

Items:

\* \* \* \* \*

d.5. “Chemical lasers”, as follows:

d.5.a. Hydrogen Fluoride (HF) “lasers”;

d.5.b. Deuterium Fluoride (DF) “lasers”;

d.5.c. “Transfer lasers”, as follows:

d.5.c.1. Oxygen Iodine (O<sub>2</sub>-I) “lasers”;

d.5.c.2. Deuterium Fluoride-Carbon

dioxide (DF-CO<sub>2</sub>) “lasers”;

d.6. “Non-repetitive pulsed” Neodymium (Nd) glass “lasers”, having any of the following:

d.6.a. A “pulse duration” not exceeding 1 μs and an output energy exceeding 50 J per pulse; or

d.6.b. A “pulse duration” exceeding 1 μs and an output energy exceeding 100 J per pulse;

NOTE: “Non-repetitive pulsed” refers to “lasers” that produce either a single output pulse or that have a time interval between pulses exceeding one minute.

e. Components, as follows:

e.1. Mirrors cooled either by active cooling or by heat pipe cooling; Technical Note: Active cooling is a cooling technique for optical components using flowing fluids within the subsurface (nominally less than 1 mm below the optical surface) of the optical component to remove heat from the optic.

e.2. Optical mirrors or transmissive or partially transmissive optical or electro-optical components specially designed for use with controlled “lasers”;

f. Optical equipment, as follows:

N.B.: For shared aperture optical elements, capable of operating in “Super-High Power Laser” (“SHPL”) applications, see the U.S. Munitions List (22 CFR part 121).

f.1. Dynamic wavefront (phase) measuring equipment capable of mapping at least 50 positions on a beam wavefront having any the following:

f.1.a. Frame rates equal to or more than 100 Hz and phase discrimination of at least 5% of the beam’s wavelength; or

f.1.b. Frame rates equal to or more than 1,000 Hz and phase discrimination of at least 20% of the beam’s wavelength;

f.2. “Laser” diagnostic equipment capable of measuring “SHPL” system angular beam steering errors of equal to or less than 10 μrad;

f.3. Optical equipment and components specially designed for a phased-array “SHPL” system for coherent beam combination to an accuracy of lambda/10 at the designed wavelength, or 0.1 μm, whichever is the smaller;

f.4. Projection telescopes specially designed for use with “SHPL” systems.

[FR Doc. 2011-13179 Filed 5-25-11; 8:45 am]

BILLING CODE 1505-01-0

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 67

RIN 1024-AD65

Historic Preservation Certifications for Federal Income Tax Incentives

AGENCY: National Park Service, Interior.

ACTION: Final rule.

**SUMMARY:** The National Park Service (NPS) is amending its procedures for obtaining historic preservation certifications for rehabilitation of historic structures. Individuals and corporations must obtain these certifications to be eligible for tax credits from the Internal Revenue Service (IRS). This rule incorporates references to the revised sections of the Internal Revenue Code containing the requirements for obtaining a tax credit; replaces references to NPS’s regional offices with references to its Washington Area Service Office (WASO); requires NPS to accept appeals for denial of certain certifications; and removes the certification fee schedule from the regulation. These latter two revisions provide an additional avenue for appeals and allow NPS to update fees by publishing a notice in the **Federal Register** as administrative costs change.

**DATES:** The rule becomes effective June 27, 2011.

**ADDRESSES:** Chief, Heritage Preservation Services Program, National Park Service, 1849 C Street, NW. (org code 2255), Washington, DC 20240.

**FOR FURTHER INFORMATION CONTACT:** Michael J. Auer, National Park Service, 1849 C Street, NW. (org code 2255), Washington, DC 20240; *Michael\_Auer@nps.gov*; fax: 202-371-1616.

SUPPLEMENTARY INFORMATION

Background

Section 47 of Title 26 of the United States Code (the Internal Revenue Code), formerly Section 48(g), authorizes tax credits for qualified expenditures of funds for “certified rehabilitation” of “certified historic structures.” This section of the Internal Revenue Code designates the Secretary of the Interior as the authority for review of applications for certifications to verify: (a) That buildings undergoing rehabilitation are “certified historic structures,” and (b) that the rehabilitation preserves the overall historic character of the buildings, and therefore is a “certified rehabilitation.”

