

concurrence from NMFS on that determination by a letter dated January 10, 2007, when EPA reissued the expiring permit in 2007. Because there are no changes which make the permit less stringent through this action, EPA again finds that its issuance is unlikely to adversely affect Essential Fish Habitat. EPA is seeking concurrence with that decision from NMFS.

#### *F. Historic Preservation Act*

Facilities which adversely affect properties listed or eligible for listing in the National Register of Historical Places are not authorized to discharge under this permit.

#### *G. Paperwork Reduction Act*

The information collection required by this permit has been approved by OMB under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, in submission made for the NPDES permit program and assigned OMB control numbers 2040–0086 (NPDES permit application) and 2040–0004 (discharge monitoring reports). Because this permit authorizes limited discharges, the reporting time for discharges is less than that for permittees discharging under the Territorial Seas of Texas (TXG260000) or to Outer Continental Shelf (GMG290000) permits. Also, this proposed permit requires electronic reporting for discharge monitoring reports, so it will save some reporting time and paper mailing costs.

#### *H. Regulatory Flexibility Act*

The Regulatory Flexibility Act, 5 USC 601 *et seq.*, requires that EPA prepare a regulatory flexibility analysis for regulations that have a significant impact on a substantial number of small entities. This permit is not a “rule” subject to the Regulatory Flexibility Act. EPA prepared a regulatory flexibility analysis, however, on the promulgation of the Coastal Subcategory guidelines on which many of the permit’s effluent limitations are based. That analysis shows that compliance with the permit requirements will not result in a significant impact on dischargers, including small businesses, covered by this permit. EPA Region 6, therefore, concludes that the permit being proposed today will not have a significant impact on a substantial number of small entities.

Dated: March 19, 2012.

**William K. Honker,**

*Acting Director, Water Quality Protection Division, EPA Region 6.*

[FR Doc. 2012–7686 Filed 3–29–12; 8:45 am]

**BILLING CODE 6560–50–P**

## **ENVIRONMENTAL PROTECTION AGENCY**

[FRL–9654–5]

### **Proposed CERCLA Administrative Settlement; George L. Gomez and Patricia A. Gomez.**

**AGENCY:** Environmental Protection Agency

**ACTION:** Notice; request for public comment

**SUMMARY:** In accordance with Section 122(h)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (CERCLA), 42 U.S.C. 9622(h)(1), notice is hereby given of a proposed administrative settlement for the Terrible Mine Site, Isle Mining District, Custer County, Colorado with George L. Gomez and Patricia A. Gomez based upon an inability to pay settlement. The settlement includes a covenant not to sue the settling party pursuant to Section 107(a) of CERCLA, 42 U.S.C. 9607(a), and provides that the settling parties will sign and execute an environmental covenant on the Site. For thirty (30) days following the date of publication of this notice, the agency will receive written comments relating to the settlement. The agency will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate. The agency’s response to any comments received will be available for public inspection at the EPA Region 8 Records Center, 1595 Wynkoop Street, Denver, Colorado 80202.

**DATES:** Comments must be submitted on or before April 30, 2012.

**ADDRESSES:** The proposed settlement is available for public inspection at the EPA Region 8 Records Center, 1595 Wynkoop Street, Denver, Colorado 80202. A copy of the proposed settlement may be obtained from John Works, EPA Technical Enforcement Officer, EPA Region 8, 1595 Wynkoop Street, Denver, CO 80202, 303.312.6196. Comments should reference the Terrible Mine Site, Isle Mining District, Custer County, Colorado and EPA Docket No. 08–2012–0003 and should be addressed to John Works, EPA Technical Enforcement Officer, EPA Region 8, 1595 Wynkoop Street, Denver, CO 80202.

**FOR FURTHER INFORMATION CONTACT:** John Works, EPA Technical Enforcement Officer, EPA Region 8, 1595 Wynkoop

Street, Denver, CO 80202, 303–312–6196.

Dated: March 21, 2012.

