

**ACTION:** Notice of waiver of 10 U.S.C. 2534 for certain defense items produced in the United Kingdom.

**SUMMARY:** The Under Secretary of Defense (Acquisition, Technology, and Logistics) is waiving the limitation of 10 U.S.C. 2534 for certain defense items produced in the United Kingdom (UK). 10 U.S.C. 2534 limits DoD procurement of certain items to sources in the national technology and industrial base. The waiver will permit procurement of enumerated items from sources in the UK, unless otherwise restricted by statute.

**DATES:** *Effective Date:* This waiver is effective for one year, beginning December 23, 2010.

**FOR FURTHER INFORMATION CONTACT:** Mr. Jeffrey Grover, OUSD (AT&L), Office of the Director of Defense Procurement and Acquisition Policy, Contract Policy and International Contracting, Room 5E621, 3060 Defense Pentagon, Washington, DC 20301–3060, telephone (703) 697–9352.

**SUPPLEMENTARY INFORMATION:** Subsection (a) of 10 U.S.C. 2534 provides that the Secretary of Defense may procure the items listed in that subsection only if the manufacturer of the item is part of the national technology and industrial base. Subsection (i) of 10 U.S.C. 2534 authorizes the Secretary of Defense to exercise the waiver authority in subsection (d), on the basis of the applicability of paragraph (2) or (3) of that subsection, only if the waiver is made for a particular item listed in subsection (a) and for a particular foreign country. Subsection (d) authorizes a waiver if the Secretary determines that application of the limitation “would impede the reciprocal procurement of defense items under a memorandum of understanding providing for reciprocal procurement of defense items” and if he determines that “that country does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country.” The Secretary of Defense has delegated the waiver authority of 10 U.S.C. 2534(d) to the Under Secretary of Defense (Acquisition, Technology, and Logistics).

DoD has had a Reciprocal Defense Procurement Memorandum of Understanding (MOU) with the UK since 1975, most recently renewed on December 16, 2004.

The Under Secretary of Defense (Acquisition, Technology, and Logistics) finds that the UK does not discriminate against defense items produced in the

United States to a greater degree than the United States discriminates against defense items produced in the UK, and also finds that application of the limitation in 10 U.S.C. 2534 against defense items produced in the UK would impede the reciprocal procurement of defense items under the MOU.

Under the authority of 10 U.S.C. 2534, the Under Secretary of Defense (Acquisition, Technology, and Logistics) has determined that application of the limitation of 10 U.S.C. 2534(a) to the procurement of any defense item produced in the UK that is listed below would impede the reciprocal procurement of defense items under the MOU with the UK.

On the basis of the foregoing, the Under Secretary of Defense (Acquisition, Technology, and Logistics) is waiving the limitation in 10 U.S.C. 2534(a) for procurements of any defense item listed below that is produced in the UK. This waiver applies only to the limitations in 10 U.S.C. 2534(a). It does not apply to any other limitation. This waiver applies to procurements under solicitations issued during the period from December 23, 2010 to December 22, 2011. Similar waivers have been granted since 1998, most recently in 2009 (74 FR 65763) on December 11, 2009.

#### List of Items To Which This Waiver Applies

1. Air circuit breakers.
2. Welded shipboard anchor and mooring chain with a diameter of four inches or less.
3. Gyrocompasses.
4. Electronic navigation chart systems.
5. Steering controls.
6. Pumps.
7. Propulsion and machinery control systems.
8. Totally enclosed lifeboats.

**Clare Zebrowski,**

*Editor, Defense Acquisition Regulations System.*

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## DEPARTMENT OF DEFENSE

### Department of the Army, Corps of Engineers

#### Notice of Intent to Prepare a Draft Environmental Impact Statement (EIS), Initiate the Public Scoping Period and Host Public Scoping Meetings for the Great Lakes and Mississippi River Interbasin Study (“GLMRIS”); Correction, Clarification, Extension of the Public Scoping Period and Announcement of Additional Public Scoping Meeting Locations

**AGENCY:** Department of the Army, U.S. Army Corps of Engineers, DoD.

**ACTION:** Notice.

**SUMMARY:** Reference the Notice of Intent published in the **Federal Register** on Tuesday, November 16, 2010, Volume 75, number 220, pages 69983–5. This notice contains corrections and clarifications to this November 16, 2010 notice, extends the public comment period and identifies additional locations for the GLMRIS public scoping meetings. The corrections are typographical errors found in the “*Scoping and Involvement*” section of the November 16, 2010 notice (75 FR 69983). Among the clarifications is information related to the timeframe of on-line registration for those wanting to make an oral comment at a public meeting, as well as the benefit of registering on-line. The registration process is found in the “*Scoping and Involvement*” section of the November 16, 2010 notice (75 FR 69983). For convenience, the **SUPPLEMENTARY INFORMATION** section of the November 16, 2010 notice (75 FR 69983) has been reprinted with corrections, clarifications, and new text announcing the locations where USACE will host scoping meetings and the extension of the public scoping period.

