

### H. Review Under the Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4) requires each Federal agency to assess the effects of a Federal regulatory action on State, local, and tribal governments, and the private sector. DOE has determined that today's regulatory action does not impose a Federal mandate on State, local or tribal governments or on the private sector.

#### I. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105-277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. This rule would not have any impact on the autonomy or integrity of the family as an institution. Accordingly, DOE has concluded that it is not necessary to prepare a Family Policymaking Assessment.

#### J. Review Under the Treasury and General Government Appropriations Act, 2001

The Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516, note) provides for agencies to review most disseminations of information to the public under guidelines established by each agency pursuant to general guideline issued by OMB. OMB's guidelines were published at 67 FR 8452 (February 22, 2002), and DOE's guidelines were published at 67 FR 62446 (October 7, 2002). DOE has reviewed today's rule under the OMB and DOE guidelines and has concluded that it is consistent with applicable policies in those guidelines.

#### K. Review Under Executive Order 13211

Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use," 66 FR 28355 (May 22, 2001) requires Federal agencies to prepare and submit to the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget, a Statement of Energy Effects for any proposed significant energy action. A "significant energy action" is defined as any action by an agency that promulgated or is expected to lead to promulgation of a final rule, and that: (1) Is a significant regulatory action under Executive Order 12866, or any successor order; and (2) is likely to have a significant adverse effect on the supply, distribution, or use of energy, or (3) is designated by the Administrator of

OIRA as a significant energy action. For any proposed significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution, or use should the proposal be implemented, and of reasonable alternatives to the action and their expected benefits on energy supply, distribution, and use. Today's regulatory action is not a significant energy action. Accordingly, DOE has not prepared a Statement of Energy Effects.

#### L. Congressional Notification

As required by 5 U.S.C. 801, DOE will submit to Congress a report regarding the issuance of today's final rule. The report will state that it has been determined that the rule is not a "major rule" as defined by 5 U.S.C. 801(2).

Issued in Washington, DC, on February 28, 2011.

**Scott Blake Harris,**  
*General Counsel.*

For the reasons stated in the preamble, part 712 of chapter III of title 10, Code of Federal Regulations, is amended as set forth below:

### PART 712—HUMAN RELIABILITY PROGRAM

■ 1. The authority citation for part 712 continues to read as follows:

**Authority:** 42 U.S.C. 2165; 42 U.S.C. 2201; 42 U.S.C. 5814-5815; 42 U.S.C. 7101 *et seq.*; 50 U.S.C. 2401 *et seq.*; E.O. 10450, 3 CFR 1949-1953 Comp., p. 936, as amended; E.O. 10865, 3 CFR 1959-1963 Comp., p. 398, as amended; 3 CFR Chap. IV.

#### § 712.12 [Amended]

■ 2. Section 712.12(d) is amended by removing "Deputy Secretary" and adding in its place "Under Secretary with cognizance over the program which makes the HRP certification at issue (hereinafter 'cognizant Under Secretary'), in consultation with the DOE General Counsel".

#### § 712.22 [Amended]

■ 3. Section 712.22 is amended by removing "Deputy Secretary" and adding in its place "cognizant Under Secretary".

■ 4. Section 712.23 is amended by revising the section heading to read as set forth below, and in the first sentence by removing "Deputy Secretary" and adding in its place "cognizant Under Secretary, in consultation with the DOE General Counsel".

### § 712.23 Final decision by DOE Under Secretary.

\* \* \* \* \*

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## SMALL BUSINESS ADMINISTRATION

### 13 CFR Part 124

RIN 3245-AF53

### 8(a) Business Development Program Regulation Changes; Tribal Consultation

**AGENCY:** U.S. Small Business Administration

**ACTION:** Notice of tribal consultation meeting; request for comments.

**SUMMARY:** The U.S. Small Business Administration (SBA or Agency) announces that it is holding a tribal consultation meeting in Las Vegas, Nevada to discuss the recent changes to the 8(a) Business Development (BD) program regulations and take general comments on 8(a) BD program provisions. Additionally, SBA will take comments on the mandatory reporting of community benefits of provision 13 CFR 124.604. Testimony presented at this tribal consultation meeting will become part of the administrative record for SBA's consideration when the Agency deliberates on approaches to tracking community benefits.

**DATES:** The tribal consultation meeting will be held on Thursday, March 17, 2011 from 1 p.m. to 3 p.m. at the Reservation Economic Summit (RES) Conference in the Las Vegas Hilton, Las Vegas, Nevada.

The tribal consultation meeting pre-registration deadline date is March 10, 2011 at 5 p.m. (Eastern Standard Time).

#### ADDRESSES:

1. The Las Vegas Tribal Consultation Meeting address is the Las Vegas Hilton, 3000 Paradise Road, Las Vegas, NV 89109.

2. Send pre-registration requests to attend and/or testify to Mr. Marcus Grignon, Office of Native American Affairs, U.S. Small Business Administration, 409 Third Street, SW., Washington, DC 20416; by e-mail to [marcus.grignon@sba.gov](mailto:marcus.grignon@sba.gov); or by facsimile to (202) 481-6386.

