Air Force
Property Number: 18200920016
Status: Unutilized
Reasons: Secured Area Extensive deterioration

Bldgs. 134, 804, 841, 978
Moody AFB
Moody AFB GA 31699
Landholding Agency: Air Force
Property Number: 18201010008
Status: Underutilized
Reasons: Secured Area

Guam

Bldg. 1094
AAFB Yigo
Yigo GU 96543
Landholding Agency: Air Force
Property Number: 18200830007
Status: Unutilized
Reasons: Extensive deterioration

15 Bldgs.
Andersen AFB
Yigo GU 96543
Landholding Agency: Air Force
Property Number: 18200920006
Status: Excess
Reasons: Secured Area

Bldgs. 72, 73, 74
Andersen AFB
Mount Santa Rosa GU
Landholding Agency: Air Force
Property Number: 18200920017
Status: Excess
Reasons: Extensive deterioration Secured Area

Bldgs. 101, 102
Andersen AFB
Pots Junction GU
Landholding Agency: Air Force
Property Number: 18200920018
Status: Excess
Reasons: Extensive deterioration

Hawaii

Bldg. 1815
Hickam AFB
Hickam HI 96853
Landholding Agency: Air Force
Property Number: 18200730005
Status: Unutilized
Reasons: Extensive deterioration

Bldgs. 1028, 1029
Hickam AFB
Hickam HI 96853
Landholding Agency: Air Force
Property Number: 18200740006
Status: Unutilized
Reasons: Secured Area

Bldgs. 1710, 1711
Hickam AFB
Hickam HI 96853
Landholding Agency: Air Force
Property Number: 18200740007
Status: Unutilized
Reasons: Secured Area

Bldg. 1713
Hickam AFB
Hickam HI
Landholding Agency: Air Force
Property Number: 18200830008
Status: Unutilized
Reasons: Extensive deterioration

Bldg. 1843
Hickam AFB
Hickam HI 96853
Landholding Agency: Air Force
Property Number: 18200920019
Status: Unutilized
Reasons: Extensive deterioration

Bldg. 1716
RPUID
Wake Island HI
Landholding Agency: Air Force
Property Number: 18201010009
Status: Unutilized
Reasons: Secured Area Extensive deterioration

Bldg. 12
Kokee AFS
Waimea HI
Landholding Agency: Air Force
Property Number: 18201010010
Status: Unutilized
Reasons: Extensive deterioration

Bldg. 501
Hickam AFB
Hickam HI
Landholding Agency: Air Force
Property Number: 18201010011
Status: Unutilized
Reasons: Secured Area

6 Bldgs.
Kaena Point Satellite
Tracking Station
Honolulu HI
Landholding Agency: Air Force
Property Number: 18201010012
Status: Excess
Directions: 16, 18, 20, 21, 32, 33
Reasons: Extensive deterioration

Kauhola Point Lighthouse
Kauhola Point HI
Landholding Agency: Coast Guard
Property Number: 88200940001
Status: Unutilized
Reasons: Extensive deterioration

Illinois

Bldgs. OB1, OB2, OM2
U.S. Coast Guard Station
Calumet Harbor
Chicago IL 60617
Landholding Agency: Coast Guard
Property Number: 88200940005
Status: Excess
Reasons: Secured Area Extensive deterioration

Indiana

Bldg. 103
Grissom AFB
Peru IN 46970
Landholding Agency: Air Force
Property Number: 18200940011
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material

Louisiana

Barksdale Middle Marker
Bossier LA 71112
Landholding Agency: Air Force
Property Number: 18200730006
Status: Excess
Reasons: Extensive deterioration

Maine

Facilities 1, 2, 3, 4
OTH–B Site
Moscow ME 04920
Landholding Agency: Air Force
Property Number: 18200730007
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material

Maryland

6 Bldgs.
Naval Support Facility
Indian Head MD 20640
Landholding Agency: Navy
Property Number: 77201010021
Status: Underutilized
Directions: 83, 111, 113, 115, 116, 117
Reasons: Secured Area

8 Bldgs.
Naval Support Facility
Indian Head MD 20640
Landholding Agency: Navy
Property Number: 77201010022
Status: Underutilized
Directions: 185, 268, 289, 314, 314A, 351, 376, 377B
Reasons: Secured Area

11 Bldgs.
Naval Support Facility
Indian Head MD 20640
Landholding Agency: Navy
Property Number: 77201010023
Status: Underutilized
Directions: 435, 490, 503, 510, 521, 546, 546A, 551, 627, 639, 658
Reasons: Secured Area

12 Bldgs.
Naval Support Facility
Indian Head MD 20640
Landholding Agency: Navy
Property Number: 77201010024
Status: Underutilized
Directions: 700, 870, 1406, 1407, 1489, 1732, 1753, 1800, 1905, 1919, 1979, 3034
Reasons: Secured Area

Bldg. 155
Natl Naval Medical Center
Bethesda MD 20889
Landholding Agency: Navy
Property Number: 77201010026
Status: Unutilized
Reasons: Secured Area

Massachusetts

10 Bldgs.
North Truro Air Force Station
Truro MA 02666
Landholding Agency: GSA
Property Number: 54201010015
Status: Excess
GSA Number: 1–I–MA–00007S
Directions: 19, 101, 102, 103, 104, 105, 106, 107, 108, 109
Reasons: Extensive deterioration

10 Bldgs., Tract 16–2504
Air Force Station
Truro MA
Landholding Agency: Interior
Property Number: 61201010007
Status: Excess
Directions: 19, 101, 102, 103, 104, 105, 106, 107, 108, 109
Reasons: Extensive deterioration

Bldg. 5202
USCG Air Station
Bourne MA 02540
Landholding Agency: Coast Guard
Property Number: 88200810002
Status: Unutilized
Reasons: Extensive deterioration Secured Area

3 Sheds
USCG Sector Southeastern
Falmouth MA 02543
Landholding Agency: Coast Guard
Property Number: 88200910001
Status: Unutilized
Reasons: Secured Area Extensive deterioration

5 Bldgs.
USCG Air Station
3434, 3435, 3436, 5424, 5451
Bourne MA 02542
Landholding Agency: Coast Guard
Property Number: 88200920002
Status: Excess
Reasons: Extensive deterioration Secured Area

Michigan

Admin. Bldg.
Station Saginaw River
Essexville Co: Bay MI 48732
Landholding Agency: Coast Guard
Property Number: 88200510001
Status: Unutilized
Reasons: Secured Area Extensive deterioration

Bldg. 001
USCG Sector
Sault Ste Marie MI 49783
Landholding Agency: Coast Guard
Property Number: 88200920003
Status: Unutilized
Reasons: Secured Area

Bldg. 022
U.S. Coast Guard Station
Marquette MI 49855
Landholding Agency: Coast Guard
Property Number: 88200920004
Status: Excess
Reasons: Secured Area

Montana

Bldgs. 1600, 1601
Malmstrom AFB
Cascade MT 59402
Landholding Agency: Air Force
Property Number: 18200920020
Status: Unutilized

Reasons: Within 2000 ft. of flammable or explosive material Secured Area Extensive deterioration

Nevada

Bldg. 33400
Ely
Ely NV 89301
Landholding Agency: Air Force
Property Number: 18200820014
Status: Unutilized
Reasons: Extensive deterioration Secured Area

New Hampshire

Bldg. 152
Pease Internatl Tradeport
Newington NH 03803
Landholding Agency: Air Force
Property Number: 18200920007
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material Secured Area

Bldg. 16
Pease Internatl Tradeport
Newington NH 03803
Landholding Agency: Air Force
Property Number: 18200930006
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material

5 Structures
Portsmouth Naval Shipyard
Portsmouth NH
Landholding Agency: Navy
Property Number: 77201010027
Status: Excess
Directions: Berths 15–16, 15, 176, 202
Reasons: Secured Area

New Jersey

Bldgs. 2609, 2611
Joint Base
McGuire NJ
Landholding Agency: Air Force
Property Number: 18201010013
Status: Unutilized
Reasons: Extensive deterioration

Bldg. RPFN OM1
U.S. Coast Guard Station
Fortescue NJ 08321
Landholding Agency: Coast Guard
Property Number: 88200940004
Status: Unutilized
Reasons: Extensive deterioration

New Mexico

Bldg. 1016
Kirtland AFB
Bernalillo NM 87117
Landholding Agency: Air Force
Property Number: 18200730008
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material Extensive deterioration Secured Area

Bldgs. 40, 841
Holloman AFB
Otero NM 88330
Landholding Agency: Air Force
Property Number: 18200820016
Status: Underutilized
Reasons: Secured Area

Bldgs. 436, 437
Kirtland AFB
Bernalillo NM 87117
Landholding Agency: Air Force
Property Number: 18200820017
Status: Underutilized
Reasons: Secured Area Within 2000 ft. of flammable or explosive material

Bldgs. 20612, 29071, 37505
Kirtland AFB
Bernalillo NM 87117
Landholding Agency: Air Force
Property Number: 18200830010
Status: Unutilized
Reasons: Secured Area

Bldgs. 88, 89
Holloman AFB
Otero NM 88330
Landholding Agency: Air Force
Property Number: 18200830020
Status: Unutilized
Reasons: Secured Area Extensive deterioration Within 2000 ft. of flammable or explosive material

Bldgs. 312, 322
Holloman AFB
Otero NM 88330
Landholding Agency: Air Force
Property Number: 18200830021
Status: Unutilized
Reasons: Secured Area

Bldg. 569
Holloman AFB
Otero NM 88330
Landholding Agency: Air Force
Property Number: 18200830022
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material Secured Area

Bldgs. 807, 833
Holloman AFB
Otero NM 88330
Landholding Agency: Air Force
Property Number: 18200830023
Status: Unutilized
Reasons: Secured Area Within 2000 ft. of flammable or explosive material

Bldg. 1245
Holloman AFB
Otero NM 88330
Landholding Agency: Air Force
Property Number: 18200830024
Status: Unutilized
Reasons: Secured Area

5 Bldgs.
Holloman AFB
Otero NM 88330
Landholding Agency: Air Force
Property Number: 18200840004
Status: Unutilized
Directions: 1201, 1202, 1203, 1205, 1207
Reasons: Secured Area

5 Bldgs.
Holloman AFB
Otero NM 88330
Landholding Agency: Air Force
Property Number: 18200920008
Status: Unutilized
Directions: 71, 1187, 1200, 1284, 1285
Reasons: Secured Area

6 Bldgs.
Holloman AFB
Holloman AFB NM
Landholding Agency: Air Force
Property Number: 18200930007
Status: Unutilized
Directions: 920, 921, 922, 923, 924, 930
Reasons: Secured Area

Bldgs. 1113, 1127
Holloman AFB
Holloman AFB NM
Landholding Agency: Air Force
Property Number: 18200930008
Status: Unutilized
Reasons: Secured Area

New Mexico

Bldg. 30143
Kirtland, AFB
Bernalillo NM 87117
Landholding Agency: Air Force
Property Number: 18200930009
Status: Excess
Reasons: Secured Area Extensive deterioration Within 2000 ft. of flammable or explosive material

Bldg. 1267, 1620
Holloman AFB
Otero, NM 88330
Landholding Agency: Air Force
Property Number: 18200940013
Status: Unutilized
Reasons: Secured Area

Bldgs. 214, 851, 1199
Holloman AFB
Holloman AFB, NM 88330
Landholding Agency: Air Force
Property Number: 18201010014
Status: Underutilized
Reasons: Secured Area

New York

Bldg. 13
USCG Staten Island
Suffolk, NY 10305
Landholding Agency: Coast Guard
Property Number: 88200910002
Status: Excess
Reasons: Secured Area Extensive deterioration

Boat House
USCG Station Eaton's Neck
Northport, NY 11768
Landholding Agency: Coast Guard
Property Number: 88200920005
Status: Unutilized
Reasons: Extensive deterioration Secured Area

North Carolina

4 Bldgs., Tract 01–129
National Military Park
Greensboro, NC 27410
Landholding Agency: Interior
Property Number: 61201010008
Status: Excess
Reasons: Extensive deterioration

3 Bldgs., Tract 01–133
National Military Park
Greensboro, NC 27410
Landholding Agency: Interior
Property Number: 61201010009
Status: Excess
Reasons: Extensive deterioration

2 Bldgs., Tract 01–135
National Military Park
Greensboro, NC 27410
Landholding Agency: Interior
Property Number: 61201010010
Status: Excess
Reasons: Extensive deterioration

House 123, Tract 01–137

National Military Park
Greensboro, NC 27410
Landholding Agency: Interior
Property Number: 61201010011
Status: Excess
Reasons: Extensive deterioration

RPFN 0S1
Group Cape Hatteras
Buxton Co: Dare NC 27902
Landholding Agency: Coast Guard
Property Number: 88200540001
Status: Unutilized
Reasons: Extensive deterioration Secured Area

RPFN 053
Sector N.C.
Atlantic Beach Co: Carteret, NC 28512
Landholding Agency: Coast Guard
Property Number: 88200540002
Status: Unutilized
Reasons: Secured Area Extensive deterioration

Equip. Bldg.
Coast Guard Station
11101 Station St. Emerald Isle, NC
Landholding Agency: Coast Guard
Property Number: 88200630001
Status: Unutilized
Reasons: Secured Area

Sewage Treatment Facility
USCG Cape Hatteras
Buxton, NC 27902
Landholding Agency: Coast Guard
Property Number: 88200920006
Status: Unutilized
Reasons: Secured Area

Bldgs. GH1, FA1
U.S. Coast Guard Station
Hatteras, NC 27943
Landholding Agency: Coast Guard
Property Number: 88200940003
Status: Unutilized
Reasons: Extensive deterioration

North Dakota

Bldgs. 1612, 1741
Grand Forks AFB
Grand Forks, ND 58205
Landholding Agency: Air Force
Property Number: 18200720023
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material Secured Area

Ohio

Naval Reserve Center
Cleveland, OH 44114
Landholding Agency: Coast Guard
Property Number: 88200740002
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material Within airport runway clear zone Secured Area

Oklahoma

Bldg. 193
Vance AFB
Vance, OK 73705
Landholding Agency: Air Force
Property Number: 18201010015
Status: Excess
Reasons: Secured Area

Oregon

Bldg. 1001
ANG Base
Portland, OR 97218
Landholding Agency: Air Force
Property Number: 18200820018
Status: Underutilized
Reasons: Secured Area Within 2000 ft. of flammable or explosive material

Paint Locker
USCG Elect. Sup. Detmt.
Coos Bay, OR
Landholding Agency: Coast Guard
Property Number: 88200920007
Status: Unutilized
Reasons: Secured Area

South Carolina

Bldgs. 19, 20, 23
Shaw AFB
Sumter SC 29152
Landholding Agency: Air Force
Property Number: 18200730009
Status: Underutilized
Reasons: Secured Area

Bldgs. 27, 28, 29
Shaw AFB
Sumter SC 29152
Landholding Agency: Air Force
Property Number: 18200730010
Status: Underutilized
Reasons: Secured Area

Bldgs. 30, 39
Shaw AFB
Sumter SC 29152
Landholding Agency: Air Force
Property Number: 18200730011
Status: Underutilized
Reasons: Secured Area

8 Bldgs.
Shaw AFB
Sumter SC 29152
Landholding Agency: Air Force
Property Number: 18200920021
Status: Unutilized
Directions: B14, B22, B31, B116, B218, B232, B343, B3403
Reasons: Secured Area

Bldg. B1626
Shaw AFB
Sumter SC 29152
Landholding Agency: Air Force
Property Number: 18200930010
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material Secured Area

10 Bldgs.
Shaw AFB
Sumter SC 29152
Landholding Agency: Air Force
Property Number: 18200940014
Status: Unutilized
Directions: B16, B34, B122, B219, B220, B221, B403, B418, B428, B430
Reasons: Secured Area

5 Bldgs.
Shaw AFB
Sumter SC 29152
Landholding Agency: Air Force
Property Number: 18200940015
Status: Unutilized
Directions: B800, B900, B911, B1040, B1041
Reasons: Secured Area

7 Bldgs.
Shaw AFB
Sumber SC 29152
Landholding Agency: Air Force
Property Number: 18200940016
Status: Unutilized
Directions: B1702, B1707, B1708, B1804, B1813, B1907, B5226
Reasons: Secured Area

South Dakota

Bldg. 2306
Ellsworth AFB
Meade SD 57706
Landholding Agency: Air Force
Property Number: 18200740008
Status: Underutilized
Reasons: Secured Area Within 2000 ft. of flammable or explosive material

Bldg. 6927
Ellsworth AFB
Meade SD 57706
Landholding Agency: Air Force
Property Number: 18200830011
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material Secured Area

Texas

Bldg. 1001
FNXC, Dyess AFB
Tye Co: Taylor TX 79563
Landholding Agency: Air Force
Property Number: 18200810008
Status: Unutilized
Reasons: Extensive deterioration

5 Bldgs.
Dyess AFB
Abilene TX 79607
Landholding Agency: Air Force
Property Number: 18200840005
Status: Unutilized
Directions: B–4003, 4120, B–4124, 4127, 4130
Reasons: Secured Area

4 Bldgs.
Dyess AFB
Abilene TX 79607
Landholding Agency: Air Force
Property Number: 18200840006
Status: Unutilized
Directions: 7225, 7226, 7227, 7313
Reasons: Secured Area

4 Bldgs.
Dyess AFB
Abilene TX 79607
Landholding Agency: Air Force
Property Number: 18200840007
Status: Unutilized
Directions: 8050, 8054, 8129, 8133
Reasons: Secured Area

5 Bldgs.
Dyess AFB
Abilene TX 79607
Landholding Agency: Air Force
Property Number: 18200840008
Status: Unutilized
Directions: B–9032, 9107, 9114, B–9140, 11900
Reasons: Secured Area

Bldg. B–4228
FNWZ Dyess AFB
Taylor TX 79607
Landholding Agency: Air Force
Property Number: 18200920009
Status: Unutilized
Reasons: Secured Area

Bldgs. B–3701, B–3702 FNWZ Dyess AFB
Pecos TX 79772
Landholding Agency: Air Force

Property Number: 18200920010
Status: Unutilized
Reasons: Secured Area

Bldgs. 1, 2, 3, 4
Tethered Aerostat Radar Site
Matagorda TX 77457
Landholding Agency: Air Force
Property Number: 18200920023
Status: Excess
Reasons: Secured Area

Bldg. 154
Goodfellow AFB
Goodfellow TX 76908
Landholding Agency: Air Force
Property Number: 18200920024
Status: Unutilized
Reasons: Secured Area

Bldg. FNXH 2001
Dyess AFB
Dyess AFB TX 79607
Landholding Agency: Air Force
Property Number: 18200930011
Status: Unutilized
Reasons: Secured Area Within 2000 ft. of flammable or explosive material

6 Bldgs.
Dyess AFB
Dyess AFB TX 79607
Landholding Agency: Air Force
Property Number: 18200930013
Status: Unutilized
Directions: FNWZ 7235, 7312, 7405, 8045, 8120, 9113
Reasons: Secured Area

4 Bldgs.
Dyess AFB
Dyess AFB TX
Landholding Agency: Air Force
Property Number: 18200940017
Status: Unutilized
Directions: FNWZ 5017, 5305, 6015, 6122
Reasons: Secured Area

Bldg. 351
Laughlin AFB
Del Rio TX 78840
Landholding Agency: Air Force
Property Number: 18201010016
Status: Unutilized
Reasons: Secured Area

Bldgs. 112, 113, 141, 741
Goodfellow AFB
Goodfellow TX 76908
Landholding Agency: Air Force
Property Number: 18201010017
Status: Excess
Reasons: Secured Area

12 Bldgs
Langley AFB
Langley VA 23665
Landholding Agency: Air Force
Property Number: 18200920012
Status: Unutilized
Directions: 35, 36, 903, 905, 1013, 1020, 1033, 1050, 1066, 1067, 1069, 1075
Reasons: Floodway Secured Area

Bldgs. 38, 52
Langley AFB
Langley VA 23665
Landholding Agency: Air Force
Property Number: 18201010018
Status: Unutilized
Reasons: Extensive deterioration Secured Area

Bldg. 542
Joint Expeditionary Base
Little Creek
Virginia Beach VA
Landholding Agency: Navy
Property Number: 77201010028
Status: Unutilized
Reasons: Secured Area Extensive deterioration

16 Structures
Joint Expeditionary Base
Little Creek
Virginia Beach VA
Landholding Agency: Navy
Property Number: 77201010029
Status: Unutilized
Directions: U83, U88–U94, U97, U101–U105, #1, #2
Reasons: Secured Area Extensive deterioration

Bldg. 2012
Marine Corps Base
Quantico VA 22134
Landholding Agency: Navy
Property Number: 77201010030
Status: Unutilized
Reasons: Extensive deterioration

Training Bldg.
USCG Integrated Support Ctr
Portsmouth Co: Norfolk VA 43703
Landholding Agency: Coast Guard
Property Number: 88200530001
Status: Excess
Reasons: Secured Area

Bldg. 011
Integrated Support Center
Portsmouth Co: Norfolk VA 43703
Landholding Agency: Coast Guard
Property Number: 88200620002
Status: Excess
Reasons: Secured Area

9 Bldgs.
USCG Cape Charles Station
Winters Quarters
Northampton VA 23310
Landholding Agency: Coast Guard
Property Number: 88200740001
Status: Unutilized
Reasons: Extensive deterioration

Virginia

Navigation Center Trailer
USCG TISCOM
Alexandria VA 22315
Landholding Agency: Coast Guard
Property Number: 88200820003
Status: Excess
Reasons: Secured Area

Washington

Defense Fuel Supply Point
18 structures/21 acres
Mukilteo WA
Landholding Agency: Air Force
Property Number: 18200910001
Status: Unutilized
Reasons: Extensive deterioration

Admiral's House 8620 NE 26th Pl
Clyde Hill WA 98004
Landholding Agency: GSA
Property Number: 54201010016
Status: Excess
GSA Number: 10–D–WA–1250AA Reasons: Extensive deterioration Other -mold

West Virginia

Bldgs. 102, 106, 111 Air National Guard
Martinsburg WV 25405
Landholding Agency: Air Force
Property Number: 18200920013
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material Secured Area

Bldgs. 101, 110
Air National Guard
Martinsburg WV 25405
Landholding Agency: Air Force
Property Number: 18200940018
Status: Unutilized
Reasons: Secured Area Within 2000 ft. of flammable or explosive material

Bldg. 88A
Navy Information
Operations Command
Sugar Grove WV 26815
Landholding Agency: Navy
Property Number: 77201010031
Status: Excess
Reasons: Secured Area

Wisconsin

Federal Building
68 South Stevens St.
Rhinelander WI 54501
Landholding Agency: GSA
Property Number: 54201010017
Status: Excess
GSA Number: 1–G–WI–609
Reasons: Within 2000 ft. of flammable or explosive material

Bldg. OV1
USCG Station
Bayfield WI 54814
Landholding Agency: Coast Guard
Property Number: 88200620001
Status: Excess
Reasons: Secured Area

Wyoming

Bldg. 00012
Cheyenne RAP
Laramie WY 82009
Landholding Agency: Air Force
Property Number: 18200730013
Status: Unutilized
Reasons: Extensive deterioration Secured Area Within 2000 ft. of flammable or explosive material

Unsuitable Properties

Land

California

Facilities 99001 thru 99006
Pt Arena AF Station
Mendocino CA 95468
Landholding Agency: Air Force
Property Number: 18200820028
Status: Excess
Reasons: Secured Area

7 Facilities
Pt. Arena Comm Annex
Mendocino CA 95468
Landholding Agency: Air Force
Property Number: 18200820031
Status: Excess
Directions: 99001, 99003, 99004, 99005, 99006, 99007, 99008
Reasons: Secured Area

Facilities 99002 thru 99014
Pt. Arena Water Sys Annex
Mendocino CA 95468
Landholding Agency: Air Force

Property Number: 18200820032
Status: Excess
Reasons: Secured Area

Florida

Defense Fuel Supply Point
Lynn Haven FL 32444
Landholding Agency: Air Force
Property Number: 18200740009
Status: Excess
Reasons: Floodway

Indiana

1.059 acres
Grissom AFB
Peru IN 46970
Landholding Agency: Air Force
Property Number: 18200940012
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material

Maryland

Site A: 16.1 acres
Naval Support Facility
Indian Head MD 20640
Landholding Agency: Navy
Property Number: 77201010025
Status: Underutilized
Reasons: Secured Area

Texas

Rattlesnake ESS
FNWZ, Dyess AFB
Pecos TX 79772
Landholding Agency: Air Force
Property Number: 18200920011
Status: Unutilized
Reasons: Secured Area

24 acres
Tethered Aerostate Radar Site
Matagorda TX 77457
Landholding Agency: Air Force
Property Number: 18200920022
Status: Excess
Reasons: Secured Area

FNXH 99100
Dyess AFB
Dyess AFB TX 79607
Landholding Agency: Air Force
Property Number: 18200930012
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material

2.43 acre/0.36 acre
Dyess AFB
Dyess AFB TX 79563
Landholding Agency: Air Force
Property Number: 18200930014
Status: Unutilized
Directions: FNXL 99104, 99108, 99110, 99112
FNXM 99102, 99103, 99108
Reasons: Within airport runway clear zone

[FR Doc. 2010–6342 Filed 3–25–10; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Exxon Valdez Oil Spill Trustee Council; Notice of Meeting

AGENCY: Office of the Secretary, Department of the Interior.

ACTION: Notice of meeting.

SUMMARY: The Department of the Interior, Office of the Secretary is announcing a public meeting of the *Exxon Valdez* Oil Spill Public Advisory Committee.

DATES: April 19, 2010, at 10 a.m.

ADDRESSES: Exxon Valdez Oil Spill Trustee Council Office, 441 West 5th Avenue, Suite 500, Anchorage, Alaska.

FOR FURTHER INFORMATION CONTACT: Douglas Mutter, Department of the Interior, Office of Environmental Policy and Compliance, 1689 "C" Street, Suite 119, Anchorage, Alaska 99501, (907) 271–5011.

SUPPLEMENTARY INFORMATION: The Public Advisory Committee was created by Paragraph V.A.4 of the Memorandum of Agreement and Consent Decree entered into by the United States of America and the State of Alaska on August 27, 1991, and approved by the United States District Court for the District of Alaska in settlement of *United States of America* v. *State of Alaska*, Civil Action No. A91–081 CV. The meeting agenda will include discussions on the Trustee Council's National Environmental Policy Act process, the Integrated Herring Restoration Plan, the Invitation for Fiscal Year 2012 project proposals, and revisions to the injured resources and services list.

Willie R. Taylor,

Director, Office of Environmental Policy and Compliance.

[FR Doc. 2010–6684 Filed 3–25–10; 8:45 am]

BILLING CODE 4310–RG–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWO620000.L18200000.XH0000]

Call for Nominations for Resource Advisory Councils

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Resource Advisory Council Call for Nominations.

SUMMARY: The purpose of this notice is to request public nominations for the Bureau of Land Management (BLM) Resource Advisory Councils (RACs) that have member terms expiring this year. The RACs provide advice and recommendations to the BLM on land use planning and management of the National System of Public Lands within their geographic areas. The BLM will accept public nominations for 45 days after the publication of this notice.

DATES: All nominations must be received no later than May 10, 2010.

ADDRESSES: See **SUPPLEMENTARY INFORMATION** for the address of BLM State Offices accepting nominations.

FOR FURTHER INFORMATION CONTACT: Allison Sandoval, U.S. Department of the Interior, Bureau of Land Management, Correspondence, International, and Advisory Committee Office, 1849 C Street, NW., MS–401 LS, Washington, DC 20240; 202–912–7434.

SUPPLEMENTARY INFORMATION: The Federal Land Policy and Management Act (FLPMA) (43 U.S.C. 1739) directs the Secretary of the Interior to involve the public in planning and issues related to management of lands administered by the BLM. Section 309 of FLPMA directs the Secretary to establish 10- to 15-member citizen-based advisory councils that are consistent with the Federal Advisory Committee Act (FACA). The rules governing RACs are found at 43 CFR subpart 1784. As required by FACA, RAC membership must be balanced and representative of the various interests concerned with the management of the public lands. These include three categories:

Category One—Holders of Federal grazing permits and representatives of organizations associated with energy and mineral development, timber industry, transportation or rights-of-way, developed outdoor recreation, off-highway vehicle use, and commercial recreation;

Category Two—Representatives of nationally or regionally recognized environmental organizations, archaeological and historic organizations, dispersed recreation activities, and wild horse and burro organizations, and;

Category Three—Representatives of state, county, or local elected office; representatives and employees of a state agency responsible for management of natural resources; representatives of Indian tribes within or adjacent to the area for which the council is organized; representatives of academia who are employed in natural sciences; and the public-at-large. Individuals may nominate themselves or others. Nominees must be residents of the state in which the RAC has jurisdiction. The BLM will evaluate nominees based on their education, training, experience, and knowledge of the geographical area of the RAC. Nominees should demonstrate a commitment to collaborative resource decision-making. The Obama Administration prohibits individuals who are currently federally registered lobbyists to serve on all

FACA and non-FACA boards, committees, or councils. The following must accompany all nominations:

—Letters of reference from represented interests or organizations;
—A completed background information nomination form; and
—Any other information that addresses the nominee's qualifications.

Simultaneous with this notice, BLM state offices will issue press releases providing additional information for submitting nominations, with specifics about the number and categories of member positions available for each RAC in the state. Nominations for RACs should be sent to the appropriate BLM offices listed below:

Alaska

Alaska RAC

Ruth McCoard, Alaska State Office, BLM, 222 West 7th Avenue, #13, Anchorage, Alaska 99513, (970) 271–3322;

Alternate: Pam Eldridge, (970) 271–5555.

Arizona

Arizona RAC

Deborah Stevens, Arizona State Office, BLM, One North Central Avenue, Suite 800, Phoenix, Arizona 85004, (602) 417–9215.

California

Central California RAC

David Christy, Mother Lode Field Office, BLM, 5152 Hillsdale Circle, El Dorado Hills, California 95762, (916) 941–3146.

Northeastern California RAC

Jeff Fontana, Eagle Lake Field Office, BLM, 2950 Riverside Drive, Susanville, California 96130, (530) 252–5332.

Northwestern California RAC

Jeff Fontana, Eagle Lake Field Office, BLM, 2950 Riverside Drive, Susanville, California 96130, (530) 252–5332.

