

Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This proposed rulemaking is promulgated under the authority described in subtitle VII, part A, subpart I, section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This proposed regulation is within the scope of that authority as it would amend Class E airspace at Lakeland Linder Regional Airport, Lakeland, FL.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9U, Airspace Designations and Reporting Points, dated August 18, 2010, effective September 15, 2010, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward from 700 feet or More Above the Surface of the Earth.

* * *

ASO FL E5 Lakeland, FL [Amended]

Lakeland Linder Regional Airport, FL
(Lat. 27°59'19" N., long. 82°00'55" W.)
Bartow Municipal Airport
(Lat. 27°56'36" N., long. 81°47'00" W.)
Plant City Municipal Airport
(Lat. 28°00'01" N., long. 82°09'39" W.)
Winter Haven's Gilbert Airport
(Lat. 28°03'46" N., long. 81°45'12" W.)
Lakeland VORTAC
(Lat. 27°59'10" N., long. 82°00'50" W.)

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Lakeland Linder Regional Airport, and within a 6.7-mile radius of Bartow Municipal Airport, and within a 6.6-mile radius of Plant City Municipal Airport, and within 3.5 miles each side of the 266° bearing from the Plant City Airport extending from the 6.6-mile radius to 7.5 miles west of the Airport, and within a 6.5-mile radius of Winter Haven's Gilbert Airport, and within 2.5 miles each

side of the Lakeland VORTAC 071° radial extending from the 7-mile radius to the Winter Haven's Gilbert Airport 6.5-mile radius.

Issued in College Park, Georgia, on May 13, 2011.

Barry A. Knight,

Acting Manager, Operations Support Manager, Eastern Service Center, Air Traffic Organization.

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SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 200

[Release No. PA–45; File No. S7–19–11]

Privacy Act of 1974: Implementation and Amendment of Exemptions

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule.

SUMMARY: Pursuant to the Privacy Act of 1974, as amended, the Securities and Exchange Commission (“Commission” or “SEC”) proposes to exempt portions of three new systems of records from provisions of the Privacy Act to the extent that the records contain investigatory materials compiled for law enforcement purposes. Additionally, the Commission proposes to make technical amendments to its Privacy Act regulation exempting specific systems of records from certain provisions of the Privacy Act. In a companion release published elsewhere in this issue, the Commission is giving concurrent notice of three new systems of records pursuant to the Privacy Act of 1974.

DATES: Comments must be received on or before June 23, 2011.

ADDRESSES: Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/proposed.shtml>); or
- Send an e-mail to rule-comments@sec.gov. Please include File Number S7–19–11 on the subject line; or
- Use the Federal eRulemaking Portal (<http://www.regulations.gov>). Follow the instructions for submitting comments.

Paper Comments

Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, U.S. Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090. All submissions should

refer to File Number S7–19–11. This file number should be included on the subject line if e-mail is used. To help us process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/proposed.shtml>). Comments are also available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. All comments received will be posted without change; we do not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

FOR FURTHER INFORMATION CONTACT: Cristal Perpignan, Acting Chief Privacy Officer, Office of Information Technology, 202–551–7716.

SUPPLEMENTARY INFORMATION: Pursuant to, and limited by 5 U.S.C. 552a(k)(2), the Commission proposes to exempt systems of records, “Tips, Complaints, and Referrals (TCR) Records (SEC–63)”; “SEC Security in the Workplace Incident Records (SEC–64)”; and “Investor Response Information System (IRIS) (SEC–65)”, from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f) and 17 CFR 200.303, 200.304, and 200.306, insofar as they contain investigatory materials compiled for law enforcement purposes. The Privacy Act allows Government agencies to exempt certain records from the notification, access and amendment provisions. If an agency claims an exemption, however, it must issue a rule to explain the reasons why a particular exemption is claimed. The proposed exemption would be applicable except under the circumstances set forth in the provisions of section (k)(2) of the Privacy Act.¹

The TCR Records (SEC–63) system of records contains records related to tips, complaints, referrals of misconduct, or related information about actual or potential violations of the federal securities laws; investor harm; conduct of public companies; securities professionals; regulated entities; and associated persons. This system of records may include investigatory materials that were compiled in connection with the Commission's enforcement responsibilities under the federal securities laws. Such material may consist of unsolicited and often unverified statements concerning individuals, information received from confidential sources, as well as reports

¹ See 5 U.S.C. 552a(k)(2).

from the Commission's investigators and other law enforcement personnel. The disclosure of the existence of investigatory materials could seriously undermine effective enforcement of the federal securities laws by prematurely alerting individuals to the fact that they are under investigation, by giving them access to the evidentiary bases for a Commission enforcement action or seriously hampering the Commission's case in court or before an administrative law judge.

The SEC Security in the Workplace Incident Records (SEC-64) system of records contains records related to reports involving incidents of assault, harassment, intimidation, bullying, weapons possession, or threats at the SEC. This system of records may include investigatory materials that were compiled in connection with inquiries or investigation of potential or actual incidents of violence by and against individuals at an SEC facility. The disclosure of information as it relates to investigatory materials or the identity of sources of information may seriously undermine the safety and security of employees in the workplace. Access to such information could allow the subject of an investigation or inquiry of an actual or potential criminal or civil violation to interfere with and impede the investigation, tamper with witnesses or evidence, and to avoid detection or apprehension.

