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ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Meeting of the Assembly of the Administrative Conference of the United States

ACTION: Notice of public meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Assembly of the Administrative Conference of the United States to consider proposed recommendations which deal with: (1) Innovations in e-rulemaking, (2) international regulatory cooperation, (3) the Federal Advisory Committee Act, and (4) incorporation by reference. To facilitate public participation, the Conference is inviting public comment on the recommendations that will be considered at the meeting.

DATES: Meeting dates are Thursday, December 8, 2011, 2 p.m. to 6 p.m.; and Friday, December 9, 2011, 9 a.m. to 12:30 p.m. Comments on the recommendations must be received by noon, Friday, December 2, 2011.

ADDRESSES: The Public Meeting will be held at the Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581 (Main Conference Room).

Submit comments to either of the following: email comments@acus.gov, with “December 2011 Plenary Session Comments” in the subject line; or mail to December 2011 Plenary Session Comments, Administrative Conference of the United States, Suite 706 South, 1120 20th Street NW., Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Shawne McGibbon, General Counsel (the Designated Federal Officer), Administrative Conference of the United States, Suite 706 South, 1120 20th Street NW., Washington, DC 20036; Telephone (202) 480–2088.

SUPPLEMENTARY INFORMATION: The Administrative Conference of the United States makes recommendations to administrative agencies, the President, Congress, and the Judicial Conference of the United States regarding the improvement of Federal administrative procedures (5 U.S.C. 594). The objectives of these recommendations are to ensure that private rights may be fully protected and regulatory activities and other Federal responsibilities may be carried out expeditiously in the public interest, to promote more effective public participation and efficiency in the rulemaking process, reduce unnecessary litigation in the regulatory process, improve the use of science in the regulatory process, and improve the effectiveness of laws applicable to the regulatory process (5 U.S.C. 591).

The membership of the Conference meeting in plenary session constitutes the Assembly of the Conference (5 U.S.C. 595). The Assembly will meet in plenary session to consider four proposed recommendations:

(1) The recommendation “Agency Innovations in e-Rulemaking” addresses how Federal agency rulemaking can be improved by better use of Internet-based technologies. The goal of the project was to assess the landscape of existing innovative rulemaking technologies, and identify the most useful innovations and best practices that might be spread to other agencies. The recommendation proposes ways agencies can make rulemaking information, including open dockets, comment polices, and materials from completed rulemakings, more accessible electronically. The recommendation also addresses the issue of improving e-rulemaking participation by those who have historically faced barriers to access, including non-English speakers, users of low-bandwidth Internet connections, and individuals with disabilities.

(2) The recommendation “International Regulatory Cooperation” addresses how U.S. regulators can interact with their foreign counterparts to accomplish their domestic regulatory missions and eliminate unnecessary non-tariff barriers to trade more effectively. This project is intended to update Recommendation 91–1, “Federal Agency Cooperation with Foreign Government Regulators,” which was adopted by the Administrative

Conference in 1991. The recommendation includes proposals for enhanced cooperation and information gathering, more efficient deployment of limited resources, and better information exchanges that result in evidence-based decision making.

(3) The recommendation on the “Federal Advisory Committee Act (FACA)” addresses the issue of whether FACA is functioning effectively and efficiently almost 40 years after its enactment. Some of the relevant questions regarding FACA are whether it is hampering Federal agencies’ ability to obtain outside advice and whether it provides sufficient transparency in the advisory committee process. The recommendation offers three sets of proposed revisions to the existing FACA regime to make the law more relevant in light of agency experience with FACA and 21st century technologies. Specifically, the recommendation includes proposals designed to clarify the scope of FACA and its implementing regulations, alleviate certain procedural burdens associated with the existing regime, and promote “best practices” aimed at enhancing the transparency and objectivity of the advisory committee process.

(4) The recommendation “Incorporation by Reference” addresses the legal and policy issues related to agencies’ adoption of or references to standards or other materials that have been published elsewhere. Incorporation by reference is common partly because Federal policy requires regulatory agencies to use voluntary consensus standards in lieu of government-designed standards when doing so is not impractical or inconsistent with the statutory mission. That policy builds upon Recommendation 78–4, “Federal Agency Interaction with Private Standard-Setting Organizations in Health and Safety Regulation,” adopted by the Conference in 1978. That recommendation encouraged the use of voluntary consensus standards in health and safety regulation. In the ensuing years, many agencies have promulgated thousands of regulations using standards that incorporate by reference standards published elsewhere. This practice raises common issues that individual agencies deal with differently, and the aim of the recommendation is to consolidate the

dispersed knowledge of affected agencies, identify best practices, and recommend ways to improve the process.