Colorado

Front Range RAC

Cass Cairns, Royal Gorge Field Office, BLM, 3028 East Main Street, Cañon City, Colorado 81212, (719) 269–8553.

Northwest RAC

David Boyd, Silt Field Office, BLM, 2300 River Frontage Road, Silt, Colorado 81652, (970) 876–9008.

Southwest RAC

Erin Curtis, Grand Junction Field Office, BLM, 2815 H Road, Grand Junction, Colorado 81506, (970) 244–3097.

Idaho

Boise District RAC

MJ Byrne, Boise District Office, BLM, 3948 Development Avenue, Boise, Idaho 83705, (208) 384–3393.

Coeur d'Alene District RAC

Lisa Wagner, Coeur d'Alene District Office, BLM, 3815 Schreiber Way, Coeur d'Alene, Idaho 83815, (208) 769–5014.

Idaho Falls District RAC

Sarah Wheeler, Idaho Falls District Office, BLM, 1405 Hollipark Drive, Idaho Falls, Idaho 83401, (208) 524–7613.

Twin Falls District RAC

Heather Tiel-Nelson, Twin Falls District Office, BLM, 2536 Kimberly Road, Twin Falls, Idaho 83301, (208) 736–2352.

Montana and Dakotas

Central Montana RAC

Craig Flentie, Lewistown Field Office, BLM, 920 Northeast Main Street, Lewistown, Montana 59457, (406) 538–1943.

Dakotas RAC

Lonny Bagley, North Dakota Field Office, BLM, 99 23rd Avenue West, Suite A, Dickinson, North Dakota 58601, (701) 227–7703.

Eastern Montana RAC

Mark Jacobsen, Miles City Field Office, BLM, 111 Garryowen Road, Miles City, Montana 59301, (406) 233–2800.

Western Montana RAC

David Abrams, Butte Field Office, BLM, 106 North Parkmont, Butte, Montana 59701, (406) 533–7617.

Nevada

Mojave-Southern Great Basin RAC; Northeastern Great Basin RAC; Sierra Front Northwestern Great Basin RAC

Rochelle Francisco, Nevada State Office, BLM, 1340 Financial Boulevard, Reno, Nevada 89502, (775) 861–6588.

Oregon/Washington

Eastern Washington RAC; John Day-Snake RAC; Southeast Oregon RAC

Pam Robbins, Oregon State Office, BLM, 333 SW First Avenue, P.O. Box 2965, Portland, Oregon 97204, (503) 808–6306.

Utah

Utah RAC

Sherry Foot, Utah State Office, BLM, 440 West 200 South, Suite 500, P.O. Box 45155, Salt Lake City, Utah 84101, (801) 539–4195.

Certification Statement: I hereby certify that the BLM Resource Advisory Councils are necessary and in the public interest in connection with the Secretary's responsibilities to manage the lands, resources, and facilities administered by the BLM.

Dated: March 22, 2010.

Robert V. Abbey,

Director.

[FR Doc. 2010–6669 Filed 3–25–10; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCAD070000 L16100000 DP0000]

Notice of Availability of the Draft Imperial Sand Dunes Recreation Area Management Plan and Draft Environmental Impact Statement and Associated Amendment to the California Desert Conservation Area Plan, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: In accordance with the National Environmental Policy Act of 1969 and the Federal Land Policy and Management Act of 1976, the Bureau of Land Management (BLM) has prepared a Draft Recreation Area Management Plan (RAMP)/Draft Environmental Impact Statement (EIS) for the Imperial Sand Dunes Recreation Area (ISDRA) and associated plan amendment to the California Desert Conservation Area (CDCA) Plan in Imperial County, California and by this notice is announcing the opening of the comment period.

DATES: To ensure that comments will be considered, the BLM must receive written comments on the Draft RAMP/EIS within 90 days following the date the Environmental Protection Agency publishes its notice in the **Federal Register.** The BLM will announce future meetings or hearings and any other public involvement activities at least 15 days in advance through public notices, media releases, and/or mailings.

ADDRESSES: You may submit comments at the public meetings or by any of the following methods:

- *E-mail: caisdrmp@ca.blm.gov.*
- *Fax:* (760) 337–4490.
- *Mail:* 1661 So. 4th St., El Centro, California 92243.

Copies of the Draft Imperial Sand Dunes RAMP/EIS are available in the El

Centro Field Office at the above address and at the BLM California State Office, 2800 Cottage Way, Sacramento, California 95825. Interested persons may also review the Draft Resource Management Plan (RMP)/EIS at the following Web site: *http://www.blm.gov/en/fo/elcentro.*

FOR FURTHER INFORMATION CONTACT: For further information contact Erin Dreyfuss, Environmental Protection Specialist, telephone (916) 978–4642; BLM California State Office, 2800 Cottage Way, Sacramento, California 95825.

SUPPLEMENTARY INFORMATION: As a result of a court order (U.S. District Court, Northern District of California), dated September 26, 2006, Case No. C–03–2509 SI, the BLM has prepared the Draft RAMP/EIS for the ISDRA and associated plan amendment to the CDCA.

The ISDRA project area encompasses approximately 200,000 acres of lands, approximately 150,000 acres of which are public lands bounded to the west by the Old Coachella Canal, to the east by the Union Pacific Railroad, to the north by Mammoth Wash, and to the south by Interstate 8 and the California/Mexico border. The primary activities in the ISDRA include off-highway vehicle use and camping. The Draft RAMP/EIS has been developed through a collaborative planning process and considers eight alternatives. Issues addressed in the Draft RAMP/EIS include: Recreation; transportation and public access; wildlife and botany; cultural resources and paleontology; renewable energy; water resources; geology and soils; mineral resources; socioeconomics; public health and safety; and visual resources.

The Draft RMP/EIS also considers the designation of two Areas of Critical Environmental Concern (ACEC), Plank Road and East Mesa. The preferred alternative would continue the 298-acre Plank Road ACEC to protect cultural resources and other resources values identified in the Draft RAMP/EIS. The preferred alternative would reduce the East Mesa ACEC from 6,454 acres to 5,799 acres, which overlaps the Planning Area. The East Mesa ACEC would continue to protect biological resources and other resource values identified in the Draft RAMP/EIS. The acreage of this ACEC varies by alternative. The preferred alternative would also remove the North Algodones Dunes ACEC, which encompasses 25,756 acres, in order to remove conflicting management prescriptions between this ACEC and the North Algodones Dunes Wilderness Area. Limitations on use of public lands within the Plank Road ACEC include restrictions on wind and solar energy development, as well as geothermal leasing. Limitations on use of public lands within the East Mesa ACEC include restrictions on wind and solar energy development, as well as geothermal leasing that includes surface occupancy.

Please note that public comments and information submitted including names, street addresses, and e-mail addresses of respondents will be available for public review and disclosure at the above address during regular business hours (8 a.m. to 4 p.m.), Monday through Friday, except holidays. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 40 CFR 1506.6, 1506.10, and 43 CFR 1610.2

Vicki L. Wood,

Field Manager.

[FR Doc. 2010–6670 Filed 3–25–10; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO–922–10–1310–FI; COC67396]

Notice of Proposed Reinstatement of Terminated Oil and Gas Lease

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of proposed reinstatement of terminated oil and gas lease.

SUMMARY: The Bureau of Land Management (BLM) received a petition for reinstatement of oil and gas lease COC67396 from Julander Energy Company, for lands in Moffat County, Colorado. The petition was filed on time and was accompanied by all the rentals due since the date the lease terminated under the law.

FOR FURTHER INFORMATION CONTACT: Milada Krasilinec, Land Law Examiner, Branch of Fluid Minerals Adjudication, at 303–239–3767.

SUPPLEMENTARY INFORMATION: The lessee has agreed to the amended lease terms for rentals and royalties at rates of $10 per acre or fraction thereof, per year and 16⅔ percent, respectively. The lessee has paid the required $500 administrative fee and $163 to reimburse the Department of the Interior for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in Section 31(d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the BLM is proposing to reinstate lease COC67396 effective July 1, 2009, under the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Anna Marie Burden,

Acting State Director.

[FR Doc. 2010–6725 Filed 3–25–10; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO–922–10–1310–FI; COC72147]

Notice of Proposed Reinstatement of Terminated Oil and Gas Lease

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of proposed reinstatement of terminated oil and gas lease.

SUMMARY: The Bureau of Land Management (BLM) received a petition for reinstatement of oil and gas lease COC72147 from DJ Simmons, Inc., for lands in San Miguel and Dolores Counties, Colorado. The petition was filed on time and was accompanied by all the rentals due since the date the lease terminated under the law.

FOR FURTHER INFORMATION CONTACT: Milada Krasilinec, Land Law Examiner, Branch of Fluid Minerals Adjudication, at 303–239–3767.

SUPPLEMENTARY INFORMATION: The lessee has agreed to the amended lease terms for rentals and royalties at rates of $10 per acre or fraction thereof, per year and 16⅔ percent, respectively. The lessee has paid the required $500 administrative fee and $163 to reimburse the Department of the Interior for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in section 31(d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the BLM is proposing to reinstate lease COC72147 effective August 1, 2009, under the original terms and conditions of the

lease and the increased rental and royalty rates cited above.

Anna Marie Burden,

Acting State Director.

[FR Doc. 2010–6755 Filed 3–25–10; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLOR–936000–L14300000–ET0000; HAG–10–0098; OR–9651]

Notice of Proposed Withdrawal Extension and Opportunity for Public Meeting; Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The United States Forest Service (USFS) has filed an application with the Bureau of Land Management (BLM) that proposes to extend the duration of Public Land Order (PLO) No. 6876 for an additional 20-year term. PLO No. 6876 withdrew approximately 1,853.66 acres of National Forest System land from location and entry under the United States mining laws in order to protect scientific and ecological values, scenic and recreational values, and the investment of Federal funds at the Ashland Research Natural Area, the Jackson Campground Extension, and the Kanaka Campground. The withdrawal created by PLO No. 6876 will expire on September 9, 2011, unless extended. This notice also gives the public an opportunity to comment on the proposed action and to request a public meeting.

DATES: Comments and requests for a public meeting must be received by June 24, 2010.

ADDRESSES: Comments and meeting requests should be sent to the Oregon/Washington State Director, BLM, P.O. Box 2965, Portland, Oregon 97208–2965.

FOR FURTHER INFORMATION CONTACT: David Krantz, Rogue River-Siskiyou National Forest, (541) 618–2037, or Charles R. Roy, BLM Oregon/Washington State Office, (503) 808–6189.

SUPPLEMENTARY INFORMATION: The USFS has filed an application requesting that the Secretary of the Interior extend PLO No. 6876 (56 FR 46122 (1991)), which withdrew certain lands in Jackson County, Oregon, from location and entry under the United States mining laws (30 U.S.C. ch. 2) for an additional 20-year term, subject to valid existing rights. The area described contains approximately 1,853.66 acres in Jackson County. PLO No. 6876 is incorporated herein by reference.

The purpose of the proposed withdrawal extension is to continue protecting scientific and ecological research values at the Ashland Research Natural Area and its scenic and recreation values, along with the investment of Federal funds at the Jackson Campground Extension and the Kanaka campground.

The use of a right-of-way, interagency agreement, or cooperative agreement would not provide adequate protection.

The Forest Service would not need to acquire water rights to fulfill the purpose of the requested withdrawal extension.

Records related to the application may be examined by contacting Charles R. Roy at the above address or phone number.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal extension may present their views in writing to the BLM State Director at the address indicated above.

Comments, including names and street addresses of respondents, will be available for public review at the address indicated above during regular business hours.

Individual respondents may request confidentiality. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, be advised 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 from public review your personal identifying information, we cannot guarantee that we will be able to do so. If you wish to withhold your name or address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your comments. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organization or businesses, will be made available for public inspection in their entirety.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal extension. All interested parties who desire a public meeting for the purpose of being heard on the proposed withdrawal extension must submit a written request to the BLM State Director at the address indicated above by June 24, 2010. Upon determination by the authorized officer that a public meeting will be held, a notice of the time and place will be published in the **Federal Register** and in at least one local newspaper not less than 30 days before the scheduled date of the meeting.

The application will be processed in accordance with the regulations set forth in 43 CFR 2310.4.

Authority: 43 CFR 2310.3–1.

Fred O'Ferrall,

Chief, Branch of Land, Mineral, and Energy Resources.

[FR Doc. 2010–6724 Filed 3–25–10; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNVSO0000 L58530000.ES0000; N–86602; 10–08807; MO4500008920; TAS:14X5232]

Notice of Realty Action: Recreation and Public Purposes Act Classification, Clark County, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action.

SUMMARY: The City of Las Vegas filed a Recreation and Public Purposes (R&PP) Act application for lease or conveyance of approximately 2.5 acres of public land in Las Vegas, Clark County, Nevada. The City proposes to use the land for a city fire station. This notice classifies the land as suitable for lease or conveyance under the provisions of the R&PP Act, as amended.

DATES: Interested parties may submit written comments regarding the proposed lease or conveyance of the lands until May 10, 2010.

ADDRESSES: Mail written comments to the Bureau of Land Management (BLM) Field Manager, Las Vegas Field Office, 4701 N. Torrey Pines Drive, Las Vegas, Nevada 89130.

FOR FURTHER INFORMATION CONTACT: Beth Ransel at the above address, via e-mail at *Beth_Ransel@blm.gov,* or phone (702) 515–5088.

SUPPLEMENTARY INFORMATION: The BLM has examined and found suitable to be classified for lease and subsequent conveyance under the provisions of the R&PP Act, as amended (43 U.S.C. 869 *et seq.*), the following public land described below:

Mount Diablo Meridian, Nevada

T. 20 S., R. 59 E.,
Sec. 1, N½SW¼NE¼SW¼SW¼,
S½NW¼NE¼SW¼SW¼.

The area described contains 2.5 acres, more or less, in Clark County.

In accordance with the R&PP Act, the City of Las Vegas filed an R&PP application to develop the above described land as a fire station in this rapidly growing area. Additional detailed information pertaining to this application, plan of development, and site plans are in case file N–86602, which is located in the BLM Las Vegas Field Office at the address above.

The City of Las Vegas is a political subdivision of the State of Nevada and is therefore a qualified applicant under the R&PP Act.

Lease or conveyance of the public land shall be subject to valid existing rights. Subject to limitations prescribed by law and regulation, prior to conveyance, a holder of any right-of-way within the lease area may be given the opportunity to amend the right-of-way for conversion to a new term, including perpetuity, if applicable.

The land is not required for any Federal purpose. Lease or conveyance is consistent with the BLM Las Vegas Resource Management Plan, dated October 5, 1998, and would be in the public interest. The City of Las Vegas has not applied for more than the 6,400-acre limitation for recreation and public purpose uses in a year and has submitted a statement in compliance with the regulations at 43 CFR 2741.4(b).

Any lease or conveyance, if and when issued, will be subject to the provisions of the R&PP Act and applicable regulations of the Secretary of the Interior, and will contain the following reservations to the United States:

1. A right-of-way thereon for ditches or canals constructed under the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945); and

2. All minerals shall be reserved to the United States, together with the right to prospect for, mine, and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe.

Any lease or conveyance will be subject to valid existing rights, will contain any terms or conditions required by law and regulation, including, but not limited to, any terms or conditions required by 43 CFR 2741.9, and will contain appropriate indemnification clause protecting the United States from claims arising out of the lessee's or patentee's use, occupancy, or operations on the leased/patented lands. It will also contain any other terms and conditions deemed necessary or appropriate by the authorized officer.

On publication of this notice in the **Federal Register**, the land described will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for lease or conveyance under the R&PP Act, leasing under the mineral leasing laws, and disposals under the mineral material disposal laws.

Interested parties may submit comments on the suitability of the land for a city fire station. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs.

Interested parties may submit written comments regarding the specific use proposed in the application and plan of development, whether the BLM followed proper administrative procedures in reaching its decision to lease or convey the property under the R&PP Act, or any other factor not directly related to the suitability of the land for R&PP use.

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Any adverse comments on the proposed classification, lease or conveyance will be reviewed by the BLM Nevada State Director, who may sustain, vacate, or modify this realty action and classification and issue a final determination. In the absence of any adverse comments, the decision will become effective 60 days after the date of publication of this notice in the **Federal Register**. The lands will not be available for lease or conveyance until after the decision becomes effective.

Beth Ransel,

Assistant Field Manager, Division of Lands, Las Vegas, Nevada.

[FR Doc. 2010–6735 Filed 3–25–10; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNVSO0000 L58530000.ES0000; N–86601; 10–08807; MO4500008919; TAS:14X5232]

Notice of Realty Action: Recreation and Public Purposes Act Classification, Clark County, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action.

SUMMARY: The City of Las Vegas has filed a Recreation and Public Purposes (R&PP) Act application for lease or conveyance of approximately 7.5 acres of public land in Las Vegas, Clark County, Nevada. The City proposes to use the land for a public park. This notice classifies the land as suitable for lease or conveyance under the provisions of the R&PP Act, as amended.

DATES: Interested parties may submit written comments regarding the proposed lease or conveyance of the lands until May 10, 2010.

ADDRESSES: Mail written comments to the Bureau of Land Management (BLM) Field Manager, Las Vegas Field Office, 4701 N. Torrey Pines Drive, Las Vegas, Nevada 89130.

FOR FURTHER INFORMATION CONTACT: Beth Ransel at the above address, via e-mail at *Beth_Ransel@blm.gov*, or phone (702) 515–5088.

SUPPLEMENTARY INFORMATION: The BLM has examined and found suitable to be classified for lease and subsequent conveyance under the provisions of the R&PP Act, as amended (43 U.S.C. 869 *et seq.*), the following public land described below:

Mount Diablo Meridian, Nevada,

T. 19 S., R. 59 E.,
Sec. 1, E½NW¼SW¼SW¼,
N½NW¼NE¼SW¼SW¼, and
S½SW¼NE¼SW¼SW¼.

The area described contains 7.5 acres, more or less, in Clark County.

In accordance with the R&PP Act, the City of Las Vegas filed an R&PP application to develop the above described land as a public park in this rapidly growing area. Additional detailed information pertaining to this application, plan of development, and site plans are in case file N–86601, which is located in the BLM Las Vegas Field Office at the address above.

The City of Las Vegas is a political subdivision of the State of Nevada and is therefore a qualified applicant under the R&PP Act.

Subject to limitations prescribed by law and regulation, prior to conveyance, a holder of any right-of-way within the lease area may be given the opportunity to amend the right-of-way for conversion to a new term, including perpetuity, if applicable.

The land is not required for any Federal purpose. Lease or conveyance is consistent with the BLM Las Vegas Resource Management Plan, dated October 5, 1998, and would be in the public interest. The City of Las Vegas has not applied for more than the 6,400-acre limitation for recreation and public purpose uses in a year and has submitted a statement in compliance with the regulations at 43 CFR 2741.4(b).

Any lease or conveyance, if and when issued, will be subject to the provisions of the R&PP Act and applicable regulations of the Secretary of the Interior, and will contain the following reservations to the United States:

1. A right-of-way thereon for ditches or canals constructed under the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945); and

2. All minerals shall be reserved to the United States, together with the right to prospect for, mine, and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe.

Any lease or conveyance will be subject to valid existing rights, will contain any terms or conditions required by law and regulation, including, but not limited to, any terms or conditions required by 43 CFR 2741.9, and will contain an appropriate indemnification clause protecting the United States from claims arising out of the lessee's or patentee's use, occupancy, or operations on the leased/patented lands. It will also contain any other terms and conditions deemed necessary or appropriate by the authorized officer.

On publication of this notice in the **Federal Register**, the land described will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for lease or conveyance under the R&PP Act, leasing under the mineral leasing laws, and disposals under the mineral material disposal laws.

Interested parties may submit comments on the suitability of the land for a public park. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs.

Interested parties may submit written comments regarding the specific use proposed in the application and plan of development, whether the BLM followed proper administrative procedures in reaching its decision to lease or convey the property under the R&PP Act, or any other factor not directly related to the suitability of the land for R&PP use.

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Any adverse comments on the proposed classification, lease or conveyance will be reviewed by the BLM Nevada State Director, who may sustain, vacate, or modify this realty action and classification and issue a final determination. In the absence of any adverse comments, the decision will become effective 60 days after the date of publication of this notice in the **Federal Register.** The lands will not be available for lease or conveyance until after the decision becomes effective.

Beth Ransel,

Assistant Field Manager, Division of Lands, Las Vegas, Nevada.

[FR Doc. 2010–6727 Filed 3–25–10; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS-R9-IA-2010-N063]
[96300-1671-0000-P5]

Receipt of Applications for Permit

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of applications for permit.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications to conduct certain activities with endangered species, marine mammals, or both. With some exceptions, the Endangered Species Act (ESA) and Marine Mammal Protection Act (MMPA) prohibits activities with listed species unless a Federal permit is issued that allows such activities. Both laws require that we invite public comment before issuing these permits.

DATES: We must receive requests for documents or comments on or before April 26, 2010. We must receive requests for marine mammal permit public hearings, in writing, at the address shown in the **ADDRESSES** section by April 26, 2010.

ADDRESSES: Brenda Tapia, Division of Management Authority, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Room 212, Arlington, VA 22203; fax (703) 558-7725; or e-mail *DMAFR@fws.gov.*

FOR FURTHER INFORMATION CONTACT: Brenda Tapia, (703) 358-2104 (telephone); (703) 558-7725 (fax); *DMAFR@fws.gov* (e-mail).

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures

A. How Do I Request Copies of Applications or Comment on Submitted Applications?

Send your request for copies of applications or comments and materials concerning any of the applications to the contact listed under **ADDRESSES.** Please include the **Federal Register** notice publication date, the PRT-number, and the name of the applicant in your request or submission. We will not consider requests or comments sent to an e-mail or address not listed under **ADDRESSES.** If you provide an email address in your request for copies of applications, we will attempt to respond to your request electronically.

Please make your requests or comments as specific as possible. Please confine your comments to issues for which we seek comments in this notice, and explain the basis for your comments. Include sufficient information with your comments to allow us to authenticate any scientific or commercial data you include.

The comments and recommendations that will be most useful and likely to influence agency decisions are: (1) Those supported by quantitative information or studies; and (2) Those that include citations to, and analyses of, the applicable laws and regulations. We will not consider or include in our administrative record comments we receive after the close of the comment period (see DATES) or comments delivered to an address other than those listed above (see **ADDRESSES**).

B. May I Review Comments Submitted by Others?

Comments, including names and street addresses of respondents, will be available for public review at the

address listed under **ADDRESSES.** The public may review documents and other information applicants have sent in support of the application unless our allowing viewing would violate the Privacy Act or Freedom of Information Act. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

II. Background

To help us carry out our conservation responsibilities for affected species, section 10(a)(1)(A), of ESA, as amended (16 U.S.C. 1531 *et seq.*); our ESA regulations in the Code of Federal Regulations (CFR) at 50 CFR 17; the MMPA, as amended (16 U.S.C. 1361 *et seq.*); and our MMPA regulations in the Code of Federal Regulations (CFR) at 50 CFR 18 require that we invite public comment before final action on permit applications. Under the MMPA, you may request a hearing on any MMPA application received. If you request a hearing, give specific reasons why a hearing would be appropriate. The holding of such a hearing is at the discretion of the Service Director.

III. Permit Applications

A. Endangered Species

Applicant: Lionshare Farm Zoological, LLC, Greenwich, CT; PRT-01671A

The applicant requests a permit to import a female cheetah (*Acrinonyx jubatus*) from DeWildt Cheetah Breeding Centre, South Africa where the individual cheetah was captive bred for the purpose of enhancement of the survival of the species.

Applicant: Florida Atlantic University/ Div. of Research And Sponsored Programs, Boca Raton, FL; PRT - 212266

The applicant requests a permit to export and re-import non-living museum specimens of endangered and threatened species of animals previously accessioned into the permittee's collection for scientific research. This notification covers activities conducted by the applicant for a five year period.

Applicant: Sam Noble Oklahoma Museum of Natural History, Norman, OK; PRT – 075249

The applicant requests a permit to export and re-import non-living museum specimens of endangered and threatened species of animals previously accessioned into the permittee's collection for scientific research. This notification covers activities conducted by the applicant for a five year period.

B. Endangered Marine Mammals and Marine Mammals

Applicant: Robert F. Rockwell, American Museum of Natural History, New York, NY; PRT-03086A

The applicant requests a permit to import up to 1,000 biological samples annually from polar bears (*Ursus maritimus*) from Canada for the purpose of scientific research. This notification covers activities to be conducted by the applicant over a 5–year period.

Applicant: Sea Studios Foundation, Monterey, CA; PRT-04400A

The applicant requests a permit to photograph Southern sea otters (*Enhydra lutris nereis*), both above and under water, for commercial and educational purposes. This notification covers activities to be conducted by the applicant over a 2–year period.

Concurrent with publishing this notice in the **Federal Register**, we are forwarding copies of the above applications to the Marine Mammal Commission and the Committee of Scientific Advisors for their review.

Dated: March 19, 2010

Brenda Tapia,

Program Analyst, Branch of Permits, Division of Management Authority

[FR Doc. 2010–6672 Filed 3–25–10; 8:45 am]

BILLING CODE 4310–55–S

INTERNATIONAL TRADE COMMISSION

[Investigation No. AA1921–167 (Third Review)]

Pressure Sensitive Plastic Tape From Italy; Determination

On the basis of the record [1] developed in the subject five-year review, the United States International Trade Commission (Commission) determines, pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)), that revocation of the antidumping duty finding on pressure sensitive plastic tape from Italy would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[2]

Background

The Commission instituted this review on May 1, 2009 (74 FR 20340) and determined on August 4, 2009, that it would conduct a full review (74 FR 40845, August 13, 2009). Notice of the scheduling of the Commission's review and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on August 26, 2009 (74 FR 43155). The hearing was held in Washington, DC, on January 14, 2010, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this review to the Secretary of Commerce on March 11, 2010. The views of the Commission are contained in USITC Publication 4128 (March 2010), entitled *Pressure Sensitive Plastic Tape from Italy: Investigation No. AA1921–167 (Third Review).*

Issued: March 22, 2010.

By order of the Commission.

Marilyn R. Abbott,

Secretary.

[FR Doc. 2010–6666 Filed 3–25–10; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–648]

Notice of Commission Decision

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to reverse a remand initial determination ("remand ID") of the presiding administrative law judge ("ALJ"), and to affirm-in-part, reverse-in-part, and modify-in-part a final initial determination ("ID") of the presiding administrative law judge ("ALJ"). The Commission has determined that there is no violation of section 337 in the above-captioned

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] Chairman Shara L. Aranoff, Vice Chairman Daniel R. Pearson, and Commissioner Deanna Tanner Okun dissenting.

investigation, and has terminated the investigation. The Commission will issue an opinion shortly.

FOR FURTHER INFORMATION CONTACT: Clint Gerdine, Esq., Office of the General Counsel, 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: The Commission instituted this investigation on May 21, 2008, based on a complaint filed on April 18, 2008, by LSI Corporation of Milpitas, California and Agere Systems Inc. of Allentown, Pennsylvania. The complaint, as amended, alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain semiconductor integrated circuits using tungsten metallization and products containing the same by reason of infringement of one or more of claims 1, 3, and 4 of U.S. Patent No. 5,227,335. The amended complaint named numerous respondents. Several respondents have been terminated from the investigation due to settlement or failure to name the proper party. The following six respondents remain in the investigation: Tower Semiconductor, Ltd. ("Tower") of Israel; Jazz Semiconductor ("Jazz") of Newport Beach, California; Powerchip Semiconductor Corporation of Taiwan; Grace Semiconductor Manufacturing Corporation of China; Integrated Device Technology, Inc. of San Jose, California; and Nanya Technology Corporation of Taiwan. The complaint further alleged that an industry in the United States exists as required by subsection (a)(2) of section 337.

On September 21, 2009, the ALJ issued his final ID finding no violation of section 337 by the remaining respondents. On November 23, 2009, the Commission issued notice of its determination to review-in-part the ID and issued an order remanding the investigation to the ALJ for further proceedings relating to whether claim 4 is rendered obvious by IBM Process A in light of the other prior art asserted by respondents and the Commission investigative attorney ("IA"). Specifically, the Commission determined to review: (1) Invalidity of claims 1, 3, and 4 of the '335 patent under 35 U.S.C. 102(g) & 103 with respect to IBM Process A, IBM Process B, and the AMD prior art; and (2) Jazz's stipulation regarding whether its process meets the complete, third recited step of claim 1, *i.e.*, "depositing a tungsten layer by chemical vapor deposition, said tungsten layer covering said glue layer on said dielectric and said exposed material." The Commission determined not to review the remainder of the ID. Also, the Commission requested written submissions on the ALJ's remand determination and responses to the written submissions, and briefing on remedy, the public interest, and bonding.

On January 15, 2010, the ALJ issued his remand ID finding that claim 4 is not rendered obvious by IBM Process A and other prior art asserted by respondents and the IA. On February 2 and 12, 2010, respectively, complainants and respondents each filed a brief and reply brief on the issues for which the Commission requested written submissions. On February 2 and 16, 2010, respectively, the IA filed a brief and a reply brief on the issues for which the Commission requested written submissions. Also, on February 12, 2010, Tower and Jazz filed a joint, separate reply brief.

Having reviewed the record in this investigation, including the remand and final IDs and the parties' written submissions, the Commission has determined to reverse the remand ID, and affirm-in-part, reverse-in-part, and modify-in-part the final ID. The Commission has determined that there is no violation of section 337 by the remaining respondents. Particularly, the Commission has reversed the ALJ's finding that claim 4 is invalid due to anticipation in view of IBM Process A, but has found claim 4 to be invalid due to obviousness in view of IBM Process A in combination with the other prior art asserted by the IA and respondents. Also, the Commission has affirmed the ALJ's finding that claims 1 and 3 are invalid due to anticipation in view of IBM Process A. The Commission has also modified the ALJ's ruling that Jazz stipulated to the complete, third recited step of claim 1, and instead it has determined that Jazz's stipulation to the third step only includes the step of "depositing a tungsten layer by chemical vapor deposition." The Commission has determined to take no position on the ALJ's rulings that claims 1 and 3 are not anticipated in view of IBM Process B, claim 1 is not anticipated in view of the AMD prior art, and claims 1, 3, and/or 4 are not obvious in view of IBM Process B or the AMD prior art.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in section 210.45 of the Commission's Rules of Practice and Procedure (19 CFR 210.45).

