

reaches consensus on the provisions of a proposed rule ONRR will develop a proposed rule to be published in the **Federal Register**.

#### Certification

I hereby certify that the Indian Oil Valuation Negotiated Rulemaking Committee is in the public interest.

Dated: August 15, 2011.

**Ken Salazar**,

*Secretary of the Interior.*

[FR Doc. 2011-21305 Filed 8-19-11; 8:45 am]

**BILLING CODE 4310-MR-P**

## DEPARTMENT OF THE INTERIOR

### 43 CFR Part 2

**RIN 1090-AA94**

#### Amendment of Privacy Act Regulations, Request for Comments

**AGENCY:** Office of the Secretary, Interior.

**ACTION:** Proposed Rule.

**SUMMARY:** The Department of the Interior is amending its regulations to exempt certain records from particular provisions of the Privacy Act. Specifically, the Department proposes to exempt certain records of the newly-created Debarment and Suspension Program system of records from one or more provisions of the Privacy Act.

**DATES:** Submit written comments on October 3, 2011.

**ADDRESSES:** Send written comments, identified by RIN 1090-AA94, by one of the following methods:

- *Federal e-Rulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Mail:* Karen Burke, OS/NBC Privacy Act Officer, Office of the Secretary, Department of the Interior, 1951 Constitution Ave, NW., Mail Stop 116 SIB, Washington, DC 20240.
- *E-mail:* Karen Burke, OS/NBC Privacy Act Officer, Office of the Secretary, [privacy@nbc.gov](mailto:privacy@nbc.gov).

**FOR FURTHER INFORMATION CONTACT:** Karen Burke, OS/NBC Privacy Act Officer, Office of the Secretary, U.S. Department of the Interior, 1951 Constitution Avenue, NW., Mail Stop 116 SIB, Washington, DC 20240. E-mail at [privacy@nbc.gov](mailto:privacy@nbc.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

The Department of the Interior (DOI) Office of Acquisition and Property Management maintains the Debarment and Suspension Program system of records. The primary purpose of this system of records is to assist DOI in

conducting and documenting debarment and suspension proceedings to ensure that Federal procurements and Federal discretionary assistance, loans, and benefits are awarded to presently responsible business entities, organizations, and individuals. Additional purposes of the system are to: Promote understanding of the case decision path and concerns addressed by the debarring and suspending official in reaching a decision; to promote the submission of relevant arguments in contested cases; to educate the public and private bar as to the kinds of mitigating factors and remedial measures that demonstrate present responsibility; and to enhance the transparency of decision making.

Pursuant to 5 U.S.C. 552a (k)(2) and (k)(5), the head of a Federal agency may promulgate rules to exempt a system of records from certain provisions of 5 U.S.C. 552a if the system of records is “investigatory material compiled for law enforcement purposes, other than material within the scope of subsection (j)(2)” or “investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information. \* \* \*”

To the extent that this system of records contains investigatory material within the provision of 5 U.S.C. 552a(k)(2) and (k)(5), the Department of the Interior proposes to exempt the Debarment and Suspension Program System of Records from provisions 5 U.S.C. 552a(c)(3); (d); (e)(1), (e)(4)(G), (H), (I); and (f). Exemptions from these particular subsections are justified for the following reasons:

1. From subsection (c)(3) because granting access to the accounting for each disclosure as normally required by the Privacy Act, including the date, nature, and purpose of each disclosure and the identity of the recipient, could alert the subject to the existence of the investigation or action interest by DOI or other agencies. This could seriously compromise case preparation by prematurely revealing its existence and nature; compromise or interfere with witnesses or make witnesses reluctant to cooperate; and/or lead to suppression, alteration, or destruction of evidence.