**DATES:** The public scoping period to be held pursuant the National Environmental Policy Act of 1969, 42 U.S.C. 4321, *et seq.* (NEPA) has been extended from February 28, 2011 to March 31, 2011. The first NEPA public scoping meeting for GLMRIS is scheduled for December 15, 2010 in Chicago, Illinois. The dates of the remaining public meetings have not been finalized. Once final, these dates will be posted in a subsequent **Federal Register** notice. Please refer to the “*Scoping and Public Involvement*” section below for information regarding the public scoping meetings and instructions on how to submit public comments.

**FOR FURTHER INFORMATION CONTACT:** For further information and/or questions about GLMRIS, please contact USACE, Chicago District, Project Manager, Mr. David Wethington, *by mail:* USACE, Chicago District, 111 N. Canal, Suite 600, Chicago, IL 60606, or *by e-mail:* [david.m.wethington@usace.army.mil](mailto:david.m.wethington@usace.army.mil).

For media inquiries, please contact the USACE, Chicago District, Public Affairs Officer, Ms. Lynne Whelan, *by mail:* USACE, Chicago District, 111 N. Canal, Suite 600, Chicago, IL 60606, *by phone:* 312.846.5330 or *by e-mail:* [lynne.e.whelan@usace.army.mil](mailto:lynne.e.whelan@usace.army.mil).

**SUPPLEMENTARY INFORMATION:**

1. *Background.* An aquatic nuisance species (ANS) is a nonindigenous species that threatens the diversity or abundance of native species or the ecological stability of infested waters, or commercial, agricultural, aquacultural or recreational activities dependent on such waters. See 16 U.S.C. 4702(1) (2010).

As a result of international commerce, travel and local practices, ANS have been introduced throughout the Mississippi River and Great Lakes basins. These two basins are connected by man-made channels that, in the past, exhibited poor water quality, which was an impediment to the transfer of organisms between the basins. Now that water quality has improved, these canals allow the transfer of both indigenous and nonindigenous invasive species.

USACE, in consultation with other Federal agencies, Native American Tribes, State agencies, local governments and non-governmental organizations, is conducting this feasibility study. For GLMRIS, USACE will explore options and technologies, collectively known as ANS controls, that could be applied to prevent ANS transfer between the basins through aquatic pathways. Potential ANS controls may include, but are not limited to, hydrologic separation of the basins, waterway modifications, selective barriers, *etc.*

USACE will conduct a comprehensive analysis of ANS controls and will analyze the effects an ANS control or combination of ANS controls may have on current uses of: (1) The Chicago Area Waterway System (CAWS), the only known continuous aquatic pathway between the Great Lakes and Mississippi River basins; and (2) other aquatic pathways between these basins. For the CAWS, current waterway uses include, but are not limited to: Flood risk management; commercial and recreational navigation; recreation; water supply; hydropower; and

conveyance of effluent from wastewater treatment plants and other industries. Additionally, this study will identify mitigation measures or alternative facilities necessary to offset and address impacted waterway uses and current significant natural resources.

GLMRIS will be conducted in accordance with NEPA and with the *Economic and Environmental Principles and Guidelines for Water and Related Land Resource Implementation Studies*, Water Resources Council, March 10, 1983.

2. *Scoping and Public Involvement.* USACE will accept comments related to GLMRIS until March 31, 2011. *Note,* USACE will only consider comments that disclose the first name, last name and zip code of the commenter.

All forms of comments received during the scoping period will be weighted equally. Using input obtained during the scoping period, USACE will refine the scope of GLMRIS to focus on significant issues, as well as eliminate issues that are not significant from further detailed study.

Comments may be submitted in the following ways:

- *GLMRIS project Web site:* Use the Web comment function found at <http://glmr.is.anl.gov>;
- *NEPA Scoping Meeting:* USACE is hosting scoping meetings and asks those who want to make oral comments to register on the GLMRIS project Web site at <http://glmr.is.anl.gov>. Those registering to make oral comments through the project Web site may be given a preference over those that register to make oral comments at the meeting. The on-line registration for each individual meeting will close (1) day prior to that meeting date. Each individual wishing to make oral comments shall be given three (3) minutes, and a stenographer will document oral comments;
- *Mail:* Mail written comments to GLMRIS Scoping, 111 N. Canal, Suite 600, Chicago, IL 60606. Comments must be postmarked by March 31, 2011; and
- *Hand Delivery:* Comments may be hand delivered to the Chicago District, USACE office located at 111 N. Canal St., Suite 600, Chicago, IL 60606 between 8 a.m. and 4:30 p.m. Comments must be received by March 31, 2011.