**Andrew M. Gaydosh,**

*Assistant Regional Administrator, Office of Enforcement and Compliance and Environmental Justice, U. S. Environmental Protection Agency, Region 8, Denver, CO.*

[FR Doc. 2012–7682 Filed 3–29–12; 8:45 am]

**BILLING CODE 6560–50–P**

## **FEDERAL COMMUNICATIONS COMMISSION**

### **Information Collection Being Reviewed by the Federal Communications Commission**

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Federal Communications Commission (FCC), as part of its continuing effort to reduce paperwork burdens, invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act (PRA) of 1995. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission’s burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and (e) ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

**DATES:** Written PRA comments should be submitted on or before May 29, 2012. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

**ADDRESSES:** Direct all PRA comments to the Federal Communications Commission via email to [PRA@fcc.gov](mailto:PRA@fcc.gov) and [Cathy.Williams@fcc.gov](mailto:Cathy.Williams@fcc.gov).

**FOR FURTHER INFORMATION CONTACT:** For additional information about the information collection, contact Cathy Williams at (202) 418-2918.

**SUPPLEMENTARY INFORMATION:**

*OMB Control Number:* 3060-1162.

*Title:* Closed Captioning of Video Programming Delivered Using Internet Protocol, and Apparatus Closed Caption Requirements.

*Form Number:* N/A.

*Type of Review:* Revision of a currently approved collection.

*Respondents:* Individuals or households; Businesses or other for-profit entities; Not-for-profit institutions.

*Number of Respondents and Responses:* 1,762 respondents; 4,684 responses.

*Estimated Time per Response:* 0.084 to 10 hours.

*Frequency of Response:* One time and on occasion reporting requirements; Recordkeeping requirement; Third-party disclosure requirement.

*Obligation To Respond:* Mandatory; Required to obtain or retain benefits. The statutory authority for this information collection is contained in the Twenty-First Century Communications and Video Accessibility Act of 2010, Public Law 111-260, 124 Stat. 2751, and Sections 4(i), 4(j), 303, 330(b), 713, and 716 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 303, 330(b), 613, and 617.

*Total Annual Burden:* 11,685 hours.

*Total Annual Cost:* \$307,800.

*Privacy Act Impact Assessment:* Yes. The Privacy Impact Assessment (PIA) was completed on June 28, 2007. It may be reviewed at: [http://www.fcc.gov/omd/privacyact/Privacy\\_Impact\\_Assessment.html](http://www.fcc.gov/omd/privacyact/Privacy_Impact_Assessment.html). The Commission is in the process of updating the PIA to incorporate various revisions made to the SORN.

*Nature and Extent of Confidentiality:* Some assurances of confidentiality are being provided to the respondents.

Parties filing petitions for exemption based on economic burden, requests for Commission determinations of technical feasibility and achievability, requests for purpose-based waivers, or responses to complaints alleging violations of the Commission's rules may seek confidential treatment of information they provide pursuant to the Commission's existing confidentiality rules. See 47 CFR 0.459.

The Commission is not requesting that individuals who file complaints

alleging violations of the Commission's rules (complainants) submit confidential information (e.g., credit card numbers, social security numbers, or personal financial information) to the Commission. The Commission requests that complainants submit their names, addresses, and other contact information, which Commission staff needs to process complaints. Any use of this information is covered under the routine uses listed in the Commission's SORN, FCC/CGB-1, "Informal Complaints and Inquiries."

The PIA that the FCC completed on June 28, 2007 gives a full and complete explanation of how the FCC collects, stores, maintains, safeguards, and destroys PII, as required by OMB regulations and the Privacy Act, 5 U.S.C. 552a. The PIA may be viewed at: [http://www.fcc.gov/omd/privacyact/Privacy\\_Impact\\_Assessment.html](http://www.fcc.gov/omd/privacyact/Privacy_Impact_Assessment.html).

Also, the Commission will prepare a revision to the SORN and PIA to cover the PII collected related to this information collection, as required by OMB's Memorandum M-03-22 (September 26, 2003) and by the Privacy Act, 5 U.S.C. 552a.

*Needs and Uses:* On January 13, 2012, in document FCC 12-9, the Commission released a *Report and Order* adopting final rules to implement sections 303, 330(b), and 713 of the Communications Act of 1934 (the Act), as amended by the "Twenty-First Century Communications and Video Accessibility Act of 2010" (CVAA). See Public Law 111-260, §§ 202 and 203. The Commission also released an Erratum thereto on January 30, 2012. Pursuant to Section 202 of the CVAA, the *Report and Order* adopts rules governing the closed captioning requirements for the owners, providers, and distributors of video programming delivered using Internet protocol (IP). Pursuant to Section 203 of the CVAA, the *Report and Order* adopts rules governing the closed captioning capabilities of certain apparatus on which consumers view video programming.