By order of the Commission.

Issued: March 22, 2010.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 2010–6757 Filed 3–25–10; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Second Modification to Consent Decree Under Clean Air Act

Under 28 CFR 50.7, notice is hereby given that on March 19, 2010, a Second Modification ("Second Modification") to the November 2005 First Revised Consent Decree ("First Revised Consent Decree") in the case of *United States, et al.* v. *Marathon Ashland Petroleum LLC*, Civil Action No. 01–40119 (PVG), was lodged with the United States District Court for the Eastern District of Michigan.

Under the Second Modification, MPC must continue to comply with the First Revised Consent Decree, but, in addition, MPC will pay a civil penalty of $408,000 and perform two Supplemental Environmental Projects valued at approximately $963,000 at its Canton and Catlettsburg Refineries in settlement of claims that MPC violated the Benzene Waste Operations NESHAP ("BWON"), 40 CFR part 61, subpart FF, and the BWON provisions of the November 2005 First Revised Consent Decree at those two refineries. In addition, MPC will pay a stipulated penalty of $3,933 to resolve claims involving flaring incidents at the Canton, Catlettsburg, Detroit, and Robinson Refineries. Finally, the Second Modification amends two Appendices to the First Revised Consent Decree to reflect a 2008 regulatory change that EPA made to the New

Source Performance Standards for Petroleum Refineries.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Second Modification. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either emailed to *pubcomment-ees.enrd@usdoj.gov* or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States, et al.* v. *Marathon Ashland Petroleum LLC,* D.J. Ref. No. 90–5–2–1–07247.

The Second Modification may be examined at the Office of the United States Attorney, 211 W. Fort St., Suite 2300, Detroit, Michigan 48226, and at U.S. EPA Region 5, 77 W. Jackson St., Chicago, IL 60604. During the public comment period, the Second Modification may also be examined on the following Department of Justice Web site: *http://www.usdoj.gov/enrd/Consent_Decrees.html.* A copy of the Second Modification may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, or by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax number (202) 514–0097, phone confirmation number (202) 514–1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of $3.75 (25 cents per page reproduction cost) payable to the U.S. Treasury, or, if by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address.

Maureen M. Katz,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2010–6673 Filed 3–25–10; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Proposed Modification of Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that on February 5, 2010, a stipulation seeking to modify certain provisions of the January 27, 2005 Consent Decree entered in *United States* v. *Chief Consolidated Mining Company,* Civ. No. 2:04CV00891 BSJ, was filed in the United States District Court for the District of Utah.

In exchange for releasing Chief from its $60 million confession of judgment, certain future income recapture provisions, and an obligation to sell certain on-Site, non-mining land required by the 2005 Consent Decree, the Stipulation Modifying Consent Decree substitutes a requirement for Chief to pay to the Environmental Protection Agency ("EPA") $225,000 a year for each of the five years following the modification (total payment of $1,125,000). The Stipulation also extends until December 31, 2013 certain provisions of the Consent Decree related to Chief's in-kind clean up contributions and provides a grant from Chief to the City of Eureka, Utah of an easement. The easement will facilitate the City's role in maintaining the integrity of EPA's Site remedy. The proposed modifications liquidate for equivalent monetary value certain obligations under the Consent Decree which Chief is no longer able to perform due to changing circumstances and are consistent with Chief's ability-to-pay limitations which were recognized in the initial settlement.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Stipulation Modifying Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to *pubcomment-ees.enrd@usdoj.gov* or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States* v. *Chief Consolidated Mining Company,* Civil Action. No. 2:04CV00891 BSJ, D.J. Ref. 90–11–3–07993/2.

The Stipulation Modifying Consent Decree may be examined at U.S. EPA Region 8, 1595 Wynkoop Street, Denver, Colorado 80202–1129. During the public comment period, the Stipulation Modifying Consent Decree, may also be examined on the following Department of Justice Web site, *http://www.usdoj.gov/enrd/Consent_Decrees.html.* A copy of the Stipulation Modifying Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax no. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting a copy from the Consent Decree Library, exclusive of exhibits and defendants' signatures, please enclose a check in the amount of $2.75 (25c per page reproduction cost) payable to the U.S. Treasury or, if by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address. If requesting a copy with exhibits, enclose a check in the amount of $4.00.

Maureen Katz,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2010–6752 Filed 3–25–10; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OMB Number 1121–0306]

Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: 30-day notice of new information collection: Civil Justice Survey of State Courts Trials on Appeal.

The Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. The proposed information collection was previously published in the **Federal Register** Volume 75, Number 11, page 2888, on January 19, 2010, allowing for a 60-day public comment period.

The purpose of this notice is to allow an additional 30 days for public comment until April 26, 2010. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503. Additionally, comments may be submitted to OMB via facsimile to (202) 395–5806.

Written comments and suggestions from the pubic and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate 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;
—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.

Overview of this information:

(1) *Type of information collection:* Reinstatement, with change, of a previously approved collection for which OMB approval has expired, State Court Processing Statistics, 2009.

(2) *The title of the form/collection:* State Court Processing Statistics, 2009.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The form labels are SCPS—2009, SATCS—2009, Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice.

(4) *Affected Public Who Will be Asked or Required to Respond, as well as a Brief Abstract:* State Trial Courts and Pretrial Agencies. Abstract: The State Court Processing Statistics (SCPS) project covers felony case processing in a sample of the nation's 75 most populous counties on a recurring basis. In the SCPS data collection program, felony defendants are tracked for up to 1 year with data collected on a variety of felony case processing characteristics. These include the types of arrest charges filed against felony defendants, conditions of pretrial release, and pretrial misconduct which includes the court appearance record, violations of release conditions, and re-arrests committed while on pretrial release. The adjudication outcomes encompassing the dismissal, diversion, guilty plea, and trial conviction rates for felony defendants are also recorded. For those defendants convicted, sentencing data are collected. The SCPS 2009 project also involves collecting aggregate information on the electronic data storage and transfer capacities of courts located in a sample of the nation's 900 most populous counties.

(5) *An Estimate of the Total Number of Respondents and the Amount of Time Estimated for an Average Respondent to Respond:* It is estimated that information will be collected on a total of 15,000 felony defendants from 40 responding counties. The estimated burden hours will be contingent upon the counties electronic storage and transfer capabilities. Data collection will occur in a more timely and expeditious manner among counties with the capacities to electronically transfer all their case processing, pretrial, and criminal history information to the data collection agent. It is estimated that about 10 of the 40 counties have the capacity to transfer entire files of SCPS cases and that it should take these counties about 15 hours per county to produce programs capable of transferring the SCPS data to the data collection agent. For the remaining 30 counties that lack the capacity to engage in electronic transfers, data collection will involve manually coding the SCPS survey forms for an online or paper based submission. Prior SCPS data collection endeavors show an estimated one hour to manually code each SCPS case for online or paper based submission. In addition to collecting case processing information, courts located in 200 jurisdictions will be asked to complete a spreadsheet surveying their overall levels of case and pretrial automation. Pretests of the instrument found that the average time to complete the spreadsheet was about 2 hours per trial court.

(6) *An Estimate of the Total Public Burden (in hours) Associated with the collection:* The estimated public burden associated for the SCPS data collection is 11,800 hours. In the 30 counties in which SCPS cases are manually coded for paper or online based submission, an estimated 11,250 data collection forms (375 forms per county) will be coded and it should take an estimated one hour to code each data collection form. Hence, the estimated public burden associated with the manual based collection of SCPS data forms should be about 11,250 hours. In the 10 counties in which SCPS cases can be transferred through computerized case management systems, it should take an estimated 150 hours (15 hours per county) to generate the programs capable of transferring information for these SCPS cases. Lastly, about 400 hours will be required to complete the spreadsheets surveying the overall levels of case and pretrial automation for courts located in 200 counties (200 counties multiplied by 2 hours per spreadsheet). Therefore, the total burden time for the SCPS 2009 project should be about 11,800 hours (11,250 hours for manual based data collection + 150 hours for computerized transfer of automated SCPS data + 400 hours for the survey of court automation capacities).

If additional information is required contact: Ms. Lynn Bryant, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Patrick Henry Building, Suite 1600, 601 D Street, NW., Washington, DC 20530.

Dated: March 23, 2010.

Lynn Bryant,

Department Clearance Officer, PRA, United States Department of Justice.

[FR Doc. 2010–6733 Filed 3–25–10; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

National Institute of Corrections

Solicitations for Cooperative Agreements

The following funding opportunities were published on Thursday, March 11, 2010 in Volume 75, No. 47.

Solicitation for a Cooperative Agreement—Training for Executive Excellence: The Role of the Correctional CEO Curriculum Development. Funding Opportunity Number 10A61, found on pages 11562 and 11563.

Solicitation for a Cooperative Agreement—Training for Executive Excellence: Leadership Style and Instrumentation Curriculum Development. Funding Opportunity Number 10A62, found on pages 11561 and 11562.

"NOTICE" of extended deadline date for submissions for the above referenced funding opportunities.

Applications will be accepted until 4 p.m. EST on Tuesday, March 30, 2010.

Morris L. Thigpen,

Director, National Institute of Corrections.

[FR Doc. 2010–6812 Filed 3–25–10; 8:45 am]

BILLING CODE 4410–36–P

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review: Comment Request

March 22, 2010.

The Department of Labor (DOL) hereby announces the submission of the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35).

A copy of this ICR, with applicable supporting documentation; including among other things a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAMain* or by contacting Darrin King on 202–693–4129 (this is not a toll-free number)/e-mail: *DOL_PRA_PUBLIC@dol.gov*.

Interested parties are encouraged to send comments to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Department of Labor—Employee Benefits Security Administration (EBSA), Office of Management and Budget, Room 10235, Washington, DC 20503, Telephone: 202–395–7316/Fax: 202–395–5806 (these are not toll-free numbers), E-mail: *OIRA_submission@omb.eop.gov* within 30 days from the date of this publication in the **Federal Register.** In order to ensure the appropriate consideration, comments should reference the OMB Control Number (see below).

The OMB is particularly interested in comments which:

- Evaluate whether the proposed 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: Employee Benefits Security Administration.

Type of Review: Extension without change of a currently approved collection.

Title of Collection: Summary Plan Description Requirements Under ERISA.

OMB Control Number: 1210–0039.

Affected Public: Private sector.

Estimated Number of Respondents: 3,508,000.

Total Estimated Annual Burden Hours: 262,000.

Total Estimated Annual Costs Burden (Operation and Maintenance): $295,148,000.

Description: Section 104(b)(1) of the Employee Retirement Security Act of 1974 (ERISA) requires the administrator of an employee benefit plan to furnish each plan participant and each beneficiary receiving benefits under the plan a copy of the plan's summary plan description (SPD) within 90 days after an individual becomes a participant and (in the case of a beneficiary) within 90 days after an individual first receives benefits, or, if later, within 120 days after the plan first becomes subject to Part 2 of Title I of ERISA. Section 104(b)(1) further specifies that if a plan document is amended, an updated SPD must be furnished subsequently every fifth year, integrating all plan amendments made within such five-year period. If the plan document is not amended, an updated SPD must be sent to participants and beneficiaries every 10th year. The Department's regulations at 29 CFR 2520. 102–2, 102–3, 104b–2, and 104b–3, and provide guidance on the content, frequency, and manner of disclosures required under ERISA to be furnished by employee benefit plans to plan participants and certain specified plan beneficiaries periodically in SPDs, Summaries of Material Modifications, and Summaries of Material Reductions. For additional information, see related notice published in the **Federal Register** on November 27, 2009 (Vol. 74, page 62351).

Darrin A. King,

Departmental Clearance Officer.

[FR Doc. 2010–6744 Filed 3–25–10; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review: Comment Request

March 22, 2010.

The Department of Labor (DOL) hereby announces the submission of the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35). A copy of this ICR, with applicable supporting documentation; including among other things a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAMain* or by contacting Darrin King on 202–693–4129 (this is not a toll-free number)/e-mail: *DOL_PRA_PUBLIC@dol.gov*.

Interested parties are encouraged to send comments to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Department of Labor—Bureau of Labor Statistics (BLS), Office of Management and Budget, Room 10235, Washington, DC 20503, Telephone: 202–395–7316/Fax: 202–395–5806 (these are not toll-free numbers), E-mail: *OIRA_submission@omb.eop.gov* within 30 days from the date of this publication in the **Federal Register.** In order to ensure the appropriate consideration, comments should reference the OMB Control Number (see below).

The OMB is particularly interested in comments which:

- Evaluate whether the proposed 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: Bureau of Labor Statistics.

Type of Review: Revision of a currently approved collection.

Title of Collection: National Longitudinal Survey of Youth 1997.

OMB Control Number: 1220–0157.

Affected Public: Individuals or households.

Total Estimated Number of Respondents: 7,620.

Total Estimated Annual Burden Hours: 8,317.

Total Estimated Annual Costs Burden (Operation and Maintenance): $0.

Description: The National Longitudinal Survey of Youth 1997 (NLSY97) includes 8,984 respondents who were born in the years 1980 through 1984 and lived in the United States when the survey began in 1997. The primary objective of the survey is to study the transition from full-time schooling to the establishment of careers and families. The longitudinal focus of the survey requires information to be collected about the same individuals over many years in order to trace their education, training, work experience,

fertility, income, and program participation. One of the goals of the Department of Labor is to produce and disseminate timely, accurate, and relevant information about the U.S. labor force. The Bureau of Labor Statistics contributes to this goal by gathering information about the labor force and labor market and disseminating it to policymakers and the public so that participants in those markets can make more informed, and thus more efficient, choices. Research based on the NLSY97 contributes to the formation of national policy in the areas of education, training, employment programs, and school-to-work transitions. For additional information, see related notice published in the **Federal Register** on January 5, 2010 (Vol. 75, page 450).

Darrin A. King,

Departmental Clearance Officer.

[FR Doc. 2010–6745 Filed 3–25–10; 8:45 am]

BILLING CODE 4510–24–P

DEPARTMENT OF LABOR

Veterans' Employment and Training Service

Homeless Veterans' Reintegration Into Employment

AGENCY: Veterans' Employment and Training Service, Department of Labor.

Announcement Type: New Notice of Availability of Funds and Solicitation for Grant Applications. The full announcement is posted on *http://www.grants.gov.*

Funding Opportunity Number: SGA 10–01.

Key Dates: The closing date for receipt of applications is 30 days after publication via *http://www.grants.gov.*

Funding Opportunity Description

The U.S. Department of Labor (USDOL or Department), Veterans' Employment and Training Service (VETS) announces a grant competition under 38 U.S.C. 2021, which provides that "the Secretary of Labor shall conduct, directly or through grant or contract, such programs as the Secretary determines appropriate to provide job training, counseling, and placement services (including job readiness and literacy and skills training) to expedite the reintegration of homeless Veterans into the labor force." HVRP grants are intended to address two objectives: (1) to provide services to assist in reintegrating homeless veterans into meaningful employment within the labor force, and (2) to stimulate the development of effective service delivery systems that will address the complex problems facing homeless veterans.

The full Solicitation for Grant Application is posted on *http://www.grants.gov* under U.S. Department of Labor/VETS. Applications submitted through *http://www.grants.gov* or hard copy will be accepted. If you need to speak to a person concerning these grants, you may telephone Cassandra Mitchell at 202–693–4570 (not a toll-free number). If you have issues regarding access to the *http://www.grants.gov* Web site, you may telephone the Contact Center Phone at 1–800–518–4726.

Signed at Washington, DC, this 22nd day of March, 2010.

Cassandra R. Mitchell,

Grant Officer.

[FR Doc. 2010–6692 Filed 3–25–10; 8:45 am]

BILLING CODE 4510–79–P

DEPARTMENT OF LABOR

Veterans' Employment and Training Service

Veterans Workforce Investment Program

AGENCY: Veterans' Employment and Training Service, Department of Labor.

Announcement Type: New Notice of Availability of Funds and Solicitation for Grant Applications. The full announcement is posted on *http://www.grants.gov.*

Funding Opportunity Number: SGA 10–02.

Key Dates: The closing date for receipt of applications is 30 days after publication via *http://www.grants.gov.*

Funding Opportunity Description

The U.S. Department of Labor (USDOL), Veterans' Employment and Training Service (VETS), announces a grant competition under the Veterans' Workforce Investment Program (VWIP) for Program Year (PY) 2010, as authorized under section 168 of the Workforce Investment Act (WIA) of 1998. This Solicitation for Grant Applications (SGA) notice contains all of the necessary information and forms needed to apply for grant funding. Selected programs will assist eligible Veterans by providing employment, training, support services, credentialing, networking information, and/or other assistance.WIA section 168, 29 U.S.C. 2913 authorizes the Department of Labor to make grants to meet the needs for workforce investment activities of Veterans with service-connected disabilities, Veterans who have significant barriers to employment, Veterans who served on active duty in the armed forces during a war or in a campaign or expedition for which a campaign badge has been authorized, and recently separated Veterans within 48 months of discharge (under conditions other than dishonorable). Veterans who received a "dishonorable" discharge are ineligible for VWIP services. Priority of service for Veterans in all Department of Labor funded training programs is established in 38 U.S.C. 4215.

VWIP grants are intended to address two objectives: (a) To provide services to assist in reintegrating eligible veterans into meaningful employment within the labor force; and (b) to stimulate the development of effective service delivery systems that will address the complex employability problems facing eligible veterans.

Projects that support the President's commitment to "Green Energy Jobs" and propose a clear strategy for training and employment in the renewable energy economy, are considered unique and innovative and will receive priority consideration.

The full Solicitation for Grant Application is posted on *http://www.grants.gov* under U.S. Department of Labor/VETS. Applications submitted through *http://www.grants.gov* or hard copy will be accepted. If you need to speak to a person concerning these grants, you may telephone Cassandra Mitchell at 202–693–4570 (not a toll-free number). If you have issues regarding access to the *http://www.grants.gov* Web site, you may telephone the Contact Center Phone at 1–800–518–4726.

Signed at Washington, DC, this 22nd day of March 2010.

Cassandra R. Mitchell,

Grant Officer.

[FR Doc. 2010–6691 Filed 3–25–10; 8:45 am]

BILLING CODE 4510–79–P

NATIONAL SCIENCE FOUNDATION

Notice of Intent To Seek Approval To Extend and Revise a Current Information Collection

AGENCY: National Science Foundation.

ACTION: Notice and request for comments.

SUMMARY: The National Science Foundation (NSF) is announcing plans to request renewal of this collection. In accordance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), we are providing opportunity for public

comment on this action. After obtaining and considering public comment, NSF will prepare the submission requesting that OMB approve clearance of this collection for three years.

DATES: Written comments on this notice must be received by May 25, 2010 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

For Additional Information or Comments: Contact Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Suite 295, Arlington, Virginia 22230; telephone (703) 292–7556; or send e-mail to *splimpto@nsf.gov*. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, which is accessible 24 hours a day, 7 days a week, 365 days a year (including Federal holidays). You also may obtain a copy of the data collection instrument and instructions from Ms. Plimpton.

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 of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information on respondents, including through the use of automated collection techniques or other forms of information technology; and (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.

SUPPLEMENTARY INFORMATION:

Title of Collection: Higher Education Research and Development Survey; OMB Control Number 3145–0100.

Expiration Date of Current Approval: August 31, 2011.

Proposed Renewal Project: The Survey of Research and Development Expenditures at Universities and Colleges originated in fiscal year (FY) 1954 and has been conducted annually since FY 1972. The survey is the academic research and development component of the NSF statistical program that seeks to provide a "central clearinghouse for the collection, interpretation, and analysis of data on the availability of, and the current and projected need for, scientific and technical resources in the United States, and to provide a source of information for policy formulation by other agencies of the federal government," as mandated in the National Science Foundation Act of 1950.

Since 2007, NSF has been working on a redesign and expansion of the survey to better reflect the current state of academic R&D. The redesigned survey was renamed the Higher Education R&D Survey and was pilot tested with a random sample of 40 institutions during the FY 2009 survey cycle. Beginning with the FY 2010 cycle, the redesigned survey will be administered to the full population of research-performing academic institutions.

Use of the Information: The proposed project will continue the annual survey cycle for three years. The FY 2010 Higher Education R&D Survey will be administered to an expected minimum of 760 institutions. A shorter version of the survey asking for R&D expenditures by source of funding and character of work (basic, applied, or development) will be administered to the 38 Federally Funded Research and Development Centers.

The Higher Education R&D Survey will provide continuity of statistics on R&D expenditures by source of funding and field of research, with separate data requested on current fund expenditures for research equipment by field. Further breakdowns are collected on funds passed through to subrecipients and funds received as a subrecipient, and on R&D expenditures by field from specific Federal agency sources. New items on the survey include R&D expenditures funded from foreign sources, R&D within an institution's medical school, interdisciplinary R&D expenditures, and R&D expenditures by type of funding mechanism (contracts vs. grants) and cost category (salaries, equipment, software, *etc.*). Other new items request non-expenditure information such as headcounts of research personnel, counts of R&D proposals submitted, and counts and total dollar values of R&D awards.

Data are published in NSF's annual publication series *Academic R&D Expenditures* and are available electronically on the World Wide Web.

The survey is a fully automated Web data collection effort and is handled primarily by administrators in university sponsored programs and accounting offices. To minimize burden, institutions are provided with an abundance of guidance and resources on the Web, and are able to respond via a downloadable excel spreadsheet if desired. Each institution's record is pre-loaded with the 2 previous years of comparable data that facilitate editing and trend checking. Response to this voluntary survey has exceeded 95 percent each year, and response to the pilot test of the new survey is expected to be 100 percent.

The average burden report for the FY 2009 pilot test institutions was 66 hours, 21 hours of one-time programming and 45 hours of annual reporting burden.

Dated: March 23, 2010.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2010–6761 Filed 3–25–10; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–245, 50–336, and 50–423; NRC–2010–0128]

Dominion Nuclear Connecticut, Inc.; Millstone Power Station, Unit Nos. 1, 2, and 3; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an Exemption, pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 73.5, "Specific exemptions," from the implementation date for certain new requirements of 10 CFR Part 73, "Physical protection of plants and materials," for Facility Operating License Nos. DPR–21, DPR–65, and NPF–49, issued to Dominion Nuclear Connecticut, Inc. (DNC or the licensee) for operation of Millstone Power Station, Unit Nos. 1, 2, and 3 (MPS1, MPS2, and MPS3, respectively), located in New London County, Connecticut. In accordance with 10 CFR 51.21, the NRC prepared an environmental assessment documenting its finding. The NRC concluded that the proposed actions will have no significant environmental impact.

Environmental Assessment

Identification of the Proposed Action

The proposed action would exempt MPS1, MPS2, and MPS3 from the required implementation date of March 31, 2010, for several new requirements of 10 CFR part 73. Specifically, MPS1, MPS2, and MPS3 would be granted an exemption from being in full compliance with certain new requirements contained in 10 CFR 73.55 by the March 31, 2010, deadline. DNC has proposed an alternate full compliance implementation date of September 30, 2010, approximately 6 months beyond the date required by 10

CFR part 73, for certain alarm station requirements. DNC has also proposed an alternate full compliance date of August 31, 2010, 5 months beyond the date required by 10 CFR part 73, for certain uninterruptible power supply requirements. The proposed action, an extension of the schedule for completion of certain actions required by the revised 10 CFR part 73, does not involve any physical changes to the reactor, fuel, plant structures, support structures, water, or land at MPS1, MPS2, and MPS3 site.

The proposed action is in accordance with the licensee's application dated January 12, 2010 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML100131116), as supplemented by letter dated January 12, 2010 (ADAMS Accession No. ML100131115).

The Need for the Proposed Action

The proposed action is needed to provide the licensee with additional time to perform the required upgrades to the combined MPS1, MPS2, and MPS3 security system due to the procurement needs and installation activities.

Environmental Impacts of the Proposed Action

The NRC has completed its environmental assessment of the proposed exemption. The NRC staff has concluded that the proposed action to extend the implementation deadline would not significantly affect plant safety and would not have a significant adverse effect on the probability of an accident occurring.

The proposed action would not result in an increased radiological hazard beyond those previously analyzed in the environmental assessment and finding of no significant impact made by the Commission in promulgating its revisions to 10 CFR part 73 as discussed in a **Federal Register** notice dated March 27, 2009 (74 FR 13926). There will be no change to radioactive effluents that affect radiation exposures to plant workers and members of the public. Therefore, no changes or different types of radiological impacts are expected as a result of the proposed exemption.

The proposed action does not result in changes to land use or water use, or result in changes to the quality or quantity of non-radiological effluents. No changes to the National Pollution Discharge Elimination System permit are needed. No effects on the aquatic or terrestrial habitat in the vicinity of the plant, or to threatened, endangered, or protected species under the Endangered Species Act, or impacts to essential fish habitat covered by the Magnuson-Steven's Act are expected. There are no impacts to the air or ambient air quality.

There are no impacts to historical and cultural resources. There would be no impact to socioeconomic resources. Therefore, no changes to or different types of non-radiological environmental impacts are expected as a result of the proposed exemption.

Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action. In addition, in promulgating its revisions to 10 CFR part 73, the Commission prepared an environmental assessment and published a finding of no significant impact (74 FR 13926).

The NRC staff's safety evaluation will be provided in the exemption that will be issued as part of the letter to the licensee approving the exemption to the regulation, if granted.

Environmental Impacts of the Alternatives to the Proposed Action

As an alternative to the proposed action, the NRC staff considered denial of the proposed action (i.e., the "no-action" alternative). Denial of the exemption request would result in no change in current environmental impacts. If the proposed action was denied, the licensee would have to comply with the March 31, 2010, implementation deadline. The environmental impacts of the proposed exemption and the "no action" alternative are similar.

Alternative Use of Resources

The action does not involve the use of any different resources than those considered in the Final Environmental Statement (FES) for MPS1, dated June 1973, or the FES for MPS2, dated June 1973, as supplemented through the "Generic Environmental Impact Statement for License Renewal of Nuclear Plants: Millstone Power Station, Units 2 and 3—Final Report (NUREG–1437, Supplement 22)," or the FES for MPS3, NUREG–1064, dated December 1984, as supplemented through the "Generic Environmental Impact Statement for License Renewal of Nuclear Plants: Millstone Power Station, Units 2 and 3—Final Report (NUREG–1437, Supplement 22)."

Agencies and Persons Consulted

In accordance with its stated policy, on February 18, 2010, the NRC staff consulted with the Connecticut State official, Mr. Michael Firsick of the Connecticut Department of Environmental Protection regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

On the basis of the environmental assessment, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated January 12, 2010, as supplemented by letter dated January 12, 2010. Portions of the submittal contain safeguards information and, accordingly, are not available to the public. Other parts of these documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, Room O–1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. Publicly available records will be accessible electronically from the Agencywide Document Access and Management System (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site: *http://www.nrc.gov/reading-rm/adams.html.*

Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC PDR Reference staff by telephone at 1–800–397–4209 or 301–415–4737, or send an e-mail to *pdr.resource@nrc.gov.*

Dated at Rockville, Maryland, this 19th day of March, 2010.

For The Nuclear Regulatory Commission.

Carleen J. Sanders,

Project Manager, Plant Licensing Branch I–2, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2010–6719 Filed 3–25–10; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–346; NRC–2010–0125]

FirstEnergy Nuclear Operating Company, Davis-Besse Nuclear Power Station; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an Exemption, pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 73.5, "Specific exemptions," from the implementation date for certain new requirements of 10 CFR part 73, "Physical protection of plants and

materials," for Facility Operating License No. NPF–3, issued to FirstEnergy Nuclear Operating Company (FENOC, the licensee), for operation of the Davis-Besse Nuclear Power Station, Unit 1 (DBNPS), located in Ottawa County, Ohio. Therefore, as required by 10 CFR 51.21, the NRC performed an environmental assessment. Based on the results of this environmental assessment, the NRC is issuing a finding of no significant impact.

Environmental Assessment

Identification of the Proposed Action

The proposed action would exempt the DBNPS from the required implementation date of March 31, 2010, for a certain new requirement of 10 CFR part 73. Specifically, DBNPS would be granted an exemption from being in full compliance with certain new requirements contained in 10 CFR 73.55 by the March 31, 2010, deadline. FENOC has proposed an alternate full compliance date of February 3, 2011, approximately 11 months beyond the date required by 10 CFR part 73. The proposed action, an extension of the schedule for completion of certain actions required by the revised 10 CFR part 73, does not involve any physical changes to the reactor, fuel, plant structures, support structures, water or land at the DBNPS site.

The proposed action is in accordance with the licensee's application dated November 30, 2009 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML093370138, not publicly available, contains security-related information), as supplemented on December 23, 2009 (ADAMS Accession No. ML093650293, not publicly available, contains security-related information).

The Need for the Proposed Action

The proposed action is needed to provide the licensee with additional time to perform and design the necessary modifications, procure equipment and material, and implement upgrades to comply with a specific aspect of 10 CFR 73.55.

Environmental Impacts of the Proposed Action

The NRC has completed its evaluation of the proposed exemption. The staff has concluded that the proposed action to extend the implementation deadline would not significantly affect plant safety and would not have a significant adverse effect on the probability of an accident occurring.

The details of the staff's safety evaluation will be provided in the exemption that will be issued as part of the letter to the licensee approving the exemption.

The proposed action would not result in an increased radiological hazard beyond those previously analyzed in the environment assessment and finding of no significant impact made by the Commission in promulgating its revisions to 10 CFR, part 73 as discussed in a **Federal Register** notice dated March 27, 2009 (74 FR 13967). There will be no change to radioactive effluents that effect radiation exposures to plant workers and members of the public. Therefore, no changes or different types of radiological impacts are expected as a result of the proposed exemption.

The proposed action does not result in changes to land use or water use, or result in changes to the quality or quantity of non-radiological effluents. No changes to the National Pollution Discharge Elimination System permit are needed. No effects on the aquatic or terrestrial habitat in the vicinity of the plant, or to threatened, endangered, or protected species under the Endangered Species Act, or impacts to essential fish habitat covered by the Magnuson-Steven's Act are expected. There are no impacts to the air or ambient air quality.

There are no impacts to historical and cultural resources. There would be no impact to socioeconomic resources. Therefore, no changes to or different types of non-radiological environmental impacts are expected as a result of the proposed exemption.

Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action. In addition, in promulgating its revisions to 10 CFR, part 73, the Commission prepared an environment assessment and published a finding of no significant impact (Part 73, Power Reactor Security Requirements, 74 FR 13926, 13967 (March 27, 2009)).

