

**DEPARTMENT OF AGRICULTURE****Office of the Secretary****7 CFR Part 2****Delegation of Authority to Under Secretary for Research, Education, and Economics**

**AGENCY:** Office of the Secretary, USDA.

**ACTION:** Final rule.

**SUMMARY:** This rule reaffirms the delegation of authority from the Secretary of Agriculture to the Under Secretary for Research, Education, and Economics for requests for the United States Department of Agriculture Interested Government Agency (IGA) support for waivers of the Immigration and Nationality Act (INA).

**DATES:** *Effective Date:* February 22, 2011.

**FOR FURTHER INFORMATION CONTACT:**

Jason Groves, Foreign Visitor Specialist, Agricultural Research Service, United States Department of Agriculture, Beltsville, MD 20705, (301) 504-4832.

**SUPPLEMENTARY INFORMATION:** The INA (Title 8 of the U.S. Code) provides foreign nationals an opportunity to participate in exchange programs in the United States under provisions of the Mutual Educational and Cultural Exchange Act (also known as the Fulbright-Hays Act) of 1961. At the conclusion of their program, an exchange program participant is expected to return to their home country to utilize the experiences and skills they acquired while in the U.S. INA Section 212(e) requires 2 years of foreign residence for individuals whose participation was financed by the U.S. Government, or by the government of their nationality or legal residence. Individuals admitted to the United States who possessed or intended to acquire specialized knowledge or skills that the Secretary of State has deemed necessary for the development of their country of citizenship or legal residence will also be subject to this 2-year requirement. A foreign national is ineligible for adjustment to permanent resident status, immigration to the United States, or receipt of an employment-based non-immigrant visa until the requirement has been satisfied.

The Secretary of the Department of Homeland Security may waive the 2-year foreign residence requirement with a favorable recommendation from the Secretary of State and pursuant to a request from an interested U.S. Government agency on behalf of foreign nationals actively and substantially involved in a program or activity

sponsored by or of interest to such agency. In accordance with 22 CFR 41.63(c)(2)(3), the head of the agency or their designee shall submit a request in writing which fully explains why the granting of a waiver would be in the public interest and the detrimental effect that would result to the program or activity of interest to the requesting agency if the exchange visitor were unable to continue his/her involvement.

The Secretary of Agriculture has designated the Under Secretary for Research, Education, and Economics as USDA's authorized signatory for requests for all 2-year foreign residence waivers. Pursuant to 5 U.S.C. 553, notice of proposed rulemaking and opportunity for comment are not required, and this rule may be made effective less than 30 days after publication in the **Federal Register**. Further, since this rule relates to internal agency management, it is exempt from the provisions of Executive Order No. 12291. Finally, this action is not a rule as defined by Public Law 96-354, the Regulatory Flexibility Act and thus is exempt from the provisions of that Act.

**List of Subjects in 7 CFR Part 2**

Authority delegations (Government agencies).

Accordingly, the Department of Agriculture amends 7 CFR part 2 as follows:

**PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT**

- 1. The authority citation for part 2 is revised to read as follows:

**Authority:** 5 U.S.C. 301 and Reorganization Plan No. 2 of 1953.

- 2. In § 2.21, paragraph (a)(9) is revised to read as follows:

**§ 2.21 Under Secretary for Research, Education, and Economics.**

(a) \* \* \*

(9) *Related to immigration.* Serve as the designee of the Secretary pursuant to Section 212(e) of the Immigration and Nationality Act, as amended, 8 U.S.C. 1182(e) and 22 CFR 41.63(2)(3).

\* \* \* \* \*

Signed at Washington, DC, on January 6, 2011.

**Thomas J. Vilsack,**  
*Secretary of Agriculture.*

[FR Doc. 2011-1819 Filed 2-18-11; 8:45 am]

**BILLING CODE 3410-01-P**

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission****18 CFR Part 381**

[Docket No. RM11-5-000]

**Annual Update of Filing Fees**

February 14, 2011.

**AGENCY:** Federal Energy Regulatory Commission, Energy.

**ACTION:** Final Rule; annual update of Commission filing fees.

**SUMMARY:** In accordance with 18 CFR 381.104, the Commission issues this update of its filing fees. This Final Rule provides the yearly update using data in the Commission's Management, Administrative, and Payroll System to calculate the new fees. The purpose of updating is to adjust the fees on the basis of the Commission's costs for Fiscal Year 2010.

**DATES:** *Effective Date:* March 24, 2011.

**FOR FURTHER INFORMATION CONTACT:**

Raymond D. Johnson Jr., Office of the Executive Director, Federal Energy Regulatory Commission, 888 First Street, NE., Room 42-66, Washington, DC 20426. 202-502-8402.

**SUPPLEMENTARY INFORMATION:** *Document Availability:*

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the Internet through FERC's Home Page (<http://www.ferc.gov>) and in FERC's Public Reference Room during normal business hours (8:30 a.m. to 5 p.m. Eastern time) at 888 First Street, NE., Room 2A, Washington DC 20426.

From FERC's Web site on the Internet, this information is available in the eLibrary (formerly FERRIS). The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field and follow other directions on the search page.

User assistance is available for eLibrary and other aspects of FERC's Web site during normal business hours. For assistance, contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll free at (866) 208-3676, or for TTY, contact (202) 502-8659.