At the scoping meetings, USACE will provide informational materials about the study's authorities and USACE study process. The meetings will begin with a brief presentation regarding the study followed by an oral comment period. During the meeting, USACE will also collect written comments on comment cards and computer terminals.

The first public scoping meeting is scheduled from 12 p.m. to 7 p.m. on Wednesday, December 15, 2010 at the Gleacher Center, located at 450 North Cityfront Plaza Drive, Chicago, IL 60611. Please see the GLMRIS project Web site at <http://glmr.is.anl.gov> for more information regarding the meeting and if you wish to make an oral comment.

In addition to Chicago, Illinois, USACE will host NEPA scoping meetings in the following metropolitan areas: Buffalo, New York; Cleveland, Ohio; St. Paul, Minnesota; Green Bay, Wisconsin; Traverse City, Michigan; Cincinnati, Ohio; Ann Arbor, Michigan; St. Louis, Missouri; Vicksburg, Mississippi. Specific meeting places and dates will be announced in a subsequent **Federal Register** notice, the GLMRIS project Web site, electronic media and news releases. For more information on NEPA scoping and study information, please visit the GLMRIS project Web site at <http://glmr.is.anl.gov>.

Comments received during the scoping period will be posted on the GLMRIS project Web site and will become a part of the EIS. You may indicate that you do not wish to have your name or other personal information made available on the Web site. However, USACE cannot guarantee that information withheld from the Web site will be maintained as confidential. Requests for disclosure of collected information will be handled through the Freedom of Information Act. Comments and information, including the identity of the submitter, may be disclosed, reproduced, and distributed. Submissions should not include any information that the submitter seeks to preserve as confidential.

If you require assistance under the Americans with Disabilities Act, please contact Ms. Lynne Whelan via e-mail at [lynne.e.whelan@usace.army.mil](mailto:lynne.e.whelan@usace.army.mil) or phone at (312) 846-5330 at least seven (7) working days prior to the meeting to request arrangements.

3. *Significant Issues.* Issues associated with the proposed study are likely to include, but will not be limited to: Significant natural resources such as ecosystems and threatened and endangered species, commercial and recreational fisheries; current recreational uses of the lakes and waterways; ANS effects on water users; effects of potential ANS controls on current waterway uses such as flood risk management, commercial and recreational navigation, recreation, water supply, hydropower and conveyance of effluent from wastewater treatment plants and other industries; and statutory and legal responsibilities relative to the lakes and waterways.

4. *Availability of the Draft Environmental Impact Statement.* Availability of the Draft EIS is contingent upon sufficient allocation of funding for the study. Draft EIS availability will be announced to the public in the **Federal Register** in compliance with 40 CFR 1506.9 and 1506.10.

5. *Authority.* This action is being undertaken pursuant to the Water Resources and Development Act of 2007, Section 3061, Public Law 110–114, 121 STAT. 1121, and the National Environmental Policy Act of 1969, 42 U.S.C. 4321, *et seq.*, as amended.

Dated: December 1, 2010.

**Susanne J. Davis,**

*Chief Planning Branch, Chicago District, Corps of Engineers.*

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**BILLING CODE 3720–58-P**

## DEPARTMENT OF EDUCATION

[CFDA NO. 84.031H]

### Office of Postsecondary Education; Programs

**ACTION:** Notice inviting applications for designation as an eligible institution.

Strengthening Institutions Program (SIP), American Indian Tribally Controlled Colleges and Universities (TCCU), Alaska Native and Native Hawaiian-Serving Institutions (ANNH), Asian American and Native American Pacific Islander-Serving Institutions (AANAPISI), Native American Serving Nontribal Institutions (NASNTI), Developing Hispanic-Serving Institutions (HSI), Hispanic-Serving Institutions (STEM and ARTICULATION), Promoting Postbaccalaureate Opportunities for Hispanic Americans (PPOHA), and Predominantly Black Institutions (PBI) Programs for Fiscal Year (FY) 2011.

*Purpose of Programs:* The SIP, TCCU, ANNH, AANAPISI, NASNTI, and PBI Programs are authorized under Title III, Part A, of the Higher Education Act of 1965, as amended (HEA). Under these programs, institutions of higher education (IHEs or institutions) are eligible to apply for grants if they meet specific statutory and regulatory eligibility requirements. Similarly, IHEs are eligible to apply for grants under Title V of the HEA if they meet specific statutory and regulatory requirements. The HSI, HSI (STEM and ARTICULATION), and PPOHA Programs are authorized under Title V, Parts A and B of the HEA. In addition, under Title III of the HEA, institutions

applying for grants under the AANAPISI and NASNTI Programs must be eligible institutions as defined in section 312(b) of the HEA. Institutions applying for grants under the PBI Program must be eligible institutions as defined in section 318(b)(1) of the HEA.