The licensee currently maintains a security system acceptable to the NRC. The new 10 CFR part 73 security measures that would be implemented by March 31, 2010, would continue to provide acceptable onsite physical protections of DBNPS. Therefore, the extension of the implementation date of the new requirements of 10 CFR part 73 to February 3, 2011, would not have any significant environmental impacts.

The NRC staff's safety evaluation will be provided in the exemption that will be issued as part of the letter to the licensee approving the exemption to the regulation, if granted.

Environmental Impacts of the Alternatives to the Proposed Action

As an alternative to the proposed action, the staff considered denial of the proposed action (i.e., the "no-action" alternative). Denial of the application would result in no change in current environmental impacts. If the proposed action was denied, the licensee would have to comply with the March 31, 2010, implementation deadline. The environmental impacts of the proposed action and the "no-action" alternative action are similar.

Alternative Use of Resources

The action does not involve the use of any different resources than those previously considered in the Final Environmental Statement, NUREG–75/097, dated October 1975, for the DBNPS.

Agencies and Persons Consulted

In accordance with its stated policy, on February 24, 2009, the staff consulted with the Ohio State official, Ms. Carol O'Claire of the Ohio Emergency Management Agency, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

On the basis of the environmental assessment, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated November 30, 2009, as supplemented on December 23, 2009. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, Room O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm/adams.html*. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC PDR Reference staff by telephone at 1–800–397–4209 or 301–415–4737, or send an e-mail to *pdr.resource@nrc.gov*.

Dated at Rockville, Maryland, this 18th day of March 2010.

For the Nuclear Regulatory Commission

Michael Mahoney,

Project Manager, Plant Licensing Branch III–2, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2010–6758 Filed 3–25–10; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–333; NRC–2010–0136]

James A. FitzPatrick Nuclear Power Plant; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an exemption, pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 73.5, "Specific exemptions," from the implementation date for certain new requirements of 10 CFR Part 73, "PHYSICAL PROTECTION OF PLANTS AND MATERIALS," for Facility Operating License No. DPR–59, issued to Entergy Nuclear Operations, Inc. (the licensee), for the operation of the James A. FitzPatrick Nuclear Power Plant (JAFNPP) located in Oswego County, NY. In accordance with 10 CFR 51.21, the NRC prepared an environmental assessment. Based on the results of the environmental assessment, the NRC is issuing a finding of no significant impact.

Environmental Assessment

Identification of the Proposed Action

The proposed action would exempt JAFNPP from the required implementation date of March 31, 2010, for several new requirements of 10 CFR part 73. Specifically, JAFNPP would be granted an exemption from being in full compliance with certain new requirements contained in 10 CFR 73.55 by the March 31, 2010, deadline. JAFNPP has proposed an alternate full compliance implementation date of December 31, 2010, approximately 9 months beyond the date required by 10 CFR part 73. The proposed action, an extension of the schedule for completion of certain actions required by the revised 10 CFR part 73, does not involve any physical changes to the reactor, fuel, plant structures, support structures, water, or land at the JAFNPP site.

The proposed action is in accordance with the licensee's application dated January 21, 2010, as supplemented by letters dated February 25 and March 2, 2010.

The Need for the Proposed Action

The proposed action is needed to provide the licensee with additional time to perform the required upgrades to the JAFNPP security system due to design, resource and logistical impacts from adverse winter weather and from material delivery dates.

Environmental Impacts of the Proposed Action

The NRC has completed its environmental assessment of the proposed exemption. The staff has concluded that the proposed action to extend the implementation deadline would not significantly affect plant safety and would not have a significant adverse effect on the probability of an accident occurring.

The proposed action would not result in an increased radiological hazard beyond those previously analyzed in the environmental assessment and finding of no significant impact made by the Commission in promulgating its revisions to 10 CFR part 73 as discussed in a **Federal Register** notice dated March 27, 2009 (74 FR 13926). There will be no change to radioactive effluents that affect radiation exposures to plant workers and members of the public. Therefore, no changes or different types of radiological impacts are expected as a result of the proposed exemption.

The proposed action does not result in changes to land use or water use, or result in changes to the quality or quantity of non-radiological effluents. No changes to the National Pollution Discharge Elimination System permit are needed. No effects on the aquatic or terrestrial habitat in the vicinity of the plant, or to threatened, endangered, or protected species under the Endangered Species Act, or impacts to essential fish habitat covered by the Magnuson-Steven's Act are expected. There are no impacts to the air or ambient air quality. There are no impacts to historical and cultural resources. There would be no impact to socioeconomic resources. Therefore, no changes to or different types of non-radiological environmental impacts are expected as a result of the proposed exemption.

Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action. In addition, in promulgating its revisions to 10 CFR part 73, the Commission prepared an environmental assessment and published a finding of no significant impact part 73, Power Reactor Security Requirements, 74 FR 13926, (March 27, 2009).

The NRC staff's safety evaluation will be provided in the exemption that will be issued as part of the letter to the licensee approving the exemption to the regulation, if granted.

Environmental Impacts of the Alternatives to the Proposed Action

As an alternative to the proposed action, the NRC staff considered denial of the proposed actions (*i.e.*, the "no-action" alternative). Denial of the exemption request would result in no change in current environmental impacts. If the proposed action was denied, the licensee would have to comply with the March 31, 2010, implementation deadline. The environmental impacts of the proposed exemption and the "no action" alternative are similar.

Alternative Use of Resources

The action does not involve the use of any different resources than those considered in the "Final Environmental Statement related to operation of James A. FitzPatrick Nuclear Power Plant Power Authority of the State of New York, Docket No. 50–333," dated March 1973, as supplemented through the "Generic Environmental Impact Statement for License Renewal of Nuclear Plants: Supplement 31 Regarding James A. FitzPatrick Nuclear Power Plant, Final Report" (NUREG—1437, Supplement 31), January 2008.

Agencies and Persons Consulted

In accordance with its stated policy, on February 19, 2010, the NRC staff consulted with the New York State official, Alyse Peterson, of the New York State Energy Research and Development Authority, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

On the basis of the environmental assessment, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated January 21, 2010, as supplemented by letters dated February 25 and March 2, 2010. Portions of the submittal dated January 21, 2010, as supplemented by letter dated February 25, 2010, contain sensitive security related information and, accordingly, are withheld from public disclosure in accordance with 10 CFR 2.390. The letter dated March 2, 2010, is the redacted version of the letter dated February 25, 2010. Publicly available

versions of the licensee's letter dated January 21, 2010, and the letter dated March 2, 2010, are accessible electronically from the Agencywide Documents Access and Management System (ADAMS) with Accession Nos. ML100270022 and ML100680660, respectively. Publicly available versions of the documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, Room O–1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. Publicly available records will be accessible electronically from the Agencywide Document Access and Management System (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site: *http://www.nrc.gov/reading-rm/adams.html.*

Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC PDR Reference staff by telephone at 1–800–397–4209 or 301–415–4737, or send an e-mail to *pdr.resource@nrc.gov.*

Dated at Rockville, Maryland, this 19th day of March 2010.

For The Nuclear Regulatory Commission.

Bhalchandra K. Vaidya,

Project Manager, Plant Licensing Branch I–1, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2010–6760 Filed 3–25–10; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–440; NRC–2010–0124]

FirstEnergy Nuclear Operating Company; Perry Nuclear Power Plant; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an Exemption, pursuant to Title 10 of the Code of Federal Regulations (10 CFR) section 73.5, "Specific exemptions," from the implementation date for certain new requirements of 10 CFR part 73, "Physical protection of plants and materials," for Facility Operating License No. NPF–58, issued to FirstEnergy Nuclear Operating Company (FENOC, the licensee), for operation of the Perry Nuclear Power Plant, Unit 1 (PNPP), located in Ottawa County, Ohio. Therefore, as required by 10 CFR 51.21, the NRC performed an environmental assessment. Based on the results of this environmental assessment, the NRC is issuing a finding of no significant impact.

Environmental Assessment

Identification of the Proposed Action

The proposed action would exempt the PNPP from the required implementation date of March 31, 2010, for a certain new requirement of 10 CFR part 73. Specifically, PNPP would be granted an exemption from being in full compliance with certain new requirements contained in 10 CFR 73.55 by the March 31, 2010, deadline. FENOC has proposed an alternate full compliance date of November 25, 2010, approximately 8 months beyond the date required by 10 CFR part 73. The proposed action, an extension of the schedule for completion of certain actions required by the revised 10 CFR part 73, does not involve any physical changes to the reactor, fuel, plant structures, support structures, water or land at the PNPP site.

The proposed action is in accordance with the licensee's application dated November 30, 2009 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML093370151, not publically available, contains security-related information), as supplemented on December 23, 2009 (ADAMS Accession No. ML093650293, not publically available, contains security-related information).

The Need for the Proposed Action

The proposed action is needed to provide the licensee with additional time to perform to design the necessary modifications, procure equipment and material, and implement upgrades to comply with a specific aspect of 10 CFR 73.55.

Environmental Impacts of the Proposed Action

The NRC has completed its evaluation of the proposed exemption. The staff has concluded that the proposed action to extend the implementation deadline would not significantly affect plant safety and would not have a significant adverse effect on the probability of an accident occurring.

The details of the staff's safety evaluation will be provided in the exemption that will be issued as part of the letter to the licensee approving the exemption.

The proposed action would not result in an increased radiological hazard beyond those previously analyzed in the environment assessment and finding of no significant impact made by the Commission in promulgating its revisions to 10 CFR part 73 as discussed in a **Federal Register** notice dated March 27, 2009 (74 FR 13967). There will be no change to radioactive effluents that effect radiation exposures to plant workers and members of the public. Therefore, no changes or different types of radiological impacts are expected as a result of the proposed exemption.

The proposed action does not result in changes to land use or water use, or result in changes to the quality or quantity of non-radiological effluents. No changes to the National Pollution Discharge Elimination System permit are needed. No effects on the aquatic or terrestrial habitat in the vicinity of the plant, or to threatened, endangered, or protected species under the Endangered Species Act, or impacts to essential fish habitat covered by the Magnuson-Steven's Act are expected. There are no impacts to the air or ambient air quality.

There are no impacts to historical and cultural resources. There would be no impact to socioeconomic resources. Therefore, no changes to or different types of non-radiological environmental impacts are expected as a result of the proposed exemption.

Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action. In addition, in promulgating its revisions to 10 CFR part 73, the Commission prepared an environment assessment and published a finding of no significant impact (part 73, Power Reactor Security Requirements, 74 FR 13926, 13967 (March 27, 2009)).

The NRC staff's safety evaluation will be provided in the exemption that will be issued as part of the letter to the licensee approving the exemption to the regulation, if granted.

Environmental Impacts of the Alternatives to the Proposed Action

As an alternative to the proposed action, the staff considered denial of the proposed action (i.e., the "no-action" alternative). Denial of the application would result in no change in current environmental impacts. If the proposed action was denied, the licensee would have to comply with the March 31, 2010, implementation deadline. The environmental impacts of the proposed action and the "no-action" alternative action are similar.

Alternative Use of Resources

The action does not involve the use of any different resources than those previously considered in the Final Environmental Statement, NUREG–0884 dated August 1982, for the PNPP.

Agencies and Persons Consulted

In accordance with its stated policy, on February 24, 2009, the staff consulted with the Ohio State official, Ms. Carol O'Claire of the Ohio Emergency Management Agency, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

On the basis of the environmental assessment, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated November 30, 2009, as supplemented on December 23, 2009. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, Room O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm/adams.html*. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC PDR Reference staff by telephone at 1–800–397–4209 or 301–415–4737, or send an e-mail to *pdr.resource@nrc.gov*.

Dated at Rockville, Maryland, this 18th day of March 2010.

For the Nuclear Regulatory Commission.

Michael Mahoney,

Project Manager, Plant Licensing Branch III–2, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2010–6751 Filed 3–25–10; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–003, 50–247, and 50–286; NRC–2010–0137]

Entergy Nuclear Operations, Inc.; Indian Point Nuclear Generating Unit Nos. 1, 2, and 3; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an exemption, pursuant to Title 10 of the Code of Federal Regulations (10 CFR) Section 73.5, "Specific exemptions," from the implementation date for certain new requirements of 10 CFR part 73, "PHYSICAL PROTECTION OF PLANTS AND MATERIALS," for Facility Operating License Nos. DPR–5, DPR–26, and DPR–64, issued to Entergy Nuclear Operations, Inc. (the licensee), for operation of Indian Point Nuclear Generating Unit Nos. 1, 2, and 3 (IP1, IP2, and IP3), located in Westchester County, NY. In accordance with 10 CFR 51.21, the NRC prepared an environmental assessment documenting its finding. The NRC concluded that the proposed actions will have no significant environmental impact.

Environmental Assessment

Identification of the Proposed Action

The proposed action would exempt IP1, IP2, and IP3 from the required implementation date of March 31, 2010, for several new requirements of 10 CFR part 73. Specifically, IP1, IP2, and IP3 would be granted an exemption from being in full compliance with certain new requirements contained in 10 CFR 73.55 by the March 31, 2010, deadline. The licensee has proposed an alternate full compliance implementation date of February 17, 2011, approximately 11 months beyond the date required by 10 CFR part 73. The proposed action, an extension of the schedule for completion of certain actions required by the revised 10 CFR part 73, does not involve any physical changes to the reactor, fuel, plant structures, support structures, water, or land at the IP1, IP2, and IP3 site.

The proposed action is in accordance with the licensee's application dated January 28, 2010, as supplemented by letter dated March 8, 2010.

The Need for the Proposed Action

The proposed action is needed to provide the licensee with additional time for design, procurement, and installation activities and in consideration of impediments to construction such as winter weather conditions and equipment delivery schedules.

Environmental Impacts of the Proposed Action

The NRC has completed its environmental assessment of the proposed exemption. The staff has concluded that the proposed action to extend the implementation deadline would not significantly affect plant safety and would not have a significant adverse effect on the probability of an accident occurring.

The proposed action would not result in an increased radiological hazard beyond those previously analyzed in the environmental assessment and finding of no significant impact made by the Commission in promulgating its revisions to 10 CFR part 73 as discussed in a **Federal Register** notice dated March 27, 2009 (74 FR 13926). There will be no change to radioactive effluents that affect radiation exposures to plant workers and members of the public. Therefore, no changes or different types of radiological impacts are expected as a result of the proposed exemption.

The proposed action does not result in changes to land use or water use, or result in changes to the quality or quantity of non-radiological effluents. No changes to the National Pollution Discharge Elimination System permit are needed. No effects on the aquatic or terrestrial habitat in the vicinity of the plant, or to threatened, endangered, or protected species under the Endangered Species Act, or impacts to essential fish habitat covered by the Magnuson-Steven's Act are expected. There are no impacts to the air or ambient air quality.

There are no impacts to historical and cultural resources. There would be no impact to socioeconomic resources. Therefore, no changes to or different types of non-radiological environmental impacts are expected as a result of the proposed exemption.

Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action. In addition, in promulgating its revisions to 10 CFR part 73, the Commission prepared an environmental assessment and published a finding of no significant impact (see Part 73, Power Reactor Security Requirements, 74 FR 13926 (March 27, 2009)).

IP1, IP2, and IP3's current security program and the new requirements that will be implemented by March 31, 2010, will provide continued assurance of public health and safety and common defense and security in lieu of the full compliance with all the requirements specified in 10 CFR part 73. Therefore, the extension of the implementation date of some of the new requirements of 10 CFR part 73 to February 17, 2011, would not have any significant environmental impacts.

The NRC staff's safety evaluation will be provided in the exemption that will be issued as part of the letter to the licensee approving the exemption to the regulation, if granted.

Environmental Impacts of the Alternatives to the Proposed Action

As an alternative to the proposed action, the NRC staff considered denial of the proposed action (*i.e.*, the "no-action" alternative). Denial of the exemption request would result in no change in current environmental impacts. If the proposed action was denied, the licensee would have to comply with the March 31, 2010, implementation deadline. The environmental impacts of the proposed exemption and the "no action" alternative are similar.

Alternative Use of Resources

The action does not involve the use of any different resources than those considered in (1) The "Indian Point Unit No. 1, Environmental Report and Benefit Cost Analysis," June 1973; (2) The "Final Environmental Statement Related to Operation of Indian Point Generating Plant Unit No. 2," dated September 1972, and (3) the "Final Environmental Statement Related to Operation of Indian Point Generating Plant Unit No. 3," dated February 1975.

Agencies and Persons Consulted

In accordance with its stated policy, on March 4, 2010, the NRC staff consulted with the New York State official, Alyse Peterson, of the New York State Energy Research and Development Authority, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

On the basis of the environmental assessment, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated January 28, 2010. Portions of the submittal dated January 28, 2010, contain security-related information and, accordingly, are withheld from public disclosure in accordance with 10 CFR 2.390(d)(1). The licensee's supplemental letter dated March 8, 2010, is withheld in its entirety as security-related information in accordance with 10 CFR 2.390(d)(1). A publicly available version of the letter dated January 28, 2010, is accessible electronically from the Agencywide Documents Access and Management System (ADAMS) with Accession No. ML100340142. The publicly available version of the document may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, Public File Area O–1F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. Publicly available records will be accessible electronically from the ADAMS Public Electronic Reading Room on the Internet at the NRC Web site: *http://www.nrc.gov/reading-rm/adams.html*.

Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC PDR Reference staff by telephone at 1–800–397–4209 or 301–415–4737, or send an e-mail to *pdr.resource@nrc.gov*.

Dated at Rockville, Maryland, this 19th day of March 2010.

For the Nuclear Regulatory Commission.

John P. Boska,

Senior Project Manager, Plant Licensing Branch I–1, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2010–6726 Filed 3–25–10; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–397; NRC–2010–0084]

Energy Northwest Columbia Generating Station; Exemption

1.0 Background

Energy Northwest (the licensee) is the holder of Facility Operating License No. NPF–21 which authorizes operation of the Columbia Generating Station (CGS). The license provides, among other things, that the facility is subject to the rules, regulations, and orders of the Nuclear Regulatory Commission (NRC, the Commission) now or hereafter in effect.

The facility consists of a boiling-water reactor located in Benton County, Washington.

2.0 Request/Action

Title 10 of the Code of Federal Regulations (10 CFR), Part 73, "Physical protection of plants and materials," Section 73.55, "Requirements for physical protection of licensed activities in nuclear power reactors against radiological sabotage," published in the **Federal Register** on March 27, 2009, effective May 26, 2009, with a full implementation date of March 31, 2010, requires licensees to protect, with high assurance, against radiological sabotage by designing and implementing comprehensive site security programs. The amendments to 10 CFR 73.55 published on March 27, 2009 (74 FR 13926), establish and update generically applicable security requirements similar to those previously imposed by Commission orders issued after the terrorist attacks of September 11, 2001, and implemented by licensees. In addition, the amendments to 10 CFR 73.55 include additional requirements to further enhance site security based upon insights gained from implementation of the post-September 11, 2001, security orders. It is from one of these additional requirements that the licensee now seeks an exemption from the March 31, 2010, implementation date. All other physical security requirements established by this recent rulemaking have already been or will be implemented by the licensee by March 31, 2010.

By application dated January 27, 2010, the licensee requested an exemption in accordance with 10 CFR 73.5, "Specific exemptions." Attachment 1 to the licensee's letter contains security-related information and, accordingly, those portions of the letters are being withheld from public disclosure. A redacted version of the licensee's exemption request dated January 27, 2010, is publicly available in the Agencywide Documents Access and Management System (ADAMS) Accession No. ML100481052. The licensee has requested an exemption from the March 31, 2010, compliance date stating that it must accommodate a potential manufacturing delay that would result in a non-compliance of the new security requirements. Specifically, the request is to extend the implementation date from the current March 31, 2010, deadline to May 15, 2010. Granting this exemption for the one item would afford the licensee additional time to perform necessary upgrades to meet or exceed the regulatory requirements.

3.0 Discussion of Part 73 Schedule Exemptions from the March 31, 2010, Full Implementation Date

Pursuant to 10 CFR 73.55(a)(1), "By March 31, 2010, each nuclear power reactor licensee, licensed under 10 CFR part 50, shall implement the requirements of this section through its Commission-approved Physical Security Plan, Training and Qualification Plan, Safeguards Contingency Plan, and Cyber Security Plan referred to collectively hereafter as 'security plans.'" Pursuant to 10 CFR 73.5, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR part 73 when the exemptions are authorized by law, and will not endanger life or property or the common

defense and security, and are otherwise in the public interest.

NRC approval of this exemption, as noted above, would allow an extension from March 31, 2010, until May 15, 2010, of the implementation date for one specific requirement of the new rule. As stated above, 10 CFR 73.5 allows the NRC to grant exemptions from the requirements of 10 CFR part 73. The NRC staff has determined that granting of the licensee's proposed exemption would not result in a violation of the Atomic Energy Act of 1954, as amended, or the Commission's regulations. Therefore, the exemption is authorized by law.

In the draft final rule provided to the Commission, the NRC staff proposed that the requirements of the new regulation be met within 180 days. The Commission directed a change from 180 days to approximately 1 year for licensees to fully implement the new requirements. This change was incorporated into the final rule. From this, it is clear that the Commission wanted to provide a reasonable timeframe for licensees to achieve full compliance.

As noted in the final rule, the Commission also anticipated that licensees would have to conduct site-specific analyses to determine what changes were necessary to implement the rule's requirements, and that changes could be accomplished through a variety of licensing mechanisms, including exemptions. Since issuance of the final rule, the Commission has rejected a generic industry request to extend the rule's compliance date for all operating nuclear power plants, but noted that the Commission's regulations provide mechanisms for individual licensees, with good cause, to apply for relief from the compliance date, as documented in the letter from R. W. Borchardt (NRC) to M. S. Fertel (Nuclear Energy Institute) dated June 4, 2009. The licensee's request for an exemption is therefore consistent with the approach set forth by the Commission and discussed in the June 4, 2009, letter.

CGS Schedule Exemption Request

The licensee provided detailed information in the Attachments to its letter dated January 27, 2010, requesting an exemption. The licensee is requesting additional time to perform necessary upgrades to the CGS security system due to manufacturing delays of one item at the vendor. The licensee describes a comprehensive plan to perform upgrades to the security capabilities of its CGS site and provides a timeline for achieving full compliance with the new regulation. Attachment 1 to the licensee's letter contains security-related information regarding the site security plan, details of the specific requirement of the regulation for which the site cannot be in compliance by the March 31, 2010 deadline, justification for the exemption request, a description of the required changes to the site's security configuration, and a timeline with the activities that would bring enable the licensee to achieve full compliance by May 15, 2010. The timeline provides dates indicating when the critical equipment will be received, installed, and become operational. Redacted versions of the licensee's exemption request are included in Attachments 2 and 3 to its January 27, 2010 letter and are publicly available in ADAMS Accession No. ML100481052.

Notwithstanding the schedule exemptions for these limited requirements, the licensee will continue to be in compliance with all other applicable physical security requirements as described in 10 CFR 73.55 and reflected in its current NRC-approved physical security program. By May 15, 2010, CGS will be in full compliance with the regulatory requirements of 10 CFR 73.55, as issued on March 27, 2009.

4.0 Conclusion for Part 73 Schedule Exemption Request

The staff has reviewed the licensee's submittal and concludes that the licensee has justified its request for an extension of the compliance date to May 15, 2010 with regard to one specified requirement of 10 CFR 73.55.

Accordingly, the Commission has determined that pursuant to 10 CFR 73.5, "Specific exemptions," an exemption from the March 31, 2010, compliance date is authorized by law and will not endanger life or property or the common defense and security, and is otherwise in the public interest. Therefore, the Commission hereby grants the requested exemption.

The long-term benefits that will be realized when the CGS modifications are complete justify extending the full compliance date in the case of this particular licensee. The security measure for which CGS needs additional time to complete is a new requirement imposed by March 27, 2009 amendments to 10 CFR 73.55, and is in addition to those required by the security orders issued in response to the events of September 11, 2001. Therefore, the NRC concludes that the licensee's actions are in the best interest of protecting the public health and safety through the security changes that will result from granting this exemption.

As per the licensee's request and the NRC's regulatory authority to grant an exemption from the March 31, 2010, deadline for the one item specified in the Attachments to the licensee's letter dated January 27, 2010, the licensee is required to be in full compliance with 10 CFR 73.55 by May 15, 2010. In achieving compliance, the licensee is reminded that it is responsible for determining the appropriate licensing mechanism (i.e., 10 CFR 50.54(p) or 10 CFR 50.90) for incorporation of all necessary changes to its security plans.

Pursuant to 10 CFR 51.32, "Finding of no significant impact," the Commission has previously determined that the granting of this exemption will not have a significant effect on the quality of the human environment [75 FR 10834; March 9, 2010].

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 19th day of March 2010.

For the Nuclear Regulatory Commission.

Allen G. Howe,

Acting Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2010–6718 Filed 3–25–10; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–443; NRC–2010–0108]

NextEra Energy Seabrook, LLC, et al.*; Seabrook Station, Unit No. 1; Exemption

1.0 Background

NextEra Energy Seabrook, LLC, (the licensee) is the holder of Facility Operating License No. NPF–86, which authorizes operation of the Seabrook Station Unit No. 1 (Seabrook). The license provides, among other things, that the facility is subject to all rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (NRC, the Commission) now or hereafter in effect.

The facility consists of one pressurized water reactor located in Seabrook, New Hampshire.

2.0 Request/Action

Title 10 of the *Code of Federal Regulations* (10 CFR) Part 73, "Physical

* NextEra Energy Seabrook, LLC is authorized to act as agent for the: Hudson Light & Power Department, Massachusetts Municipal Wholesale Electric Company, and Taunton Municipal Light Plant and has exclusive responsibility and control over the physical construction, operation and maintenance of the facility.

protection of plants and materials," Section 73.55, "Requirements for physical protection of licensed activities in nuclear power reactors against radiological sabotage," published March 27, 2009, effective May 26, 2009, with a full implementation date of March 31, 2010, requires licensees to protect, with high assurance, against radiological sabotage by designing and implementing comprehensive site security programs. The amendments to 10 CFR 73.55 published on March 27, 2009, establish and update generically applicable security requirements similar to those previously imposed by Commission orders issued after the terrorist attacks of September 11, 2001, and implemented by licensees. In addition, the amendments to 10 CFR 73.55 include additional requirements to further enhance site security based upon insights gained from implementation of the post-September 11, 2001, security orders. It is from one of these new requirements that Seabrook now seeks an exemption from the March 31, 2010, implementation date. All other physical security requirements established by this recent rulemaking have already been or will be implemented by the licensee by March 31, 2010.

By letter dated February 25, 2010, as supplemented by letter dated March 5, 2010, the licensee requested an exemption in accordance with 10 CFR 73.5, "Specific exemptions." The licensee's February 25, 2010, and March 5, 2010, letters contain security-related information and. accordingly, portions are withheld from the public pursuant to 10 CFR 2.390(d)(1). The licensee has requested an exemption from the March 31, 2010, compliance date stating that it must complete installation and testing of modifications to the current site security configuration before all requirements can be met. Completion of these activities has been delayed by inclement weather. Specifically, the request is to extend the compliance date for one specific requirement from the current March 31, 2010, deadline to June 4, 2010. Being granted this exemption for the one item would allow the licensee to complete the modifications designed to incorporate state-of-the-art technology to meet the noted regulatory requirement.

3.0 Discussion of Part 73 Schedule Exemptions From the March 31, 2010, Full Implementation Date

Pursuant to 10 CFR 73.55(a)(1), "By March 31, 2010, each nuclear power reactor licensee, licensed under 10 CFR Part 50, shall implement the requirements of this section through its Commission-approved Physical Security Plan, Training and Qualification Plan, Safeguards Contingency Plan, and Cyber Security Plan referred to collectively hereafter as 'security plans.'" Pursuant to 10 CFR 73.5, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR part 73 when the exemptions are authorized by law, and will not endanger life or property or the common defense and security, and are otherwise in the public interest.

NRC approval of this exemption, as noted above, would allow an extension from March 31, 2010, until June 4, 2010, for one specific requirement in the new rule. As stated above, 10 CFR 73.5 allows the NRC to grant exemptions from the requirements of 10 CFR 73. The NRC staff has determined that granting of the licensee's proposed exemption would not result in a violation of the Atomic Energy Act of 1954, as amended, or the Commission's regulations. Therefore, the exemption is authorized by law.

In the draft final power reactor security rule sent to the Commission, the NRC staff proposed that the requirements of the new regulation be met within 180 days. The Commission directed a change from 180 days to approximately 1 year for licensees to fully implement the new requirements. This change was incorporated into the final rule. From this, it is clear that the Commission wanted to provide a reasonable timeframe for licensees to achieve full compliance.

As noted in the final rule, the Commission also anticipated that licensees would have to conduct site-specific analyses to determine what changes were necessary to implement the rule's requirements, and that changes could be accomplished through a variety of licensing mechanisms, including exemptions. Since issuance of the final rule, the Commission has rejected a request to generically extend the rule's compliance date for all operating nuclear power plants, but noted that the Commission's regulations provide mechanisms for individual licensees, with good cause, to apply for relief from the compliance date (*Reference:* June 4, 2009, letter from R.W. Borchardt, NRC, to M.S. Fertel, Nuclear Energy Institute). The licensee's request for an exemption is therefore consistent with the approach set forth by the Commission and discussed in the June 4, 2009, letter.

Seabrook Schedule Exemption Request

The licensee provided detailed information in Enclosure 1 to the letter dated March 5, 2010. It provides details addressing an upgrade and change of components and provides a date for achieving full compliance with the new regulation. Enclosure 1 also contains details of the specific portion of the regulation with which the site cannot be in compliance by the deadline of March 31, 2010, why the site cannot be in compliance by the deadline, and identifies a date of full compliance of June 4, 2010.

Notwithstanding the schedule exemption for this one requirement, the licensee will continue to be in compliance with all other applicable physical security requirements as described in 10 CFR 73.55 and reflected in its current NRC-approved physical security program. By June 4, 2010, Seabrook indicated that it would be in full compliance with all the regulatory requirements of 10 CFR 73.55 as issued on March 27, 2009.

4.0 Conclusion for Part 73 Schedule Exemption Request

The staff has reviewed the licensee's submittals and concludes that the licensee has provided adequate justification for its request for an extension of the compliance date to June 4, 2010, with regard to one specified requirement of 10 CFR 73.55.

