

have to upgrade their equipment to accommodate the scanning of lengthy documents, and (2) when pro se appellants do not elect to e-file, agencies would have the additional burden of preparing and submitting documents in two formats, i.e., electronic and paper. E-Mail of March 25, 2008. We have considered the comment.

As to the equipment required, we recognize that some federal agency offices may not be well-equipped to produce and upload agency files as electronic documents. However, in light of the ever-increasing affordability of high-quality scanners and related software, we believe the number of offices that would be adversely affected by such a rule would be relatively small. We note also that e-filing is already mandatory in many state and federal courts. Nevertheless, this Interim Rule takes the commenter's concern into account and provides for exemptions in appropriate circumstances.

As to the commenter's concerns about the extra work that would be entailed when appellants do not e-file, we believe those concerns are overstated. In that event, it is true that a paper copy of the agency file would have to be printed and mailed. It is not the case, however, that all of the extra work traditionally involved in assembling an agency file would still need to be done. A party that e-files a pleading that contains three or more attachments must describe and bookmark the attachments so that each attachment is listed in a table of contents and bookmarked in the electronic version. 5 CFR 1201.14(g)(3). In the assembled pleading, the table of contents will list each attachment and the page number on which it starts. This pleading can be printed and mailed as is; there would be no need for the agency to place physical tabs on the attachments, or to manually create a separate table of contents. Thus, even when the appellant is not an e-filer, we do not see a significant increase in the time required to assemble and serve the agency file. When all parties are e-filing, we believe that there will be a net savings of time associated with creating and serving the agency file electronically.

Although the MSPB announced that it was considering making e-filing mandatory for all agencies and attorneys appearing before the MSPB, this interim rule affects only parties appearing before the WRO and the DEFO. Except for pleadings filed with WRO and DEFO, whether to participate in Board proceedings as an e-filer will continue to be voluntary. We note, however, that should the pilot program in WRO and DEFO prove to be successful, the Board

would consider proposing a final agency-wide rule that would make e-filing mandatory for agencies and attorneys who represent appellants.

To provide time for agencies to comply with this rule, we are setting the effective date of this new rule 90 days in the future, on January 11, 2012. This new rule will apply only to appeals filed on or after January 11, 2012.

List of Subjects in 5 CFR Part 1201

Administrative practice and procedure, Electronic filing.

Accordingly, MSPB amends 5 CFR part 1201 as set forth below:

PART 1201—[AMENDED]

- 1. The authority citation for part 1201 continues to read as follows:

Authority: 5 U.S.C. 1204 and 7701.

- 2. In § 1201.14, add paragraph (p) to read as follows:

§ 1201.14 Electronic filing procedures.

* * * * *

(p)(1) Except as provided in paragraphs (p)(2) and (3) of this section, all pleadings (including the initial appeal) except those containing classified information or Sensitive Security Information filed with the Washington Regional Office (WRO) and the Denver Field Office (DEFO) by agencies or attorneys must be e-filed. Agencies and attorneys in proceedings in the WRO and the DEFO must register as e-filers pursuant to paragraph (e) of this section.

(2) Agencies or attorneys who believe that e-filing would create an undue burden on their operations may request an exemption from the administrative judge for a specific appeal and/or pleading. Such a request shall include a specific and detailed explanation why e-filing would create an undue burden.

(3) Except in unusual circumstances, exemptions granted under this section shall apply only to pleadings that include scanned material. All other pleadings except those containing classified information or Sensitive Security Information must be e-filed. The administrative judge may periodically revisit the need for an exemption granted under this subsection, and revoke the exemption as appropriate.

William D. Spencer,
Clerk of the Board.

[FR Doc. 2011-26315 Filed 10-12-11; 8:45 am]

BILLING CODE 7400-01-P

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 6

Adjustment of Appendices to the Dairy Tariff-Rate Import Quota Licensing Regulation for the 2011 Tariff-Rate Quota Year

AGENCY: Office of the Secretary, USDA.
ACTION: Final rule.

