

Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and

- Does not provide EPA with the discretionary authority to address disproportionate human health or environmental effects with practical, appropriate, and legally permissible methods under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the State, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 13, 2011. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: February 15, 2011.

**Jared Blumenfeld,**

*Regional Administrator, Region IX.*

Part 52, Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

#### PART 52—[AMENDED]

■ 1. The authority citation for part 52 continues to read as follows:

*Authority:* 42 U.S.C. 7401 *et seq.*

#### Subpart F—California

■ 2. Section 52.220 is amended by adding paragraph (c)(382) to read as follows:

#### § 52.220 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(382) New and amended regulations for the following APCDs were submitted on July 11, 2007, by the Governor's designee.

(i) *Incorporation by reference.*

(A) Sacramento Metropolitan Air Quality Management District.

(1) Permit to Operate for the Kiefer Landfill ("Permit to Operate No. 17359 (Rev01)"), as revised on November 13, 2006.

\* \* \* \* \*

[FR Doc. 2011-8466 Filed 4-11-11; 8:45 am]

**BILLING CODE 6560-50-P**

#### CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

#### 45 CFR Part 2553

**RIN 3045-AA52**

#### Retired and Senior Volunteer Program Amendments

**AGENCY:** Corporation for National and Community Service.

**ACTION:** Final rule.

**SUMMARY:** The Corporation for National and Community Service (Corporation) is issuing a final rule that sets forth a competitive process for selecting grant recipients for the Retired and Service Volunteer Program (RSVP), including performance measurement requirements, as required by the Domestic Volunteer Service Act (DVSA), as amended by the Edward M. Kennedy Serve America Act (Serve America Act) (Pub. L. 111-13) of April 21, 2009.

**DATES:** This final rule is effective July 11, 2011.

**FOR FURTHER INFORMATION CONTACT:** Katharine Delo Gregg at (202) 606-6965 ([kgregg@cns.gov](mailto:kgregg@cns.gov)). The TDD/TTY number is (202) 606-3472. You may request this rule in an alternative format for the visually impaired.

**SUPPLEMENTARY INFORMATION:**

#### I. Background—The October 26, 2010, Proposed Rule

On October 26, 2010, the Corporation published a proposed rule (45 CFR part 2553) in the **Federal Register** (Vol. 75, No. 206) to regulate the competitive grantmaking process for the Retired and Senior Volunteer Program (RSVP).

The proposed rule implements RSVP re-competition statutory requirements set forth in the Edward M. Kennedy Serve America Act (Serve America Act), which President Obama signed into law on April 21, 2009. The Serve America Act reauthorizes and expands national service programs administered by the Corporation for National and Community Service (Corporation) by amending the National and Community Service Act of 1990 (NCSA) and the Domestic Volunteer Service Act of 1973 (DVSA).

The Serve America Act amended the DVSA by requiring the Corporation to develop a competitive process for selecting grant recipients for the RSVP Program, beginning in fiscal year 2013. The competitive process, as directed by statute, will include the use of peer review panels with expertise in senior service and aging, site inspections, as appropriate, and evaluations of existing grantees. The amended statute requires that, beginning in fiscal year 2013, RSVP grants be awarded for a period of 3 years, with an option for renewal of 3 years if the grantee meets the performance measures established in its grant award, as well as complying with the terms and conditions of the grant.

#### 60-Day Comment Period

In the **Federal Register** of October 26, 2010 (45 CFR part 2553), the Corporation published the proposed rule, with a 60-day comment period. The Corporation received a total of 21 comments from twelve commenters, including one association that represents several hundred members. Comments are discussed in detail in Part III.

In general, most of the comments supported the proposed regulations.

#### II. Discussion of the Final Rule

The current competitive process for selecting RSVP grantees only occurs when there is new money above the appropriated base funding for RSVP grants. The future competitive process for selecting RSVP grantees will include the same elements specified in the amended DVSA that have been used for previous competitive processes. The elements specified in the amended DVSA are discussed below.

