

(6) Health and safety instruction, including ways of safeguarding the food supply of the United States;

(7) Such other services as the Secretary deems appropriate.

(e) Grant funds shall not be used to deliver or replace any services or benefits which an agricultural employer, association, contractor, or any other entity is legally obliged to provide.

#### § 2502.6 Recipients of program benefits or services.

(a) Those eligible to receive program services or benefits under the ACE program are farmworkers who meet the definition of "United States Workers" as set forth in § 2502.2 of this part.

(b) Grantees shall be responsible for verifying the employment of farmworkers who are actively employed and are seeking to participate in program services or benefits. Unemployed farmworkers seeking to participate shall be required to certify to grantees that they are eligible for program services and benefits as provided herein. Additional eligibility requirements may be included in the RFP.

#### § 2502.7 Responsibilities of grantees

Each grantee is responsible for providing services and/or benefits authorized by this program in accord with a service delivery strategy described in its approved grant plan. The services must reflect the needs of the relevant farmworker population in the area to be served and be consistent with the goals of assisting farmworkers in securing, retaining, upgrading, or returning from agricultural jobs. The necessary components of a service delivery strategy and grant plan will be fully set forth in an RFP but the plan shall include, at a minimum, the following:

(a) The employment and education needs of the farmworker population to be served;

(b) The manner in which the proposed services to be delivered will assist agricultural employers and farmworkers in securing, retaining, upgrading or returning from agricultural jobs;

(c) The manner in which the proposed services will be coordinated with other available services;

(d) The number of participants the grantee expects to serve for each service provided, the results expected and the anticipated expenditures for each category of service.

### Subpart C—Grant Applications and Administration

#### § 2502.8 Pre-award, award, and post-award procedures and administration of grants.

(a) Unless otherwise provided in this rule, the requirements governing pre-award solicitation and submission of proposals and/or applications, the review and evaluation of such, the award of grant funds, and post-award and close-out procedures are those set forth at 7 CFR part 2500, subparts A, B, C, D, and E.

(b) For purposes of the ACE Grants Program, the provisions of Subpart E, at 7 CFR 2500.49, "Prior Approvals," shall not apply. In lieu of that provision, the following requirements shall apply: Awardees may not subcontract more than 20 percent of the award to other parties without prior written approval of the ADO. To request approval, a justification for the proposed subcontract, a performance statement, and a detailed budget for the subcontract must be submitted in writing to the ADO.

Signed in Washington, DC, on November 3, 2011.

**Pearlie Reed,**

*Assistant Secretary for Administration for the Office of the Secretary.*

[FR Doc. 2011-29029 Filed 11-7-11; 8:45 am]

**BILLING CODE 3412-89-P**

## DEPARTMENT OF HOMELAND SECURITY

### 8 CFR Part 103

[CIS No. 2459-08; DHS Docket No. USCIS-2008-0038]

RIN 1615-AB76

#### Commonwealth of the Northern Mariana Islands Transitional Worker Classification: Correction

**AGENCY:** U.S. Citizenship and Immigration Services, DHS.

**ACTION:** Final rule; correction.

**SUMMARY:** The Department of Homeland Security (DHS) is issuing a final rule to restore text that was inadvertently deleted in a September 7, 2011, final rule entitled *Commonwealth of the Northern Mariana Islands Transitional Worker Classification*. In that rule, we had sought to modify the title of a paragraph, but inadvertently removed the body of the paragraph. This correction restores the text of the paragraph.

**DATES:** This final rule is effective November 8, 2011.

#### FOR FURTHER INFORMATION CONTACT:

Paola Rodriguez Hale, U.S. Citizenship and Immigration Services, Department of Homeland Security, 20 Massachusetts Avenue NW., Washington, DC 20529-2060 telephone (202) 272-1470.

#### SUPPLEMENTARY INFORMATION:

##### Need for Correcting Amendment

In the final rule *Commonwealth of the Northern Mariana Islands Transitional Worker Classification*, published in the **Federal Register** on September 7, 2011 at 76 FR 55502, DHS intended to revise only the heading of paragraph (b)(1)(i)(J) of § 103.7, which pertains to various U.S. Citizenship and Immigration Services fees. The heading of that paragraph was revised from "Petition for Nonimmigrant Worker in CNMI (Form I-129CW)" to "Petition for a CNMI-Only Nonimmigrant Transitional Worker (Form I-129CW)." We did not intend to alter the specific amount of the fee, contained in the text of the paragraph. However, in that final rule, paragraph (b)(1)(i)(J) of § 103.7 was inadvertently revised in its entirety, eliminating all text except for the heading. This document corrects the error by restoring the original text of the paragraph.

##### List of Subjects in 8 CFR Part 103

Administrative practice and procedure, Authority delegations (Government agencies), Freedom of information, Privacy, Reporting and recordkeeping requirements, Surety bonds.

##### Correcting Amendment

Accordingly, 8 CFR part 103.7 is amended by making the following correcting amendment:

■ 1. The authority citation for part 103 continues to read as follows:

**Authority:** 5 U.S.C. 301, 552, 552a; 8 U.S.C. 1101, 1103, 1304, 1356; 31 U.S.C. 9701; 48 U.S.C. 1806; Pub. L. 107-296, 116 Stat. 2135 (6 U.S.C. 1 *et seq.*), E.O. 12356, 47 FR 14874, 15557, 3 CFR, 1982 Comp., p. 166; 8 CFR part 2.