Accordingly, the Commission has determined that pursuant to 10 CFR 73.5, "Specific exemptions," an exemption from the March 31, 2010, compliance date is authorized by law and will not endanger life or property or the common defense and security, and is otherwise in the public interest. Therefore, the Commission hereby grants the requested exemption.

The NRC staff has determined that the long-term benefits that will be realized when the security upgrades are complete justifies extending the March 31, 2010, full compliance date for the one item specified in the licensee's exemption request. The security measure Seabrook needs additional time to implement is a new requirement imposed by March 27, 2009, amendments to 10 CFR 73.55, and is in addition to those required by the security orders issued in response to the events of September 11, 2001. Therefore, the NRC staff concludes that the licensee's actions are in the best interest of protecting the public health and safety through the security changes that will result from granting this exemption.

As per the licensee's request and the NRC's regulatory authority to grant an exemption from the March 31, 2010, deadline for the one item specified in Enclosure 1 of NextEra letter dated

March 5, 2010, the licensee is required to be in full compliance by June 4, 2010. In achieving compliance, the licensee is reminded that it is responsible for determining the appropriate licensing mechanism (*i.e.*, 10 CFR 50.54(p) or 10 CFR 50.90) for incorporation of all necessary changes to its security plans.

Pursuant to 10 CFR 51.32, "Finding of no significant impact," the Commission has previously determined that the granting of this exemption will not have a significant effect on the quality of the human environment [75 FR 13319; , dated March 19, 2010].

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 19th day of March 2010.

For the Nuclear Regulatory Commission.

Allen G. Howe,

Acting Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2010–6728 Filed 3–25–10; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2010–0138]

Office of New Reactors; Proposed Standard Review Plan, Branch Technical Position 7–19 on Guidance for Evaluation of Diversity and Defense-in-Depth in Digital Computer-Based Instrumentation and Control Systems

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Solicitation of public comment.

SUMMARY: The NRC staff is soliciting public comment on its Proposed NUREG–0800, "Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants," Branch Technical Position (BTP) 7–19, on Guidance for Evaluation of Diversity and Defense-in-Depth in Digital Computer-Based Instrumentation and Control Systems (Agencywide Documents Access and Management System (ADAMS) Accession No. ML093490771). This BTP is to be cited as the acceptance criteria for Diversity and Defense-in-Depth (D3) in Digital Computer-Based Instrumentation and Control Systems in the Standard Review Plan (SRP), Chapter 7, for those standard reactor designs that have not been certified prior to the date of this BTP.

The NRC staff issues SRPs and BTPs to facilitate timely implementation of current staff guidance and to facilitate activities associated with the review of applications for design certification (DC) and combined licenses (COL) by the Office of New Reactors (NRO). Additionally, the SRPs and BTPs are used by the Office of Nuclear Reactor Regulation (NRR) staff in the review of applications for license amendments in currently operating nuclear power plants (NPPs). The NRC staff will also incorporate the revised SRP section and BTP 7–19 into the next revision of Regulatory Guide 1.206 and any related guidance documents.

DATES: Comments must be filed no later than 60 days from the date of publication of this notice in the **Federal Register**. Comments received after this date will be considered, if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any one of the following methods. Please include Docket ID NRC–2010–0138 in the subject line of your comments. Comments submitted in writing, or in electronic form, will be posted on the NRC Web site and on the Federal rulemaking Web site *http://www.regulations.gov*. Your comments will not be edited to remove any identifying or contact information, the NRC cautions you against including any information in your submission that you do not want to be publicly disclosed.

The NRC requests that any party soliciting or aggregating comments received from other persons for submission to the NRC inform those persons that the NRC will not edit their comments to remove any identifying or contact information, and therefore, they should not include any information in their comments that they do not want publicly disclosed.

Federal Rulemaking Web site: Go to *http://www.regulations.gov* and search for documents filed under Docket ID NRC–2010–0138. Address questions about NRC dockets to Carol Gallagher at 301–492–3668; e-mail at *Carol.Gallagher@nrc.gov*.

Mail comments to: Michael T. Lesar, Chief, Rulemaking and Directives Branch (RDB), Division of Administrative Services, Office of Administration, Mail Stop: TWB–05–B01M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, or by fax to RDB at 301–492–3446.

The NRC ADAMS provides text and image files of NRC's public documents. These documents may be accessed through the NRC's Public Electronic Reading Room on the Internet at *http://www.nrc.gov/reading-rm/adams.html*. Persons who do not have access to ADAMS, or who encounter problems in accessing the documents located in ADAMS, should contact the NRC Public Document Room reference staff by telephone at 1–800–397–4209, 301–415–4737, or by e-mail at *pdr.resource@nrc.gov*.

FOR FURTHER INFORMATION CONTACT: Mr. Ian C. Jung, Chief, Instrumentation, Controls and Electrical Engineering Branch 2, Division of Engineering, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone at 301–415–2969 or e-mail at *Ian.Jung@nrc.gov*.

SUPPLEMENTARY INFORMATION: This SRP, NUREG–0800, has been prepared to establish criteria that the NRO staff use to evaluate if DC and COL applications meet the NRC's regulations. NRR staff also will use these criteria to evaluate whether licensee applications for license amendments for currently operating NPPs conform to NRC regulations. The SRP is not a substitute for the NRC's regulations, and compliance with it is not required. However, applicants are required to identify differences between design features, analytical techniques, and procedural measures proposed for a facility and corresponding SRP acceptance criteria, and evaluate how the proposed alternatives to the acceptance criteria provide an acceptable method of complying with the NRC's regulations.

The agency posts its issued staff guidance in the agency external Web page (*http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr0800*).

The NRC staff is issuing this notice to solicit public comments on proposed BTP 7–19, which is being issued for the first time. After the NRC staff considers any public comments, it will make a determination regarding proposed BTP 7–19.

Dated at Rockville, Maryland, this 19th day of March 2010.

For the Nuclear Regulatory Commission,

George M. Tartal,

Acting Branch Chief, Rulemaking and Guidance Development Branch, Division of New Reactor Licensing, Office of New Reactors.

[FR Doc. 2010–6762 Filed 3–25–10; 8:45 am]

BILLING CODE 7590–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #12082 and #12083]

Arizona Disaster #AZ–00011

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of Arizona (FEMA–1888–DR), dated 03/18/2010.

Incident: Severe Winter Storms and Flooding.

Incident Period: 01/18/2010 through 01/22/2010.

DATES: *Effective Date:* 03/18/2010.

Physical Loan Application Deadline Date: 05/17/2010.

Economic Injury (EIDL) Loan Application Deadline Date: 12/20/2010.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 03/18/2010, Private Non-Profit organizations that provide essential services of governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties:

Apache, Coconino, Gila, Greenlee, La Paz, Mohave, Navajo, Yavapai, and the Gila River Indian Community, Hopi Tribe, Navajo Nation, San Carlos Apache, Tohono O'odham Nation, and White Mountain Apache Tribe.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations with Credit Available Elsewhere: ..	3.625
Non-Profit Organizations without Credit Available Elsewhere:	3.000
For Economic Injury:	
Non-Profit Organizations without Credit Available Elsewhere:	3.000

The number assigned to this disaster for physical damage is 12082B and for economic injury is 12083B.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Lisa Lopez-Suarez,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2010–6815 Filed 3–25–10; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[License No. 01/01–0410]

Gemini Investors IV, L.P., Notice Seeking Exemption Under Section 312 of the Small Business Investment Act, Conflicts of Interest

Notice is hereby given that Gemini Investors IV, L.P., 20 William Street, Wellesley, MA 02481, a Federal Licensee under the Small Business Investment Act of 1958, as amended ("the Act"), in connection with the financing of a small concern, has sought an exemption under section 312 of the Act and section 107.730, Financings which Constitute Conflicts of Interest of the Small Business Administration ("SBA") Rules and Regulations (13 CFR 107.730). Gemini Investors IV, L.P. proposes to provide equity and debt financing to finance the acquisition of Wingstop Holdings, Inc., 1101 East Arapaho Road, Suite 150, Richardson, TX 75081.

The financing is brought within the purview of § 107.730 of the Regulations because Gemini Investors III, L.P., an Associate of Gemini Investors IV, L.P., owns more than ten percent of Wingstop Holdings, Inc. Also, the proposed investment by Gemini Investors IV, L.P. will be part of a larger pool of funds to cash out existing shareholders, one of which is its Associate Gemini Investors III, L.P. Lastly, Associates of Gemini Investors IV, LP. currently serve on the board of directors of Wingstop Holdings, Inc.

Therefore, this transaction is considered a financing of an Associate and a self-deal pursuant to 13 CFR 107.730 and requires an exemption. Notice is hereby given that any interested person may submit written comments on the transaction within fifteen days of the date of this publication to Associate Administrator for Investment, U.S. Small Business Administration, 409 Third Street, SW., Washington, DC 20416.

Dated: March 1, 2010.

Sean J. Greene,

Associate Administrator for Investment.

[FR Doc. 2010–6395 Filed 3–25–10; 8:45 am]

BILLING CODE 8025–01–M

SMALL BUSINESS ADMINISTRATION

Surrender of License of Small Business Investment Company

Pursuant to the authority granted to the United States Small Business Administration under the Small Business Investment Act of 1958, under section 309 of the Act and section 107.1900 of the Small Business Administration Rules and Regulations (13 CFR 107.1900) to function as a small business investment company under the Small Business Investment Company License No. 09/09–5375 issued to Bentley Capital and said license is hereby declared null and void.

U.S. Small Business Administration.

Dated: February 12, 2010.

Sean J. Greene,

AA/Investment.

[FR Doc. 2010–6431 Filed 3–25–10; 8:45 am]

BILLING CODE M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–61748; File No. SR–NYSEArca–2010–15]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Proposed Rule Change Amending Its Schedule of Fees and Charges for Exchange Services

March 19, 2010.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act")[1] and Rule 19b–4 thereunder,[2] notice is hereby given that, on March 5, 2010, NYSE Arca, Inc. ("NYSE Arca" or the "Exchange") 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 applicable sections of its Schedules of Fees and Charges for Exchange Services for both its equities and options platforms (the "Schedules") to reflect fees charged for co-locations services, as described more fully herein. A copy of this filing is available on the Exchange's Web site at *http://www.nyse.com*, on the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

Commission's Web site at *http://www.sec.gov*, at the Exchange's principal office 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 its Schedules in order to identify fees pertaining to co-location services. A more detailed description of the proposed changes follows.

Co-Location Services

Currently, the Exchange offers its Users [3] the opportunity to rent space on premises controlled by the Exchange in order that they may locate their electronic servers in close physical proximity to the Exchange's trading and execution systems. The Exchange hereby proposes to amend its Schedules to set forth its current co-location fees.

Current Space and Services

The Exchange currently offers co-location services at a data center operated by a private third party vendor located in New Jersey. The Exchange offers space at the data center ranging from half cabinets up to two full cabinets, with different power usage capabilities ranging from 2 kilowatts up to 8 kilowatts. The services provided include equipment installation, cross connections, and miscellaneous post-installation services (including cable installation, equipment racking and "remote-hands" maintenance). The fees assessed for the services and space generally reflect the amount of space used and power required.

Users that receive co-location services from the Exchange do not receive any means of access to the Exchange's trading and execution systems that is separate or superior than Users that do not receive co-location services. All orders sent to the Exchange enter the Exchange's trading and execution systems through same order gateway regardless of whether the sender is co-located in the Exchange's data center or not. In addition, co-located Users do not receive any market data or data service product that is not available to all Users.

However, Users that receive co-location services normally would expect reduced latencies in sending orders to the Exchange and receiving market data from the Exchange. Other than the reduced latencies, the Exchange believes that there are no material differences in terms of access to the Exchange between Users that choose to co-locate and those that do not.

The Exchange offers co-location space based on availability and the Exchange believes that it has sufficient space to accommodate current demand on an equitable basis. In addition, the Exchange believes that any difference among the positions of the cabinets within the data center does not create any material difference to co-location Users in terms of access to the Exchange.

Co-Location Fees

The following chart identifies the proposed co-location fees, which, in part, reflect power usage priced at $1000 per kilowatt ("kW") per month.

Half cabinet (up to 2 kW)	$2000 per month. $2500 one time installation fee.
Full cabinet (up to 2.5 kW)	$2500 per month. $5000 one time installation fee.
Full cabinet (up to 4 kW)	$4000 per month. $5000 one time installation fee.
Full cabinet (up to 8 kW)	$8000 per month. $5000 one time installation fee.
Miscellaneous services post installation (including cable installation services, equipment racking services, and ongoing remote-hands maintenance).	$200 per hour.
Fiber cross connections (local and interfloor)	$600 per month. $950 one time installation fee.
Less than half cabinet [4]	$150 per Rack Unit.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6 of the Securities Exchange Act of 1934 (the "Act"),[5] in general, and Sections 6(b)(4) and 6(b)(5), of the Act,[6] in particular, in that it is designed to (i) provide for the equitable allocation of reasonable dues, fees, and other charges among its members and other persons using its facilities, and (ii) 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 mechanisms of a free and open market and a national market system. The Exchange believes that the proposed changes to its Schedules are equitable in that they apply fees for comparable co-location services uniformly to our Users. Moreover, the Exchange believes that, as described herein, access to its market is offered on fair and non-discriminatory terms.

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.

[3] See NYSE Arca Equities Rule 1.1(yy). The term "User" shall mean any ETP Holder or Sponsored Participant who is authorized to obtain access to the NYSE Arca Marketplace pursuant to Rule 7.29. *See also*, NYSE Arca Rule 6.1A(a)(19). The term "User" shall mean any OTP Holder, OTP Firm or Sponsored Participant that is authorized to obtain access to the NYSE Arca Options Marketplace pursuant to Rule 6.2A.

[4] The Exchange supports existing arrangements to provide Users with less than a half cabinet, but it does not offer that option to new co-location Users.

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(4) and 15 U.S.C. 78f(b)(5).

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 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR–NYSEArca–2010–15 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2010–15. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the 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–NYSEArca–2010–15 and should be submitted on or before April 16, 2010.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[7]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–6676 Filed 3–25–10; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–61742; File No. SR–ISE–2010–19]

Self-Regulatory Organizations; International Securities Exchange, LLC; Notice of Filing of Proposed Rule Change To List and Trade Options on the ETFS Palladium Trust and the ETFS Platinum Trust

March 19, 2010.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 5, 2010, the International Securities Exchange, LLC (the "Exchange" or the "ISE") filed with the Securities and Exchange Commission ("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 its rules to enable the listing and trading on the Exchange of options on the ETFS Palladium Trust and the ETFS Platinum Trust. The text of the proposed rule change is available on the Exchange's Web site *http://www.jse.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 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 self-regulatory organization 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

Recently, the U.S. Securities and Exchange Commission ("SEC" or "Commission") authorized ISE to list and trade options on the SPDR Gold Trust,[3] the iShares COMEX Gold Trust and the iShares Silver Trust,[4] the ETFS Gold Trust and the ETFS Silver Trust.[5] Now, the Exchange proposes to list and trade options on the ETFS Palladium Trust and the ETFS Platinum Trust.

Under current Rule 502(h), only Exchange-Traded Fund Shares, or ETFs, that are traded on a national securities exchange and are defined as an "NMS" stock under Rule 600 of Regulation NMS, and that (i) represent interests in registered investment companies (or series thereof) organized as open-end management investment companies, unit investment trusts or similar entities that hold portfolios of securities and/or financial instruments, including, but not limited to, stock index futures contracts, options on futures, options on securities and indices, equity caps, collars and floors, swap agreements, forward contracts, repurchase agreements and reverse repurchase agreements (the "Financial Instruments"), and money

[7] 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. 57894 (May 30, 2008), 73 FR 32061 (June 5, 2008) (SR–ISE–2008–12).

[4] *See* Securities Exchange Act Release No. 59055 (December 4, 2008), 73 FR 75148 (December 10, 2008) (SR–ISE–2008–58).

[5] *See* Securities Exchange Act Release No. 61483 (February 3, 2010), 75 FR 6753 (February 10, 2010) (SR–ISE–2009–106).

market instruments, including, but not limited to, U.S. government securities and repurchase agreements (the "Money Market Instruments") comprising or otherwise based on or representing investments in broad-based indexes or portfolios of securities and/or Financial Instruments and Money Market Instruments (or that hold securities in one or more other registered investment companies that themselves hold such portfolios of securities and/or Financial Instruments and Money Market Instruments) or (ii) represent interests in a trust that holds a specified non-U.S. currency or currencies deposited with the trust when aggregated in some specified minimum number may be surrendered to the trust by the beneficial owner to receive the specified non-U.S. currency or currencies and pays the beneficial owner interest and other distributions on the deposited non-U.S. currency or currencies, if any, declared and paid by the trust ("Funds") or (iii) represent commodity pool interests principally engaged, directly or indirectly, in holding and/or managing portfolios or baskets of securities, commodity futures contracts, options on commodity futures contracts, swaps, forward contracts and/or options on physical commodities and/or non-U.S. currency ("Commodity Pool ETFs") or (iv) represent interests in the SPDR® Gold Trust, the iShares COMEX Gold Trust, the iShares Silver Trust, the ETFS Gold Trust or the ETFS Silver Trust or (v) represents an interest in a registered investment company ("Investment Company") organized as an open-end management company or similar entity, that invests in a portfolio of securities selected by the Investment Company's investment adviser consistent with the Investment Company's investment objectives and policies, which is issued in a specified aggregate minimum number in return for a deposit of a specified portfolio of securities and/or a cash amount with a value equal to the next determined net asset value ("NAV"), and when aggregated in the same specified minimum number, may be redeemed at a holder's request, which holder will be paid a specified portfolio of securities and/or cash with a value equal to the next determined NAV ("Managed Fund Share") are eligible as underlying securities for options traded on the Exchange.[6] This rule change proposes to expand the types of ETFs that may be approved for options trading on the Exchange to include the ETFS Palladium Trust and the ETFS Platinum Trust.

[6] *See* ISE Rule 502(h).

Apart from allowing the ETFS Palladium Trust and the ETFS Platinum Trust to be an underlying for options traded on the Exchange as described above, the listing standards for ETFs will remain unchanged from those that apply under current Exchange rules. ETFs on which options may be listed and traded must still be listed and traded on a national securities exchange and must satisfy the other listing standards set forth in ISE Rule 502(h).

Specifically, in addition to satisfying the aforementioned listing requirements, ETFs must meet either (1) the criteria and guidelines under ISE Rules 502(a) and (b) or (2) they must be available for creation or redemption each business day from or through the issuing trust, investment company, commodity pool or other entity in cash or in kind at a price related to net asset value, and the issuer must be obligated to issue Exchange-Traded Fund Shares in a specified aggregate number even if some or all of the investment assets and/or cash required to be deposited have not been received by the issuer, subject to the condition that the person obligated to deposit the investment assets has undertaken to deliver them as soon as possible and such undertaking is secured by the delivery and maintenance of collateral consisting of cash or cash equivalents satisfactory to the issuer, as provided in the respective prospectus.

The Exchange states that the current continued listing standards for options on ETFs will apply to options on the ETFS Palladium Trust and the ETFS Platinum Trust. Specifically, under ISE Rule 503(h), options on Exchange-Traded Fund Shares may be subject to the suspension of opening transactions as follows: (1) Following the initial twelve-month period beginning upon the commencement of trading of the Exchange-Traded Fund Shares, there are fewer than 50 record and/or beneficial holders of the Exchange-Traded Fund Shares for 30 or more consecutive trading days; (2) the value of the underlying palladium or underlying platinum is no longer calculated or available; or (3) such other event occurs or condition exists that in the opinion of the Exchange makes further dealing on the Exchange inadvisable.

Additionally, the ETFS Palladium Trust and the ETFS Platinum Trust shall not be deemed to meet the requirements for continued approval, and the Exchange shall not open for trading any additional series of option contracts of the class covering the ETFS Palladium Trust and the ETFS Platinum Trust, respectively, if the ETFS Palladium Trust and the ETFS Platinum Trust ceases to be an "NMS stock" as provided for in ISE Rule 503(b)(5) or the ETFS Palladium Trust and the ETFS Platinum Trust is halted from trading on its primary market.

The addition of the ETFS Palladium Trust and the ETFS Platinum Trust to ISE Rule 502(h) will not have any effect on the rules pertaining to position and exercise limits[7] or margin.[8]

The Exchange represents that its surveillance procedures applicable to trading in options on the ETFS Palladium Trust and the ETFS Platinum Trust will be similar to those applicable to all other options on other ETFs currently traded on the Exchange. Also, the Exchange may obtain information from the New York Mercantile Exchange, Inc. ("NYMEX") (a member of the Intermarket Surveillance Group) related to any financial instrument that is based, in whole or in part, upon an interest in or performance of palladium or platinum.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b)[9] of the Securities Exchange Act of 1934 (the "Act"), in general, and furthers the objectives of Section 6(b)(5)[10] 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 mechanisms of a free and open market and a national market system in a manner consistent with the protection of investors and the public interest. In particular, the Exchange believes that amending its rules to accommodate the listing and trading of options on the ETFS Palladium Trust and the ETFS Platinum Trust will benefit investors by providing them with valuable risk management tools.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments on

[7] *See* ISE Rules 412 and 414.

[8] *See* ISE Rule 1202.

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

this proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form *(http://www.sec.gov/rules/sro.shtml)*; or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR–ISE–2010–19 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–ISE–2010–19. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site *(http://www.sec.gov/rules/sro.shtml)*. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of 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–ISE–2010–19 and should be submitted on or before April 16, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–6677 Filed 3–25–10; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–61744; File No. SR–NYSEAMEX–2010–26]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by NYSE Amex LLC Deleting Rule 446—NYSE Amex Equities and Adopting New Rule 4370—NYSE Amex Equities To Correspond With Rule Changes Filed by the Financial Industry Regulatory Authority, Inc.

March 19, 2010.

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 March 11, 2010, NYSE Amex LLC ("NYSE Amex" or the "Exchange") 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 delete Rule 446—NYSE Amex Equities and adopt new Rule 4370—NYSE Amex Equities to correspond with rule changes filed by the Financial Industry Regulatory Authority, Inc. ("FINRA") and approved by the Commission.[4] The text of the proposed rule change is available at the Exchange, the Commission's Public Reference Room, and *http://www.nyse.com*.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule changes is to delete Rule 446—NYSE Amex Equities (Business Continuity and Contingency Plans) and adopt new Rule 4370—NYSE Amex Equities (Business Continuity Plans and Emergency Contact Information) to correspond with rule changes filed by FINRA and approved by the Commission.

Background

On July 30, 2007, FINRA's predecessor, the National Association of Securities Dealers, Inc. ("NASD"), and NYSE Regulation, Inc. ("NYSER") consolidated their member firm regulation operations into a combined organization, FINRA. Pursuant to Rule 17d–2 under the Act, the New York Stock Exchange LLC ("NYSE"), NYSER and FINRA entered into an agreement (the "Agreement") to reduce regulatory duplication for their members by allocating to FINRA certain regulatory responsibilities for certain NYSE rules and rule interpretations ("FINRA Incorporated NYSE Rules"). The Exchange became a party to the Agreement effective December 15, 2008.[5]

---

[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] *See* Securities Exchange Act Release No. 60534 (August 19, 2009), 74 FR 44410 (August 28, 2009) (order approving SR–FINRA–2009–036).

[5] *See* Securities Exchange Act Release Nos. 56148 (July 26, 2007), 72 FR 42146 (August 1, 2007) (order approving the Agreement); 56147 (July 26, 2007), 72 FR 42166 (August 1, 2007) (SR–NASD–2007–054) (order approving the incorporation of certain NYSE

As part of its effort to reduce regulatory duplication and relieve firms that are members of FINRA, NYSE and NYSE Amex of conflicting or unnecessary regulatory burdens, FINRA is now engaged in the process of reviewing and amending the NASD and FINRA Incorporated NYSE Rules in order to create a consolidated FINRA rulebook.[6]

Proposed Conforming Amendments to NYSE Amex Equities Rules

In 2008, FINRA deleted FINRA Incorporated NYSE Rule 446 (Business Continuity and Contingency Plans) as substantively duplicative of NASD Rules 3510 (Business Continuity Plans) and 3520 (Emergency Contact Information).[7] Correspondingly, the Exchange amended Rule 446—NYSE Amex Equities (Business Continuity and Contingency Plans) to remove the existing text and incorporate NASD Rules 3510 and 3520 by reference.[8] Subsequently, FINRA adopted, subject to certain amendments, NASD Rules 3510 and 3520 as consolidated FINRA Rule 4370 (Business Continuity Plans and Emergency Contact Information).[9]

In order to harmonize the NYSE Amex Equities Rules with the approved consolidated FINRA Rules, the Exchange correspondingly proposes to delete Rule 446—NYSE Amex Equities and replace it with proposed Rule 4370—NYSE Amex Equities, which is substantially similar to the new FINRA Rule.[10] As proposed, Rule 4370—NYSE Amex Equities adopts the same language as FINRA Rule 4370, except for substituting for or adding to, as needed, the term "member organization" for the term "member", and making corresponding technical changes that reflect the difference between NYSE Amex's and FINRA's membership structures. In addition, in paragraph (f)(2) to proposed Rule 4370—NYSE Amex Equities, the Exchange added a cross-reference to Rule 416A—NYSE Amex Equities to ensure that those Exchange members and member organizations that are not FINRA members are required to update the contact information for emergency personnel in accordance with NYSE Amex Equities Rules.

Finally, in order to ensure that both proposed Rule 4370—NYSE Amex Equities and FINRA Rule 4370 are fully harmonized, the Exchange also proposes to add Supplementary Material .01 to Rule 4370—NYSE Amex Equities to provide that, for the purposes of the rule, the term "associated person" shall have the same meaning as the terms "person associated with a member" or "associated person of a member" as defined in Article I (rr) of the FINRA By-Laws.

In addition, the Exchange respectfully requests that the effective date for the proposed rule changes be retroactive to December 14, 2009, the same effective date for FINRA's rule changes.[11] Approval retroactively effective to December 14, 2009, would ensure that the proposed rule changes are operative and effective at the same time as FINRA's rule changes, that there are no regulatory gaps between the FINRA and NYSE Amex Equities Rules and that, as applicable, the NYSE Amex Equities Rules maintain their status as Common Rules under the 17d–2 Agreement.[12]

2. Statutory Basis

The Exchange believes that the proposed rule changes are consistent with Section 6(b) of the Act,[13] in general, and further the objectives of Section 6(b)(5) of the Act,[14] in particular, in that they are 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 the proposed rule changes support the objectives of the Act by providing greater harmonization between NYSE Amex Equities Rules and FINRA Rules of similar purpose, resulting in less burdensome and more efficient regulatory compliance for joint members. To the extent the Exchange has proposed changes that differ from the FINRA version of the Rules, such changes are technical in nature and do not change the substance of the proposed NYSE Amex Equities Rules.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR–NYSEAMEX–2010–26 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.

Rules as "Common Rules"); *and* 60409 (July 30, 2009), 74 FR 39353 (August 6, 2009) (order approving the amended and restated Agreement, adding NYSE Amex LLC as a party). Paragraph 2(b) of the Agreement sets forth procedures regarding proposed changes by FINRA, NYSE or NYSE Amex to the substance of any of the Common Rules.

[6] FINRA's rulebook currently has three sets of rules: (1) NASD Rules, (2) FINRA Incorporated NYSE Rules, and (3) consolidated FINRA Rules. The FINRA Incorporated NYSE Rules apply only to those members of FINRA that are also members of the NYSE, while the consolidated FINRA Rules apply to all FINRA members. For more information about the FINRA rulebook consolidation process, *see* FINRA Information Notice, March 12, 2008.

[7] *See* Securities Exchange Act Release No. 58533 (September 12, 2008), 73 FR 54652 (September 22, 2008) (order approving SR–FINRA–2008–036).

[8] *See* Securities Exchange Act Release No. 59022 (November 26, 2008), 73 FR 73683 (December 3, 2008) (order approving SR–NYSEALTR–2008–10).

[9] *See* Securities Exchange Act Release No. 60534 (August 19, 2009), 74 FR 44410 (August 28, 2009).

[10] New York Stock Exchange LLC has submitted a companion rule filing amending its rules in accordance with FINRA's rule changes. *See* SR–NYSE–2010–23.

[11] See FINRA Regulatory Notice 09–60 (October 15, 2009).

[12] As provided in paragraph 2(b) of the 17d–2 Agreement, FINRA and NYSE will amend the list of Common Rules to conform to the rule changes proposed herein.

[13] 15 U.S.C. 78f(b).

[14] 15 U.S.C. 78f(b)(5).

All submissions should refer to File Number SR–NYSEAMEX–2010–26. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission,[15] 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 20549–1090. Copies of the filing will also be available for inspection and copying at the NYSE's principal office and on its Internet Web site at *http://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–NYSEAMEX–2010–26 and should be submitted on or before April 16, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–6678 Filed 3–25–10; 8:45 am]

BILLING CODE 8011–01–P

[15] The text of the proposed rule change is available on the Commission's Web site at *http://www.sec.gov/*.

[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–61743; File No. SR–NYSE–2010–23]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by New York Stock Exchange LLC Deleting NYSE Rule 446 and Adopting New Rule 4370 To Correspond With Rule Changes Filed by the Financial Industry Regulatory Authority, Inc.

March 19, 2010.

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 March 11, 2010, New York Stock Exchange LLC ("NYSE" or the "Exchange") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I, 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 delete NYSE Rule 446 and adopt new Rule 4370 to correspond with rule changes filed by the Financial Industry Regulatory Authority, Inc. ("FINRA") and approved by the Commission.[4] The text of the proposed rule change is available at the Exchange, the Commission's Public Reference Room, and *http://www.nyse.com*.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Securities Exchange Act Release No. 60534 (August 19, 2009), 74 FR 44410 (August 28, 2009) (order approving SR–FINRA–2009–036).

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule changes is to delete NYSE Rule 446 (Business Continuity and Contingency Plans) and adopt new Rule 4370 (Business Continuity Plans and Emergency Contact Information) to correspond with rule changes filed by FINRA and approved by the Commission.