3. Send all written comments to Ms. LaTanya Wright, Senior Advisor, Office of Business Development, U.S. Small Business Administration, 409 3rd Street, SW., Washington, DC 20416; [BDRegs@sba.gov](mailto:BDRegs@sba.gov) or by facsimile to (202) 481-2740.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on SBA's Final Rule

for the 8(a) BD Program, call or e-mail LaTanya Wright, Senior Advisor, Office of Business Development, at (202) 205-5852, or [LaTanya.Wright@sba.gov](mailto:LaTanya.Wright@sba.gov). If you have questions about registering or attending the tribal consultation, please contact Mr. Marcus Grignon at (202) 401-1455, or [marcus.grignon@sba.gov](mailto:marcus.grignon@sba.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

On February 11, 2011 (74 FR 55694) SBA issued a Final Rule, publicly available at <http://frwebgate1.access.gpo.gov/cgibin/TEXTgate.cgi?WAISdocID=kkdLxk/1/1/0&WAISaction=retrieve>. In that document, SBA made changes to the 8(a) BD Program regulations, its small business size regulations and regulations affecting Small Disadvantaged Businesses (SDBs). Some of the changes involve technical issues. Other changes are more substantive and result from SBA's experience in implementing 8(a) BD Program regulations. One such change is the addition of reporting requirements 8(a) Participants. Specifically, the final rule requires those 8(a) Participants owned by ANCs, tribes, NHOs, and CDCs to submit overall information relating to how 8(a) participation has benefited the tribal or native members and/or the tribal, native or other community as part of each Participant's annual review submissions, including information about funding cultural programs, employment assistance, jobs, scholarships, internships, subsistence activities, and other services to the affected community.

SBA received several comments recommending it delay implementation of any reporting of benefits requirement to allow affected firms to gather and synthesize this data. In addition, these commenters encouraged SBA to establish a task force, comprised of native leaders and SBA, to further study how this requirement could be best implemented without imposing an undue burden on tribes, ANCs, NHOs or CDCs, or on their affected 8(a) Participants. SBA agreed and delayed implementation of new § 124.604 for six months after the effective date for the other provisions of the final rule. These tribal consultations are for the purpose of developing best practices for collecting and utilizing the data. SBA expects that two Participants owned by the same tribe, ANC, NHO or CDC will submit identical data describing the benefits provided by the tribe, ANC, NHO or CDC.

##### II. Tribal Consultation Meeting

The purpose of this tribal consultation meeting is to conform to the requirements of Executive Order 13175, "Consultation and Coordination with Indian Tribal Governments"; to provide interested parties with an opportunity to discuss the 8(a) BD Program regulatory changes; and for SBA to obtain the comments of SBA's stakeholders on approaches to tracking community benefits. In addition to general oral and written comments about 8(a) BD program provisions, SBA is requesting oral and written comments on approaches to tracking community benefits as required by the 8(a) BD Program regulations. SBA considers tribal consultation meetings a valuable component of its deliberations and believes that this tribal consultation meeting will allow for constructive dialogue with the tribal community, Tribal Leaders, Elders and elected members of Alaska Native Villages or their appointed representatives.

The format of this tribal consultation meeting will consist of a panel of SBA representatives who will preside over the session. The oral and written testimony will become part of the administrative record for SBA's consideration. Written testimony may be submitted in lieu of oral testimony.

SBA will analyze the testimony, both oral and written, along with any written comments received. SBA officials may ask questions of a presenter to clarify or further explain the testimony. The purpose of the tribal consultation is to discuss changes to the 8(a) BD Program with the tribal community, Tribal Leaders, Elders and elected members of Alaska Native Villages or their appointed representatives and to seek their comments on approaches to tracking community benefits. SBA requests that the comments focus on the new regulatory changes as stated in the Agency's Final Rule. SBA requests that commenters not raise issues pertaining to other SBA small business programs.

Presenters may provide a written copy of their testimony. SBA will accept written material that the presenter wishes to provide that further supplements his or her testimony. Electronic or digitized copies are encouraged.

The tribal consultation meeting will be held for two hours. The meeting will begin at 1 p.m. and end at 3 p.m. (Pacific Standard Time). SBA will adjourn early if all those scheduled have delivered their testimony.

##### III. Registration

SBA respectfully requests that an elected or appointed representative of

the tribal communities that are interested in attending please pre-register in advance and indicate whether you would like to testify at the hearing. Registration requests should be received by SBA by March 10, 2011 at 5 p.m. (Eastern Standard Time). Please contact Mr. Marcus Grignon in SBA's Office of Native American Affairs in writing at [marcus.grignon@sba.gov](mailto:marcus.grignon@sba.gov) or by facsimile at (202) 481-2740.

If you are interested in testifying, please include the following information relating to the person testifying: Name, Organization affiliation, Address, Telephone number, E-mail address and Fax number. SBA will attempt to accommodate all interested parties who wish to present testimony. Based on the number of registrants, it may be necessary to impose time limits to ensure that everyone who wishes to testify has the opportunity to do so. SBA will confirm in writing the registration of presenters and attendees.

##### IV. Information on Service for Individuals With Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the tribal consultation meeting, contact Mr. Marcus Grignon at the telephone number or e-mail address indicated under the **FOR FURTHER INFORMATION CONTACT** section of this notice.

**Authority:** 15 U.S.C. 632, 634(b)(6), 636(b), 637(a), 644 and 662(5); Pub. L. 105-135, sec. 401 *et seq.*, 111 Stat. 2592; and, E.O. 13175, 65 FR 67249.

Dated: March 2, 2011.

**Clara Pratte,**

*National Director for the Office of Native American Affairs.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 27

[Docket No. SW024; Special Conditions No. 27-024-SC]

#### Special Conditions: Bell Helicopter Textron Canada Limited Model 206B and 206L Series Helicopters, § 27.1309, Installation of a Hoh Aeronautics, Inc. Autopilot/Stabilization Augmentation System (AP/SAS)

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final special conditions; request for comments.