

administrative agencies to consider the effect of their actions on small entities, including small businesses. According to the RFA, when an agency issues a rule, the agency must prepare an analysis to determine whether the impact of the rule will have a significant economic impact on a substantial number of small entities. However, the RFA allows an agency to certify a rule in lieu of preparing an analysis, if the rulemaking is not expected to have a significant impact on a substantial number of small entities. This rule amends existing Agency regulations to clarify the eligible uses of loan proceeds for an Operating Company when it is a co-borrower with an Eligible Passive Company and does not create new requirements. These amendments will affect small entities; however, SBA has determined that these amendments will not have a significant economic impact on a substantial number of such entities.

#### List of Subjects in 13 CFR Part 120

Community development, Exports, Loan programs—business, Small businesses.

For the reasons stated in the preamble, SBA amends 13 CFR part 120 as follows:

#### PART 120—BUSINESS LOANS

■ 1. The authority citation for 13 CFR part 120 continues to read as follows:

**Authority:** 15 U.S.C. 634(b)(6), (b)(7), (b)(14), (h), and note, 636(a), (h) and (m), 650, 687(f), 696(3), and 697(a) and (e); Pub. L. 111–5, 123 Stat. 115, Pub. L. 111–240, 124 Stat. 2504.

■ 2. Amend § 120.111 by revising paragraph (a)(5) to read as follows:

##### § 120.111 What conditions must an Eligible Passive Company satisfy?

\* \* \* \* \*

(a) \* \* \*

(5) The Operating Company must be a guarantor or co-borrower with the Eligible Passive Company. In a 7(a) loan that includes working capital and/or the purchase of other assets, including intangible assets, for the Operating Company's use, the Operating Company must be a co-borrower.

\* \* \* \* \*

■ 3. Amend § 120.120 by revising paragraph (b)(4) to read as follows:

##### § 120.120 What are eligible uses of proceeds?

\* \* \* \* \*

(b) \* \* \*

(4) Working capital (if the Operating Company is a co-borrower with the Eligible Passive Company, part of the loan proceeds may be applied for

working capital and/or the purchase of other assets, including intangible assets, for use by the Operating Company).

\* \* \* \* \*

Dated: March 26, 2012.

**Karen G. Mills,**  
*Administrator.*

[FR Doc. 2012–7808 Filed 3–30–12; 8:45 am]

BILLING CODE 8025–01–P

## DEPARTMENT OF HOMELAND SECURITY

### U.S. Customs and Border Protection

#### 19 CFR Parts 171 and 172

[CBP Dec. 12–07]

#### Changes in the Statutory Authority for Petitions for Relief

**AGENCY:** U.S. Customs and Border Protection, Department of Homeland Security.

**ACTION:** Final rule; technical corrections.

**SUMMARY:** This document amends U.S. Customs and Border Protection (CBP) regulations by making technical corrections to reflect the repeal of one of the underlying statutory authorities regarding petitions for relief from a fine, penalty, forfeiture, or liquidated damages under a law administered by CBP. Administrative petitioning rights are not affected by removal of this authority because CBP has other existing statutory authority for these provisions. This document also amends regulations to reflect changes in delegation authority as effected by the transfer of CBP to the Department of Homeland Security (DHS), and makes non-substantive editorial and nomenclature changes.

**DATES:** The final rule is effective on April 2, 2012.

**FOR FURTHER INFORMATION CONTACT:** Todd Schneider, Penalties Branch, Regulations and Rulings, Office of International Trade, Customs and Border Protection, Tel. (202) 325–0261.

#### SUPPLEMENTARY INFORMATION:

##### Background

This document amends title 19 of the Code of Federal Regulations (19 CFR) by making technical corrections to 19 CFR parts 171 and 172, specifically, sections 171.11, 171.12, 172.11, and 172.12.

These regulations delegate to the Fines, Penalties, and Forfeitures Officer or the Chief, Penalties Branch, Regulations and Rulings, Office of International Trade, U.S. Customs and Border Protection (CBP) Headquarters

the authority to remit or mitigate fines, penalties, or forfeitures, or cancel claims for liquidated damages.