■ 2. Correct § 103.7 by revising paragraph (b)(1)(i)(J) to read as follows:

#### § 103.7 Fees.

\* \* \* \* \*

(b) \* \* \*

(1) \* \* \*

(i) \* \* \*

(J) *Petition for a CNMI-Only Nonimmigrant Transitional Worker (Form I-129CW)*. For an employer to petition on behalf of one or more beneficiaries: \$325 plus a supplemental CNMI education funding fee of \$150 per

beneficiary per year. The CNMI education funding fee cannot be waived.

\* \* \* \* \*

Dated: October 31, 2011.

**Christina E. McDonald,**

*Associate General Counsel for Regulatory Affairs, Department of Homeland Security.*

[FR Doc. 2011-28985 Filed 11-7-11; 8:45 am]

BILLING CODE 9111-97-P

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Part 40

RIN 3150-AI95

[NRC-2011-0072]

### Regulatory Changes To Implement the United States/Australian Agreement for Peaceful Nuclear Cooperation

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Final rule.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC or the Commission) is amending its regulations to implement the 2010 “Agreement between the Government of Australia and the Government of the United States of America Concerning Peaceful Uses of Nuclear Energy” (the Agreement). The Agreement prohibits the United States from using Australian-obligated nuclear material to produce tritium for use in a nuclear explosive device, or for any other “military purpose” as defined in the Agreement. The Agreement’s definition of military purpose states that it includes “depleted uranium munitions, and other direct military non-nuclear applications, as mutually determined by the Parties.” The amendments in this final rule help enable the U.S. Government to meet its Agreement obligations with the Government of Australia.

**DATES:** This final rule is effective November 8, 2011.

**ADDRESSES:** You can access publicly available documents related to this document 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, Room 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 email to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov).

- *Federal Rulemaking Web Site:*

Public comments and supporting materials related to this final rule can be found at <http://www.regulations.gov> by searching on Docket ID NRC-2011-0072. Address questions about NRC dockets to Carol Gallagher, telephone: (301) 492-3668; email: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov).

**FOR FURTHER INFORMATION CONTACT:**

Naiem S. Tanious, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: (301) 415-6103; email: [Naiem.Tanious@nrc.gov](mailto:Naiem.Tanious@nrc.gov).

**SUPPLEMENTARY INFORMATION:**

#### Background

Section 123 of the Atomic Energy Act of 1954, as amended, sets the specific terms and conditions that must be included in the agreements concluded between the United States and a foreign government to establish the framework for peaceful nuclear cooperation and trade between the countries. The United States has entered into over twenty such agreements that are active at this time, including agreements with the European Atomic Energy Community and the International Atomic Energy Agency (IAEA). The United States entered into a Section 123 agreement with Australia in 1979.

In 2010, the United States and Australia negotiated a new agreement. While it is very similar to the agreement signed in 1979, the 2010 Agreement clarifies restrictions on the use of Australian-obligated nuclear material in the United States by adding a definition of “military purpose.” The 2010 Agreement retains Article 9(4) of the 1979 agreement, which states in relevant part that the U.S. must “establish and maintain a system of accounting for and control of all material transferred pursuant to this Agreement and any material used in or produced through the use of any material, equipment or components so transferred.”

#### Discussion

As discussed in this document, the NRC finds that in order to implement provisions in Article 8 (“No explosive

or military application”) of the 2010 Agreement, NRC regulations in Title 10 of the *Code of Federal Regulations* (10 CFR) Part 40 need to be amended.

Article 8(1) states, in relevant part, that Australian-obligated nuclear material “shall not be used for any nuclear explosive device, for research on or development of any nuclear explosive device, including but not limited to, the production of tritium for use in such a device, or for any military purpose.” Article 8(2) states that the term “military purpose” includes “military nuclear propulsion; munitions, including depleted uranium munitions; and other direct military non-nuclear applications as mutually determined by the Parties.” The term “military purpose” does not include “the supply of electricity to a military base from any power network, the production of radioisotopes to be used for medical purposes in military hospitals, and such other similar purposes as may be mutually determined by the Parties.”

The Agreement defines “material” as including source material, and broadly defines “source material” as including uranium ores “in such concentration as mutually determined by the Parties from time to time.” The term “Australian-obligated source material” is used in this rulemaking to designate the material covered by the rule, and such material is that which originates in Australia and is imported from there to the United States. The term “Australian-obligated source material” should be understood as describing a subset of the material referenced in the existing definition of *Foreign obligations* set forth in § 40.4. The term *Foreign obligations* is used in the existing § 40.64 reporting requirements, under which licensees holding one kilogram or more of source material with foreign obligations must document such holdings on a yearly basis and submit annual inventory reports to the NRC. In accordance with § 40.64(e), licensees subject to 10 CFR part 75 (which implements requirements established by treaties between the United States and the IAEA) instead submit their inventory reports under §§ 75.34 and 75.35. These 10 CFR part 40 and part 75 reporting requirements are not referenced in the 2010 Agreement, and are not affected by this rulemaking. If the Australian Government later has questions concerning inventories of Australian-obligated source material in quantities less than one kilogram, the NRC would request such information from its licensees, who are already required by § 40.61 to keep records