SUMMARY: This document sets forth the revised appendices to the Dairy Tariff-Rate Import Quota Licensing Regulation for the 2011 quota year reflecting the cumulative annual transfers from Appendix 1 to Appendix 2 for certain dairy product import licenses permanently surrendered by licensees or revoked by the Licensing Authority.

DATES: *Effective Date:* October 13, 2011.

FOR FURTHER INFORMATION CONTACT:

Abdelsalam El-Farra, Dairy Import Licensing Program, Import Policies and Export Reporting Division, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Stop 1021, Washington, DC 20250-1021; or by telephone at (202) 720-9439; or by e-mail at: *abdelsalam.el-farra@fas.usda.gov*.

SUPPLEMENTARY INFORMATION: The Foreign Agricultural Service, under a delegation of authority from the Secretary of Agriculture, administers the Dairy Tariff-Rate Import Quota Licensing Regulation codified at 7 CFR 6.20-6.37 that provides for the issuance of licenses to import certain dairy articles under tariff-rate quotas (TRQs) as set forth in the Harmonized Tariff Schedule of the United States. These dairy articles may only be entered into the United States at the low-tier tariff by or for the account of a person or firm to whom such licenses have been issued and only in accordance with the terms and conditions of the regulation.

Licenses are issued on a calendar year basis, and each license authorizes the license holder to import a specified quantity and type of dairy article from a specified country of origin. The Import Policies and Export Reporting Division, Foreign Agricultural Service, U.S. Department of Agriculture, issues these licenses and, in conjunction with U.S. Customs and Border Protection, U.S. Department of Homeland Security, monitors their use.

The regulation at 7 CFR 6.34(a) states: "Whenever a historical license (Appendix 1) is not issued to an applicant pursuant to the provisions of § 6.23, is permanently surrendered or is revoked by the Licensing Authority, the

amount of such license will be transferred to Appendix 2." Section 6.34(b) provides that the cumulative annual transfers will be published in the **Federal Register**. Accordingly, this document sets forth the revised Appendices for the 2011 tariff-rate quota year.

List of Subjects in 7 CFR Part 6

Agricultural commodities, Cheese, Dairy products, Imports, Reporting and recordkeeping requirements.

Issued at Washington, DC, the 22nd day of September 2011.

Ronald Lord,
Licensing Authority.

Accordingly, 7 CFR part 6 is amended as follows:

PART 6—IMPORT QUOTAS AND FEES

■ 1. The authority citation for part 6, Subpart—Dairy Tariff-Rate Import Quota Licensing continues to read as follows:

Authority: Additional U.S. Notes 6, 7, 8, 12, 14, 16–23 and 25 to Chapter 4 and General Note 15 of the Harmonized Tariff Schedule of the United States (19 U.S.C. 1202), Pub. L. 97–258, 96 Stat. 1051, as amended (31 U.S.C. 9701), and secs. 103 and 404, Pub. L. 103–465, 108 Stat. 4819 (19 U.S.C. 3513 and 3601).

■ 2. Appendices 1, 2 and 3 to Subpart—Dairy Tariff-Rate Import Quota Licensing are revised to read as follows:

Appendices 1–3 to Subpart—Dairy Tariff-Rate Import Quota Licensing

ARTICLES SUBJECT TO: APPENDIX 1, HISTORICAL LICENSES; APPENDIX 2, NONHISTORICAL LICENSES; AND APPENDIX 3, DESIGNATED IMPORTER LICENSES FOR QUOTA YEAR 2011

[Quantities in kilograms]