The purpose of the technical corrections is to conform the statutory authority sections listed for 19 CFR parts 171 and 172 and the text of the relevant regulatory provisions to reflect the repeal of title 46, United States Code (U.S.C.) Appendix section 320 (24 Stat. 81), enacted June 19, 1886, which is currently cited as one of the underlying statutory authorities. Title 46 U.S.C. Appendix section 320 was repealed as part of the recodification of the appendix to title 46 of the United States Code, by Public Law 109–304, section 19 (120 Stat. 1711), which was enacted October 6, 2006, and this document removes the repealed statutory citation from the CBP regulations.

Please note that CBP has existing statutory authority to continue accepting administrative petitions under 19 U.S.C. 1618, 1623, and 31 U.S.C. 5321, as appropriate. Therefore, this rule does not alter the rights of a person alleged to have committed a violation, or a breach of a bond condition, to petition for relief.

This document also amends 19 CFR 171.12 to reflect the transfer of authority from the Treasury Department to the U.S. Department of Homeland Security (DHS) and the delegation of authority from DHS to the Commissioner of CBP.

On November 25, 2002, the President signed into law the Homeland Security Act of 2002, Public Law 107–296, 116 Stat. 2135. Accordingly, as of March 1, 2003, the former U.S. Customs Service of the Department of the Treasury was transferred to DHS and reorganized to become CBP.

On May 15, 2003, the Treasury Department issued Treasury Department Order Number No. 100–16 delegating to DHS its authority related to the customs revenue functions, with certain delineated exceptions in which the Treasury Department retained its authority. See Appendix to 19 CFR part 0. The Treasury Department transferred to DHS its authority over fines, penalties, and forfeitures and the Secretary of DHS further delegated this authority to the Commissioner of CBP. Accordingly, this document amends 19 CFR 171.12 to reflect these changes.

#### Inapplicability of Notice and Delayed Effective Date

Because the technical corrections set forth in this document are necessary to conform 19 CFR parts 171 and 172 to reflect the repeal of 46 U.S.C. Appendix section 320, pursuant to 5 U.S.C. 553(b)(B), CBP finds that good cause exists for dispensing with notice and

public procedure as unnecessary. For this same reason, pursuant to 5 U.S.C. 553(d)(3), CBP finds that good cause exists for dispensing with the requirement for a delayed effective date.

### The Regulatory Flexibility Act

Because this document is not subject to the notice and public procedure requirements of 5 U.S.C. 553, it is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

### Executive Order 12866

As these amendments are technical corrections to the regulations to reflect statutory changes, these amendments do not meet the criteria for a “significant regulatory action” as specified in Executive Order 12866.

### Signing Authority

This document is limited to technical corrections of the CBP regulations. Accordingly, it is being signed under the authority of 19 CFR 0.1(b)(1).

### List of Subjects

#### 19 CFR Part 171

Administrative practice and procedure, Customs duties and inspection, Law enforcement, Penalties, Seizures and forfeitures.

#### 19 CFR Part 172

Administrative practice and procedure, Customs duties and inspection, Penalties.

### Amendments to the CBP Regulations

For the reasons stated in the preamble, parts 171 and 172 of title 19 of the Code of Federal Regulations (19 CFR parts 171 and 172) are amended as set forth below.

### PART 171—FINES, PENALTIES, AND FORFEITURES

■ 1. The authority citation for part 171 is revised to read as follows:

**Authority:** 18 U.S.C. 983; 19 U.S.C. 66, 1592, 1593a, 1618, 1624; 22 U.S.C. 401; 31 U.S.C. 5321.

#### § 171.11 [Amended]

■ 2. Section 171.11(a) is amended by removing the phrase “, or section 320 of title 46, United States Code App. (46 U.S.C. App. 320),”.