This meeting will be open to the public and may end prior to the designated end time if business is concluded earlier. Members of the public are invited to attend the meeting in person, subject to space limitations. The Conference will also provide remote public access to the meeting via webcast. Anyone who wishes to attend the meeting in person is asked to RSVP to comments@acus.gov, no later than December 6, 2011, in order to facilitate entry. Members of the public who attend the meetings of the full Assembly are only permitted to speak with the consent of the Chairman and the unanimous approval of the members. The Conference welcomes the attendance of the public and will make every effort to accommodate persons with physical disabilities or special needs. If you need special accommodations due to disability, please inform the contact person noted above no later than 7 days in advance of the meeting.

Members of the public may submit written comments on any or all of the recommendations to either of the addresses listed above no later than noon, December 2, 2011. Copies of the proposed recommendations and information on remote access will be available at <http://www.acus.gov>. Comments relating to the individual proposed recommendations will be delivered to the Designated Federal Officer listed on this notice and will be posted on the Conference's Web site when received. Comments received at this stage will be available to the full Assembly prior to their consideration of the final recommendations.

Dated: November 14, 2011.

Shawne McGibbon,
General Counsel.

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DEPARTMENT OF COMMERCE

U.S. Census Bureau

Proposed Information Collection; Comment Request; 2012 Company Organization Survey

AGENCY: U.S. Census Bureau,
Commerce.

ACTION: Notice.

SUMMARY: The Department of
Commerce, as part of its continuing
effort to reduce paperwork and

respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

DATES: To ensure consideration, written comments must be submitted on or before January 17, 2012.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at dHynek@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Joy P. Pierson, Economic Planning and Coordination Division, U.S. Census Bureau, Room 8K319, Washington, DC 20233-6100 (or by email at Joy.P.Pierson@census.gov).

SUPPLEMENTARY INFORMATION:

I. Abstract

The Census Bureau conducts the annual Company Organization Survey (COS) to update and maintain a central, multipurpose Business Register (BR) database. In particular, the COS supplies critical information on the composition, organizational structure, and operating characteristics of multi-location companies.

The BR serves two fundamental purposes:

- First and most important, it provides sampling populations and enumeration lists for the Census Bureau's economic surveys and censuses, and it serves as an integral part of the statistical foundation underlying those programs. Essential for this purpose is the BR's ability to identify all known United States business establishments and their parent companies. Further, the BR must accurately record basic business attributes needed to control sampling and enumeration. These attributes include industrial and geographic classifications, and name and address information.
- Second, it provides establishment data that serve as the basis for the annual County Business Patterns (CBP) statistical series. The CBP reports present data on the number of establishments, first quarter payroll, annual payroll, and mid-March employment summarized by industry and employment size class for the United States, the District of

Columbia, island areas, counties, and county-equivalents. No other annual or more frequent series of industry statistics provides comparable detail, particularly for small geographic areas.

II. Method of Collection

The Census Bureau will conduct the 2012 COS in conjunction with the 2012 Economic Census and will coordinate these collections to minimize response burden. The consolidated COS/census mail canvass will direct inquiries to the entire universe of multi-location enterprises, which comprises roughly 164,000 parent companies and more than 1.6 million establishments. The decrease in response burden for the 2012 COS of 36,733 hours is the result of obtaining most multi-location establishment data as part of the 2012 Economic Census. Additionally, the panel will include approximately 100,000 large single-location companies to capture data for the Enterprise Statistics Program (ESP). In 2010 the Census Bureau pretested ESP questions under its Generic Clearance for pretesting research. In 2011 the COS collected data from all multi-location companies and will use these data to baseline the 2012 Economic Census data. The primary collection medium for the COS and Economic Census is a paper questionnaire; however, many enterprises will submit automated/electronic COS and Economic Census reports. For 2012, electronic reporting will be available to all COS and Economic Census respondents. Companies will receive and return responses by secure Internet transmission. Companies that cannot use the Internet will receive a CD-ROM containing their electronic data. All respondents will be allowed to mail the data via diskette or CD-ROM or submit their response data via the Internet. COS content is identical for all of the reporting modes.

The 2012 COS will include company-level questions to approximately 164,000 multi-location enterprises with industrial activities out-of-scope of the 2012 Economic Census. The company-level portion will include inquiries on ownership or control by domestic or foreign parents, ownership of foreign affiliates, research and development, leased employment, and manufacturing activities related to the Enterprise Statistics Program. Additional COS inquiries will apply to the 15,000 multi-unit establishments classified in industries that are out-of-scope of the economic census. The additional inquiries will list an inventory of those out-of-scope establishments and request