These approvals take the form of notifications or “certifications” by the Secretary of the Interior to the Secretary of the Treasury. In addition, section 170(h) of the Internal Revenue Code allows a Federal income tax deduction for the donation of interests in qualified real property for conservation purposes.

Section 170(h) also designates the Secretary of the Interior as the authority who receives applications and issues certifications verifying to the Secretary of the Treasury that the building or buildings contribute to the significance of a historic district.

The final rule removes outdated references to the Internal Revenue Code, and deletes references to the regional offices and substitutes the NPS Washington office in their place. The final rule also lifts the prohibition on appeals from the denial of preliminary certification for rehabilitation of a property that is not a certified historic structure. The final rule also removes the certification fee schedule from the regulation, and incorporates an explanation of the method by which we will determine the kind and amount of review fees to be charged in the future. Until a revised means of determining fees is decided upon, approved, and published, the 1984 fee schedule will remain in effect. The changes are technical rather than substantive in nature.

Public Comments

The proposed rule was published on October 15, 2010 (75 FR 63428) and was open for public comment for 60 days. We received three comments. One was fully in support of the changes. The second made several proposals on how fees charged by NPS for review of rehabilitation certification applications should be set and used by the agency. However, the rule does not change the fee schedule, but merely removes it from the text of the regulations (in accordance with standard government practice). The third suggests that the rule state that the program is administered by the National Park Service in general rather than by the Washington Area Service Office of the NPS. The agency believes it serves a useful purpose to inform the public where the program is administered within a large government agency. Accordingly, the agency does not believe that further change to the rule is warranted

### **Compliance With Other Laws, Executive Orders, and Department Policies**

#### **Regulatory Planning and Review (Executive Order 12866)**

The Office of Management and Budget has determined that this document is not a significant rule. We have made the assessments required by Executive Order 12866 and the results are available as a supporting document with the proposed rule at <http://www.regulations.gov>.

(1) The results of the NPS cost/benefit analysis are that this rule will not have an 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.

(2) This rule will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency. It is an agency-specific rule. No other Federal agency designates "certified historic structures" or "certified rehabilitations" for Federal income tax incentives.

(3) This rule does not alter the budgetary effects of entitlements, grants, user fees, or loan programs or the rights or obligations of their recipients. This rule updates statutory authority, deletes references to regional offices and substitutes the NPS Washington office in their place, authorizes additional administrative appeals, and removes from the text of the regulations the fee dollar amounts and specific instructions for charging fees.

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

#### **Regulatory Flexibility Act (RFA)**

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.*).

The NPS threshold analysis as part of the NPS cost-benefit analysis concluded the proposed rule would generate positive benefits for all affected businesses with no negative impacts.

#### **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. The rule merely updates statutory authority, revises references to NPS

offices, authorizes additional administrative appeals, and deletes specific dollar amount of application review fees—changes that the Office of Management and Budget (OMB) has determined are purely technical in nature.

b. Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. The rule does not impose any new requirements on building owners undertaking building rehabilitations.

c. Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. OMB has determined that the changes proposed in the rule are purely technical. Moreover, the tax incentives program involves purely domestic buildings and entities.

#### **Unfunded Mandates Reform Act (UMRA)**

This rule does not impose an unfunded mandate on State, local, or Tribal governments or 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.

Although State Historic Preservation Offices receive applications for the Federal tax incentives and forward them to the NPS, with a recommendation, State participation in this program is funded through the Historic Preservation Fund administered by the NPS.

#### **Takings (Executive Order 12630)**

In accordance with Executive Order 12630, the rule does not have significant takings implications. Application for the Federal historic preservation tax incentives program is on a voluntary basis by owners seeking a benefit in the form of Federal income tax incentives. A takings implication assessment is not required.

#### **Federalism (Executive Order 13132)**

Under the criteria in Executive Order 13132, this rule does not have sufficient federalism implications to warrant the preparation of a Federalism summary impact statement. The rule does not preempt or conflict with any State or local law. A Federalism impact statement is not required.