Article by additional U.S. note number and country of origin	Appendix 1	Appendix 2	Sum of Appendix 1 & 2	Appendix 3		Harmonized tariff schedule
				Tokyo R.	Uruguay R.	
NON-CHEESE ARTICLES						
BUTTER (G-NOTE 6)	5,096,498	1,880,502	6,977,000	.....	.....	6,977,000
EU-25	75,459	20,702	96,161	.....	.....	.....
New Zealand	110,045	40,548	150,593	.....	.....	.....
Other Countries	43,017	30,918	73,935	.....	.....	.....
Any Country	4,867,977	1,788,334	6,656,311	.....	.....	.....
DRIED SKIM MILK (K-NOTE 7) .....	.....	5,261,000	5,261,000	.....	.....	5,261,000
Australia .....	.....	600,076	600,076	.....	.....	.....
Canada .....	.....	219,565	219,565	.....	.....	.....
Any Country .....	.....	4,441,359	4,441,359	.....	.....	.....
DRIED WHOLE MILK (H-NOTE 8)	3,175	3,318,125	3,321,300	.....	.....	3,321,300
New Zealand	3,175	.....	3,175	.....	.....	.....
Any Country .....	.....	3,318,125	3,318,125	.....	.....	.....
DRIED BUTTERMILK/WHEY (M-NOTE 12) .....	.....	224,981	224,981	.....	.....	224,981
Canada .....	.....	161,161	161,161	.....	.....	.....
New Zealand .....	.....	63,820	63,820	.....	.....	.....
BUTTER SUBSTITUTES CONTAINING OVER 45 PERCENT OF BUTTERFAT AND/OR BUTTER OIL (SU-NOTE 14) .....	.....	6,080,500	6,080,500	.....	.....	6,080,500
Any Country .....	.....	6,080,500	6,080,500	.....	.....	.....
TOTAL: NON-CHEESE ARTICLES	5,099,673	16,765,108	21,864,781	.....	.....	21,864,781

CHEESE ARTICLES

CHEESE AND SUBSTITUTES FOR CHEESE (EXCEPT: SOFT RIPENED COW'S MILK CHEESE; CHEESE NOT CONTAINING COW'S MILK; CHEESE (EXCEPT COTTAGE CHEESE) CONTAINING 0.5 PERCENT OR LESS BY WEIGHT OF BUTTERFAT; AND, ARTICLES WITHIN THE SCOPE OF OTHER IMPORT QUOTAS PROVIDED FOR IN THIS SUBCHAPTER) (OT-NOTE 16)	21,557,089	9,912,642	31,469,731	9,661,128	7,496,000	48,626,859
Argentina	7,690	.....	7,690	92,310	.....	100,000
Australia	535,628	5,542	541,170	758,830	1,750,000	3,050,000
Canada	1,013,777	127,223	1,141,000	.....	.....	1,141,000
Costa Rica .....	.....	.....	.....	.....	1,550,000	1,550,000
EU-25	15,775,975	7,491,681	23,267,656	1,132,568	3,446,000	27,846,224
Of which Portugal is	65,838	63,471	129,309	223,691	.....	353,000
Israel	79,696	.....	79,696	593,304	.....	673,000
Iceland	294,000	.....	294,000	29,000	.....	323,000
New Zealand	2,964,645	1,850,827	4,815,472	6,506,528	.....	11,322,000
Norway	124,982	25,018	150,000	.....	.....	150,000
Switzerland	593,952	77,460	671,412	548,588	500,000	1,720,000
Uruguay .....	.....	.....	.....	.....	250,000	250,000
Other Countries	100,906	100,729	201,635	.....	.....	201,635

ARTICLES SUBJECT TO: APPENDIX 1, HISTORICAL LICENSES; APPENDIX 2, NONHISTORICAL LICENSES; AND APPENDIX 3, DESIGNATED IMPORTER LICENSES FOR QUOTA YEAR 2011—Continued

[Quantities in kilograms]