An IHE that is designated as an eligible institution may also receive a waiver of certain non-Federal cost-share requirements under the Federal Supplemental Educational Opportunity Grant (FSEOG), the Federal Work Study (FWS), the Student Support Services (SSS), and the Undergraduate International Studies and Foreign Language (UISFL) Programs. The FSEOG, FWS, and SSS Programs are authorized under Title IV of the HEA. The UISFL Program is authorized under Title VI of the HEA. Qualified institutions may receive these waivers even if they are not recipients of grant funds under the Title III or Title V Programs.

**Special Note:** To qualify as an eligible institution under the Title III or Title V Programs, your institution must satisfy several criteria, including one related to needy student enrollment and one related to average educational and general (E&G) expenditures for a specified base year. The most recent data available for E&G expenditures are for base year 2008–2009. In order to award FY 2011 grants in a timely manner, we will use the most recent data available. Therefore, we use E&G expenditure threshold data from the base year 2008–2009. In completing your eligibility application, please use E&G expenditure data from the base year 2008–2009.

If you are designated as an eligible institution and you do not receive a new award under the Title III or Title V Programs in FY 2011, your eligibility for the non-Federal cost-share waiver under the FSEOG, the FWS, the SSS, and the UISFL Programs is valid for five consecutive years. You will not need to reapply for eligibility until 2016, *unless* you wish to apply for a new Title III or Title V grant. All institutions interested in applying for a new FY 2011 Title III or Title V grant *or* requesting a waiver of the non-Federal cost share, must apply for eligibility designation in FY 2011. Under the HEA, any institution interested in applying for a grant under *any of these programs* must first be designated as an eligible institution.

The notice for applying for designation as an eligible institution for FY 2010 was reopened on August 13, 2010, 74 FR 64059, and applications were due on September 13, 2010. That reopening of the application period applied only to those institutions that intended to apply for new awards in the specified program competitions. All

institutions intending to apply for funding in any of the other Title III or V competitions held in 2011 must apply for designation as an eligible institution in accordance with this announcement.

*Eligible Applicants:* To qualify as an eligible institution under the Title III or Title V Programs, an accredited institution must, among other requirements, have an enrollment of needy students, and its average E&G expenditures per full-time equivalent (FTE) undergraduate student must be low in comparison with the average E&G expenditures per FTE undergraduate student of institutions that offer similar instruction.

The eligibility requirements for the Title III Programs are found in 34 CFR 607.2 through 607.5. The regulations may be accessed at the following Web site: [http://www.access.gpo.gov/nara/cfr/waisidx\\_02/34cfr607\\_02.html](http://www.access.gpo.gov/nara/cfr/waisidx_02/34cfr607_02.html).

The eligibility requirements for the Title V, HSI Program are found in 34 CFR 606.2 through 34 CFR 606.5. The regulations may be accessed at the following Web site: [http://www.access.gpo.gov/nara/cfr/waisidx\\_01/34cfr606\\_01.html](http://www.access.gpo.gov/nara/cfr/waisidx_01/34cfr606_01.html).

The requirements for the PPOHA Program are found in the notice of final requirements published in the **Federal Register** on July 27, 2010 (75 FR 44055) (PPOHA NFP). Among the requirements established for the PPOHA Program in the PPOHA NFP are the use of the regulations in 34 CFR 606.2(a) and (b), and 606.3 through 606.5.

*Enrollment of Needy Students:* Under 34 CFR 606.3(a) and 607.3(a) and, for the PPOHA Program, *Requirement 1—Eligibility Criteria (Use of 34 CFR 606.2(a) and (b), 606.3 through 606.5)* in the PPOHA NFP, an institution is considered to have an enrollment of needy students if: (1) At least 50 percent of its degree students received financial assistance under one or more of the following programs: Federal Pell Grant, FSEOG, FWS, or the Federal Perkins Loan Programs; or (2) the percentage of its undergraduate degree students who were enrolled on at least a half-time basis and received Federal Pell Grants exceeded the median percentage of undergraduate degree students who were enrolled on at least a half-time basis and received Federal Pell Grants at comparable institutions that offer similar instruction.

To qualify under this latter criterion, an institution's Federal Pell Grant percentage for base year 2008–2009 must be more than the median for its category of comparable institutions provided in the 2008–2009 Median Pell Grant and Average E&G Expenditures per FTE Student Table in this notice.