#### **Civil Justice Reform (Executive Order 12988)**

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

a. Meets the criteria requiring that all regulations be reviewed to eliminate errors and ambiguity and be written to minimize litigation; and

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

#### **Consultation With Indian Tribes (Executive Order 13175)**

Under the criteria in Executive Order 13175, we have evaluated this rule and determined that it has no potential effects on Federally recognized Indian Tribes. The rule has no Tribal implications, and does not impose any costs on Indian Tribal governments.

#### **Paperwork Reduction Act (PRA)**

This rule contains information collection requirements and a submission under the Paperwork Reduction Act is required. OMB has approved the information collection and has assigned approval number 1024-0009, expiring on 03/31/2013. A Federal agency may not conduct or sponsor and you are not required to respond to, a collection of information unless it displays a currently valid OMB control number. Part 1 of the application is used in requesting a certification of historic significance or non-significance and preliminary determinations. Part 2 of the application is used in requesting an evaluation of a proposed rehabilitation project or (in conjunction with a request for certification of completed work) a certification of a completed rehabilitation project. Information contained in the application is required to obtain a benefit. We estimate the burden associated with this information collection to be 4.6 hours per response including the time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct your comments regarding this burden estimate or any aspect of this form to the Manager, Administrative Program Center, National Park Service, 1849 C Street, NW., Washington, DC 20240 and to the Office of Management and Budget, Paperwork Reduction Project Number 1024-0009, Washington, DC 20503.

#### **National Environmental Policy Act (NEPA)**

This rule is developed under the authority of the National Historic Preservation Act, particularly 16 U.S.C. 470a(a)(1)(A), and 26 U.S.C. 47 (Internal

Revenue Code), and does not constitute a major Federal action significantly affecting the quality of the human environment. A detailed statement under the National Environmental Policy Act of 1969 is not required because the rule is administrative and procedural in nature and therefore is covered by a categorical exclusion under 43 CFR 46.205(b) and 46.210(i). We have also determined that the rule does not involve any of the extraordinary circumstances listed in 43 CFR 46.215 that would require further analysis under the National Environmental Policy Act.

**Information Quality Act (IQA)**

In developing this rule we did not conduct or use a study, experiment, or survey requiring peer review under the Information Quality Act (Pub. L. 106–554).

**Effects on the Energy Supply (Executive Order 13211)**

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

**List of Subjects in 36 CFR Part 67**

Administrative practice and procedures, Historic preservation, Income taxes, Reporting and recordkeeping requirements.

In consideration of the foregoing, 36 CFR part 67 is amended as follows:

**PART 67—HISTORIC PRESERVATION CERTIFICATIONS UNDER THE INTERNAL REVENUE CODE**

■ 1. The authority citation for part 67 is revised to read as follows:

**Authority:** 16 U.S.C. 470a(a)(1)(A); 26 U.S.C. 47 and 170(h).

■ 2. Revise the part heading to read as set forth above.

■ 3. In part 67, remove the word[s] in the “remove” column wherever they occur and add in their place the word[s] in the “add” column in the following table:

Remove	Add
regional office .....	WASO
regional offices .....	WASO
Sec. 48(g) .....	Sec. 47
section 48(g) .....	section 47

■ 4. In § 67.1, revise the section heading, paragraph (a), and the first sentence of paragraph (b) to read as follows:

**§ 67.1 Program authority and function.**

(a) Section 47 of the Internal Revenue Code designates the Secretary as the

authority for the issuance of certifications of historic district statutes and of State and local historic districts, certifications of significance, and certifications of rehabilitation in connection with certain tax incentives involving historic preservation. These certification responsibilities have been delegated to the National Park Service (NPS); the following office issues those certifications: National Park Service, Washington Area Service Office, Technical Preservation Services, Heritage Preservation Services (WASO), 1849 C Street, NW., Washington, DC 20240.

(b) NPS WASO establishes program direction and considers appeals of certification denials. \* \* \*

\* \* \* \* \*

■ 7. In § 67.4, revise paragraph (g) to read as follows:

**§ 67.4 Certifications of historic significance.**

\* \* \* \* \*

(g) For purposes of the other rehabilitation tax credits under section 47 of the Internal Revenue Code, properties within registered historic districts are presumed to contribute to the significance of such districts unless certified as nonsignificant by the Secretary. Owners of non-historic properties within registered historic districts, therefore, must obtain a certification of nonsignificance in order to qualify for those investment tax credits. If an owner begins or completes a substantial rehabilitation (as defined by the Internal Revenue Service) of a property in a registered historic district without knowledge of requirements for certification of nonsignificance, he or she may request certification that the property was not of historic significance to the district prior to substantial rehabilitation in the same manner as stated in paragraph (c) of this section. The owner should be aware, however, that the taxpayer must certify to the Secretary of the Treasury that, at the beginning of such substantial rehabilitation, he or she in good faith was not aware of the certification requirement by the Secretary of the Interior.