The IRIS (SEC-65) system of records contains records related to complaints/inquiries/requests from members of the public and others. This system of records may include investigatory materials that were compiled in connection with the Commission's enforcement responsibilities under the federal securities laws. Such material may consist of unsolicited and often unverified statements concerning individuals, information received from confidential sources, as well as reports from the Commission's investigators and other law enforcement personnel. The disclosure of the existence of investigatory materials could seriously undermine effective enforcement of the federal securities laws by prematurely alerting individuals to the fact that they are under investigation, by giving them access to the evidentiary bases for a commission enforcement action or seriously hampering the Commission's case in court or before an administrative law judge.

The Commission also proposes to amend its inventory of exempted systems of records by changing the name of the system of records titled: "Office of Personnel Code of Conduct and Employee Performance Files (SEC-

38)" to "Disciplinary and Adverse Actions, Employee Conduct, and Labor Relations Files". In a companion release the Commission is publishing a Privacy Act system of records notice to make technical amendments to this system of records to incorporate minor corrective and administrative modifications that have occurred since the notice was last published and will update the system name to more accurately reflect the records contained in the system. The Commission is amending its inventory of exempted systems of records reflect the new title of this system of records.

Finally, the Commission is making a technical amendment to its inventory of exempted systems of records by removing a reference to the system of records titled: "Personnel Security Files". On August 8, 2000 (65 FR 49037), the Commission published notice to delete this system of records as the records were duplicative of records in: "Personnel Investigations Records (OPM/Central-9)", published by the United States Office of Personnel Management.

General Request for Comment

The Commission requests comment on the proposed amendments in this release.

Paperwork Reduction Act

The proposed amendments do not contain a "collection of information" requirement within the meaning of the Paperwork Reduction Act of 1995.² Accordingly, the Paperwork Reduction Act is not applicable.

Cost-Benefit Analysis

The Commission is sensitive to the costs and benefits that result from its rules. This proposal would exempt portions of three new systems of records from provisions of the Privacy Act in so far as the records contain investigatory materials compiled for law enforcement purposes. As more fully described above, the TCR Records system of records, the SEC Security in the Workplace Incident Reports system of records and the IRIS system of records may include investigatory materials compiled in connection with the Commission's enforcement of the federal securities laws, in connection with potential or actual incidents of workplace violence, or in connection with public complaints/inquiries/request. Access to or disclosure of the investigatory materials in these systems of records could seriously undermine the effective enforcement of the Federal securities laws, and the safety and

security of Commission employees in the workplace. We recognize that our proposed amendments may impose costs on individuals who may wish to obtain access to records that contain investigatory materials in these systems of records. Congress seems to have contemplated these costs in promulgating the exemption in 5 U.S.C. 552a(k)(2).

Regulatory Flexibility Act Certification

Section 3(a) of the Regulatory Flexibility Act of 1980³ ("RFA") requires the Commission to undertake an initial regulatory flexibility analysis of the proposed rule amendments on small entities unless the Commission certifies that the proposal, if adopted, would not have a significant economic impact on a substantial number of small entities.⁴ Pursuant to 5 U.S.C. 605(b), the Commission hereby certifies that the proposed amendments to 17 CFR 200.312 would not, if adopted, have a significant economic impact on a substantial number of small entities. The proposed amendments would exempt portions of three new systems of records from provisions of the Privacy Act in so far as the records contain investigatory materials compiled for law enforcement purposes. Because the proposed amendments would apply solely to private individuals, the proposed amendments would not, if adopted, have a significant economic impact on a substantial number of "small entities," as defined by the RFA.⁵ We encourage written comments regarding this certification.

Statutory Authority

The Commission is proposing amendments to 17 CFR 200.312 under the authority in 5 U.S.C. 552a(k)(2) and 5 U.S.C. 552a(k)(5).

List of Subjects in 17 CFR Part 200

Administrative practice and procedure; Privacy.

Text of Proposed Amendments

For the reasons set out in the preamble, Title 17, Chapter II, of the Code of Federal Regulations is proposed to be amended as follows:

³ 5 U.S.C. 603(a).

⁴ 5 U.S.C. 605(b).

⁵ See 5 U.S.C. 601(6).

² 44 U.S.C. 3501 *et seq.*

**PART 200—ORGANIZATION;
CONDUCT AND ETHICS; AND
INFORMATION AND REQUESTS**

**Subpart H—Regulations Pertaining to
the Privacy of Individuals and Systems
of Records Maintained by the
Commission**

1. The authority citation for Part 200 is revised by adding authority for § 200.312 in numerical order to read as follows:

Authority: 15 U.S.C. 77o, 77s, 77sss, 78d, 78d–1, 78d–2, 78w, 78ll(d), 78mm, 80a–37, 80b–11, and 7202, unless otherwise noted.

* * * * *

Section 312 is also issued under 5 U.S.C. 552a(k).

