

applicants be required to document their successes in “substantially” or at least “partially” overcoming disadvantages? Should any successes documented be limited to the applicant’s professional achievements, or should success in other contexts be considered by the Commission?

9. At what level of success, if any, should an applicant who has overcome substantial disadvantages become ineligible for the preference (e.g., by what measure of wealth or access to capital)? Should the Commission adopt different levels of preference based on a measure of wealth or access to capital? What criteria should be used to disqualify the applicant from eligibility for a bidding credit? If the Commission adopts an additional preference such as that recommended by the Advisory Committee, how should the Commission implement the statutory requirement to avoid unjust enrichment in the context of its bidding preference program?

### III. Administration

10. The Advisory Committee’s Recommendation notes that any determination of an individual’s or entity’s eligibility for an overcoming disadvantage preference would require an examination of all relevant evidence and would be based on an individualized evaluation. The individualized reviews that would occur under the proposed program are subjective in a manner that distinguishes them from existing designated entity programs, which are based on objective criteria such as financial data. By what means could applicants demonstrate that they qualify for the preference? For example, should a narrative explanation suffice? If not, what information or documentation would be necessary to substantiate a claim? Should an applicant be permitted to certify its eligibility for this preference under penalty of perjury in its short-form application when it seeks to participate in an auction, similar to the way in which applicants may certify eligibility for new entrant and small business bidding credits? If so, what guidance can the Commission provide to potential applicants so that they can make a good faith certification of eligibility? The Recommendation suggests that an overcoming disadvantage preference might be applied differently for different services (e.g., a preference might apply only for more valuable licenses in a broadcast auction). Would the Commission have to tailor the preference for specific services in a rulemaking, similar to its existing practice of establishing the

small business definitions on a service-by-service basis? The Advisory Committee recognized the importance of reducing subjectivity and achieving consistency among individualized determinations. What standards could the Commission implement to achieve those goals?

11. The Advisory Committee’s Recommendation suggests that a determination as to whether applicants have overcome disadvantages could be made within the existing short-form auction application review process. What would be the administrative burden for the Commission to conduct individualized review for such a preference within the relatively short time frames allotted under the existing auctions short-form application process? If the Commission were to allocate additional time in the pre-auction process for such reviews, would the possible burdens on auction applicants be outweighed by the public interest benefits of the proposed preference?

12. As an alternative, the Recommendation suggests that applicants could pre-qualify for preferences and thus avoid subsequent petitions to deny their licenses targeted at their qualification for the preference. Are there Administrative Procedure Act or other concerns for not allowing parties to file petitions challenging a proposed qualification? Is there a reason to treat this qualification differently than other qualifications that are subject to the petition to deny process? Does this raise issues with regard to the requirements of the Communications Act? If an applicant is found to be qualified prior to an auction but experiences a change of status during bidding, or after submitting a winning bid, should the individual remain eligible for the preference? Should a pre-qualification review strictly be limited to the overcoming of substantial disadvantage, or should it be a broader review of an applicant’s license qualifications, provided that the pre-auction process is extended?

13. The Advisory Committee’s Recommendation suggests three options for the management of qualification review: (1) Establishing a “special cadre” of Commission officials to evaluate applicant qualifications; (2) designing a modified Administrative Law Judge procedure for this purpose; (3) assigning the function to the Commission’s Bureau responsible for oversight of the service in question. What are the relative advantages and disadvantages of each option? What aspects of the current process for review of auction applicant eligibility suggest that these additional

options are necessary for the proposed preference program?

14. The Advisory Committee’s Recommendation asks whether a corporation should be able to receive the proposed preference based on the qualifications of its principal. What role should the principal play in a corporation or other business entity to confer eligibility for the preference on the entity? For instance, should the principal be required to have majority equity ownership and a management role?

This matter shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules 47 CFR 1.1200, 1.1206. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one- or two-sentence description of the views and arguments presented generally is required. See 47 CFR 1.1206(b). Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in 47 CFR 1.1206(b).

**Gary D. Michaels,**

*Deputy Chief, Auctions and Spectrum Access Division, WTBS, Federal Communications Commission.*

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**BILLING CODE 6712–01–P**

## FEDERAL HOUSING FINANCE AGENCY

[No. 2010–N–17]

### Office of Inspector General; Delegation of Authorities

**AGENCY:** Office of Inspector General, Federal Housing Finance Agency.

**ACTION:** Notice of delegation of authorities.

**SUMMARY:** This notice delegates two authorities of the Inspector General, Office of Inspector General for the Federal Housing Finance Agency (FHFA–OIG), to the FHFA–OIG Principal Deputy Inspector General, the FHFA–OIG Deputy Inspector General for Audit, the FHFA–OIG Deputy Inspector General for Investigations & Evaluations, and the FHFA–OIG Chief Counsel. These authorities are: (1) The authority to issue subpoenas; and (2) the authority to request information under 5 U.S.C. 552a(b)(7).

**DATES:** *Effective Date:* December 27, 2010.

**FOR FURTHER INFORMATION CONTACT:** Bryan Saddler, Chief Counsel, FHFA–OIG, at (202) 408–2577, or [Bryan.Saddler@fhfa.gov](mailto:Bryan.Saddler@fhfa.gov).

