

**DEPARTMENT OF COMMERCE****Applications To Serve as Accountability Agents in the Asia Pacific Economic Cooperation (APEC) Cross Border Privacy Rules (CBPR) System**

**AGENCY:** International Trade Administration, Department of Commerce.

**ACTION:** Notice of Opportunity for Organizations to Submit Applications to Serve as Accountability Agents in the Asia Pacific Economic Cooperation (APEC) Cross Border Privacy Rules (CBPR) System.

**SUMMARY:** The International Trade Administration's Office of Technology and Electronic Commerce (OTEC) invites interested organizations to submit applications for recognition by APEC to act as an Accountability Agent for U.S.-based companies that are subject to Federal Trade Commission jurisdiction as part of APEC's Cross Border Privacy Rules system.

**DATES:** Applications may be submitted beginning in July 2012. There is no closing date for submitting applications.

**ADDRESSES:** All questions concerning this notice should be sent to the attention of Joshua Harris at one of the following addresses. See

**SUPPLEMENTARY INFORMATION** for additional instructions on submitting applications. Joshua Harris: 1401 Constitution Ave. NW., Room 4324, Washington, DC 20230. [joshua.harris@trade.gov](mailto:joshua.harris@trade.gov).

**FOR FURTHER INFORMATION CONTACT:** Joshua Harris, Office of Technology and Electronic Commerce, International Trade Administration, U.S. Department of Commerce, by telephone at (202) 482-0142 (this is not a toll-free number) or by email at [joshua.harris@trade.gov](mailto:joshua.harris@trade.gov).

**SUPPLEMENTARY INFORMATION:** In 2004, Leaders of the 21 APEC economies endorsed the "APEC Privacy Framework" (Framework). The goal of the Framework is to facilitate the flow of information between the 21 economies in APEC by promoting a common set of privacy principles that will enhance electronic commerce, facilitate trade and economic growth, and strengthen consumer privacy protections. In order to implement this Framework, member economies developed a voluntary system of Cross Border Privacy Rules (CBPR), which was completed in September 2011 and endorsed by APEC Leaders in November 2011 (the Leaders' Declaration is available at <http://www.apec.org/Meeting-Papers/Leaders-Declarations/>

2011/2011\_aelm.aspx). The Leaders' Declaration instructs APEC member economies to implement the APEC Cross Border Privacy Rules System to reduce barriers to information flows, enhance consumer privacy, and promote interoperability across regional data privacy regimes. In July 2012, the United States formally commenced participation in the CBPR system.

The 21 APEC economies include Australia, Brunei Darussalam, Canada, Chile, the People's Republic of China, Hong Kong, Indonesia, Japan, the Republic of Korea, Malaysia, Mexico, New Zealand, Papua New Guinea, Peru, Philippines, Russia, Singapore, Chinese Taipei, Thailand, the United States, and Vietnam.

The CBPR system requires organizations to develop their own internal business rules on cross-border privacy procedures, which must be assessed as compliant with the minimum requirements of the APEC system by an independent public or private sector body, called an Accountability Agent. Under the CBPR system, an "Accountability Agent" is a third-party organization that provides verification services related to the data privacy policies and practices for those businesses seeking CBPR certification. Only APEC-recognized Accountability Agents may perform CBPR certifications. A recognized Accountability Agent would only be able to certify as CBPR compliant those organizations that are subject to the enforcement authority of the Cross-border Privacy Enforcement Arrangement (CPEA)—participating privacy enforcement authorities within the economies in which it has been approved to operate. The CPEA creates a framework for regional cooperation in the enforcement of privacy laws. In the case of the United States, organizations interested in serving as an Accountability Agent for U.S.-based companies must be subject to the enforcement authority of the Federal Trade Commission, the U.S. privacy enforcement authority for the CBPR system. APEC recognition is granted by a consensus determination by APEC member economies that an applicant Accountability Agent meets the established recognition criteria.

APEC's "Accountability Agent APEC Recognition Application", a 61 page document which details the application process as well as the recognition criteria, is available at: [www.export.gov/infotech](http://www.export.gov/infotech).

Interested organizations must notify the Department of Commerce of their intent to seek APEC recognition and submit a completed application for

initial review to the Office of Technology and Electronic Commerce by email at [joshua.harris@trade.gov](mailto:joshua.harris@trade.gov). Only complete application packages will be forwarded on to APEC for consideration of recognition.

Dated: July 25, 2012.