Article by additional U.S. note number and country of origin	Appendix 1	Appendix 2	Sum of Appendix 1 & 2	Appendix 3		Harmonized tariff schedule
				Tokyo R.	Uruguay R.	
Any Country		300,000	300,000			300,000
BLUE-MOLD CHEESE (EXCEPT STILTON PRODUCED IN THE UNITED KINGDOM) AND CHEESE AND SUBSTITUTES FOR CHEESE CONTAINING, OR PROCESSED FROM, BLUE-MOLD CHEESE (B-NOTE 17) ..	2,285,946	195,055	2,481,001		430,000	2,911,001
Argentina	2,000		2,000			2,000
EU-25	2,283,946	195,054	2,479,000		350,000	2,829,000
Chile					80,000	80,000
Other Countries		1	1			1
CHEDDAR CHEESE, AND CHEESE AND SUBSTITUTES FOR CHEESE CONTAINING, OR PROCESSED FROM, CHEDDAR CHEESE (C-NOTE 18)	2,799,576	1,484,280	4,283,856	519,033	7,620,000	12,422,889
Australia	902,462	82,037	984,499	215,501	1,250,000	2,450,000
Chile					220,000	220,000
EU-25	52,404	210,596	263,000		1,050,000	1,313,000
New Zealand	1,742,165	1,054,303	2,796,468	303,532	5,100,000	8,200,000
Other Countries	102,545	37,344	139,889			139,889
Any Country		100,000	100,000			100,000
AMERICAN-TYPE CHEESE, INCLUDING COLBY, WASHED CURD AND GRANULAR CHEESE (BUT NOT INCLUDING CHEDDAR) AND CHEESE AND SUBSTITUTES FOR CHEESE CONTAINING OR PROCESSED FROM SUCH AMERICAN-TYPE CHEESE (A-NOTE 19)	2,711,009	454,544	3,165,553	357,003		3,522,556
Australia	771,136	109,862	880,998	119,002		1,000,000
EU-25	149,683	204,317	354,000			354,000
New Zealand	1,639,549	122,450	1,761,999	238,001		2,000,000
Other Countries	150,641	17,915	168,556			168,556
EDAM AND GOUDA CHEESE, AND CHEESE AND SUBSTITUTES FOR CHEESE CONTAINING, OR PROCESSED FROM, EDAM AND GOUDA CHEESE (E-NOTE 20)	5,128,658	477,744	5,606,402		1,210,000	6,816,402
Argentina	110,495	14,505	125,000		110,000	235,000
EU-25	4,899,083	389,917	5,289,000		1,100,000	6,389,000
Norway	114,318	52,682	167,000			167,000
Other Countries	4,762	20,640	25,402			25,402
ITALIAN-TYPE CHEESES, MADE FROM COW'S MILK, (ROMANO MADE FROM COW'S MILK, REGGIANO, PARMESAN, PROVOLONE, PROVOLETTI, SBRINZ, AND GOYA-NOT IN ORIGINAL LOAVES) AND CHEESE AND SUBSTITUTES FOR CHEESE CONTAINING, OR PROCESSED FROM, SUCH ITALIAN-TYPE CHEESES, WHETHER OR NOT IN ORIGINAL LOAVES (D-NOTE 21)	6,404,899	1,115,648	7,520,547	795,517	5,165,000	13,481,064
Argentina	3,913,007	212,476	4,125,483	367,517	1,890,000	6,383,000
EU-25	2,491,892	890,108	3,382,000		2,025,000	5,407,000
Romania					500,000	500,000
Uruguay				428,000	750,000	1,178,000
Other Countries		13,064	13,064			13,064
SWISS OR EMMENTHALER CHEESE OTHER THAN WITH EYE FORMATION, GRUYERE-PROCESS CHEESE AND CHEESE AND SUBSTITUTES FOR CHEESE CONTAINING, OR PROCESSED FROM, SUCH CHEESES (GR-NOTE 22)	5,325,713	1,325,601	6,651,314	823,519	380,000	7,854,833

ARTICLES SUBJECT TO: APPENDIX 1, HISTORICAL LICENSES; APPENDIX 2, NONHISTORICAL LICENSES; AND APPENDIX 3, DESIGNATED IMPORTER LICENSES FOR QUOTA YEAR 2011—Continued

[Quantities in kilograms]