The following rule sections and other requirements contain revised information collection requirements for which the Commission is seeking approval from the Office of Management and Budget (OMB):

(a) 47 CFR 79.4(c)(1)(ii) and 47 CFR 79.4(c)(2)(ii) require video programming owners (VPOs) and video programming distributors and providers (VPDs) to agree upon a mechanism to inform VPDs on an ongoing basis whether video programming is subject to the IP closed captioning requirements. The Commission considered and rejected adopting a single specific mechanism

that could impose greater information collection burdens on small businesses. 47 CFR 79.4(c)(2)(ii) requires VPDs to make a good faith effort to identify video programming subject to the IP closed captioning requirements using the agreed upon mechanism. A VPD may rely in good faith on a certification by a VPO that video programming need not be captioned if: (A) the certification includes a clear and concise explanation of why captioning is not required; and (B) the VPD is able to produce the certification to the Commission in the event of a complaint. VPDs may seek Commission determinations that other proposed mechanisms provide adequate information for them to rely on the mechanisms in good faith.

(b) 47 CFR 79.4(c)(2)(iii) requires VPDs to make contact information available to end users for the receipt and handling of written IP closed captioning complaints. The contact information required for written complaints shall include the name of a person with primary responsibility for IP captioning issues and who can ensure compliance with the IP closed captioning rules. In addition, this contact information shall include the person's title or office, telephone number, fax number, postal mailing address, and email address. VPDs must keep this information current and update it within 10 business days of any change.

(c) 47 CFR 79.4(d)(1) permits VPOs and VPDs to petition the Commission for a full or partial exemption from the IP closed captioning requirements, which the Commission may grant upon a finding that the requirements would be economically burdensome. 47 CFR 79.4(d)(2) requires the petitioner to support a petition for exemption with sufficient evidence to demonstrate that compliance with the requirements for closed captioning of IP-delivered video programming would be economically burdensome. The term "economically burdensome" means imposing significant difficulty or expense. The Commission will consider the following factors when determining whether the requirements for closed captioning of IP-delivered video programming would be economically burdensome: (i) the nature and cost of the closed captions for the programming; (ii) the impact on the operation of the VPD or VPO; (iii) the financial resources of the VPD or VPO; and (iv) the type of operations of the VPD or VPO. 47 CFR 79.4(d)(3) provides that, in addition to these factors, the petitioner must describe any other factors it deems relevant to the Commission's final determination and any available alternatives that might constitute a reasonable substitute for the

IP closed captioning requirements including, but not limited to, text or graphic display of the content of the audio portion of the programming. The Commission will evaluate economic burden with regard to the individual outlet. 47 CFR 79.4(d)(4) requires the petitioner to electronically file its petition for exemption, and all subsequent pleadings related to the petition. 47 CFR 79.4(d)(6) permits any interested person to electronically file comments or oppositions to the petition within 30 days after release of the public notice of the petition. Within 20 days after the close of the period for filing comments or oppositions, the petitioner may reply to any comments or oppositions filed. 47 CFR 79.4(d)(7) requires persons who file comments or oppositions to the petition to serve the petitioner with copies of those comments or oppositions and to include a certification that the petitioner was served with a copy. Any petitioner filing a reply to comments or oppositions must serve the commenting or opposing party with a copy of the reply and must include a certification that the party was served with a copy.

Comments or oppositions and replies shall be served upon a party, its attorney, or its other duly constituted agent by delivering or mailing a copy to the party's last known address or by sending a copy to the email address last provided by the party, its attorney, or other duly constituted agent. 47 CFR 79.4(d)(8) provides that, upon a finding of good cause, the Commission may lengthen or shorten any comment period and waive or establish other procedural requirements. 47 CFR 79.4(d)(9) requires persons filing petitions and responsive pleadings to include a detailed, full showing, supported by affidavit, of any facts or considerations relied on. Overall, while there is some burden associated with requesting an exemption, when granted, an exemption will relieve the entity from complying with the IP closed captioning requirements.