#### § 171.12 [Amended]

■ 3. Section 171.12 is amended by:  
 ■ a. Adding the word, “or”, before the phrase “section 5321(c) of title 31, United States Code (31 U.S.C. 5321(c))”;  
 ■ b. Removing the phrase “, or section 320 of title 46, United States Code App. (46 U.S.C. App. 320),”;

■ c. Removing the words “, unless there has been no delegation to act by the Secretary of the Treasury or his designee”;

■ d. Removing the last sentence of the paragraph; and

■ e. Adding the punctuation “.” after the word “appropriate”.

### PART 172—CLAIMS FOR LIQUIDATED DAMAGES; PENALTIES SECURED BY BONDS

■ 4. The authority citation for part 172 is revised to read as follows:

**Authority:** 19 U.S.C. 66, 1618, 1623, 1624.

#### § 172.11 [Amended]

■ 5. Section 172.11(a) is amended by removing the phrase “, or section 320 of title 46, United States Code App. (46 U.S.C. App. 320),” and by removing the word “shall” and adding in its place the word “will”.

#### § 172.12 [Amended]

■ 6. Section 172.12 is amended by:

■ a. Removing the phrase “, or section 320 of title 46, United States Code App. (46 U.S.C. App. 320),”;

■ b. Adding the words “International Trade, ” after the words, “Office of”; and

■ c. Removing the word “Customs” and adding in its place the term “CBP”.

Dated: March 28, 2012.

**David V. Aguilar,**

*Acting Commissioner, U.S. Customs and Border Protection.*

[FR Doc. 2012–7814 Filed 3–30–12; 8:45 am]

**BILLING CODE 9111–14–P**

### DEPARTMENT OF HEALTH AND HUMAN SERVICES

#### Food and Drug Administration

#### 21 CFR Part 866

[Docket No. FDA–2012–N–0165]

#### Medical Devices; Immunology and Microbiology Devices; Classification of Norovirus Serological Reagents; Correction

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule; correction.

**SUMMARY:** In the *Federal Register* of March 9, 2012 (76 FR 14272), the Food and Drug Administration (FDA) classified norovirus serological reagents into class II (special controls) because special controls, in addition to general controls, will provide a reasonable assurance of safety and effectiveness of

these devices. The document published with inadvertent errors in the Analysis of Impacts section. This document corrects those errors.

**DATES:** Effective April 9, 2012.

#### FOR FURTHER INFORMATION CONTACT:

Steven Gitterman, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, rm. 5518, Silver Spring, MD 20993–0002, 301–796–6694.

**SUPPLEMENTARY INFORMATION:** In FR Doc. 2012–5675 appearing on page 14272 in the *Federal Register* of Friday, March 9, 2012, the following corrections are made:

1. On page 14274, in the first column, in section VI. Analysis of Impacts, in the first paragraph, in the last sentence, correct the phrase “proposed rule” to read “final rule”, and in the second paragraph, in the last sentence, correct the phrase “proposes to certify” to read “certifies”.

2. On page 14274, in the second column, in the first full sentence, correct the phrase “proposed rule” to read “final rule”.

Dated: March 27, 2012.

**Leslie Kux,**

*Assistant Commissioner for Policy.*

[FR Doc. 2012–7757 Filed 3–30–12; 8:45 am]

**BILLING CODE 4160–01–P**

### DEPARTMENT OF HOMELAND SECURITY

#### Coast Guard

#### 33 CFR Part 100

[Docket No. USCG–2012–0039]

RIN 1625–AA08

#### Special Local Regulations; Savannah Tall Ships Challenge, Savannah River, Savannah, GA

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing special local regulations on the Savannah River in Savannah, Georgia during the Savannah Tall Ships Challenge. The Savannah Tall Ships Challenge will take place from Thursday, May 3, 2012 through Monday, May 7, 2012. Approximately 15 vessels are anticipated to participate in the event. These special local regulations are necessary to provide for the safety of life and property on navigable waters of the United States during the event. The special local regulations establish the following three areas: Mooring zones; buffer zones; and