2. From subsections (d) and (f) because providing access to records of a debarment or suspension action investigation and the right to contest the contents of those records and force changes to be made to the information contained therein to individuals whose names may appear in the records due to having provided information about a

respondent but who are not the subject of the debarment or suspension action would seriously interfere with and thwart the orderly and unbiased conduct of the investigation, impede debarment or suspension case preparation, and/or conflict with the evidentiary fact finding process under the debarment and suspension rules.

Providing rights normally afforded under the Privacy Act and agency rules could provide the subject with valuable information that would allow interference with or compromise of witnesses or render witnesses reluctant to cooperate; lead to suppression, alteration, or result in destruction of evidence interfering with the development of the suspension or debarment action; and/or jeopardize pending or ongoing judicial proceedings or impede the ability to act to protect Federal procurement and non-procurement program interests. Additionally, the debarment and suspension rules provide a process which accords recipients of action notices, as part of the contest process, the opportunity, where facts material to the action are determined to be genuinely in dispute, for an evidentiary fact finding hearing at which to confront and cross examine the government’s witnesses.

3. From subsection (e)(1) because it is not always possible to detect the relevance or necessity of each piece of information in the early stages of an investigation. In some cases, it is only after the information is evaluated in light of other evidence that its relevance and necessity to accomplish a purpose of the agency will be clear.

4. From subsections (e)(4)(G) and (H) because there is no necessity for such publication since the system of records will be exempt from the underlying duties to provide notification about and access to information in the system and to make amendments to and corrections of the information in the system.

5. From subsection (e)(4)(I) because to the extent that this provision is construed to require more detailed disclosure than the broad, generic information currently published in the system notice, an exemption from this provision is necessary to protect the confidentiality of sources of information and to protect privacy and physical safety of witnesses and informants. DOI will, nevertheless, continue to publish such a notice in broad generic terms as is its current practice.

## Procedural Requirements

### 1. Regulatory Planning and Review (E.O. 12866)

The Office of Management and Budget (OMB) has determined that this rule is not a significant rule and has not reviewed it under the requirements of Executive Order 12866. We have evaluated the impacts of the rule as required by E.O. 12866 and have determined that it does not meet the criteria for a significant regulatory action. The results of our evaluation are given below.

(a) This rule will not have an annual effect of \$100 million or more on the economy. It will not adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or Tribal governments or communities.

(b) This rule would not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency.

(c) This rule does not alter the budgetary effects of entitlements, grants, user fees, concessions, loan programs, water contracts, management agreements, or the rights and obligations of their recipients.

(d) This rule does not raise any novel legal or policy issues.

### 2. Regulatory Flexibility Act

The Department of the Interior certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule does not impose a requirement for small businesses to report or keep records on any of the requirements contained in this rule. The exemptions to the Privacy Act apply to individuals, and individuals are not covered entities under the Regulatory Flexibility Act.

### 3. Small Business Regulatory Enforcement Fairness Act (SBREFA)

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule:

(a) Does not have an annual effect on the economy of \$100 million or more.

(b) Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions.

(c) Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based

enterprises to compete with foreign-based enterprises.

### 4. Unfunded Mandates Reform Act

This rule does not impose an unfunded mandate on State, local, or Tribal governments in the aggregate, or on the private sector, of more than \$100 million per year. The rule does not have a significant or unique effect on State, local, or Tribal governments or the private sector. This rule makes only minor changes to 43 CFR part 2. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

### 5. Takings (E.O. 12630)

In accordance with Executive Order 12630, the rule does not have significant takings implications. This rule makes only minor changes to 43 CFR part 2. A takings implication assessment is not required.

### 6. Federalism (E.O. 13132)

In accordance with Executive Order 13132, this rule does not have any federalism implications to warrant the preparation of a Federalism Assessment. The rule is not associated with, nor will it have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. A Federalism Assessment is not required.

### 7. Civil Justice Reform (E.O. 12988)

This rule complies with the requirements of Executive Order 12988. Specifically, this rule:

(a) Does not unduly burden the judicial system.