(d) 47 CFR 79.4(e)(1) provides that complaints concerning an alleged violation of the IP closed captioning requirements shall be filed in writing with the Commission or with the VPD responsible for enabling the rendering or pass through of the closed captions for the video programming within sixty (60) days after the date the complainant experienced a problem with captioning. A complaint filed with the Commission must be directed to the Consumer and Governmental Affairs Bureau and submitted through the Commission's online informal complaint filing system, U.S. Mail, overnight delivery, or

facsimile. 47 CFR 79.4(e)(2) sets forth certain information that a complaint should include. 47 CFR 79.4(e)(3) states that, if a complaint is filed first with the Commission, the Commission will forward complaints satisfying the above requirements to the named VPD and/or VPO, as well as to any other VPD and/or VPO that Commission staff determines may be involved. The VPD and/or VPO must respond in writing to the Commission and the complainant within 30 days after receipt of the complaint from the Commission. 47 CFR 79.4(e)(4) states that, if a complaint is filed first with the VPD, the VPD must respond in writing to the complainant within thirty (30) days after receipt of a closed captioning complaint. If a VPD fails to respond to the complainant within thirty (30) days, or the response does not satisfy the consumer, the complainant may file the complaint with the Commission within thirty (30) days after the time allotted for the VPD to respond. If a consumer re-files the complaint with the Commission and the complaint satisfies the above requirements, the Commission will forward the complaint to the named VPD, as well as to any other VPD and/or VPO that Commission staff determines may be involved. The VPD and/or VPO must then respond in writing to the Commission and the complainant within 30 days after receipt of the complaint from the Commission. 47 CFR 79.4(e)(5) requires VPDs and/or VPOs, in response to a complaint, to file with the Commission sufficient records and documentation to prove that the responding entity was (and remains) in compliance with the Commission's rules. If the responding entity admits that it was not or is not in compliance with the Commission's rules, it shall file with the Commission sufficient records and documentation to explain the reasons for its noncompliance, show what remedial steps it has taken or will take, and show why such steps have been or will be sufficient to remediate the problem. 47 CFR 79.4(d)(6) permits the Commission to request additional information from any relevant entities when, in the estimation of Commission staff, such information is needed to investigate the complaint or adjudicate potential violation(s) of Commission rules. When the Commission requests additional information, parties to which such requests are addressed must provide the requested information in the manner and within the time period the Commission specifies. Overall, while the complaint procedures impose an information collection burden, the requirement for VPDs to publish contact

information, described above, and to respond to consumer complaints provides an opportunity for VPDs to resolve complaints without Commission involvement.

(e) Under the CVAA, the requirements of Section 203 only apply to the extent they are "technically feasible." Parties may raise technical infeasibility as a defense to a complaint or, alternatively, may file a request for a ruling under Section 1.41 of the Commission's rules before manufacturing or importing the product.

(f) 47 CFR 79.103(b)(3)(i) permits manufacturers of apparatus that use a picture screen of less than 13 inches in size to petition the Commission for a full or partial exemption from the closed captioning requirements pursuant to Section 1.41 of the Commission's rules, which the Commission may grant upon a finding that the requirements are not achievable. Such manufacturers may also assert that such apparatus is fully or partially exempt as a response to a complaint, which the Commission may dismiss upon a finding that the requirements are not achievable. 47 CFR 79.103(b)(3)(ii) requires the petitioner or respondent to support a petition for exemption or a response to a complaint with sufficient evidence to demonstrate that compliance with the requirements is not "achievable" where "achievable" means with reasonable effort or expense. The rule further sets forth certain factors that the Commission will consider when determining whether the requirements are not "achievable."

(g) 47 CFR 79.103(b)(4) permits manufacturers of apparatus to petition the Commission for a full or partial waiver of the closed captioning requirements, which the Commission may grant upon a finding that the apparatus meets one of the following provisions: (i) The apparatus is primarily designed for activities other than receiving or playing back video programming transmitted simultaneously with sound; or (ii) The apparatus is designed for multiple purposes, capable of receiving or playing back video programming transmitted simultaneously with sound but whose essential utility is derived from other purposes.