**Annual Update of Filing Fees in Part 381; Annual Update of Filing Fees**

The Federal Energy Regulatory Commission (Commission) is issuing this Final Rule to update filing fees that the Commission assesses for specific services and benefits provided to identifiable beneficiaries. Pursuant to 18 CFR 381.104, the Commission is establishing updated fees on the basis of the Commission's Fiscal Year 2010 costs. The adjusted fees announced in this notice are effective March 24, 2011. The Commission has determined, with the concurrence of the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget, that this Final Rule is not a major rule within the meaning of section 251 of Subtitle E of Small Business Regulatory Enforcement Fairness Act, 5 U.S.C. 804(2). The Commission is submitting this Final Rule to both houses of the United States Congress and to the Comptroller General of the United States.

The new fee schedule is as follows:

**FEES APPLICABLE TO THE NATURAL GAS POLICY ACT**

1. Petitions for rate approval pursuant to 18 CFR 284.123(b)(2). (18 CFR 381.403) .....	\$11,720.
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**FEES APPLICABLE TO GENERAL ACTIVITIES**

1. Petition for issuance of a declaratory order (except under Part I of the Federal Power Act). (18 CFR 381.302(a)) ....	\$23,540.
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2. Review of a Department of Energy remedial order:

**AMOUNT IN CONTROVERSY**

\$0–9,999. (18 CFR 381.303(b))	\$100
\$10,000–29,999. (18 CFR 381.303(b)) .....	600
\$10,000–29,999. (18 CFR 381.303(b)) .....	600
\$30,000 or more. (18 CFR 381.303(a)) .....	34,370

3. Review of a Department of Energy denial of adjustment:

**AMOUNT IN CONTROVERSY**

\$0–9,999. (18 CFR 381.304(b))	\$100
\$10,000–29,999. (18 CFR 381.304(b)) .....	600
\$30,000 or more. (18 CFR 381.304(a)) .....	18,020

4. Written legal interpretations by the Office of General Counsel. (18 CFR 381.305(a)) \$6,750.

**FEES APPLICABLE TO NATURAL GAS PIPELINES**

1. Pipeline certificate applications pursuant to 18 CFR 284.224. (18 CFR 381.207(b)) .....	\$1,000.*
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\* This fee has not been changed.

**FEES APPLICABLE TO COGENERATORS AND SMALL POWER PRODUCERS**

1. Certification of qualifying status as a small power production facility. (18 CFR 381.505(a)) .....	\$20,240.
2. Certification of qualifying status as a cogeneration facility. (18 CFR 381.505(a)) .....	22,920.

**List of Subjects in 18 CFR Part 381**

Electric power plants, Electric utilities, Natural gas, Reporting and recordkeeping requirements.

**Charles H. Schneider,**  
*Executive Director.*

In consideration of the foregoing, the Commission amends Part 381, Chapter I, Title 18, Code of Federal Regulations, as set forth below.

**PART 381—FEES**

■ 1. The authority citation for Part 381 continues to read as follows:

**Authority:** 15 U.S.C. 717–717w; 16 U.S.C. 791–828c, 2601–2645; 31 U.S.C. 9701; 42 U.S.C. 7101–7352; 49 U.S.C. 60502; 49 App. U.S.C. 1–85.

**§ 381.302 [Amended]**

■ 2. In 381.302, paragraph (a) is amended by removing “\$23,140” and adding “\$23,540” in its place.

**§ 381.303 [Amended]**

■ 3. In 381.303, paragraph (a) is amended by removing “\$33,780” and adding “\$34,370” in its place.

**§ 381.304 [Amended]**

■ 4. In 381.304, paragraph (a) is amended by removing “\$17,710” and adding “\$18,020” in its place.

**§ 381.305 [Amended]**

■ 5. In 381.305, paragraph (a) is amended by removing “\$6,640” and adding “\$6,750” in its place.

**§ 381.403 [Amended]**

■ 6. Section 381.403 is amended by removing “\$11,520” and adding “\$11,720” in its place.

**§ 381.505 [Amended]**

■ 7. In 381.505, paragraph (a) is amended by removing “\$19,900” and adding “\$20,240” in its place and by removing “\$22,530” and adding “\$22,920” in its place.

[FR Doc. 2011–3811 Filed 2–18–11; 8:45 am]

**BILLING CODE 6717–01–P**

**DEPARTMENT OF THE INTERIOR**

**Office of Surface Mining Reclamation and Enforcement**

**30 CFR Part 901**

[SATS No. AL–075–FOR; Docket No. OSM–2010–0009]

**Alabama Regulatory Program**

**AGENCY:** Office of Surface Mining Reclamation and Enforcement, Interior.

**ACTION:** Final rule; approval of amendment.

**SUMMARY:** We, the Office of Surface Mining Reclamation and Enforcement (OSM), are approving an amendment to the Alabama regulatory program (Alabama program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). Alabama proposed revisions to its regulations regarding their Surface Mining Commission, who is eligible to apply for and obtain a mining license, Hearing Officers, license fees, and several minor editorial changes throughout the document such as changing “him” to “him or her” and “chairman” to “chair.” Alabama revised its program to improve operational efficiency.

**DATES:** *Effective Date:* February 22, 2011.

**FOR FURTHER INFORMATION CONTACT:** Sherry Wilson, Director, Birmingham Field Office. *Telephone:* (205) 290–7280. *E-mail:* [swilson@osmre.gov](mailto:swilson@osmre.gov).

**SUPPLEMENTARY INFORMATION:**

- I. Background on the Alabama Program
- II. Submission of the Amendment
- III. OSM's Findings
- IV. Summary and Disposition of Comments
- V. OSM's Decision
- VI. Procedural Determinations

**I. Background on the Alabama Program**

Section 503(a) of the Act permits a State to assume primacy for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands within its borders by demonstrating that its program includes, among other things, “a State law which provides for the regulation of surface coal mining and reclamation operations in accordance with the