

• *Federal eRulemaking Portal*: Go to <http://www.regulations.gov/>
#!documentDetail;D=APHIS-2006-0074.

• *Postal Mail/Commercial Delivery*: Send your comment to Docket No. APHIS-2006-0074, Regulatory Analysis and Development, PPD, APHIS, Station 3A-03.8, 4700 River Road Unit 118, Riverdale, MD 20737-1238.

Supporting documents and any comments we receive on this docket may be viewed at <http://www.regulations.gov/>
#!docketDetail;D=APHIS-2006-0074 or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799-7039 before coming.

FOR FURTHER INFORMATION CONTACT: Mr. Javier Vargas, Case Manager, National Center for Import and Export, Animal Health Policy and Programs, VS, APHIS, 4700 River Road, Unit 38, Riverdale, MD 20737; (301) 851-3300.

SUPPLEMENTARY INFORMATION:

Background

The Animal and Plant Health Inspection Service (APHIS) regulations in Title 9 of the Code of Federal Regulations (CFR), parts 93, 94, and 95 (referred to below as the regulations), govern the importation into the United States of specified animals and animal products and byproducts to prevent the introduction of various animal diseases, including Newcastle disease and highly pathogenic avian influenza (HPAI).

On January 24, 2011, we published in the **Federal Register** (76 FR 4046-4056, Docket No. APHIS-2006-0074) an interim rule¹ that amended the regulations governing the importation into the United States of live birds, poultry, eggs for hatching, and bird and poultry products and by-products. The interim rule was effective upon publication.

Comments on the interim rule were required to be received on or before March 25, 2011. In a document published in the **Federal Register** on May 3, 2011 (76 FR 24793, Docket No. APHIS-2006-0074), we reopened the comment period for an additional 15 days until May 18, 2011, to allow interested persons additional time to prepare and submit comments. We received 16 comments by that date.

¹ To view the interim rule and the comments we received, go to <http://www.regulations.gov/>
#!docketDetail;D=APHIS-2006-0074.

We are once again reopening the comment period for the interim rule and are soliciting public comment on a change we are considering to the provisions of the January 2011 interim rule.

Specifically, the interim rule amended §§ 93.101(b) and 93.205(a) to prohibit the importation into the United States of live birds or poultry that have been moved through a region identified in accordance with § 94.6(a) as a region where any form of HPAI exists. We took this action to minimize the risk of introducing HPAI into the United States through the importation of infected avians. However, several peer-reviewed scientific studies² have come to our attention since the publication of the interim rule establishing that pigeons (and other Columbiform species such as doves) have a very low risk of being infected by HPAI viruses and would therefore contribute little to the risk of transmission and spread of such viruses. Thus, it appears that it may not be necessary to prohibit the importation of Columbiform avians from HPAI regions provided that all other requirements in the regulations pertaining to pigeons, doves, and other poultry are followed.

Under § 93.209 of the current regulations, poultry, including Columbiform avians, offered for importation from any region of the world except Canada are required to be quarantined in an approved facility for at least 30 days after importation into the United States to determine, through inspections and testing, their freedom from communicable diseases of poultry and from exposure to such diseases. We further require in § 93.205(a) certification that live poultry, including Columbiform avians (except those from Canada), were inspected on the premises of origin immediately before the date of movement from such region and that they were then found to be free of evidence of communicable diseases of poultry. We also require that, as far as it has been possible to determine, during the 90 days prior to movement the poultry were not exposed to communicable diseases of poultry and the premises were not in any area under quarantine. Columbiform avians and other poultry must also not have been vaccinated with a vaccine for the H5 or H7 subtype of avian influenza.

² Studies we reviewed included *Infectious and Lethal Doses of H5N1 Highly Pathogenic Avian Influenza Virus for House Sparrows (Passer Domesticus) and Rock Pigeons (Columba Livia)* J VET Diagn Invest July 2009 21: 437-445; and *Pathogenesis and pathobiology of avian influenza virus infection in birds*, M.J. Pantin-Jackwood and D.E. Swayne, Southeast Poultry Research Laboratory, Agricultural Research Service, USDA, Athens, GA 30605.

Section 93.205(a) also requires that live poultry are also required to have been kept in the region from which they are offered for importation since they were hatched, or for at least 90 days immediately preceding the date of movement, that the poultry have not been moved through a region identified in accordance with § 94.6(a) of this subchapter as a region where any form of HPAI exists, and that, as far as it has been possible to determine, no case of HPAI or exotic Newcastle disease (END) occurred on the premises where such poultry were kept, or on adjoining premises, during that 90-day period.

Based on our review of the studies referred to above and the mitigations already in the regulations, we have determined that the importation of Columbiform avians from regions considered to have HPAI poses a minimal risk to the United States. Therefore, we are considering adding to the final rule following this interim rule a provision to amend § 93.205(a) of the regulations to allow the importation of Columbiform avians that have originated in or transited regions considered to have HPAI subject to the regulations. Columbiform avians and other poultry from regions considered to have END would remain prohibited from importation to the United States.

We are therefore reopening the comment period on Docket No. APHIS-2006-0074 for an additional 30 days. This action will allow interested persons additional time to prepare and submit comments on the interim rule and on the change we are considering with respect to Columbiform avians.

Authority: 7 U.S.C. 450, 1622, 7701-7772, 7781-7786, and 8301-8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.4.