**Robin Layton,**

*Director, Office of Technology and Electronic Commerce, U.S. Department of Commerce.*

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**BILLING CODE 3510-DR-P**

**DEPARTMENT OF COMMERCE****Foreign-Trade Zones Board**

**[Order No. 1843]**

**Reorganization of Foreign-Trade Zone 183 Under Alternative Site Framework; Austin, TX**

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

*Whereas*, the Board adopted the alternative site framework (ASF) (74 FR 1170-1173, January 12, 2009; correction 74 FR 3987, January 22, 2009; 75 FR 71069-71070, November 22, 2010) as an option for the establishment or reorganization of general-purpose zones;

*Whereas*, the Foreign-Trade Zone of Central Texas, Inc., grantee of Foreign-Trade Zone 183, submitted an application to the Board (FTZ Docket 8-2012, filed February 09, 2012) for authority to reorganize under the ASF with a service area of Bastrop, Caldwell, Hays, Travis and Williamson Counties, Texas, within and adjacent to the Austin Customs and Border Protection port of entry, and FTZ 183's existing Sites 1 through 24 would be categorized as magnet sites;

*Whereas*, notice inviting public comment was given in the **Federal Register** (77 FR 8806, February 15, 2012) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

*Whereas*, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied, and that the proposal is in the public interest;

*Now, therefore*, the Board hereby orders:

The application to reorganize FTZ 183 under the alternative site framework is approved, subject to the FTZ Act and the Board's regulations, including Section 400.13, to the Board's standard

2,000-acre activation limit for the overall general-purpose zone project, and to a five-year ASF sunset provision for magnet sites that would terminate authority for Sites 1 through 24 if not activated by July 31, 2017.

Signed at Washington, DC, this 23rd day of July 2012.

**Paul Piquado,**

*Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.*

Attest:

**Andrew McGilvray,**

*Executive Secretary.*

[FR Doc. 2012-18586 Filed 7-27-12; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XC107**

#### **Takes of Marine Mammals Incidental to Specified Activities; Piling and Fill Removal in Woodard Bay Natural Resources Conservation Area, Washington**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice; proposed incidental harassment authorization; request for comments.

**SUMMARY:** NMFS has received an application from the Washington State Department of Natural Resources (DNR) for an incidental harassment authorization (IHA) to take marine mammals, by harassment, incidental to restoration activities within the Woodard Bay Natural Resources Conservation Area (NRCA). Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue an IHA to the DNR to incidentally take harbor seals, by Level B harassment only, during the specified activity.

**DATES:** Comments and information must be received no later than August 29, 2012.

**ADDRESSES:** Comments on the application should be addressed to Michael Payne, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910. The mailbox address for providing email comments is [ITP.Laws@noaa.gov](mailto:ITP.Laws@noaa.gov). NMFS is not responsible for email comments sent to addresses other than the one

provided here. Comments sent via email, including all attachments, must not exceed a 10-megabyte file size.

**Instructions:** All comments received are a part of the public record and will generally be posted to <http://www.nmfs.noaa.gov/pr/permits/incidental.htm> without change. All Personal Identifying Information (e.g., name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

An electronic copy of the application, a list of the references used in this document, and other supplemental documents may be obtained by writing to the address specified above, telephoning the contact listed below (see **FOR FURTHER INFORMATION CONTACT**), or visiting the Internet at: <http://www.nmfs.noaa.gov/pr/permits/incidental.htm>. Documents cited in this notice may also be viewed, by appointment, during regular business hours, at the aforementioned address.

**FOR FURTHER INFORMATION CONTACT:** Ben Laws, Office of Protected Resources, NMFS, (301) 427-8401.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is published in the **Federal Register** to provide public notice and initiate a 30-day comment period.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth. NMFS has defined 'negligible impact' in 50 CFR 216.103 as "an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival."

Section 101(a)(5)(D) of the MMPA established an expedited process by

which citizens of the United States can apply for an authorization to incidentally take small numbers of marine mammals by Level B harassment as defined below. Section 101(a)(5)(D) establishes a 45-day time limit for NMFS review of an application followed by a 30-day public notice and comment period on any proposed authorizations for the incidental harassment of marine mammals. Within 45 days of the close of the comment period, NMFS must either issue or deny the authorization. If authorized, the IHA would be effective for one year from date of issuance.

Except with respect to certain activities not pertinent here, the MMPA defines 'harassment' as: "any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment]."

#### **Summary of Request**

On May 18, 2012, we received an application from the DNR for an IHA for the taking, by Level B harassment only, of small numbers of harbor seals (*Phoca vitulina*) incidental to activities conducted in association with an ongoing habitat restoration project within the Woodard Bay NRCA, Washington. DNR was first issued an IHA that was valid from November 1, 2010, through February 28, 2011 (75 FR 67951), and was subsequently issued a second IHA that was valid from November 1, 2011, through February 28, 2012 (76 FR 67419). Restoration activity planned for 2012-13, depending upon final funding, includes removal of fill and associated materials in Woodard Bay and Chapman Bay and removal of creosote pilings and structure in Chapman Bay. Pilings would be removed by vibratory hammer extraction methods or by direct pull with cables. The superstructure materials would be removed by excavator and/or cables suspended from a barge-mounted crane. The proposed activities would occur only between November 1 through March 15 (2012-13), and could require a maximum total of approximately 70 days.

#### **Description of the Specified Activity**

The Woodard Bay NRCA, located within Henderson Inlet in southern Puget Sound, was designated by the Washington State Legislature in 1987 to