\* \* \* \* \*

■ 8. In § 67.5 revise the section heading to read as follows:

**§ 67.5 Standards for evaluating significance within registered historic districts.**

\* \* \* \* \*

■ 9. In § 67.7 revise the section heading to read as follows:

**§ 67.7 Standards for rehabilitation.**

\* \* \* \* \*

■ 10. In § 67.10, revise paragraphs (a), (b), and (c)(3) to read as follows:

**§ 67.10 Appeals.**

(a) The owner or a duly authorized representative may appeal any of the certifications or denials of certification made under this part or any decisions made under § 67.6(f).

(1) Appeals must:

(i) Be in writing; e.g. letter, fax, or e-mail;

(ii) Be addressed to the Chief Appeals Officer, Cultural Resources, National Park Service, U.S. Department of the Interior, 1849 C Street, NW., Washington, DC 20240;

(iii) Be received by NPS within 30 days of receipt by the owner or a duly authorized representative of the decision which is the subject of the appeal; and

(iv) Include all information the owner wishes the Chief Appeals Officer to consider in deciding the appeal.

(2) The appellant may request a meeting to discuss the appeal.

(3) NPS will notify the SHPO that an appeal is pending.

(4) The Chief Appeals Officer will consider the record of the decision in question, any further written submissions by the owner, and other available information and will provide the appellant a written decision as promptly as circumstances permit.

(5) Appeals under this section constitute an administrative review of the decision appealed from and are not conducted as an adjudicative proceeding.

(b) The denial of a preliminary determination of significance for an individual property may not be appealed by the owner because the denial itself does not exhaust the administrative remedy that is available. The owner instead must seek recourse by undertaking the usual nomination process (36 CFR part 60).

(c) \* \* \*

(3) Resubmit the matter to WASO for further consideration; or

\* \* \* \* \*

■ 11. Revise § 67.11 to read as follows:

**§ 67.11 Fees for processing certification requests.**

(a) Fees are charged for reviewing certification requests according to the schedule and instructions provided in public notices in the **Federal Register** by NPS.

(b) No payment should be made until requested by the NPS. A certification decision will not be issued on an

application until the appropriate remittance is received.

(c) Fees are nonrefundable.

Dated: May 13, 2011.

**Eileen Sobeck,**

*Acting Assistant Secretary for Fish and Wildlife and Parks.*

[FR Doc. 2011-12754 Filed 5-25-11; 8:45 am]

BILLING CODE 4310-EN-P

## POSTAL SERVICE

### 39 CFR Part 111

#### Adult Signature Services

**AGENCY:** Postal Service™.

**ACTION:** Final rule.

**SUMMARY:** The Postal Service is revising the *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM®) 503.8, to add a new extra service called Adult Signature. This new service has two available options: Adult Signature Required and Adult Signature Restricted Delivery.

**DATES:** Effective July 5, 2011.

**FOR FURTHER INFORMATION CONTACT:**

Karen Key at 202-268-7492 or Richard Daigle at 202-268-6392.

**SUPPLEMENTARY INFORMATION:** On March 28, 2011, the Postal Regulatory Commission (PRC) approved Adult Signature as a new extra service which will provide a method for customers to obtain a signature (upon delivery) from an adult recipient who is 21 years of age or older. This new extra service will be available only to commercial and online mailers beginning June 5, 2011.

This is the first time the Postal Service is offering a service that includes verification of the age of the recipient at the time of delivery. These services will be available to commercial and online customers using Express Mail®, Priority Mail® (including Critical Mail™), Parcel Select® barcoded nonpresort, and Parcel Select Regional Ground mailpieces. The requirements for the two service offerings are:

- Adult Signature Required—requires the signature of someone 21 years of age or older at the recipient's address.
- Adult Signature Restricted Delivery—requires the signature of a specific addressee (or authorized agent), who must be 21 years of age or older.