Background

On July 30, 2007, FINRA's predecessor, the National Association of Securities Dealers, Inc. ("NASD"), and NYSE Regulation, Inc. ("NYSER") consolidated their member firm regulation operations into a combined organization, FINRA. Pursuant to Rule 17d–2 under the Act, NYSE, NYSER and FINRA entered into an agreement (the "Agreement") to reduce regulatory duplication for their members by allocating to FINRA certain regulatory responsibilities for certain NYSE rules and rule interpretations ("FINRA Incorporated NYSE Rules"). NYSE Amex LLC ("NYSE Amex") became a party to the Agreement effective December 15, 2008.[5]

As part of its effort to reduce regulatory duplication and relieve firms that are members of FINRA, NYSE and NYSE Amex of conflicting or unnecessary regulatory burdens, FINRA is now engaged in the process of reviewing and amending the NASD and FINRA Incorporated NYSE Rules in order to create a consolidated FINRA rulebook.[6]

Proposed Conforming Amendments to NYSE Rules

In 2008, FINRA deleted FINRA Incorporated NYSE Rule 446 (Business

[5] See Securities Exchange Act Release Nos. 56148 (July 26, 2007), 72 FR 42146 (August 1, 2007) (order approving the Agreement); 56147 (July 26, 2007), 72 FR 42166 (August 1, 2007) (SR–NASD–2007–054) (order approving the incorporation of certain NYSE Rules as "Common Rules"); *and* 60409 (July 30, 2009), 74 FR 39353 (August 6, 2009) (order approving the amended and restated Agreement, adding NYSE Amex LLC as a party). Paragraph 2(b) of the Agreement sets forth procedures regarding proposed changes by FINRA, NYSE or NYSE Amex to the substance of any of the Common Rules.

[6] FINRA's rulebook currently has three sets of rules: (1) NASD Rules, (2) FINRA Incorporated NYSE Rules, and (3) consolidated FINRA Rules. The FINRA Incorporated NYSE Rules apply only to those members of FINRA that are also members of the NYSE ("Dual Members"), while the consolidated FINRA Rules apply to all FINRA members. For more information about the FINRA rulebook consolidation process, see FINRA Information Notice, March 12, 2008.

Continuity and Contingency Plans) as substantively duplicative of NASD Rules 3510 (Business Continuity Plans) and 3520 (Emergency Contact Information).[7] Correspondingly, the Exchange amended NYSE Rule 446 (Business Continuity and Contingency Plans) to remove the existing text and incorporate NASD Rules 3510 and 3520 by reference.[8] Subsequently, FINRA adopted, subject to certain amendments, NASD Rules 3510 and 3520 as consolidated FINRA Rule 4370 (Business Continuity Plans and Emergency Contact Information).[9]

In order to harmonize the NYSE Rules with the approved consolidated FINRA Rules, the Exchange correspondingly proposes to delete NYSE Rule 446 and replace it with proposed NYSE Rule 4370, which is substantially similar to the new FINRA Rule.[10] As proposed, NYSE Rule 4370 adopts the same language as FINRA Rule 4370, except for substituting for or adding to, as needed, the term "member organization" for the term "member", and making corresponding technical changes that reflect the difference between NYSE's and FINRA's membership structures. In addition, in paragraph (f)(2) to proposed Rule 4370, the Exchange added a cross-reference to NYSE Rule 416A to ensure that those Exchange members and member organizations that are not FINRA members are required to update the contact information for emergency personnel in accordance with NYSE Rules.

Finally, in order to ensure that both proposed NYSE Rule 4370 and FINRA Rule 4370 are fully harmonized, the Exchange also proposes to add Supplementary Material .01 to NYSE Rule 4370 to provide that, for the purposes of the rule, the term "associated person" shall have the same meaning as the terms "person associated with a member" or "associated person of a member" as defined in Article I (rr) of the FINRA By-Laws.

In addition, the Exchange respectfully requests that the effective date for the proposed rule changes be retroactive to December 14, 2009, the same effective date for FINRA's rule changes.[11]

[7] *See* Securities Exchange Act Release No. 58533 (September 12, 2008), 73 FR 54652 (September 22, 2008) (order approving SR–FINRA–2008–036).

[8] *See* Securities Exchange Act Release No. 58549 (September 15, 2008), 73 FR 54444 (September 19, 2008) (order approving SR–NYSE–2008–080).

[9] *See* Securities Exchange Act Release No. 60534 (August 19, 2009), 74 FR 44410 (August 28, 2009).

[10] NYSE Amex has submitted a companion rule filing amending its rules in accordance with FINRA's rule changes. *See* SR–NYSE–Amex–2010–26.

[11] *See* FINRA Regulatory Notice 09–60 (October 15, 2009).

Approval retroactively effective to December 14, 2009, would ensure that the proposed rule changes are operative and effective at the same time as FINRA's rule changes, that there are no regulatory gaps between the FINRA and NYSE Rules and that, as applicable, the NYSE Rules maintain their status as Common Rules under the 17d–2 Agreement.[12]

2. Statutory Basis

The Exchange believes that the proposed rule changes are consistent with Section 6(b) of the Act,[13] in general, and further the objectives of Section 6(b)(5) of the Act,[14] in particular, in that they are 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 the proposed rule changes support the objectives of the Act by providing greater harmonization between NYSE Rules and FINRA Rules (including Common Rules) of similar purpose, resulting in less burdensome and more efficient regulatory compliance for Dual Members. To the extent the Exchange has proposed changes that differ from the FINRA version of the Rules, such changes are technical in nature and do not change the substance of the proposed NYSE Rules.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR–NYSE–2010–23 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSE–2010–23. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission,[15] 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 20549–1090 between the hours of 10 a.m. and 3 p.m. Copies of such filing will also be available for inspection and copying at the NYSE's

[12] As provided in paragraph 2(b) of the 17d–2 Agreement, FINRA and NYSE will amend the list of Common Rules to conform to the rule changes proposed herein.

[13] 15 U.S.C. 78f(b).

[14] 15 U.S.C. 78f(b)(5).

[15] The text of the proposed rule change is available on the Commission's Web site at *http://www.sec.gov/*.

principal office and on its Internet Web site at *http://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–NYSE–2010–23 and should be submitted on or before April 16, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–6679 Filed 3–25–10; 8:45 am]

BILLING CODE 8011–01–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Aviation Proceedings, Agreements Filed the Week Ending March 13, 2010

The following Agreements were filed with the Department of Transportation under sections 412 and 414 of the Federal Aviation Act, as amended (49 U.S.C. 1382 and 1384) and procedures governing proceedings to enforce these provisions. Answers may be filed within 21 days after the filing of the application.

Docket Number: DOT–OST–2010–0060.

Date Filed: March 8, 2010.

Parties: Members of the International Air Transport Association.

Subject:

TC3 Within South West Pacific, between South Asian Subcontinent, South East Asia and South West Pacific (Memo 1364).

Intended effective date: for travel on/after: 1 June 2010.

Docket Number: DOT–OST–2010–0061.

Date Filed: March 8, 2010.

Parties: Members of the International Air Transport Association.

Subject:

Mail Vote 628 Resolutions 010s, TC2 within Africa, Special Passenger Amending Resolution from Angola to Namibia (Memo 0199).

Intended effective date: 22 March 2010.

Renee V. Wright,

Program Manager, Docket Operations, Federal Register Liaison.

[FR Doc. 2010–6717 Filed 3–25–10; 8:45 am]

BILLING CODE 4910–9X–P

[16] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket ID. FMCSA–2010–0051]

Qualification of Drivers; Exemption Applications; Diabetes

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of applications for exemptions from the diabetes standard; request for comments.

SUMMARY: FMCSA announces receipt of applications from 27 individuals for exemptions from the prohibition against persons with insulin-treated diabetes mellitus (ITDM) operating commercial motor vehicles (CMVs) in interstate commerce. If granted, the exemptions would enable these individuals with ITDM to operate commercial motor vehicles in interstate commerce.

DATES: Comments must be received on or before April 26, 2010.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket ID FMCSA–2010–0051 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov*. Follow the on-line instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Each submission must include the Agency name and the docket ID for this Notice. Note that DOT posts all comments received without change to *http://www.regulations.gov*, including any personal information included in a comment. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, *etc.*). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19476). This information is also available at *http://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Dr. Mary D. Gunnels, Director, Medical Programs, (202) 366–4001, *fmcsamedical@dot.gov*, FMCSA, Department of Transportation, 1200 New Jersey Avenue, SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for a 2-year period if it finds "such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption." The statute also allows the Agency to renew exemptions at the end of the 2-year period. The 27 individuals listed in this notice have recently requested an exemption from the diabetes prohibition in 49 CFR 391.41(b) (3), which applies to drivers of CMV in interstate commerce. Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by the statutes.

Qualifications of Applicants

Jason H. Altenberger

Mr. Altenberger, age 34, has had ITDM since 1982. His endocrinologist examined him in 2009 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Altenberger meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2009

and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class D operator's license from Wisconsin.

Shawn P. Amaro

Mr. Amaro, 24, has had ITDM since 1997. His endocrinologist examined him in 2009 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Amaro meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2009 and certified that he does not have diabetic retinopathy. He holds a Class C operator's license from California.

Berry W. Anderson

Mr. Anderson, 57, has had ITDM since 2008. His endocrinologist examined him in 2009 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Anderson meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2009 and certified that he does not have diabetic retinopathy. He holds a Class A Commercial Driver's License (CDL) from Tennessee.

James R. Atkinson

Mr. Atkinson, 64, has had ITDM since 2009. His endocrinologist examined him in 2009 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Atkinson meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2009 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Idaho.

Alladin J. Butler

Mr. Butler, 44, has had ITDM since 2008. His endocrinologist examined him in 2010 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Butler meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2010 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Montana.

Carlos V. Candelaria

Mr. Candelaria, 44, has had ITDM since 2006. His endocrinologist examined him in 2009 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Candelaria meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2009 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from New Mexico.

James R. Crawford

Mr. Crawford, 58, has had ITDM since 2008. His endocrinologist examined him in 2009 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Crawford meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2010 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Washington.

Alan Curtis

Mr. Curtis, 39, has had ITDM since 2009. His endocrinologist examined him in 2009 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Curtis meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2010 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Utah.

Benny DeVizio

Mr. DeVizio, 53, has had ITDM since 2004. His endocrinologist examined him in 2009 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. DeVizio meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2009 and certified that he has does not have diabetic retinopathy. He holds a Class B CDL from New Jersey.

Jimmy W. Dotson

Mr. Dotson, 75, has had ITDM since 1989. His endocrinologist examined him in 2009 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Dotson meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2009 and certified that he has does not have diabetic retinopathy. He holds a Class B CDL from New Mexico.

Arden A. Endrek

Mr. Endrek, 67, has had ITDM since 2007. His endocrinologist examined him in 2009 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Endrek meets the

requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2009 and certified that he has does not have diabetic retinopathy. He holds a Class A CDL from Ohio.

David B. Flaa

Mr. Flaa, 56, has had ITDM since 2009. His endocrinologist examined him in 2009 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Flaa meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2009 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Minnesota.

James W. Gordon

Mr. Gordon, 52, has had ITDM since 2009. His endocrinologist examined him in 2009 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Gordon meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2009 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Kentucky.

Eldon L. Janssen

Mr. Janssen, 59, has had ITDM since 1977. His endocrinologist examined him in 2009 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Janssen meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2010 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class D operator's license from Wisconsin.

Frank J. Katzbeck

Mr. Katzbeck, 69, has had ITDM since 2002. His endocrinologist examined him in 2009 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Katzbeck meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2009 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class C operator's license from Illinois.

James K. Libke

Mr. Libke, 48, has had ITDM since 2003. His endocrinologist examined him in 2009 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Libke meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2009 and certified that he does not have diabetic retinopathy. He holds a Class A chauffeur's license from Indiana.

Joseph R. Marcelewski

Mr. Marcelewski, 57, has had ITDM since 2008. His endocrinologist examined him in 2009 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Marcelewski meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2009 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Ohio.

Daniel R. McBride

Mr. McBride, 47, has had ITDM since 2009. His endocrinologist examined him in 2009 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. McBride meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2009 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Illinois.

John A. Mohr

Mr. Mohr, 57, has had ITDM since 2007. His endocrinologist examined him in 2009 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Mohr meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2009 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Ohio.

William O. Ruiz, III

Mr. Ruiz, 32, has had ITDM since 2009. His endocrinologist examined him in 2009 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Ruiz meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2009 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Arizona.

Harold D. Russman

Mr. Russman, 68, has had ITDM since 2007. His endocrinologist examined him in 2009 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Russman meets the

requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2009 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from South Dakota.

Hector M. Sanchez

Mr. Sanchez, 48, has had ITDM since 2003. His endocrinologist examined him in 2009 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Sanchez meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2009 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from New Mexico.

Robert L. Staats

Mr. Staats, 44, has had ITDM since 2007. His endocrinologist examined him in 2009 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Staats meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2009 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Oregon.

Christopher Starghill

Mr. Starghill, 41, has had ITDM since 2007. His endocrinologist examined him in 2009 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Starghill meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2009 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Washington, DC.

Kevin L. Upmann

Mr. Upmann, 44, has had ITDM since 2009. His endocrinologist examined him in 2009 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Upmann meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2010 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Illinois.

Bob E. Vacek

Mr. Vacek, 61, has had ITDM since 2009. His endocrinologist examined him in 2010 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Vacek meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2009 and certified that he does not have diabetic retinopathy. He holds a Class 1 operator's license from South Dakota, which allows him to drive passenger cars and trucks with a gross weight of not more than 26,000 pounds.

Mathew G. Williams

Mr. Williams, 27, has had ITDM since 1994. His endocrinologist examined him in 2009 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Williams meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2009 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Kentucky.

Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before the close of business on the closing **DATES** indicated in the **DATES** section of the Notice.

FMCSA notes that Section 4129 of the Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU) requires the Secretary to revise its diabetes exemption program established on September 3, 2003 (68 FR 52441).[1] The revision must provide for individual assessment of drivers with diabetes mellitus, and be consistent with the criteria described in section 4018 of the Transportation Equity Act for the 21st Century (49 U.S.C. 31305).

Section 4129 requires: (1) The elimination of the requirement for three years of experience operating CMVs while being treated with insulin; and (2) the establishment of a specified minimum period of insulin use to demonstrate stable control of diabetes before being allowed to operate a CMV.

In response to section 4129, FMCSA made immediate revisions to the diabetes exemption program established by the September 3, 2003 Notice. FMCSA discontinued use of the 3-year driving experience and fulfilled the requirements of section 4129 while continuing to ensure that operation of CMVs by drivers with ITDM will achieve the requisite level of safety required of all exemptions granted under 49 U.S.C. 31136(e).

Section 4129(d) also directed FMCSA to ensure that drivers of CMVs with ITDM are not held to a higher standard than other drivers, with the exception of limited operating, monitoring and medical requirements that are deemed medically necessary. FMCSA concluded that all of the operating, monitoring and medical requirements set out in the September 3, 2003 Notice, except as modified, were in compliance with section 4129(d). Therefore, all of the requirements set out in the September 3, 2003 Notice, except as modified by the Notice in the **Federal Register** on November 8, 2005 (70 FR 67777), remain in effect.

Issued on: March 19, 2010.

Larry W. Minor,

Associate Administrator for Policy and Program Development.

[FR Doc. 2010–6739 Filed 3–25–10; 8:45 am]

BILLING CODE P

[1] Section 4129(a) refers to the 2003 Notice as a "final rule." However, the 2003 Notice did not issue a "final rule" but did establish the procedures and standards for issuing exemptions for drivers with ITDM.

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket ID. FMCSA–2010–0050]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of applications for exemptions; request for comments.

SUMMARY: FMCSA announces receipt of applications from 19 individuals for exemption from the vision requirement in the Federal Motor Carrier Safety Regulations. If granted, the exemptions would enable these individuals to qualify as drivers of commercial motor vehicles (CMVs) in interstate commerce without meeting the Federal vision standard.

DATES: Comments must be received on or before April 26, 2010.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket ID FMCSA–2010–0050 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov*. Follow the on-line instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Each submission must include the Agency name and the docket ID for this Notice. Note that DOT posts all comments received without change to *http://www.regulations.gov*, including any personal information included in a comment. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, *etc.*). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19476). This information is also available at *http://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Dr. Mary D. Gunnels, Director, Medical Programs, (202) 366–4001, *fmcsamedical@dot.gov*, FMCSA, Department of Transportation, 1200 New Jersey Avenue, SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for a 2-year period if it finds "such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption." FMCSA can renew exemptions at the end of each 2-year period. The 19 individuals listed in this notice have each requested an exemption from the vision requirement in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce. Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting an exemption will achieve the required level of safety mandated by statute.

Qualifications of Applicants

Dean R. Allen

Mr. Allen, age 55, has had optic nerve atrophy in his left eye since birth. The best corrected visual acuity in his right eye is 20/25 and in his left eye, count-finger vision. Following an examination in 2009, his optometrist noted, "It is my medical opinion, that Mr. Dean Allen has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Allen reported that he has driven straight trucks for 34 years, accumulating 578,000 miles and tractor-trailer combinations for 25 years, accumulating 275,000 miles. He holds a Class A Commercial Driver's License (CDL) from Oregon. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Donald C. Butler

Mr. Butler, 51, has had cataracts in his left eye since 2005. The best corrected visual acuity in his right eye is 20/20 and in his left eye, 20/400. Following an examination in 2009, his optometrist noted, "It is my opinion that Donald has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Butler reported that he has driven straight trucks for 2 years, accumulating 8,000 miles and tractor-trailer combinations for 15 years, accumulating 939,900 miles. He holds a Class A CDL from New Mexico. His driving record for the last 3 years shows no crashes and one conviction for speeding in a CMV. He exceeded the speed limit by 10 miles per hour (mph).

Alan R. Fontaine

Mr. Fontaine, 44, has had amblyopia in his right eye since childhood. The best corrected visual acuity in his right eye is 20/50 and in his left eye, 20/20. Following an examination in 2010, his ophthalmologist noted, "I certify under my medical opinion that Mr. Alan Fontaine has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Fontaine reported that he has driven straight trucks for 3½; years, accumulating 42,000 miles. He holds a Class D operator's license from Connecticut. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Malcolm R. Heins

Mr. Heins, 67, has complete loss of vision in his left eye due to a traumatic injury sustained during childhood. The best corrected visual acuity in his right eye is 20/20. Following an examination in 2009, his optometrist noted, "Malcolm has sufficient vision in his right eye to operate a commercial vehicle." Mr. Heins reported that he has driven straight trucks for 8 years, accumulating 28,000 miles and tractor-trailer combinations for 8 years, accumulating 520,000 miles. He holds a Class A CDL from Wisconsin. His driving record for the last 3 years shows three crashes, for which he was not cited, and no convictions for moving violations in a CMV.

Mark Hill

Mr. Hill, 47, has had retinal and macular detachment in his left eye since birth. The best corrected visual acuity in his right eye is 20/25. Following an examination in 2009, his optometrist

noted, "It is my medical opinion that Mark Hill is qualified and has sufficient vision to perform the driving task required to operate a commercial vehicle." Mr. Hill reported that he has driven straight trucks for 15 years, accumulating 130,500 miles. He holds a Class B CDL from West Virginia. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Herbert C. Hirsch

Mr. Hirsch, 63, has had a prosthetic left eye since childhood. The best corrected visual acuity in his right eye is 20/20. Following an examination in 2009, his ophthalmologist noted, "I certify in my medical opinion, Mr. Herbert Hirsch has full function of his remaining eye and I feel he has sufficient vision to perform the driving tasks required for operating a commercial vehicle." Mr. Hirsch reported that he has driven straight trucks for 40 years, accumulating 800,000 miles and tractor-trailer combinations for 25 years, accumulating 750,000 miles. He holds a Class A CDL from Missouri. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Michael D. Kilgore

Mr. Kilgore, 37, has had demyelinizing optic neuropathy in his left eye since birth. The best corrected visual acuity in his right eye is 20/15 and in his left eye, 20/600. Following an examination in 2009, his optometrist noted, "In my medical opinion, Michael Kilgore has sufficient vision to operate a commercial vehicle." Mr. Kilgore reported that he has driven straight trucks for 10 years, accumulating 300,000 miles and tractor-trailer combinations for 5 years, accumulating 300,000 miles. He holds a Class A CDL from Texas. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Joseph J. Kushak

Mr. Kushak, 38, has optic atrophy of the left eye due to trauma sustained in 2002. The best corrected visual acuity in his right eye is 20/20 and in his left eye, light-perception only. Following an examination in 2009, his optometrist noted, "It is my opinion he has sufficient vision and field to operate a commercial vehicle." Mr. Kushak reported that he has driven straight trucks for 13 years, accumulating 1.3 million miles and tractor-trailer combinations for 5 years, accumulating 500,000 miles. He holds a Class A CDL from Michigan. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Louis C. Lee

Mr. Lee, 47, has had complete loss of vision in his left eye since childhood. The best corrected visual acuity in his right eye is 20/20. Following an examination in 2009, his ophthalmologist noted, "In my medical opinion, Mr. Lee has sufficient vision to perform the driving tasks required for a commercial vehicle." Mr. Lee reported that he has driven straight trucks for 31 years, accumulating 1.2 million miles. He holds an operator's license from Virginia. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Jason T. Montoya

Mr. Montoya, 34, has had amblyopia in his left eye since birth. The best corrected visual acuity in his right eye is 20/15 and in his left eye, 20/400. Following an examination in 2009, his optometrist noted, "I believe from a vision standpoint, Jason is able to perform the driving tasks required to operate a commercial vehicle." Mr. Montoya reported that he has driven straight trucks for 14.5 years, accumulating 145,000 miles and tractor-trailer combinations for 14.5 years, accumulating 145,000 miles. He holds a Class A CDL from New Mexico. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Doug L. Norman

Mr. Norman, 52, has had amblyopia in his right eye since childhood. The best corrected visual acuity in his right eye is 20/70 and in his left eye, 20/20. Following an examination in 2010, his optometrist noted, "Patient should have no difficulty performing necessary driving tasks." Mr. Norman reported that he has driven straight trucks for 12 years, accumulating 180,000 miles, tractor-trailer combinations for 30 years, accumulating 900,000 miles and buses for 8 years, accumulating 80,000 miles. He holds a Class A CDL from North Carolina. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Richard W. Pierce

Mr. Pierce, 62, has had amblyopia in his right eye since childhood. The best corrected visual acuity in his right eye is hand-motion vision and in his left eye, 20/20. Following an examination in 2009, his optometrist noted, "In my medical opinion Mr. Pierce has sufficient central vision in his left eye and sufficient visual fields in each eye to perform the driving tasks required to operate a commercial vehicle." Mr. Pierce reported that he has driven straight trucks for 28 years, accumulating 840,000 miles. He holds a Class A CDL from New Mexico. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Christopher A. Reineck

Mr. Reineck, 34, has had amblyopia in his right eye since birth. The best corrected visual acuity in his right eye is 20/160 and in his left eye, 20/20. Following an examination in 2009, his optometrist noted, "In my opinion, Mr. Reineck does have sufficient vision to perform the driving task required to operate a commercial vehicle." Mr. Reineck reported that he has driven straight trucks for 5 years, accumulating 156,660 miles. He holds a Class B CDL from Ohio. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Carroll R. Rogers

Mr. Rogers, 61, has had a prosthetic right eye since 1975. The best corrected visual acuity in his left eye is 20/20. Following an examination in 2009, his optometrist noted, "Carroll Rogers has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Rogers reported that he has driven tractor-trailer combinations for 35 years, accumulating 2.1 million miles. He holds a Class A CDL from California. His driving record for the last 3 years shows one crash, for which he was not cited, and no convictions for moving violations in a CMV.

Kevin L. Routin

Mr. Routin, 59, has had aphakia and retinal detachment in his left eye since childhood. The best corrected visual acuity in his right eye is 20/15 and in his left eye, 20/300. Following an examination in 2009, his optometrist noted, "It is my professional judgment that Mr. Routin does have sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Routin reported that he has driven straight trucks for 30 years, accumulating 900,000 miles, tractor-trailer combinations for 25 years, accumulating 3.3 million miles and buses for 10 years, accumulating 30,000 miles. He holds a Class A CDL from Kentucky. His driving record for the last 3 years shows no crashes and no

convictions for moving violations in a CMV.

Lane L. Savoie

Mr. Savoie, 57, has a prosthetic left eye due to a traumatic injury sustained in 1995. The best corrected visual acuity in his right eye is 20/20. Following an examination in 2009, his ophthalmologist noted, "We feel Mr. Savoie has sufficient vision to operate or drive a commercial vehicle." Mr. Savoie reported that he has driven straight trucks for 25 years, accumulating 500,000 miles and tractor-trailer combinations for 25 years, accumulating 2.5 million miles. He holds a Class D chauffeur's license from Louisiana. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Richard G. Schumacher

Mr. Schumacher, 64, has had amblyopia in his right eye since birth. The best corrected visual acuity in his right eye is 20/400 and in his left eye, 20/20. Following an examination in 2009, his ophthalmologist noted, "In my medical opinion, Mr. Schumacher has sufficient vision to perform driving tasks required to operate a commercial vehicle." Mr. Schumacher reported that he has driven tractor-trailer combinations for 19 years, accumulating 2.2 million miles. He holds a Class A CDL from California. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Scott E. Tussey

Mr. Tussey, 49, has had ocular histoplasmosis in his right eye since 2003. The best corrected visual acuity in his right eye is hand-motion vision and in his left eye, 20/20. Following an examination in 2009, his optometrist noted, "In my opinion he has sufficient vision to perform commercial driving tasks." Mr. Tussey reported that he has driven straight trucks for 10 years, accumulating 630,000 miles. He holds a Class A CDL from Kentucky. His driving record for the last 3 years shows one crash, for which he was not cited, and no convictions for moving violations in a CMV.

Todd V. Welch

Mr. Welch, 47, has had amblyopia in his right eye since birth. The best corrected visual acuity in his right eye is hand-motion vision and in his left eye, 20/20. Following an examination in 2009, his optometrist noted, "It is my medical opinion that he has sufficient vision to perform driving tasks required to operate a commercial vehicle." Mr. Welch reported that he has driven straight trucks for 10 years, accumulating 200,000 miles and tractor-trailer combinations for 10 years, accumulating 80,000 miles. He holds a Class A CDL from New York. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. The Agency will consider all comments received before the close of business April 26, 2010. Comments will be available for examination in the docket at the location listed under the **ADDRESSES** section of this notice. The Agency will file comments received after the comment closing date in the public docket, and will consider them to the extent practicable.

In addition to late comments, FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should monitor the public docket for new material.

Issued on: March 22, 2010.

Larry W. Minor,

Associate Administrator for Policy and Program Development.

[FR Doc. 2010–6741 Filed 3–25–10; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Research and Innovative Technology Administration

Invitation for Public Comment on Mitigation Options for Global Positioning System Satellite Vehicle Number 49

AGENCY: Research and Innovative Technology Administration, DOT.

ACTION: Notice, request for public comments.

SUMMARY: The U.S. Government is providing notice that it is actively considering several mitigation options prior to changing the health status of Global Positioning System (GPS) satellite IIR–20M (satellite vehicle number 49—SVN 49) from unhealthy to healthy. The potential mitigations are each designed to reduce the impact of the unique nature of the SVN 49 signal to a portion of the user segment. The mitigations are described in an Appendix posted in the public docket. The mitigations are intended only for use with the SVN 49 satellite and will not be implemented for any other GPS satellite. Responses from this public comment period will be considered during the final decision to choose which mitigation(s) to implement.

After successful implementation of the selected mitigation(s), U.S. Government leaders will determine the conditions necessary to set SVN 49 healthy. It is anticipated this timeline will occur over the next one to three years. Please review the posted Appendix and submit concerns or adverse impacts that may affect your user equipment to the Docket.

Two teleconferences will be hosted by the U.S. Air Force GPS Wing to discuss the mitigation options. These will be held on March 26, 2010 and April 30, 2010 at 4 PM EDT. The teleconference number is 1–800–366–7242 passcode: 6530000#. Please note that if you want a specific comment made during either telephone conference included in the docket, you must submit a public comment to the docket as outlined below.

DATES: Comment Period: Written comments should be submitted by May 28, 2010.

ADDRESSES: You may submit comments identified by RITA Docket ID Number RITA 2010–0002 by any of the following methods: *Federal eRulemaking Portal:* Go to *http://www.regulations.gov*. Follow the online instructions for submitting comments.

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

Hand Delivery or Courier: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

Fax: 202–493–2251.

Instructions: Identify docket number, RITA 2010–0002, at the beginning of your comments. To receive confirmation that DOT received your comments, include a self-addressed stamped postcard containing the Docket number.

All comments received by DOT will be posted at *http://www.regulations.gov*.

All comments/questions will be posted electronically without change or edits, including any personal information provided.

Privacy Act: Anyone is able to search the electronic form of all comments/questions filed in our dockets by the name of the individual submitting the comment or question (or signing the comment, if submitted on behalf of an

association, corporation, business entity, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78) or you may visit *http://DocketInfo.dot.gov.*

Confidential Business Information: If you wish to submit any information under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the address given below under **FOR FURTHER INFORMATION CONTACT**. In addition, you should submit a copy from which you have deleted the claimed confidential business information to the docket. When you send a comment containing information identified as confidential business information, you should include a cover letter setting forth the reasons you believe the information qualifies as "confidential business information". (49 CFR 7.17)

FOR FURTHER INFORMATION CONTACT: Ms. Karen Van Dyke, DOT/RITA, 1200 New Jersey Ave., SE., Washington, DC 20590, 202–366–3180, *karen.vandyke@dot.gov* or Lt. Col. James Lake, 310–653–3613, *svn49.information@losangeles.af.mil.*

SUPPLEMENTARY INFORMATION:

Background

The GPS satellite SVN 49 has a unique signal that may result in degraded performance for some GPS user equipment. This satellite currently operates with the navigational message set in an unhealthy state to prevent any adverse impact to users. To minimize the adverse impacts, several mitigations are under consideration. Each mitigation is intended for a specific user group and can be used with or without the other mitigations. All mitigations are intended for use with SVN 49 only and no changes will be made regarding other GPS satellites. The mitigations are briefly described as:

- Set SVN 49 healthy with current 152m Antenna Phase Center (APC) and associated clock offsets.
- Set SVN 49 healthy with factory default APC and clock offset.
- Users switch to multipath-resistant receivers to minimize adverse impact from SVN 49 signal.
- Modify receiver software to use look-up table corrections to account for unique SVN 49 signal.
- Increase SVN 49 User Range Accuracy (URA) minimum value to 3 by changing bits in the GPS data message that allow user equipment to de-weight or exclude SVN–49 signals.
- Remove data modulation from L2 P(Y)-code to mitigate impact to high precision users.
- Change L2C PRN code to a "unique sequence" to prevent L2C users from including SVN 49 in their solutions.
- Change SVN–49 from PRN–01 to PRN–32 to prevent updates to WAGE users.
- Use spare health code so future users could use SVN 49 despite unhealthy setting.