(b) Meets the criteria of section 3(a) requiring that all regulations be reviewed to eliminate errors and ambiguity and be written to minimize litigation; and

(c) Meets the criteria of section 3(b)(2) requiring that all regulations be written in clear language and contain clear legal standards.

### 8. Consultation With Indian Tribes (E.O. 13175)

In accordance with Executive Order 13175, the Department of the Interior has evaluated this rule and determined that it would have no substantial effects on Federally recognized Indian Tribes.

### 9. Paperwork Reduction Act

This rule does not require an information collection from 10 or more parties and a submission under the Paperwork Reduction Act is not required.

### 10. National Environmental Policy Act

This rule does not constitute a major Federal action and would not have a significant effect on the quality of the human environment. Therefore, this rule does not require the preparation of an environmental assessment or environmental impact statement under the requirements of the National Environmental Policy Act of 1969.

### 11. Data Quality Act

In developing this rule, there was no need to conduct or use a study, experiment, or survey requiring peer review under the Data Quality Act (Pub. L. 106–554).

### 12. Effects on Energy Supply (E.O. 13211)

This rule is not a significant energy action under the definition in Executive Order 13211. A Statement of Energy Effects is not required.

### 13. Clarity of This Regulation

We are required by Executive Order 12866 and 12988, the Plain Writing Act of 2010 (H.R. 946), and the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means each rule we publish must:

- Be logically organized;
- Use the active voice to address readers directly;
- Use clear language rather than jargon;
- Be divided into short sections and sentences; and
- Use lists and tables wherever possible.

### List of Subjects in 43 CFR Part 2

Privacy Act, Sensitive information, Freedom of Information Act, Reporting and recordkeeping requirements.

Dated: August 9, 2011.

**Rhea Suh,**

*Assistant Secretary for Policy, Management and Budget.*

For the reasons stated in the preamble, the Department of the Interior proposes to amend 43 CFR part 2 as follows:

## PART 2—RECORDS AND TESTIMONY; FREEDOM OF INFORMATION ACT

1. The authority citation for part 2 continues to read as follows:

**Authority:** 5 U.S.C. 301, 552 and 552a; 31 U.S.C. 9701 and 43 U.S.C. 1460–1461. Appendix F to Part 2 also is issued under 30 U.S.C. 201–209; 30 U.S.C. 351–360.

2. In § 2.79, add paragraphs (b)(14) and (c)(4) to read as follows:

### § 2.79 Exemptions.

\* \* \* \* \*

(b)\* \* \*  
 (14) Debarment and Suspension  
 Program, DOI-11.  
 (c)\* \* \*  
 (4) Debarment and Suspension  
 Program, DOI-11.

\* \* \* \* \*

[FR Doc. 2011-21306 Filed 8-19-11; 8:45 am]

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## DEPARTMENT OF DEFENSE

### Defense Acquisition Regulations System

#### 48 CFR Parts 204 and 252

RIN 0750-AG47

[DFARS Case 2011-D039]

#### Defense Federal Acquisition Regulation Supplement; Safeguarding Unclassified DoD Information

**AGENCY:** Defense Acquisition Regulations System, Department of Defense (DoD).

**ACTION:** Proposed rule; extension of comment period.

**SUMMARY:** DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to add a new subpart and associated contract clauses to address requirements for safeguarding unclassified DoD information. The comment period is being extended 93 days to provide additional time for interested parties to review the proposed DFARS changes.

**DATES:** Comments on the proposed rule should be submitted in writing to one of the addresses shown below on or before November 30, 2011, to be considered in the formation of the final rule.

**ADDRESSES:** Submit comments identified by DFARS Case 2011-D039, using any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *E-mail:* [dfars@osd.mil](mailto:dfars@osd.mil). Include DFARS Case 2011-D039 in the subject line of the message.
- *Fax:* 703-602-0350.
- *Mail:* Defense Acquisition Regulations System, Attn: Mr. Julian Thrash, OUSD(AT&L)DPAP(DARS), Room 3B855, 3060 Defense Pentagon, Washington, DC 20301-3060.