**SUPPLEMENTARY INFORMATION:** The Federal Housing Finance Regulatory Reform Act of 2008 (Reform Act), which was passed as Division A of the Housing and Economic Recovery Act of 2008 (HERA), Public Law 110–289, 122 Stat. 2654, 2913, abolished both the Federal Housing Finance Board (FHFB), an independent agency that oversaw the Federal Home Loan Banks (Banks), and the Office of Federal Housing Enterprise Oversight (OFHEO), an office within the Department of Housing and Urban Development (HUD) that oversaw the “safety and soundness” of Fannie Mae and Freddie Mac. See 12 U.S.C. 1422a, 4502(6), 4511, 4512, 4513, 4541, 4563 (2006); H.R. Rep. No. 110–142, at 95. The Reform Act established in place of the FHFB and OFHEO a new entity, the Federal Housing Finance Agency (FHFA), which now regulates and supervises Fannie Mae, Freddie Mac, and the 12 Banks. See Reform Act sections 1002, 1101, 1102, 1301, 1311; 12 U.S.C.A. 4511, 4512, 4513 (2009).

Section 1105 of HERA also amended the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 and the Inspector General Act of 1978 (the IG Act), by specifying that there shall be established an Inspector General within FHFA. See 12 U.S.C. 4517(d). FHFA–OIG is responsible for, among other things, conducting audits, investigations, and inspections of FHFA’s programs and operations, and recommending policies that promote economy and efficiency in the administration of, and prevent and detect fraud and abuse in, those programs and operations. Section 6(a)(4) of the IG Act authorizes the Inspector General to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence deemed necessary in the performance of the Inspector General’s function. This notice delegates the Inspector General’s subpoena issuance authority to the FHFA–OIG Principal Deputy Inspector General, the FHFA–OIG Deputy Inspector General for Audit, the FHFA–OIG Deputy Inspector General for Investigations & Evaluations, and the FHFA–OIG Chief Counsel.

Section 552a(b)(7) of Title 5, United States Code, authorizes the Inspector General to request information protected by the Privacy Act for a civil or criminal law enforcement activity. This notice delegates this authority to request

records protected by the Privacy Act for a civil or criminal law enforcement activity from the Inspector General to the FHFA–OIG Principal Deputy Inspector General, the FHFA–OIG Deputy Inspector General for Audit, the FHFA–OIG Deputy Inspector General for Investigations & Evaluations, and the FHFA–OIG Chief Counsel.

The Inspector General has not limited his authority to issue subpoenas or to request information under 5 U.S.C. 552a by this delegation. Also, this delegation expressly prohibits further delegation or redelegation.

Accordingly, the Inspector General delegates the following authorities:

**Section A. Authority Delegated:** The Inspector General delegates to the FHFA–OIG Principal Deputy Inspector General, the FHFA–OIG Deputy Inspector General for Audit, the FHFA–OIG Deputy Inspector General for Investigations & Evaluations, and the FHFA–OIG Chief Counsel, the authority to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of the functions assigned by HERA and the Inspector General Act.

Additionally, the Inspector General delegates to the FHFA–OIG Principal Deputy Inspector General, the FHFA–OIG Deputy Inspector General for Audit, the FHFA–OIG Deputy Inspector General for Investigations & Evaluations, and the FHFA–OIG Chief Counsel, the authority to request information under 5 U.S.C. 552a(b)(7).

**Section B. No Further Delegation or Redelegation:** The authority delegated in Section A above may not be further delegated or redelegated.

**Authority:** Pub. L. 110–289, section 1105; 5 U.S.C. App. 3 § 6(a)(4); 5 U.S.C. 301.

Dated: December 14, 2010.

**Steve A. Linick,**  
Inspector General.

[FR Doc. 2010–32348 Filed 12–23–10; 8:45 am]

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

#### Advisory Board on Radiation and Worker Health (ABRWH or Advisory Board), National Institute for Occupational Safety and Health (NIOSH)

In accordance with section 10(a)(2) of the Federal Advisory Committee Act

(Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC), announces the following meeting of the aforementioned committee:

*Time and Date:*

11 a.m.–2 p.m., January 12, 2011

*Place:* Audio Conference Call via FTS Conferencing. The USA toll-free, dial-in number is 1–866–659–0537 and the pass code is 9933701.

*Status:* Open to the public, but without a public comment period.

*Background:* The Advisory Board was established under the Energy Employees Occupational Illness Compensation Program Act of 2000 to advise the President on a variety of policy and technical functions required to implement and effectively manage the new compensation program. Key functions of the Advisory Board include providing advice on the development of probability of causation guidelines, which have been promulgated by the Department of Health and Human Services (HHS) as a final rule; advice on methods of dose reconstruction, which have also been promulgated by HHS as a final rule; advice on the scientific validity and quality of dose estimation and reconstruction efforts being performed for purposes of the compensation program; and advice on petitions to add classes of workers to the Special Exposure Cohort (SEC).

In December 2000, the President delegated responsibility for funding, staffing, and operating the Advisory Board to HHS, which subsequently delegated this authority to the CDC. NIOSH implements this responsibility for CDC. The charter was issued on August 3, 2001, renewed at appropriate intervals, most recently, August 3, 2009, and will expire on August 3, 2011.

*Purpose:* This Advisory Board is charged with (a) Providing advice to the Secretary, HHS, on the development of guidelines under Executive Order 13179; (b) providing advice to the Secretary, HHS, on the scientific validity and quality of dose reconstruction efforts performed for this program; and (c) upon request by the Secretary, HHS, advising the Secretary on whether there is a class of employees at any Department of Energy facility who were exposed to radiation but for whom it is not feasible to estimate their radiation dose, and on whether there is reasonable likelihood that such radiation doses may have endangered the health of members of this class.

*Matters to be Discussed:* The agenda for the conference call includes: NIOSH 10-Year Review of its Division of Compensation Analysis and Support (DCAS) Program; Linde Ceramics Plant SEC Petition #107 (1954–2006); DCAS Science Issues Update; Subcommittee and Work Group Updates; DCAS SEC Petition Evaluations Update for the February 2011 Advisory Board Meeting; and Board Correspondence.

The agenda is subject to change as priorities dictate.

Because there is not a public comment period, written comments may be submitted. Any written comments received will be included in the official record of the meeting