More information is presented in the Appendix posted in the public docket. Implementation of each mitigation is contingent upon several factors including cost, number of users impacted, schedule, and the needs of the U.S. Government. If you would like to submit a public comment concerning these proposed actions, please follow the instructions listed above.

Issued in Washington, DC, on March 22, 2010.

Robert L. Bertini,

Deputy Administrator.

[FR Doc. 2010–6814 Filed 3–25–10; 8:45 am]

BILLING CODE 4910–HY–P

DEPARTMENT OF THE TREASURY

Bureau of the Public Debt

Proposed Collection: Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, 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). Currently the Bureau of the Public Debt within the Department of the Treasury is soliciting comments concerning the Regulations Governing Payments by the Automated Clearing House method on Account of United States Securities.

DATES: Written comments should be received on or before May 22, 2010, to be assured of consideration.

ADDRESSES: Direct all written comments to Bureau of the Public Debt, Judi Owens, 200 Third Street, A4–A, Parkersburg, WV 26106–1328, or *judi.owens@bpd.treas.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Judi Owens, Bureau of the Public Debt, 200 Third Street, A4–A, Parkersburg, WV 26106–1328, (304) 480–8150.

SUPPLEMENTARY INFORMATION:

Title: Regulations Governing Payments by the Automated Clearing House Method on Account of United States Securities.

OMB Number: 1535–0094.

Abstract: The regulations authorize payment to investors in United States securities by the Automated Clearing House (ACH Method).

Current Actions: None.

Type of Review: Extension.

Affected Public: Individuals, Businesses or other for-profit, and state or local governments.

Estimated Total Annual Burden Hours: 1.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: March 22, 2010.

Judi Owens,

Manager, Information Management Branch.

[FR Doc. 2010–6703 Filed 3–25–10; 8:45 am]

BILLING CODE 4810–39–P

DEPARTMENT OF THE TREASURY

Bureau of the Public Debt

Proposed Collection: Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, 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)). Currently the Bureau of the Public Debt within the Department of the Treasury is soliciting comments concerning the Regulations Governing United States Savings Bonds Series E/EE and H/HH.

DATES: Written comments should be received on or before May 22, 2010, to be assured of consideration.

ADDRESSES: Direct all written comments to Bureau of the Public Debt, Judi Owens, 200 Third Street, A4–A, Parkersburg, WV 26106–1328, or *judi.owens@bpd.treas.gov*.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Judi Owens, Bureau of the Public Debt, 200 Third Street, A4–A, Parkersburg, WV 26106–1328, (304) 480–8150.

SUPPLEMENTARY INFORMATION:

Title: Regulations Governing United States Savings Bonds Series E/EE and H/HH.

OMB Number: 1535–0095.

Abstract: The regulations mandate the payment of H/HH interest by Direct Deposit (ACH Method).

Current Actions: None.

Type of Review: Extension.

Affected Public: Individuals, Businesses or other for-profit, and State or local governments.

Estimated Total Annual Burden Hours: 1.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: March 22, 2010.

Judi Owens,

Manager, Information Management Branch.

[FR Doc. 2010–6704 Filed 3–25–10; 8:45 am]

BILLING CODE 4810–39–P

DEPARTMENT OF THE TREASURY

Bureau of the Public Debt

Proposed Collection: Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, 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). Currently the Bureau of the Public Debt within the Department of the Treasury is soliciting comments concerning the transaction request for U.S. Treasury Securities State and Local Government Series Early Redemption.

DATES: Written comments should be received on or before May 22, 2010, to be assured of consideration.

ADDRESSES: Direct all written comments to Bureau of the Public Debt, Judi Owens, 200 Third Street, A4–A, Parkersburg, WV 26106–1328, or *judi.owens@bpd.treas.gov*.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Judi Owens, Bureau of the Public Debt, 200 Third Street, A4–A, Parkersburg, WV 26106–1328, (304) 480–8150.

SUPPLEMENTARY INFORMATION:

Title: U.S. Treasury Securities State and Local Government Series Early Redemption Request.

OMB Number: 1535–0121.

Form Numbers: PD F 5377.

Abstract: The information is requested to process early redemption requests for the owners of securities of State and Local Government Series.

Current Actions: None.

Type of Review: Extension.

Affected Public: State or Local Government.

Estimated Number of Respondents: 3,350.

Estimated Time Per Respondent: 30 minutes.

Estimated Total Annual Burden Hours: 1,675.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: March 22, 2010.

Judi Owens,

Manager, Information Management Branch.

[FR Doc. 2010–6705 Filed 3–25–10; 8:45 am]

BILLING CODE 4810–39–P

DEPARTMENT OF THE TREASURY

Bureau of the Public Debt

Proposed Collection: Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, 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)). Currently the Bureau of the Public Debt within the Department of the Treasury is soliciting comments concerning the application for disposition of savings bonds after the death of the registered owner(s).

DATES: Written comments should be received on or before May 22, 2010, to be assured of consideration.

ADDRESSES: Direct all written comments to Bureau of the Public Debt, Judi Owens, 200 Third Street, A4–A, Parkersburg, WV 26106–1328, or *judi.owens@bpd.treas.gov*.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Judi Owens, Bureau of the Public Debt, 200 Third Street, A4–A, Parkersburg, WV 26106–1328, (304) 480–8150.

SUPPLEMENTARY INFORMATION:

Title: Application for Disposition of Series I Savings Bonds After the Death of the Registered Owner(s).

OMB Number: 1535–0131.

Form Number: PD F 5394.

Abstract: The information is requested to request payment or reissue of savings bonds belonging to a deceased owner.

Current Actions: None.

Type of Review: Extension.

Affected Public: Individuals.

Estimated Number of Respondents: 4,100.

Estimated Time Per Respondent: 30 minutes.

Estimated Total Annual Burden Hours: 2,050.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: March 22, 2010.

Judi Owens,

Manager, Information Management Branch.

[FR Doc. 2010–6708 Filed 3–25–10; 8:45 am]

BILLING CODE 4810–39–P

DEPARTMENT OF THE TREASURY

Community Development Financial Institutions Fund

Bank Enterprise Award (BEA) Program; Notice of Funds Availability

Funding Opportunity Title: Notice of Funds Availability (NOFA) inviting applications for the FY 2010 Funding Round of the Bank Enterprise Award (BEA) Program.

Announcement Type: Announcement of funding opportunity.

Catalog of Federal Domestic Assistance (CDFA) Number: 21.021.

DATES: Applications for the FY 2010 funding round of the BEA Program must be received by 5 p.m. ET on May 5, 2010. Applications must meet all eligibility and other requirements and deadlines, as applicable, set forth in this NOFA. Applications received after 5 p.m. ET on May 5, 2010 will be rejected.

Executive Summary: Subject to funding availability, this NOFA is issued in connection with the FY 2010 funding round of the BEA Program. The BEA Program is administered by the Community Development Financial Institutions (CDFI) Fund. The BEA Program encourages Insured Depository Institutions to increase their levels of loans, investments, services, and technical assistance within Distressed Communities, and financial assistance to CDFIs through grants, stock purchases, loans, deposits, and other forms of financial and technical assistance, during a specified period.

I. Funding Opportunity Description

A. *Baseline Period and Assessment Period dates:* A BEA Program award is based on an Applicant's increases in Qualified Activities from the Baseline Period to the Assessment Period. For the FY 2010 funding round, the Baseline Period is calendar year 2008 (January 1, 2008 through December 31, 2008), and the Assessment Period is calendar year 2009 (January 1, 2009 through December 31, 2009).

B. *Program regulations:* The regulations governing the BEA Program can be found at 12 CFR part 1806 (the Interim Rule) and provide guidance on evaluation criteria and other requirements of the BEA Program. The CDFI Fund encourages Applicants to review the Interim Rule. Detailed application content requirements are found in the application related to this NOFA. Each capitalized term in this NOFA is more fully defined either in the Interim Rule or the application.

C. *Qualified Activities:* Qualified Activities are defined in the Interim Rule to include CDFI Related Activities, Distressed Community Financing Activities, and Service Activities (12 CFR 1806.103(nn)). CDFI Related Activities include Equity Investments, Equity-Like Loans, and CDFI Support Activities (12 CFR 1806.103(r)). Distressed Community Financing Activities (12 CFR 1806.103(u)) include Affordable Housing Loans, Affordable Housing Development Loans and related Project Investments; Education Loans; Commercial Real Estate Loans and related Project Investments; Home Improvement Loans; and Small Business Loans and related Project Investments. Service Activities (12 CFR 1806.103(nn)) include Deposit Liabilities, Financial Services, Community Services, Targeted Financial Services, and Targeted Retail Savings/Investment Products.

When calculating BEA Program award amounts, the CDFI Fund will count only the amount that an Applicant reasonably expects to disburse for a Qualified Activity within 12 months from the end of the Assessment Period. Subject to the requirements outlined in Section VII. B.1. of this NOFA, in the case of Commercial Real Estate Loans and CDFI Related Activities, the total principal amount of the transaction must be $10 million or less to be considered a Qualified Activity. Notwithstanding the foregoing, the CDFI Fund, in its sole discretion, may consider transactions with a total principal value of over $10 million, subject to review. Qualified Activities funded with prior funding round Award dollars shall not constitute a Qualified Activity for the purposes of calculating or receiving an Award.

D. *Designation of Distressed Community:* Each CDFI Partner that is the recipient of CDFI Support Activities from an Applicant must designate a Distressed Community. CDFI Partners that receive Equity Investments are not required to designate Distressed Communities. Applicants applying for a BEA Program award for carrying out Distressed Community Financing Activities or Service Activities must verify that addresses of both Baseline and Assessment Period activities are in Distressed Communities when completing their application. Please note that a Distressed Community as defined by the BEA Program is not necessarily the same as an Investment Area as defined by the CDFI Program or a Low-Income Community as defined by the New Markets Tax Credit (NMTC) Program.

1. *Definition of Distressed Community:* A Distressed Community must meet certain minimum geographic area and distress requirements, which are defined in the Interim Rule at 12 CFR 1806.103(t) and more fully described in 12 CFR 1806.200.

2. *Designation of Distressed Community:* A CDFI Partner (as appropriate) shall designate an area as a Distressed Community by:

(a) Selecting Geographic Units which individually meet the minimum area eligibility requirements; or

(b) selecting two or more Geographic Units which, in the aggregate, meet the minimum area eligibility requirements set forth in paragraph (1) of this section provided that no Geographic Unit selected by the Applicant within the area has a poverty rate of less than 20 percent.

A CDFI Partner designates a Distressed Community by submitting a map of the Distressed Community as described in the applicable BEA Program application. CDFI Partners must use the CDFI Fund Information Mapping System (CIMS) to designate Distressed Communities. CIMS is accessed through *myCDFIFund* and contains step-by-step instructions on how to create and print the aforementioned map of the Distressed Community. *MyCDFIFund* is an electronic interface that is accessed through the CDFI Fund's Web site (*http://www.cdfifund.gov*). Instructions for registering with *myCDFIFund* are available on the CDFI Fund's Web site. If you have any questions or problems with registering, please contact the CDFI Fund IT HelpDesk by telephone at (202) 622–2455, or by e-mail to *ITHelpDesk@cdfi.treas.gov*.

II. Award Information

A. *Award amounts:* Subject to funding availability, the CDFI Fund expects that it may award approximately $25 million for FY 2010 BEA Program awards, in appropriated funds under this NOFA. The CDFI Fund reserves the right to award in excess of said funds under this NOFA, provided that the appropriated funds are available. The CDFI Fund reserves the right to impose a maximum award amount. Under no circumstances will an award be higher than $2 million for any Awardee. The CDFI Fund also reserves the right to impose a minimum award amount. Further, the CDFI Fund reserves the right to fund, in whole or in part, any, all, or none of the applications submitted in response to this NOFA. The CDFI Fund reserves the right to reallocate funds from the amount that is anticipated to be available under this NOFA to other CDFI Fund programs, or reallocate remaining funds to a future BEA funding round, if the CDFI Fund determines that the number of awards made under this NOFA is fewer than projected.

When calculating award amounts, the CDFI Fund will count only the amount that an Applicant reasonably expects to disburse on a transaction within 12 months from the end of the Assessment Period.

B. *Types of awards:* BEA Program awards are made in the form of grants.

C. *Notice of Award and Award Agreement:* Each awardee under this NOFA must sign a Notice of Award and an Award Agreement prior to disbursement by the CDFI Fund of award proceeds. The Notice of Award and the Award Agreement contains the terms and conditions of the award. For further information, see Section VIII of this NOFA.

III. Eligibility

A. *Eligible Applicants:* Eligible Applicants for the BEA Program must be Insured Depository Institutions, as defined in 12 U.S.C. 1813(c)(2). An Applicant must be FDIC-insured as of December 31, 2009 for the FY 2010 funding round to be eligible for consideration for a BEA Program award under this NOFA. For the purposes of this NOFA, an eligible CDFI Applicant is an Insured Depository Institution that has been certified as a CDFI as of the end of the applicable Assessment Period.

In determining eligibility to receive an Award, the CDFI Fund may take into consideration the views of the appropriate Federal bank regulatory agency, as defined in Section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)). The CDFI Fund may choose not to approve a BEA award to an Insured Depository Institution Applicant for which the appropriate Federal bank regulatory agency indicates safety and soundness concerns. In addition, the CDFI Fund may take into consideration Community Reinvestment Act (CRA) assessments of Insured Depository Institutions and/or their Affiliates.

1. *Prior awardees:* Applicants must be aware that success in a prior round of any of the CDFI Fund's programs is not indicative of success under this NOFA. For purposes of this section, the CDFI Fund will consider an Affiliate to be any entity that Controls (as such term is defined in paragraph (f) below) the Applicant, is Controlled by the Applicant or is under common Control with the Applicant (as determined by the CDFI Fund) and any entity otherwise identified as an affiliate by the Applicant in its Application under this NOFA. Prior BEA Program Awardees and prior awardees of other CDFI Fund programs are eligible to apply under this NOFA, except as follows:

(a) *Failure to meet reporting requirements:* The CDFI Fund will not consider an application submitted by an Applicant if the Applicant or its Affiliate is a prior CDFI Fund awardee or allocatee under any CDFI Fund program and is not current on the reporting requirements set forth in the previously executed assistance, award or allocation agreement(s), as of the application deadline(s) of this NOFA. Please note that the CDFI Fund only acknowledges the receipt of reports that are complete. As such, incomplete reports or reports that are deficient of required elements will not be recognized as having been received.

(b) *Pending resolution of noncompliance:* If an Applicant that is a prior awardee or allocatee under any CDFI Fund program: (i) Has submitted complete and timely reports to the CDFI Fund that demonstrate noncompliance with a previous assistance, award or allocation agreement, and (ii) the CDFI Fund has yet to make a final determination as to whether the entity is in default of its previous assistance, award or allocation agreement, the CDFI Fund will consider the Applicant's application under this NOFA pending full resolution, in the sole determination of the CDFI Fund, of the noncompliance. Further, if an Affiliate of the Applicant that is a prior CDFI Fund awardee or allocatee under any CDFI Fund program: (i) Has submitted complete and timely reports to the CDFI Fund that demonstrate noncompliance with a previous assistance, award or allocation agreement, and (ii) the CDFI Fund has yet to make a final determination as to whether the entity is in default of its previous assistance, award or allocation agreement, the CDFI Fund will consider the Applicant's application under this NOFA pending full resolution, in the sole determination of the CDFI Fund, of the noncompliance.

(c) *Default status:* The CDFI Fund will not consider an application submitted by an Applicant that is a prior CDFI Fund awardee or allocatee under any CDFI Fund program if, as of the applicable application deadline of this NOFA, the CDFI Fund has made a final determination that such Applicant is in default of a previously executed assistance, award or allocation agreement(s). Further, an entity is not eligible to apply for an award pursuant to this NOFA if, as of the applicable application deadline, the CDFI Fund has made a final determination that an Affiliate of the Applicant: (i) Is a prior CDFI Fund awardee or allocatee under any CDFI Fund program, and (ii) has been determined by the CDFI Fund to be in default of a previously executed assistance, award or allocation agreement(s). Such entities will be ineligible to apply for an award pursuant to this NOFA so long as the Applicant's, or its Affiliate's, prior award or allocation remains in default status or such other time period as specified by the CDFI Fund in writing.

(d) *Termination in default:* The CDFI Fund will not consider an application submitted by an Applicant that is a prior CDFI Fund awardee or allocatee under any CDFI Fund program if, within the 12-month period prior to the

application deadline of this NOFA, the CDFI Fund has made a final determination that such Applicant's prior award or allocation terminated in default of the assistance, award or allocation agreement and the CDFI Fund has provided written notification of such determination to such Applicant. Further, an entity is not eligible to apply for an award pursuant to this NOFA if, within the 12-month period prior to the application deadline of this NOFA, the CDFI Fund has made a final determination that an Affiliate of the Applicant is a prior CDFI Fund awardee or allocatee under any CDFI Fund program whose award or allocation terminated in default of the assistance, award or allocation agreement and the CDFI Fund has provided written notification of such determination to the defaulting entity.

(e) *Undisbursed balances:* For the purposes of this section, the term "undisbursed funds" is defined as: (i) In the case of prior BEA Program award(s), any balance of award funds equal to or greater than five (5) percent of the total prior BEA Program award(s) that remains undisbursed more than three (3) years after the end of the calendar year in which the CDFI Fund signed an award agreement with the awardee, and (ii) in the case of prior CDFI Program or other CDFI Fund program award(s), any balance of award funds equal to or greater than five (5) percent of the total prior award(s) that remains undisbursed more than two (2) years after the end of the calendar year in which the CDFI Fund signed an assistance agreement with the awardee.

The term "undisbursed funds" does not include (i) tax credit allocation authority allocated through the New Markets Tax Credit Program; (ii) any award funds for which the CDFI Fund received a full and complete disbursement request from the awardee as of the application deadline of this NOFA; or (iii) any award funds for an award that has been terminated, expired, rescinded, or deobligated by the CDFI Fund.

The CDFI Fund will not consider an application submitted by an Applicant that is a prior CDFI Fund awardee under any CDFI Fund program if the Applicant has a balance of undisbursed funds under said prior award(s), as of the application deadline of this NOFA. Further, an entity is not eligible to apply for an award pursuant to this NOFA if an Affiliate of the Applicant is a prior CDFI Fund awardee under any CDFI Fund program, and has a balance of undisbursed funds under said prior award(s), as of the application deadline of this NOFA. In the case where an Affiliate of the Applicant is a prior CDFI Fund awardee under any CDFI Fund program, and has a balance of undisbursed funds under said prior award(s), as of the application deadline of this NOFA, the CDFI Fund will include the combined awards of the Applicant and such Affiliates when calculating the amount of undisbursed funds.

(f) *Control:* For purposes of this NOFA, the term "Control" means: (1) Ownership, control, or power to vote 25 percent or more of the outstanding shares of any class of voting securities as defined in 12 CFR 1805.104(mm) of any legal entity, directly or indirectly or acting through one or more other persons; (2) control in any manner over the election of a majority of the directors, trustees, or general partners (or individuals exercising similar functions) of any legal entity; or (3) the power to exercise, directly or indirectly, a controlling influence over the management, credit or investment decisions, or policies of any legal entity.

(g) *Contact the CDFI Fund:* Accordingly, Applicants that are prior awardees and/or allocatees under any CDFI Fund program are advised to: (i) Comply with requirements specified in assistance, award and/or allocation agreement(s), and (ii) contact the CDFI Fund to ensure that all necessary actions are underway for the disbursement of any outstanding balance of a prior award(s). All outstanding reports, compliance or disbursement questions should be directed to Certification, Compliance, Monitoring and Evaluation support by e-mail at *cme@cdfi.treas.gov;* by telephone at (202) 622–6330; by facsimile at (202) 622–6453; or by mail to CDFI Fund, 601 13th Street, NW., Suite 200 South, Washington, DC 20005. The CDFI Fund will respond to Applicants' reporting, compliance or disbursement questions between the hours of 9 a.m. and 5 p.m. ET, starting on the date of the publication of this NOFA through May 3, 2010. The CDFI Fund will not respond to Applicants' reporting, compliance or disbursement telephone calls or e-mail inquiries that are received after 5 p.m. ET on May 3, 2010.

2. *Cost sharing and matching fund requirements:* Not applicable.

IV. Application and Submission Information

A. *MyCDFIFund Accounts:* All Applicants must register User and Organization accounts in myCDFIFund, the CDFI Fund's Internet-based interface. Authorized representatives and contacts must register as Users and the Applicant must be registered as an Organization in myCDFIFund as of the Application deadline in order to be considered to have submitted a complete Application. As myCDFIFund is the CDFI Fund's primary means of communication with applicants and awardees, Applicants must make sure that they update the contact information in their myCDFIFund accounts before the Application deadline. For more information on myCDFIFund, please see the "Frequently Asked Questions" link posted at *https://www.cdfifund.gov/myCDFI/Help/Help.asp.*

B. *Application Content Requirements:* Detailed application content requirements are found in the Application related to this NOFA. Applicants must submit all materials described in and required by the Application by the applicable deadlines. Additional information, including instructions relating to the submission of the Application via myCDFIFund, the CDFI Fund's Internet-based interface, is set forth in further detail in the Application.

Please note that, pursuant to OMB guidance (68 FR 38402), each Applicant must provide, as part of its Application submission, a Dun and Bradstreet Data Universal Numbering System (DUNS) number. In addition, each Application must include a valid and current Employer Identification Number (EIN), with a letter or other documentation from the Internal Revenue Service (IRS) confirming the EIN. Applicants should allow sufficient time for the IRS and/or Dun and Bradstreet to respond to inquiries and/or requests for identification numbers. An Application that does not include an EIN is incomplete and cannot be transmitted to the CDFI Fund. The preceding sentences do not limit the CDFI Fund's ability to contact an Applicant for the purpose of confirming or clarifying information regarding a DUNS number or EIN number. Once an Application is submitted, the Applicant will not be allowed to change any element of the Application.

As set forth in further detail in the Application, any Qualified Activity missing the required documentation will be disqualified. Applicants will not be allowed to submit missing documentation for Qualified Activities after the application deadline.

C. *Form of Application Submission:* Applications Submitted via myCDFIFund: Applicants must submit Applications under this NOFA electronically, through myCDFIFund, the CDFI Fund's Internet-based interface. No paper submittals or attachments will be accepted.

Applications sent by mail, facsimile or other form will generally not be accepted, except in circumstances approved in advance by the CDFI Fund, in its sole discretion. The CDFI Fund will post to its Web site, *http://www.cdfifund.gov*, instructions for accessing and submitting Applications as soon as they become available.

Qualified Activity documentation and other attachments as specified in the applicable BEA Program Application must be sent to: Bureau of the Public Debt, CDFI Fund—Awards Management, 200 Third Street, A2–B, Parkersburg, West Virginia 26106. The telephone number to be used in conjunction with overnight mailings to this address is (304) 480–5450. The CDFI Fund will not accept Applications in its offices in Washington, DC. Applications and attachments received in the CDFI Fund's Washington, DC office will be rejected.

D. *Application Deadlines:* The deadline for receipt of Applications via myCDFIFund for the FY 2010 funding round is 5 p.m. ET on May 5, 2010. The deadline for receipt of paper documentation at the BPD address specified above is 5 p.m. ET, May 5, 2010. Applications and other required documents and other attachments received after the deadline on the applicable date will be rejected. Please note that the document submission deadlines in this NOFA and the funding Application are strictly enforced. The CDFI Fund will not grant exceptions or waivers for late delivery of documents including, but not limited to, late delivery that is caused by third parties such as the United States Postal Service, couriers or overnight delivery services.

V. Intergovernmental Review

Not Applicable.

VI. Funding Restrictions

Not Applicable.

VII. Application Review Information

A. *CDFI Related Activities:* CDFI Related Activities include Equity Investments, Equity-Like Loans, and CDFI Support Activities provided to eligible CDFI Partners. In addition to regulatory requirements, this NOFA provides the following:

1. *Eligible CDFI Partner:* CDFI Partner is defined as a CDFI that has been provided assistance in the form of CDFI Related Activities by an Applicant (12 CFR 1806.103(p)). For the purposes of this NOFA, an eligible CDFI Partner is an entity that has been certified as a CDFI as of the end of the applicable Assessment Period.

2. *Limitations on Eligible Qualified Activities Provided to Certain CDFI Partners:* An Applicant that is also a CDFI cannot receive credit for any financial assistance or Qualified Activities provided to a CDFI Partner that is also an FDIC-insured depository institution or depository institution holding company.

3. *Certificates of Deposit:* Section 1806.103(r) of the Interim Rule states that any certificate of deposit placed by an Applicant or its Subsidiary in a CDFI that is a bank, thrift, or credit union must be: (i) Uninsured and committed for at least three years; or (ii) insured, committed for a term of at least three years, and provided at an interest rate that is materially below market rates, in the determination of the CDFI Fund.

(a) For purposes of this NOFA, "materially below market interest rate" is defined as an annual percentage rate that does not exceed 100 percent of yields on Treasury securities at constant maturity as interpolated by Treasury from the daily yield curve and available on the Treasury Web site at *http://www.treas.gov/offices/domestic-finance/debt-management/interest-rate/yield.shtml*. For example, for a three-year certificate of deposit, Applicants should use the three-year rate U.S. Government securities, Treasury Yield Curve Rate posted for that business day. The Treasury updates the Web site daily at approximately 5:30 p.m. ET. Certificates of deposit placed prior to that time may use the rate posted for the previous business day. The annual percentage rate on a certificate of deposit should be compounded quarterly, semi-annually, or annually. In addition, Applicants should determine whether a certificate of deposit is insured based on the total amount that the Applicant or its Subsidiary has on deposit on the day the certificate of deposit is placed. An Applicant must note, in its BEA Program application, whether the certificate of deposit is insured or uninsured.

(b) For purposes of this NOFA, a deposit placed by an Applicant directly with a CDFI Partner that participates in a deposit network or service may be treated as eligible under this NOFA if it otherwise meets the criteria for deposits in 1806.103(r) and the CDFI Partner retains the full amount of the initial deposit or an amount equivalent to the full amount of the initial deposit through a deposit network exchange transaction.

4. *Equity-Like Loans:* An Equity-Like Loan is a loan provided by an Applicant or its Subsidiary to a CDFI, and made on such terms that it has characteristics of an Equity Investment, as such characteristics may be specified by the CDFI Fund (12 CFR 1806.103(z)). For purposes of this NOFA, Equity-Like Loans must meet the following characteristics:

(a) At the end of the initial term, the loan must have a definite rolling maturity date that is automatically extended on an annual basis if the CDFI borrower continues to be financially sound and carry out a community development mission;

(b) Periodic payments of interest and/or principal may only be made out of the CDFI borrower's available cash flow after satisfying all other obligations;

(c) Failure to pay principal or interest (except at maturity) will not automatically result in a default of the loan agreement; and

(d) The loan must be subordinated to all other debt except for other Equity-Like Loans.

Notwithstanding the foregoing, the CDFI Fund reserves the right to determine, in its sole discretion and on a case-by-case basis, whether an instrument meets the above-stated characteristics of an Equity-Like Loan.

B. *Distressed Community Financing Activities and Service Activities:* Distressed Community Financing Activities include Affordable Housing Loans, Affordable Housing Development Loans and related Project Investments, Education Loans, Commercial Real Estate Loans and related Project Investments, Home Improvement Loans, and Small Business Loans and related Project Investments (12 CFR 1806.103(u)). In addition to the regulatory requirements, this NOFA provides the following additional requirements:

1. *Commercial Real Estate Loans and related Project Investments:* For purposes of this NOFA, eligible Commercial Real Estate Loans (12 CFR 1806.103(l)) and related Project Investments (12 CFR 1806.103(ll)) are generally limited to transactions with a total principal value of $10 million or less. Notwithstanding the foregoing, the CDFI Fund, in its sole discretion, may consider transactions with a total principal value of over $10 million, subject to review. For such transactions, Applicants must provide a separate narrative, or other information, to demonstrate that the proposed project offers, or significantly enhances the quality of, a facility or service not currently provided to the Distressed Community.

2. *Reporting certain Financial Services:* The CDFI Fund will value the administrative cost of providing certain Financial Services using the following per unit values:

(a) $100.00 per account for Targeted Financial Services;

(b) $50.00 per account for checking and savings accounts that do not meet the definition of Targeted Financial Services;

(c) $5.00 per check cashing transaction;

(d) $25,000 per new ATM installed at a location in a Distressed Community;

(e) $2,500 per ATM operated at a location in a Distressed Community;

(f) $250,000 per new retail bank branch office opened in a Distressed Community; and

(g) In the case of Applicants engaging in Financial Services activities not described above, the CDFI Fund will determine the unit value of such services.

When reporting the opening of a new retail bank branch office, the Applicant must certify that it has not operated a retail branch in the same census tract in which the new retail branch office is being opened in the past three years, and that such new branch will remain in operation for at least the next five years.

Financial Service Activities must be provided by the Applicant to Low- and Moderate-Income Residents. An Applicant may determine the number of Low- and Moderate-Income individuals who are recipients of Financial Services by either: (i) Collecting income data on its Financial Services customers; or (ii) certifying that the Applicant reasonably believes that such customers are Low- and Moderate-Income individuals and providing a brief analytical narrative with information describing how the Applicant made this determination.