Comments received generally will be posted without change to <http://www.regulations.gov>, including any personal information provided.

To confirm receipt of your comment, please check <http://www.regulations.gov> approximately two to three days after submission to verify posting (except

allow 93 days for posting of comments submitted by mail).

**FOR FURTHER INFORMATION CONTACT:** Mr. Julian Thrash, telephone 703-602-0310.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

DoD published a proposed rule in the *Federal Register* on June 29, 2011 (76 FR 38089), with a request for comments by August 29, 2011. DoD is extending the comment period for 93 days to provide additional time for interested parties to review the proposed DFARS changes.

Mary Overstreet,

*Editor, Defense Acquisition Regulations System.*

[FR Doc. 2011-21337 Filed 8-19-11; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

[Docket No. FWS-R9-IA-2011-0027; 96300-1671-0000-R4]

RIN 1018-AW81

#### Endangered and Threatened Wildlife and Plants; U.S. Captive-Bred Inter-Subspecific Crossed or Generic Tigers

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), propose to amend the regulations that implement the Endangered Species Act (Act) by removing inter-subspecific crossed or generic tiger (*Panthera tigris*) (*i.e.*, specimens not identified or identifiable as members of Bengal, Sumatran, Siberian, or Indochinese subspecies from the list of species that are exempt from registration under the Captive-bred Wildlife (CBW) regulations. The exemption currently allows those individuals or breeding operations who want to conduct otherwise prohibited activities, such as take, interstate commerce, and export, under the Act with U.S. captive-bred, live inter-subspecific crossed or generic tigers to do so without becoming registered. We are proposing this change to the regulations to strengthen control over captive breeding of tigers in the United States to ensure that such breeding supports the conservation of the species in the wild consistent with the purposes of the Act. The inter-subspecific crossed or generic tigers remain listed as

endangered under the Act, and a person would need to obtain authorization under the current statutory and regulatory requirements to conduct any otherwise prohibited activities with them.

**DATES:** We will consider comments received or postmarked on or before September 21, 2011.

**ADDRESSES:** You may submit comments by one of the following methods:

*Electronically:* Go to the Federal eRulemaking Portal: <http://www.regulations.gov>. In the Enter Keyword or ID box, enter FWS-R9-IA-2011-0027, which is the docket number for this rulemaking. Then, in the Search panel at the top of the screen, under the Document Type heading, check the box next to Proposed Rules to locate this document. You may submit a comment by clicking on "Send a Comment."

*By hard copy:* Submit by U.S. mail or *hand-delivery to:* Public Comments Processing, Attn: FWS-R9-IA-2011-0027; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, MS 2042-PDM; Arlington, VA 22203.

We will not accept e-mails or faxes. We will post all comments on <http://www.regulations.gov>. This generally means that we will post any personal information you provide us (see the Public Comments section at the end of **SUPPLEMENTARY INFORMATION** for further information about submitting comments).

**FOR FURTHER INFORMATION CONTACT:** Timothy J. Van Norman, Chief, Branch of Permits, Division of Management Authority, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, Suite 212, Arlington, VA 22203; telephone 703-358-21040; fax 703-358-2281. If you use a telecommunications device for the deaf (TDD), call the Federal Information Relay Service (FIRS) at 800-877-8339.

#### SUPPLEMENTARY INFORMATION:

##### Background

To prevent the extinction of wildlife and plants, the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act), and its implementing regulations, prohibit any person subject to the jurisdiction of the United States from conducting certain activities unless authorized by a permit. These activities include import, export, take, and interstate or foreign commerce. The Department of the Interior may permit these activities for endangered species for scientific research or enhancement of the propagation or survival of the species, provided the activities are consistent with the purposes of the Act.