(h) The *Report and Order* also established procedures for the filing of written complaints alleging violations of the Commission's rules requiring apparatus designed to receive, play back, or record video programming to be equipped with built-in closed caption decoder circuitry or capability designed to display closed captions. The Commission set forth information that such complaints should include. A

written complaint filed with the Commission must be transmitted to the Consumer and Governmental Affairs Bureau through the Commission's online informal complaint filing system, U.S. Mail, overnight delivery, or facsimile. The Commission may forward such complaints to the named manufacturer or provider, as well as to any other entity that Commission staff determines may be involved, and may request additional information from any relevant parties when, in the estimation of Commission staff, such information is needed to investigate the complaint or adjudicate potential violations of Commission rules.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

[FR Doc. 2012-7601 Filed 3-29-12; 8:45 am]

**BILLING CODE 6712-01-P**

## FEDERAL RESERVE SYSTEM

### Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than April 16, 2012.

A. Federal Reserve Bank of Atlanta (Chapelle Davis, Assistant Vice President) 1000 Peachtree Street NE., Atlanta, Georgia 30309:

1. *Ander P. and Sandra G. Gibbs*, Dade City, Florida; to acquire convertible nonvoting preferred shares of Florida Bancshares, Inc., and thereby indirectly acquire control of First National Bank of Pasco, both in Dade City, Florida.

B. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690-1414:

1. *Frank A. Peplinski, David Peplinski, Jerry Pelinski, Terry Peplinski, Lynda Watchowski, Lauren*

*Peplinski, Crystal Stomack, Nicole Peplinski, Brandon Watchowski*, all of Ubly, Michigan, and certain of their minor children as a group acting in concert, to retain voting shares of Northstar Financial Group, Inc., and thereby indirectly retain control of Northstar Bank, both in Bad Axe, Michigan, and Seaway Community Bank, St. Clair, Michigan. In addition, Jerry Peplinski, as trustee of the Peplinski Family 2012 Trust, and The Peplinski Family 2012 Trust will acquire shares of Northstar Financial Group, and thereby become a member of the Peplinski Family Group.

2. *Lynette Drake, individually, Maria Roberts, Maria Roberts, as trustee of the Ryan J. Roberts Trust, the Ryan J. Roberts Trust, Jeffrey Roberts, and Austin Drake*, all of Bad Axe, Michigan, and certain of their minor children as a group acting in concert, to retain voting shares of Northstar Financial Group, Inc., and thereby indirectly retain control of Northstar Bank, both in Bad Axe, Michigan, and Seaway Community Bank, St. Clair, Michigan. In addition, Lynette Drake, as trustee of the Roberts Family, 2012 Trust, and the Roberts Family 2012 Trust, will acquire shares of Northstar Financial Group, Inc., and thereby become a member of the Roberts Family Control Group.

Board of Governors of the Federal Reserve System, March 27, 2012.

**Jennifer J. Johnson,**

*Secretary of the Board.*

[FR Doc. 2012-7673 Filed 3-29-12; 8:45 am]

**BILLING CODE 6210-01-P**

## FEDERAL RESERVE SYSTEM

### Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in

writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 26, 2012.

A. Federal Reserve Bank of Atlanta (Chapelle Davis, Assistant Vice President) 1000 Peachtree Street NE., Atlanta, Georgia 30309:

1. *Ategra Capital Partners I, LLC*, Vienna, Virginia; to become a bank holding company by acquiring at least 87 percent of the preferred shares of Florida Bancshares, Inc., and its subsidiary, First National Bank of Pasco, both in Dade City, Florida. The preferred shares are convertible to approximately 27.8 percent of the voting shares.

Board of Governors of the Federal Reserve System, March 27, 2012.

**Jennifer J. Johnson,**

*Secretary of the Board.*

[FR Doc. 2012-7674 Filed 3-29-12; 8:45 am]

**BILLING CODE 6210-01-P**

## DEPARTMENT OF DEFENSE

### GENERAL SERVICES ADMINISTRATION

### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000-0010; Docket 2011-0079; Sequence 24]

### Federal Acquisition Regulation; Submission for OMB Review; Progress Payments (SF-1443)

**AGENCY:** Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Notice of request for public comments regarding an extension to an existing OMB clearance.

**SUMMARY:** Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously information collection requirement concerning progress payments. A notice was published in