Prior to signing for the mailpiece, the recipient must show a government-issued photo identification that includes his or her date of birth. Adult Signature mailpieces cannot be left at the address without first obtaining the signature of an adult who is 21 years of age or older.

Adult Signature Required and Adult Signature Restricted Delivery are only

available for customers who pay for postage and applicable fees using any of these methods:

- Click-N-Ship®.
- USPS®-approved PC Postage® (registered end-users only).
- Permit imprint, if the customer electronically submits postage statements and mailing documentation.
- USPS-approved Information-Based Indicia (IBI) postage meters that print the IBI with the appropriate price marking and electronically transmit transactional data to USPS.

Technical specifications for privately printed Adult Signature labels are located in the Intelligent Mail Package Barcode Specification and the addendum to Publication 91, *Addendum for Intelligent Mail Package Barcode (IMpb) and 3-digit Service Type Code*, available on the RIBBS® Web site at <http://ribbs.usps.gov>.

Additionally, in combination with Express Mail or Priority Mail and postage paid by Click-N-Ship or PC Postage, Adult Signature will provide an optional delivery method for the mailing of cigarettes and smokeless tobacco under the "Exception for Certain Individuals" standard as described in DMM section 601.11.

All other requirements and conditions related to mailing cigarettes and smokeless tobacco products under the Prevent All Cigarette Trafficking Act (PACT) of 2009 remain in effect; such as:

- Each shipment must be presented via a face-to-face transaction with a postal employee.
- No Pickup on Demand or Carrier Pickup options are available.
- Each package must bear its own unique exception package markings.

While the minimum age to purchase tobacco in the state or locality where the shipment is tendered or delivered may be different from age 21, if Adult Signature is used, the recipient must be 21 years of age.

The Postal Service adopts the following changes to *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM), incorporated by reference in the Code of Federal Regulations. See 39 CFR 111.1.

#### List of Subjects in 39 CFR Part 111

Administrative practice and procedure, Postal Service.

Accordingly, 39 CFR part 111 is amended as follows:

#### PART 111—[AMENDED]

■ 1. The authority citation for 39 CFR part 111 continues to read as follows:

**Authority:** 5 U.S.C. 552(a); 13 U.S.C. 301-307; 18 U.S.C. 1692-1737; 39 U.S.C. 101,

401, 403, 404, 414, 416, 3001-3011, 3201-3219, 3403-3406, 3621, 3622, 3626, 3632, 3633, and 5001.

■ 2. Revise the following sections of *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM) as follows:

#### *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM)

\* \* \* \* \*

#### 200 Commercial Letters and Cards

\* \* \* \* \*

#### 220 Priority Mail

#### 223 Prices and Eligibility

\* \* \* \* \*

#### 3.0 Basic Standards for Priority Mail

\* \* \* \* \*

#### 3.2 Additional Standards for Critical Mail Letters

*[Delete the reference number and heading of 3.2.1, Definition, in its entirety, and move the text from 3.2.1 under 3.2.]*

*[Delete item 3.2.2, Extra Service with Critical Mail Letters, in its entirety.]*

\* \* \* \* \*

#### 300 Commercial Flats

\* \* \* \* \*

#### 320 Priority Mail

#### 323 Prices and Eligibility

\* \* \* \* \*

#### 3.0 Basic Standards for Priority Mail

\* \* \* \* \*

#### 3.2 Additional Standards for Critical Mail Flats

*[Delete the reference number and heading of 3.2.1, Definition, in its entirety, and move the text from 3.2.1 under 3.2.]*

*[Delete item 3.2.2, Extra Service with Critical Mail Flats, in its entirety.]*

\* \* \* \* \*

#### 500 Additional Mailing Services

#### 503 Extra Services

#### 1.0 Extra Services for Express Mail

#### 1.1 Available Services

\* \* \* \* \*

*[ReNUMBER current items 1.1.5 through 1.1.8 as 1.1.6 through 1.1.9 and add new 1.1.5 as follows:]*

#### 1.1.5 Adult Signature

Adult Signature Required and Adult Signature Restricted Delivery are available with Express Mail for mailers who pay commercial or online postage