2. Amend § 200.312 by:

- a. Removing “and” at the end of paragraph (a)(5);
- b. Adding paragraphs (a)(7), (8), and (9); and
- c. Revising paragraph (b); and
- d. Removing the authority citation at the end of the section.

The revisions read as follows.

§ 200.312 Specific exemptions.

* * * * *

(a) * * *

(7) Tips, Complaints, and Referrals (TCR) Records;

(8) SEC Security in the Workplace Incident Records; and

(9) Investor Response Information System (IRIS).

(b) Pursuant to 5 U.S.C. 552a(k)(5), the system of records containing the Commission’s Disciplinary and Adverse Actions, Employee Conduct, and Labor Relations Files shall be exempt from sections (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f) of the Privacy Act, 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), and (e)(4)(I), and (f), and 17 CFR 200.303, 200.304, and 200.306 insofar as they contain investigatory material compiled to determine an individual’s suitability, eligibility, and qualifications for federal civilian employment or access to classified information, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence.

By the Commission.

Dated: May 18, 2011.

Elizabeth M. Murphy,
Secretary.

[FR Doc. 2011–12694 Filed 5–23–11; 8:45 am]

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**DEPARTMENT OF HEALTH AND
HUMAN SERVICES**

Food and Drug Administration

21 CFR Parts 11 and 101

[Docket No. FDA–2011–F–0172]

RIN 0910–AG57

**Food Labeling; Nutrition Labeling of
Standard Menu Items in Restaurants
and Similar Retail Food
Establishments; Correction**

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a proposed rule that appeared in the *Federal Register* of April, 6, 2011 (76 FR 19192). To implement the menu labeling provisions of the Patient Protection and Affordable Care Act of 2010 (Affordable Care Act), FDA proposed requirements for providing certain nutrition information for standard menu items in certain chain restaurants and similar retail food establishments. The document published with several errors in cross references, an incomplete address, and a typographical error in the codified section of the document. This document corrects those errors.

FOR FURTHER INFORMATION CONTACT: Claudine Kavanaugh, Office of Foods, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 1, rm. 3234, Silver Spring, MD 20993, 301–796–4647.

SUPPLEMENTARY INFORMATION: In FR Doc. 2011–7940, appearing on page 19192, in the *Federal Register* of Wednesday, April 6, 2011, FDA is making the following corrections:

1. On page 19193, in the second column, in the first full paragraph, in the last sentence, “section III.A of this document” is corrected to read “section III.B of this document”.

2. On page 19194, in the second column, in the third full paragraph, in the last sentence, “discussed in section III.C.” is corrected to read “discussed in section III.D”.

3. On page 19205, in the first column, in the eighth line, “discussed in section III.C.” is corrected to read “discussed in section III.D”.

4. On page 19205, in the third column, in the twelfth line, “discussed in III.A.” is corrected to read “discussed in section III.B”.

5. On page 19207, in the first column, in the last paragraph, in the fourth sentence, “discussed in section II.A.” is corrected to read “discussed in section III.B”.

6. On page 19207, in the second column, in the fifth line, “discussed in section III. A.” is corrected to read “discussed in section III.B”.

7. On page 19214, in the second column, in the second full paragraph, in the second sentence, “§ 101.11(2)(ii)” is corrected to read “§ 101.11(b)(2)(ii)(A)”.

8. On page 19214, in the second column, in the third full paragraph, “§ 101.11(2)(ii)(D)” is corrected to read “§ 101.11(b)(2)(ii)(D)”.

9. On page 19216, in the first column, in the second full paragraph in the third sentence, “§ 101.11(b)(2)(i)(4))” is corrected to read “§ 101.11(b)(2)(i)(A)(4)”.

10. On page 19218, in the second column, in the last paragraph, in the first sentence, “§ 101.11(c)(2)” is corrected to read “§ 101.11(d)(2)” and “§ 101.11(a)(10)” is corrected to read “§ 101.11(a)”.

11. On page 19218, in the third column, the first sentence, “FDA is also proposing in § 101.11(c)(2) that an authorized official may register an individual restaurant or similar retail food establishment or multiple restaurants or similar retail food establishments that are part of chain on a single registration form.” is corrected to read “Under this proposal an authorized official may register an individual restaurant or similar retail food establishment or multiple restaurants or similar retail food establishments that are part of a chain on a single registration form.”

12. On page 19218, in the third column, in the last full paragraph, “FDA, White Oak Building 22, Room 0209, 10903 New Hampshire Ave., Silver Spring, MD 20993” is corrected to read “FDA, CFSAN Menu and Vending Machine Labeling Registration, White Oak Building 22, rm. 0209, 10903 New Hampshire Ave., Silver Spring, MD 20993”.

13. On page 19219, in the first column, in the second full paragraph, in the last sentence, “§ 101.11(c)(2)” is corrected to read “§ 101.11(c)(6)”.

14. On page 19226, in Table 6, in the seventh column, “42,226,212” is corrected to read “36,962,326”.

15. On page 19227, in Table 7, the title “Table 7—ESTIMATED ANNUAL THIRD PARTY DISCLOSURE BURDEN: NUTRIENT DISCLOSURE FOR