Done in Washington, DC, this 6th day of June 2012.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2012-14297 Filed 6-11-12; 8:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 121

[Docket No. FAA-2012-0486; Amdt. No. 121-359]

Removal of Six Month Line Check Requirement for Pilots Over Age 60; Technical Amendment

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; technical amendment.

SUMMARY: The “FAA Modernization and Reform Act of 2012,” enacted on February 14, 2012, in Section 305 of the Act, removed the line check performance evaluation requirements for pilots over 60 years of age that applied to air carriers engaged in part 121 operations. This technical amendment conforms to the FAA’s regulations as a result of the Act.

DATES: Effective June 12, 2012.

FOR FURTHER INFORMATION CONTACT: For technical questions concerning this rule contact Nancy Lauck Claussen, Air Transportation Division, AFS–200, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267–8166, email nancy.l.claussen@faa.gov.

SUPPLEMENTARY INFORMATION:

Background

In 2007, Congress enacted the “Fair Treatment for Experienced Pilots Act” which became effective December 13, 2007. This legislation raised the upper age limit for pilots in part 121 from age 60 to age 65. It also required that air carriers engaged in part 121 operations evaluate the performance of 60 years old pilots, through a line check, every 6 months.

On February 14, 2012, Congress enacted the “FAA Modernization and Reform Act of 2012” (the “Act”). Section 305 of the Act removed the line check evaluation performance requirements contained in the Fair Treatment for Experienced Pilots Act.

Upon enactment of the Act, § 121.440 (d) through (f) of the Code of Federal Regulations (CFR) ceased to be effective. Section 121.440(d) requires that no certificate holder may use the services of any person as a pilot unless the certificate holder evaluates every 6 months the performance, through a line check, of each pilot who has attained 60 years of age.

Section 121.440(e) requires that no pilot who has attained 60 years of age may serve as a pilot in operations, under this part, unless the certificate holder has evaluated the pilot’s performance every 6 months, through a line check.

Section 121.440(f) establishes limitations regarding the requirements in (d) and (e) that apply to the line check requirements for pilots over age 60.

The requirement that the performance of each pilot of the air carrier who has attained 60 years of age be evaluated, through a line check, every 6 months, is

more restrictive than line check requirements that apply to other pilots in part 121 operations. These provisions only require that pilots-in command be evaluated, through a line check, every 12 months. With Section 305 of the Act, it was Congress’ objective to impact rules governing the age limitation requirements of pilots over age 60 engaged in operations under part 121. This technical amendment aligns FAA regulations to statutory requirements which will establish the same line check requirements for all pilots in part 121 operations, regardless of age.

Discussion of Dates

The Act was effective on February 14, 2012. Pending publication of this rule, the FAA has not enforced the line check requirements for pilots who have attained 60 years of age. This technical amendment conforms to the FAA’s regulations as a result of the Act and is effective upon publication in the **Federal Register**.

Technical Amendment

A legislative mandate of this nature makes it unnecessary to provide an opportunity for notice and comment. Further, we find that good cause exists under 5 U.S.C. 553(d)(3) to make the amendment effective upon publication to minimize any possible confusion. If we do not correct the language in the CFR, we are likely to receive numerous petitions for exemption, because the published language is not consistent with the statute. Since the FAA would not have safety or policy reasons to deny the exemptions, we have included these amendments in this final rule to remove the requirements that each pilot of the air carrier who has attained 60 years of age be evaluated, through a line check, every 6 months.

List of Subjects in 14 CFR Part 121

Air carriers, Aircraft, Airmen, Alcohol abuse, Aviation safety, Charter flights, Drug abuse, Drug testing, Reporting and recordkeeping requirements, Safety.

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends Chapter I of Title 14 Code of Federal Regulations as follows:

PART 121—OPERATING REQUIREMENTS: DOMESTIC, FLAG, AND SUPPLEMENTAL OPERATIONS

■ 1. The authority citation for part 121 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 40119, 41706, 44101, 44701–44702, 44705, 44709–44711, 44713, 44716–44717, 44722, 44901,

44903–44904, 44912, 45101–45105, 46105, 46301.

§ 121.440 [Amended]

■ 2. Amend § 121.440 by removing paragraphs (d) through (f).

Issued in Washington, DC, on June 5, 2012.

Lirio Liu,

Acting Director, Office of Rulemaking.

[FR Doc. 2012–14280 Filed 6–11–12; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9592]

RIN 1545–BK86

Substantial Business Activities

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Temporary Regulations.

SUMMARY: This document contains temporary regulations regarding whether a foreign corporation has substantial business activities in a foreign country. These regulations affect certain domestic corporations and partnerships (and certain parties related thereto), and foreign corporations that acquire substantially all of the properties of such domestic corporations or partnerships. The text of these temporary regulations serves as the text of the proposed regulations set forth in the notice of proposed rulemaking on this subject also published in this issue of the **Federal Register**.

DATES: Effective Date: These regulations are effective on June 12, 2012.

Applicability Date: For date of applicability, see § 1.7874–3T(f).

FOR FURTHER INFORMATION CONTACT: Mary W. Lyons, (202) 622–3860 and David A. Levine, (202) 622–3860 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

On June 6, 2006, temporary regulations under section 7874 (TD 9265, 2006–2 CB 1) were published in the **Federal Register** (71 FR 32437) concerning the treatment of a foreign corporation as a surrogate foreign corporation (2006 temporary regulations). A notice of proposed rulemaking (REG–112994–06) cross-referencing the 2006 temporary regulations was published in the same issue of the **Federal Register** (71 FR