C. *Priority Factors:* Priority Factors are the numeric values assigned to individual types of activity within: (i) The Distressed Community Financing, and (ii) Services categories of Qualified Activities. For the purposes of this NOFA, Priority Factors will be based on the Applicant's asset size as of the end of the Assessment Period (December 31, 2009) as reported by the Applicant in the Application. Asset size classes (*i.e.*, small banks, intermediate-small banks, and large banks) will correspond to the CRA asset size classes set by the four Federal bank regulatory agencies and that were effective as of the end of the Assessment Period. The Priority Factor works by multiplying the change in a Qualified Activity by the assigned Priority Factor to achieve a "weighted value." This weighted value of the change would be multiplied by the applicable award percentage to yield the award amount for that particular activity. For purposes of this NOFA, the CDFI Fund is establishing Priority Factors based on Applicant asset size to be applied to all activity within the Distressed Community Financing Activities and Service Activities categories only, as follows:

CRA Asset size classification	Priority factor
Small banks (assets of less than $274 million as of 12/31/2009)	5.0
Intermediate—small banks (assets of greater than $274 million but less than $1.109 billion as of 12/31/2009)	3.0
Large banks (assets of $1.109 billion or greater as of 12/31/2009)	1.0

D. *Certain Limitations on Qualified Activities:*

1. Low-Income Housing Tax Credits. Financial assistance provided by an Applicant for which the Applicant receives benefits through Low-Income Housing Tax Credits, authorized pursuant to Section 42 of the Internal Revenue Code, as amended (26 U.S.C. 42), shall not constitute an Equity Investment, Project Investment, or other Qualified Activity, for the purposes of calculating or receiving a Bank Enterprise Award.

2. New Markets Tax Credits. Financial assistance provided by an Applicant for which the Applicant receives benefits as an investor in a Community Development Entity that has received an allocation of New Markets Tax Credits, authorized pursuant to Section 45D of the Internal Revenue Code, as amended (26 U.S.C. 45D), shall not constitute an Equity Investment, Project Investment, or other Qualified Activity, for the purposes of calculating or receiving a Bank Enterprise Award.

3. Loan Renewals and Refinances. Financial assistance provided by an Applicant shall not constitute a Qualified Activity, as defined in this part, for the purposes of calculating or receiving an award if, such financial assistances consists of a loan that has matured and is then renewed by the Applicant or consists of a loan that is retired or restructured using the proceeds of a new commitment by the Applicant.

4. Prior BEA Awards. Qualified Activities funded with prior funding round Award dollars shall not constitute a Qualified Activity for the purposes of calculating or receiving an Award.

5. Prior CDFI Program Awards. No CDFI may receive a BEA Program award for activities funded by a CDFI Program award.

E. *Award percentages, award amounts, selection process:* The Interim Rule describes the process for selecting Applicants to receive BEA Program awards and determining award amounts. Applicants will calculate and request an estimated award amount in accordance with a multiple step procedure that is outlined in the Interim Rule (at 12 CFR 1806.202). As outlined in the Interim Rule at 12 CFR 1806.203, the CDFI Fund will determine actual award amounts based on the availability of funds, increases in Qualified Activities from the Baseline Period to the Assessment Period, and each Applicant's priority ranking. In calculating the increase in Qualified Activities, the CDFI Fund will determine the eligibility of each transaction for which an Applicant has applied for a BEA Program award. In some cases, the actual award amount calculated by the CDFI Fund may not be the same as the estimated award amount requested by the Applicant.

In the CDFI Related Activities category (except for an Equity Investment or Equity-Like Loan), if an Applicant is a CDFI, such estimated award amount will be equal to 18 percent of the increase in Qualified Activity for the category. If an Applicant is not a CDFI, such estimated award amount will be equal to 6 percent of the increase in Qualified Activity for the category. Notwithstanding the foregoing, for an Applicant that is a CDFI and for an Applicant that is not a CDFI, the award percentage applicable to an Equity Investment, Equity-Like Loan, or Grant in a CDFI shall be 15 percent of the increase in Qualified Activity for the category. For the Distressed Community Financing Activities and Service Activities categories, if an Applicant is a CDFI, such estimated award amount will be equal to 9 percent of the weighted value of the increase in Qualified Activity for the category. If an Applicant is not a CDFI, such estimated award amount will be equal to 3 percent of the weighted value of the increase in Qualified Activity for the category.

If the amount of funds available during the funding round is insufficient for all estimated award amounts, Awardees will be selected based on the process described in the Interim Rule at 12 CFR 1806.203(b). This process gives funding priority to Applicants that undertake activities in the following order: (i) CDFI Related Activities, (ii) Distressed Community Financing Activities, and (iii) Service Activities.

Within each category, Applicants that are certified CDFIs will be ranked first according to the ratio of the actual award amount calculated by the CDFI

Fund for the category to the total assets of the Applicant, followed by Applicants that are not certified CDFIs according to the ratio of the actual award amount calculated by the CDFI Fund for the category to the total assets of the Applicant.

The CDFI Fund, in its sole discretion: (i) May adjust the estimated award amount that an Applicant may receive; (ii) may establish a maximum amount that may be awarded to an Applicant; and (iii) reserves the right to limit the amount of an award to any Applicant if the CDFI Fund deems it appropriate.

For purposes of calculating award disbursement amounts, the CDFI Fund will treat Qualified Activities with a total principal amount less than or equal to $250,000 as fully disbursed. For all other Qualified Activities, Awardees will have 12 months from the end of the Assessment Period to make disbursements and 18 months from the end of the Assessment Period to submit to the CDFI Fund disbursement requests for the corresponding portion of their awards, after which the CDFI Fund will rescind and deobligate any outstanding award balance and said outstanding award balance will no longer be available to the Awardee.

The CDFI Fund reserves the right to change its eligibility and evaluation criteria and procedures. If said changes materially affect the CDFI Fund's award decisions, the CDFI Fund will provide information regarding the changes through the CDFI Fund's Web site.

There is no right to appeal the CDFI Fund's award decisions. The CDFI Fund's award decisions are final. The CDFI Fund does not provide debriefings and will only respond to questions regarding an Award decision 30 days prior to the end of the applicable fiscal year.

VIII. Award Administration Information

A. *Notice of Award:* The CDFI Fund will signify its selection of an Applicant as an Awardee by delivering a Notice of Award and Award Agreement to the Applicant. The Notice of Award and Award Agreement will contain the general terms and conditions underlying the CDFI Fund's provision of an award. The Applicant must execute the Notice of Award and Award Agreement and return it to the CDFI Fund. Each Awardee must also provide the CDFI Fund with complete and accurate banking information on the Automated Clearinghouse (ACH) form. The ACH form must be returned with the Notice of Award and Award Agreement.

The CDFI Fund reserves the right, in its sole discretion, to rescind its award, the Notice of Award and Award Agreement if the Awardee fails to return the Notice of Award and Award Agreement signed by the Authorized Representative of the Awardee or any other requested documentation by the deadline set by the CDFI Fund.

By executing a Notice of Award and Award Agreement, the Awardee agrees that, if information (including administrative errors) comes to the attention of the CDFI Fund prior to the Effective Date of the Award Agreement, that either adversely affects the Awardee's eligibility for an award, or adversely affects the CDFI Fund's evaluation of the Awardee's application, or indicates fraud or mismanagement on the part of the Awardee, the CDFI Fund may, in its discretion and without advance notice to the Awardee, terminate the Notice of Award and Award Agreement or take such other actions as it deems appropriate.

1. *Failure to meet reporting requirements:* If an Applicant, or its Affiliate, is a prior CDFI Fund awardee or allocatee under any CDFI Fund program and is not current on the reporting requirements set forth in the previously executed assistance, award or allocation agreement(s), as of the date of the Notice of Award, the CDFI Fund reserves the right, in its sole discretion, to delay entering into an Award Agreement and/or to delay making a disbursement of Award proceeds, until said prior awardee or allocatee is current on the reporting requirements in the previously executed assistance, award or allocation agreement(s). Please note that the CDFI Fund only acknowledges the receipt of reports that are complete. As such, incomplete reports or reports that are deficient of required elements will not be recognized as having been received. If said prior awardee or allocatee is unable to meet this requirement within the timeframe set by the CDFI Fund, the CDFI Fund reserves the right, in its sole discretion, to terminate and rescind the Notice of Award and the Award made under this NOFA.

2. *Pending resolution of noncompliance:* If an Applicant is a prior CDFI Fund awardee or allocatee under any CDFI Fund program and if: (a) It has submitted complete and timely reports to the CDFI Fund that demonstrate noncompliance with a previous assistance, award, or allocation agreement, and (b) the CDFI Fund has yet to make a final determination regarding whether or not the entity is in default of its previous assistance, award, or allocation agreement, the CDFI Fund reserves the right, in its sole discretion, to delay entering into an Award Agreement and/or to delay making a disbursement of Award proceeds, pending full resolution, in the sole determination of the CDFI Fund, of the noncompliance. Further, if an Affiliate of the Applicant is a prior CDFI Fund awardee or allocatee under any CDFI Fund program, and if such entity: (i) Has submitted complete and timely reports to the CDFI Fund that demonstrate noncompliance with a previous assistance, award, or allocation agreement, and (ii) the CDFI Fund has yet to make a final determination as to whether the entity is in default of its previous assistance, award, or allocation agreement, the CDFI Fund reserves the right, in its sole discretion, to delay entering into an Award Agreement and/or to delay making a disbursement of Award proceeds pending full resolution, in the sole determination of the CDFI Fund, of the noncompliance. If said prior awardee or allocatee is unable to meet this requirement, in the sole determination of the CDFI Fund, the CDFI Fund reserves the right, in its sole discretion, to terminate and rescind the Notice of Award and the Award made under this NOFA.

3. *Default status:* If, at any time prior to entering into an Award Agreement under this NOFA, the CDFI Fund has made a final determination that an Applicant that is a prior CDFI Fund awardee or allocatee under any CDFI Fund program is in default of a previously executed assistance, award, or allocation agreement(s) and has provided written notification of such determination to the Applicant, the CDFI Fund reserves the right, in its sole discretion, to delay entering into an Award Agreement and/or to delay making a disbursement of Award proceeds until said prior awardee or allocatee has submitted a complete and timely report demonstrating full compliance with said Agreement within a timeframe set by the CDFI Fund. Further, if, at any time prior to entering into an Award Agreement under this NOFA, the CDFI Fund has made a final determination that an Affiliate of the Applicant is a prior CDFI Fund awardee or allocatee under any CDFI Fund program, is in default of a previously executed assistance, allocation or award agreement(s), and has provided written notification of such determination to the defaulting entity, the CDFI Fund reserves the right, in its sole discretion, to delay entering into an Award Agreement and/or to delay making a disbursement of Award proceeds until said prior awardee or allocatee has submitted a complete and timely report demonstrating full compliance with said

agreement within a timeframe set by the CDFI Fund. If said prior awardee or allocatee is unable to meet this requirement, the CDFI Fund reserves the right, in its sole discretion, to terminate and rescind the Notice of Award and the Award made under this NOFA.

4. *Termination in default:* If, within the 12-month period prior to entering into an Award Agreement under this NOFA, the CDFI Fund has made a final determination that an Applicant that is a prior CDFI Fund awardee or allocatee under any CDFI Fund program whose award or allocation terminated in default of such prior agreement and the CDFI Fund has provided written notification of such determination to such organization, the CDFI Fund reserves the right, in its sole discretion, to delay entering into an Award Agreement and/or to delay making a disbursement of Award proceeds. Further, if, within the 12-month period prior to entering into an Award Agreement under this NOFA, the CDFI Fund has made a final determination that an Affiliate of the Applicant is a prior CDFI Fund awardee or allocatee under any CDFI Fund program, and whose award or allocation terminated in default of such prior agreement(s) and has provided written notification of such determination to the defaulting entity, the CDFI Fund reserves the right, in its sole discretion, to delay entering into an Award Agreement and/or to delay making a disbursement of Award proceeds.

B. *Award Agreement:* After the CDFI Fund selects an Awardee, unless an exception detailed in this Notice applies, the CDFI Fund and the Awardee will enter into an Award Agreement. The Award Agreement will set forth certain required terms and conditions of the award, which will include, but not be limited to: (i) The amount of the award; (ii) the type of the award; (iii) the approved uses of the award; (iv) performance goals and measures; and (v) reporting requirements for all Awardees. Award Agreements under this NOFA generally will have one-year performance periods. The Award Agreement shall provide that an Awardee shall: (i) Carry out its Qualified Activities in accordance with applicable law, the approved application, and all other applicable requirements; (ii) not receive any monies until the CDFI Fund has determined that the Awardee has fulfilled all applicable requirements, and (iii) use an amount equivalent to the BEA Award amount for BEA Qualified Activities.

C. *Administrative and National Policy Requirements:* Not applicable.

D. *Reporting and Accounting:*

1. *Reporting Requirements:* The CDFI Fund will collect information, on at least an annual basis, from each Awardee that receives an award over $50,000 through this NOFA, which may include, but not be limited to, an Annual Report that comprises the following components: (i) Institution Level Report; (ii) Financial Reports (including an OMB A–133 audit, as applicable); and (iii) such other information as the CDFI Fund may require. Each Awardee is responsible for the timely and complete submission of the Annual Report, even if all or a portion of the document(s) actually is completed by another entity or signatory to the Award Agreement. If such other entities or signatories are required to provide Institution Level Reports, Financial Reports, or other documentation that the CDFI Fund may require, the Awardee is responsible for ensuring that the information is submitted timely and complete. The CDFI Fund reserves the right to contact such additional signatories to the Award Agreement and require that additional information and documentation be provided. The CDFI Fund will use such information to monitor each Awardee's compliance with the requirements set forth in the Award Agreement and to assess the impact of the CDFI Program. All reports must be electronically submitted to the CDFI Fund via the Awardee's myCDFIFund account. The Institution Level Report must be submitted through the CDFI Fund's web-based data collection system, the Community Investment Impact System (CIIS). The Financial Report may be submitted through CIIS. All other components of the Annual Report may be submitted electronically, as directed, by the CDFI Fund. The CDFI Fund reserves the right, in its sole discretion, to modify these reporting requirements if it determines it to be appropriate and necessary; however, such reporting requirements will be modified only after notice to Awardees.

2. *Accounting:* The CDFI Fund will require each Awardee that receives an award over $50,000 through this NOFA to account for the use of the award. This will require Awardees to establish administrative and accounting controls, subject to applicable OMB Circulars. The CDFI Fund will provide guidance to Awardees outlining the format and content of the information to be provided on an annual basis, outlining and describing how the funds were used.

IX. Agency Contacts

The CDFI Fund will respond to questions and provide support concerning this NOFA and the funding application between the hours of 9 a.m. and 5 p.m. ET, starting on the date of the publication of this NOFA through close of business May 3, 2010 for the FY 2010 funding round. The CDFI Fund will not respond to questions or provide support concerning the application after 5 p.m. ET on May 3, 2010 for the FY 2010 funding round.

Applications and other information regarding the CDFI Fund and its programs may be downloaded and printed from the CDFI Fund's Web site at *http://www.cdfifund.gov*. The CDFI Fund will post on its Web site responses to questions of general applicability regarding the BEA Program.

A. *Information Technology Support:* Technical support can be obtained by calling (202) 622–2455 or by e-mail at *ithelpdesk@cdfi.treas.gov*. People who have visual or mobility impairments that prevent them from creating a Distressed Community map using the CDFI Fund's Web site should call (202) 622–2455 for assistance. These are not toll free numbers.

B. *Application Support:* If you have any questions about the programmatic or administrative requirements of this NOFA, contact the CDFI Fund's Program office by e-mail at *cdfihelp@cdfi.treas.gov*, by telephone at (202) 622–6355, by facsimile at (202) 622–7754, or by mail at CDFI Fund, 601 13th Street, NW., Suite 200 South, Washington, DC 20005. The number provided is not toll-free.

C. *Certification, Compliance, Monitoring and Evaluation Support:* If you have any questions regarding the compliance requirements of this NOFA, including questions regarding performance on prior awards, contact the CDFI Fund's Compliance Manager by e-mail at *cme@cdfi.treas.gov*, by telephone at (202) 622–6330, by facsimile at (202) 622–6453, or by mail at CDFI Fund, 601 13th Street, NW., Suite 200 South, Washington, DC 20005. The number provided is not toll-free.

D. *Communication with the CDFI Fund:* The CDFI Fund will use its myCDFIFund Internet interface to communicate with Applicants and Awardees under this NOFA. Awardees must use myCDFIFund to submit required reports. The CDFI Fund will notify Awardees by e-mail using the addresses maintained in each Awardee's myCDFIFund account. Therefore, an Awardee and any Subsidiaries, signatories, and Affiliates must maintain accurate contact information (including

contact person and authorized representative, e-mail addresses, fax numbers, phone numbers, and office addresses) in their myCDFIFund account(s). For more information about myCDFIFund, please see the Help documents posted at *https://www.cdfifund.gov/myCDFI/Help/Help.asp*.

Authority: 12 U.S.C. 1834a, 4703, 4703 note, 4713; 12 CFR part 1806.

Dated: March 22, 2010.

Donna J. Gambrell,

Director, Community Development Financial Institutions Fund.

[FR Doc. 2010–6738 Filed 3–25–10; 8:45 am]

BILLING CODE 4810–70–P

Reader Aids

Federal Register
Vol. 75, No. 58
Friday, March 26, 2010

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations	
General Information, indexes and other finding aids	202–741–6000
Laws	741–6000
Presidential Documents	
Executive orders and proclamations	741–6000
The United States Government Manual	741–6000
Other Services	
Electronic and on-line services (voice)	741–6020
Privacy Act Compilation	741–6064
Public Laws Update Service (numbers, dates, etc.)	741–6043
TTY for the deaf-and-hard-of-hearing	741–6086

ELECTRONIC RESEARCH

World Wide Web

Full text of the daily Federal Register, CFR and other publications is located at: **http://www.gpoaccess.gov/nara/index.html**

Federal Register information and research tools, including Public Inspection List, indexes, and links to GPO Access are located at: **http://www.archives.gov/federal_register**

E-mail

FEDREGTOC-L (Federal Register Table of Contents LISTSERV) is an open e-mail service that provides subscribers with a digital form of the Federal Register Table of Contents. The digital form of the Federal Register Table of Contents includes HTML and PDF links to the full text of each document.

To join or leave, go to **http://listserv.access.gpo.gov** and select *Online mailing list archives, FEDREGTOC-L, Join or leave the list (or change settings);* then follow the instructions.

PENS (Public Law Electronic Notification Service) is an e-mail service that notifies subscribers of recently enacted laws.

To subscribe, go to **http://listserv.gsa.gov/archives/publaws-l.html** and select *Join or leave the list (or change settings);* then follow the instructions.

FEDREGTOC-L and **PENS** are mailing lists only. We cannot respond to specific inquiries.

Reference questions. Send questions and comments about the Federal Register system to: **fedreg.info@nara.gov**

The Federal Register staff cannot interpret specific documents or regulations.

Reminders. Effective January 1, 2009, the Reminders, including Rules Going Into Effect and Comments Due Next Week, no longer appear in the Reader Aids section of the Federal Register. This information can be found online at **http://www.regulations.gov.**

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/.**

FEDERAL REGISTER PAGES AND DATE, MARCH

9085–9326	1
9327–9514	2
9515–9752	3
9753–10158	4
10159–10408	5
10409–10630	8
10631–10990	9
10991–11418	10
11419–11732	11
11733–12118	12
12119–12432	15
12433–12656	16
12657–12960	17
12961–13214	18
13215–13426	19
13427–13666	22
13667–14068	23
14069–14322	24
14323–14490	25
14491–15320	26

CFR PARTS AFFECTED DURING MARCH

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

2 CFR

176 14323

3 CFR

Proclamations:

8478 9325
8479 10159
8480 10161
8481 10631
8482 10991
8483 10993
8484 13215

Executive Orders:

13394 (revoked by 13533) 10163
13532 9749
13533 10163
13534 12433

Administrative Orders:

Notices:
Notice of February 26, 2010 10157
Notice of March 10, 2010 12117
Memorandums:
Memorandums of March 10, 2010 ..... 12119, 13427

5 CFR

2423 13429

6 CFR

5 ..... 9085, 10633, 12437

7 CFR

301 12961
354 10634
966 10409
1000 10122
1001 10122
1005 10122
1006 10122
1007 10122
1030 10122
1032 10122
1033 10122
1124 10122
1126 10122
1131 10122
1207 14491
1580 9087

Proposed Rules:

46 11472
205 14500
319 11071
923 10442
930 12702
932 9536
985 13445
1208 13238
1218 12707
3550 10194

9 CFR

53 10645
56 10645
145 10645
146 10645
147 10645

Proposed Rules:

417 14361
418 14361

10 CFR

50 10410
430 13217
431 ..... 10874, 10950
440 11419

Proposed Rules:

73 10444
170 11376
171 11376
430 ..... 12144, 14288, 14319
431 ..... 9120, 14368

11 CFR

100 13223
106 13223

12 CFR

201 9093
360 ..... 12962, 14330
617 10411

Proposed Rules:

205 9120
226 12334
230 9126
652 13682
701 14372
723 14372
742 14372
906 10446
1207 10446
1807 12408

13 CFR

123 14330
301 11733

Proposed Rules:

121 ..... 9129, 10030
124 9129
125 9129
126 9129
127 10030
134 ..... 9129, 10030

14 CFR

1 9095
21 9095
25 12965
26 11734
39 ..... 9515, 9753, 9756, 9760, 10658, 10664, 10667, 10669,

11422, 11428, 11433, 11435, 11439, 12438, 12439, 12441, 12657, 12659, 12661, 12663, 12665, 12667, 12670, 12968, 12971, 13225, 14333
43.....9095
45.....9095
61.....9763
63.....9763
65.....9763
71.....12674, 12675, 12676, 12677, 12678, 12679, 12680, 12972, 12973, 12974, 12975, 13667, 13368, 13669, 13670, 13671
73.....12976, 14069
91.....9327
95.....10995
97.....9095, 9098, 12977, 12979
121.....12121

Proposed Rules:
29.....11799
35.....13238
39.....9137, 9140, 9809, 9811, 9814, 9816, 10694, 10696, 10701, 11072, 12148, 12150, 12152, 12154, 12158, 12464, 12466, 12468, 12710, 12713, 13045, 13046, 13239, 13451, 13682, 13684, 13686, 13689, 13695, 14375, 14377, 14379
71.....9538, 11475, 11476, 11477, 11479, 11480, 11481, 12161, 12162, 12163, 12165, 12166, 13049, 13453, 13697, 13698, 14381, 14382, 14383, 14385
234.....11075

15 CFR

740.....14335
742.....14335
748.....14335
774.....13672, 13674, 14335
902.....11441

Proposed Rules:
801.....10704
904.....13050

16 CFR

610.....9726

Proposed Rules:
Ch. I.....12715
305.....11483
306.....12470
322.....10707
1450.....12167

17 CFR

242.....11232
249.....9100
270.....10060
274.....10060

18 CFR

35.....14342
1301.....11735

Proposed Rules:
40.....14097, 14103, 14386
410.....11502

19 CFR

Ch. I.....12445
12.....10411, 13676
163.....13676
Ch. IV.....12445

Proposed Rules:
111.....13699
113.....9359
159.....12483
163.....13699
191.....9359

20 CFR

655.....10396

Proposed Rules:
404.....9821
416.....9821

21 CFR

3.....13678
73.....14491
333.....9767
514.....10413
520.....10165, 12981
522.....9333, 10165, 13225
524.....10165
526.....10165
558.....9334, 11451
1140.....13225
1301.....10671
1303.....10671
1304.....10671
1307.....10671
1308.....10671, 13678
1309.....10671
1310.....10671
1312.....10671
1313.....10168, 10671
1314.....10671
1315.....10671
1316.....10671
1321.....10671

Proposed Rules:
807.....14510
1140.....13241
1308.....14538
1314.....13702

22 CFR

Proposed Rules:
22.....14111

24 CFR

Proposed Rules:
1000.....13243, 14390

26 CFR

1.....9101, 10172, 13679

Proposed Rules:
1.....9141, 9142, 14539
31.....9142
301.....9142

27 CFR

Proposed Rules:
9.....9827, 9831
28.....9359
44.....9359

28 CFR

0.....14070
2.....9516
43.....9102
571.....13680

Proposed Rules:
115.....11077
513.....13705
545.....9544

29 CFR

1910.....12681
1915.....12681
1926.....12681
2520.....9334
4022.....12121
4044.....12121

Proposed Rules:
9.....13382
1904.....10738
1910.....10739, 12485, 12718
1915.....12485, 12718
1926.....12485, 12718
2550.....9360

31 CFR

515.....10996, 10997
538.....10997
560.....10997

32 CFR

706.....10413

Proposed Rules:
157.....9548
240.....9142

33 CFR

117.....9521, 10172, 12686, 12688
165.....10687, 11000, 12688, 13232, 13433, 14072, 14493
401.....10688

Proposed Rules:
100.....13454
117.....9557
165.....9370, 10195, 10446, 13707
334.....12718

34 CFR

Ch. II.....12004
280.....9777

Proposed Rules:
206.....13814
642.....13814
643.....13814
644.....13814
645.....13814
646.....13814
647.....13814
694.....13814

36 CFR

251.....14495
1254.....10414

Proposed Rules:
1191.....13457
1193.....13457
1194.....13457

37 CFR

383.....14074

38 CFR

Proposed Rules:
3.....13051, 14391

39 CFR

111.....9343, 12981, 14076
121.....9343
310.....12123
320.....12123
3020.....9523, 11452, 12445

40 CFR

49.....10174
52.....9103, 10182, 10415, 10416, 10420, 10690, 11461, 11464, 11738, 12088, 12449, 13436, 14077, 14352
55.....9780
63.....9648, 10184, 12988
70.....9106
80.....9107, 14670
81.....9781, 13436, 14077
93.....14260
98.....12451, 14081
180.....9527, 10186, 11740, 12691, 12695, 14082, 14086
260.....12989
261.....11002, 12989
262.....12989
263.....12989
264.....12989
265.....12989
266.....12989
268.....12989
270.....12989
271.....9345
300.....9782, 9790
450.....10438

Proposed Rules:
52.....9146, 9373, 9834, 10198, 10449, 11503, 12090, 12168, 13058, 13468, 13710, 14116, 14401, 14545
70.....9147
81.....12090, 13710
98.....12489
131.....11079
260.....13066
261.....13066
262.....13066
263.....13066
264.....13066
265.....13066
266.....13066
268.....13066
270.....13066
300.....9843

43 CFR

10.....12378

44 CFR

64.....9111, 14356
65.....11744
67.....11468, 14091

Proposed Rules:
67.....9561

45 CFR

Proposed Rules:
170.....11328

46 CFR

Proposed Rules:
10.....13715
11.....13715
12.....13715
15.....13715

47 CFR

1.....9797
2.....10439
15.....9113
25.....14094
63.....13235
73.....9114, 9530, 9797, 10692, 13235, 13236, 13681, 14359
74.....9113
76.....9692, 12458
80.....10692

Proposed Rules:
0.....14401
1.....14401, 14409
15.....9850
54.....10199
64.....13471
68.....13471
73.....9856, 9859

48 CFR
Ch. 1.....14058, 14067
1.....13412, 13425
2.....14059
9.....14059
12.....14059
13.....13413
14.....13425
15.....13414, 13415
16.....13416
25.....13421
42.....14059
52.....13421, 13422, 14059
53.....13415
Ch. 2.....14095
217.....9114, 10190
237.....10191
252.....10191
1352.....14496
Ch. 13.....10568

Proposed Rules:
204.....9563
252.....9563
1809.....9860
1827.....9860
1837.....9860
1852.....9860
Ch. 14.....14547

49 CFR
40.....13009
172.....10974
395.....13441
541.....11005
571.....12123

Proposed Rules:
71.....9568
172.....9147
173.....9147
175.....9147
389.....12720
395.....9376
575.....10740, 11806

50 CFR
10.....9282
17.....11010, 12816, 14496
21.....9314, 9316
223.....13012
229.....12698
300.....13024
600.....9531
622.....9116, 10693, 11068
635.....12700
648.....11441, 12141, 12462
660.....11068
679.....9358, 9534, 10441, 11471, 11749, 11778, 12463, 13237, 13444, 14359, 14498

Proposed Rules:
16.....11808
17.....9377, 11081, 12598, 13068, 13715, 13717, 13720, 13910
223.....12598
224.....12598
622.....9864, 12169, 14548
648.....10450
660.....11829
679.....14016

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "PLUS" (Public Laws Update Service) on 202–741–6043. This list is also available online at *http://www.archives.gov/federal-register/laws.html.*

The text of laws is not published in the **Federal Register** but may be ordered in "slip law" (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at *http://www.gpoaccess.gov/plaws/index.html.* Some laws may not yet be available.

H.R. 3590/P.L. 111–148
Patient Protection and Affordable Care Act (Mar. 23, 2010; 124 Stat. 119)
Last List March 19, 2010

Public Laws Electronic Notification Service (PENS)

PENS is a free electronic mail notification service of newly enacted public laws. To subscribe, go to *http://listserv.gsa.gov/archives/publaws-l.html*

Note: This service is strictly for E-mail notification of new laws. The text of laws is not available through this service. **PENS** cannot respond to specific inquiries sent to this address.

Public Laws

111th Congress

Pamphlet prints of public laws, often referred to as slip laws, are the initial publication of Federal laws upon enactment and are printed as soon as possible after approval by the President. Legislative history references appear on each law. Subscription service includes all public laws, issued irregularly upon enactment, for the 111th Congress.

Individual laws also may be purchased from the Superintendent of Documents, U.S. Government Printing Office. Prices vary. See Reader Aids Section of the Federal Register for announcements of newly enacted laws or access the online database at http://www.gpoaccess.gov/plaws/index.html

---

Superintendent of Documents **Subscriptions** Order Form

Order Processing Code:
*** 6216**

☐ **YES**, enter my subscription(s) as follows:

Charge your order. It's Easy! MasterCard VISA

To fax your orders (202) 512–2250
Phone your orders (202) 512–1800

_____ subscriptions to **PUBLIC LAWS** for the 111th Congress for $307 per subscription.

The total cost of my order is $ _____. **Price includes regular domestic postage and handling** and is subject to change. International customers please add 25%.

Company or personal name (Please type or print)

Additional address/attention line

Street address

City, State, ZIP code

Daytime phone including area code

Purchase order number (optional)

May we make your name/address available to other mailers? YES ☐ NO ☐

Please Choose Method of Payment:

☐ Check Payable to the Superintendent of Documents
☐ GPO Deposit Account ☐☐☐☐☐☐☐ – ☐
☐ VISA ☐ MasterCard Account
☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐
☐☐☐☐ (Credit card expiration date)

Thank you for your order!

Authorizing signature 2/09

Mail To: Superintendent of Documents
P.O. Box 371954, Pittsburgh, PA 15250–7954

Printed on recycled paper