Article by additional U.S. note number and country of origin	Appendix 1	Appendix 2	Sum of Appendix 1 & 2	Appendix 3		Harmonized tariff schedule
				Tokyo R.	Uruguay R.	
EU-25	4,056,523	1,095,471	5,151,994	393,006	380,000	5,925,000
Switzerland	1,235,692	183,795	1,419,487	430,513	.....	1,850,000
Other Countries	33,498	46,335	79,833	.....	.....	79,833
CHEESE AND SUBSTITUTES FOR CHEESE, CONTAINING 0.5 PERCENT OR LESS BY WEIGHT OF BUTTERFAT (EXCEPT ARTICLES WITHIN THE SCOPE OF OTHER TARIFF-RATE QUOTAS PROVIDED FOR IN THIS SUBCHAPTER), AND MARGARINE CHEESE (LF-NOTE 23)						
EU-25	1,842,566	2,582,342	4,424,918	1,050,000	.....	5,474,908
Israel	1,842,566	2,582,341	4,424,907	.....	.....	4,424,907
New Zealand .....	.....	.....	.....	50,000	.....	50,000
Other Countries .....	.....	1	1	1,000,000	.....	1,000,000
SWISS OR EMMENTHALER CHEESE WITH EYE FORMATION (SW-NOTE 25)	15,607,214	6,690,117	22,297,331	9,557,945	2,620,000	34,475,276
Argentina .....	.....	9,115	9,115	70,885	.....	80,000
Australia	209,698	.....	209,698	290,302	.....	500,000
Canada .....	.....	.....	.....	70,000	.....	70,000
EU-25	11,186,762	5,290,066	16,476,828	4,003,172	2,420,000	22,900,000
Iceland	149,999	.....	149,999	150,001	.....	300,000
Israel	27,000	.....	27,000	.....	.....	27,000
Norway	3,187,264	468,046	3,655,310	3,227,690	.....	6,883,000
Switzerland	786,906	897,199	1,684,105	1,745,895	200,000	3,630,000
Other Countries	59,585	25,691	85,276	.....	.....	85,276
TOTAL: CHEESE ARTICLES ...	63,662,670	24,237,973	87,900,653	22,764,145	24,921,000	135,585,788
TOTAL: CHEESE ARTICLES & NON-CHEESE ARTICLES	68,762,343	41,003,081	.....	22,764,145	24,921,000	157,450,569

[FR Doc. 2011-26480 Filed 10-12-11; 8:45 am]

BILLING CODE 3410-10-P

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 50 and 52

[NRC-2010-0288]

Design-Basis Hurricane and Hurricane Missiles for Nuclear Power Plants

AGENCY: Nuclear Regulatory Commission.

ACTION: Regulatory guide; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC or the Commission) is issuing a new regulatory guide, (RG) 1.221, “Design-Basis Hurricane and Hurricane Missiles for Nuclear Power Plants.” This regulatory guide provides licensees and applicants with new guidance that the staff of the NRC considers acceptable for use in selecting the design-basis hurricane and design-basis hurricane-generated missiles that a nuclear power plant should be designed

to withstand to prevent undue risk to the health and safety of the public.

DATES: October 13, 2011.

ADDRESSES: You can access publicly available documents related to this regulatory guide using the following methods:

- *NRC’s Public Document Room (PDR):* The public may examine and have copied, for a fee, publicly available documents at the NRC’s PDR, O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

- *NRC’s Agencywide Documents Access and Management System (ADAMS):* Publicly available documents created or received at the NRC are available online in the NRC Library at <http://www.nrc.gov/reading-rm/adams.html>. From this page, the public can gain entry into ADAMS, which provides text and image files of the NRC’s public documents. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC’s PDR reference staff at 1-800-397-4209,

301-415-4737, or by e-mail to pdr.resource@nrc.gov.

- *Federal Rulemaking Web Site:* Public comments and supporting materials related to this guide can be found at <http://www.regulations.gov> by searching on Docket ID NRC-2010-0288.

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FOR FURTHER INFORMATION CONTACT:

Robert Carpenter, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone: 301-251-7483 or e-mail Robert.Carpenter@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is issuing a new guide in the agency’s “Regulatory Guide” series. This series was developed to describe and make available to the public information such as methods that are acceptable to the NRC staff for implementing specific parts of the agency’s regulations, techniques that the