*A. Peer review panels [DVSA § 201(e)(2)(B)(i); 45 CFR 2553.71(b)]:* As

of 2013, RSVP grant applications will be reviewed by blended peer review panels that will include members with specialized expertise in senior service and aging, as well as Corporation staff, who will offer their expert opinions concerning each application. The use of blended peer review panels is well established at the Corporation and is currently part of the process of selecting grantees for other programs such as AmeriCorps and Learn and Serve America. The Corporation also has considerable experience in using outside reviewers with expertise in senior service and aging on selection panels for Senior Corps grants, including RSVP. The Corporation's existing processes for announcing peer review opportunities, registering potential reviewers, selecting reviewers for particular competitions, managing review panels, and considering peer review opinions in making the final selection of grantees will be adapted to meet the requirements for RSVP grant competitions.

*B. Site inspections [DVSA § 201(e)(2)(B)(ii); 45 CFR 2553.71(b)]:* As appropriate, on-going RSVP grant applicants or proposed project sites may be visited by Corporation representatives as part of the competitive selection process. While such site inspections would normally not be needed, circumstances could arise during the grantee selection process where on-site observations or meetings might be helpful, for example, in clarifying aspects of an application or validating the capacity of an organization to administer a federal grant.

*C. Performance Measures, Outcomes, and Other Criteria [DVSA §§ 201(e)(2)(B)(v) and 201(g); 45 CFR 2553.12(l) and Subpart J]:* As a part of the competitive process, the Corporation will develop performance measures, outcomes, and other criteria that will be used in the evaluation of applicants. The performance measures will be established in the Notification of Funding Availability and may be different than those incorporated in current grants. These performance measures, outcomes, and criteria will reflect the different needs of rural and urban communities. These performance measures, outcomes, and criteria will be used in conducting the competitive process and in developing assessment reports as described in paragraph D, below.

Pursuant to section 201(g)(2)(A) & (B) of the Serve America Act, prior to Fiscal Year 2014 that is, the first year after initiation of the competitive process, the performance measures, outcomes, and

other criteria established for the competitive process may not be updated or modified, except when the Corporation determines that a performance measure, outcome, or criterion has become operationally problematic. In such cases, after consulting with RSVP project directors, sponsor executives, and others as appropriate, and notifying the authorizing committees, the Corporation may eliminate that performance measure, outcome, or criterion, or modify it.

*D. Assessments of existing RSVP projects [DVSA §§ 201(f) and (g); 45 CFR 2553(f)]:* The Corporation has set up a mechanism for consulting with RSVP project directors during the development and implementation of the assessment process. All existing RSVP grants will receive a report from the Corporation in a standardized format that assesses program strengths and weaknesses in a way that can assist the grantee with program improvement. This report will guide the Corporation's training and technical assistance for the project. The standardized report will, in addition to assessing the program's strengths and weaknesses, include:

1. An assessment of the extent to which the grantee meets or exceeds the performance measures, outcomes, and other criteria established for its grant;
2. An assessment of whether the project has adequately addressed the needs of the population and community it serves;
3. An assessment of the grant's efforts to collaborate with other community organizations, units of government, and entities providing services to seniors;
4. An assessment of the project's compliance with requirements for appropriate use of Federal funds, based on use of a protocol for fiscal management; and
5. An assessment of whether the project is in conformity with eligibility, outreach, enrollment, and other RSVP programmatic requirements.

To the maximum extent practicable, the report for each project will take into account input received from individuals who are knowledgeable about RSVP, including current or former employees of the Corporation and representatives of the communities served by RSVP volunteers.

The process of assessing existing RSVP grants will begin in Fiscal Year 2010 and run through Fiscal Year 2012, with the objective of completing the assessment and resulting training and technical assistance prior to conducting the initial cycle of grant competitions in Fiscal Year 2013.

*E. Maintenance of volunteers and geographic service areas [DVSA § 201(e)(2)(B)(iv)]:* The Corporation will ensure that (a) grants awarded as a result of the competitive selection process beginning in Fiscal Year 2013 are for at least the same number of volunteers annually as were supported for the service area during the previous grant cycle and (b) maintain a similar program distribution as was maintained during the previous grant cycle. In addition, the Corporation will minimize any disruption to RSVP volunteers that might result from implementing the competitive process of grantee selection.

*F. Program Termination [DVSA § 201(g)(3); 45 CFR 2553.31]:* Until 2013, the Corporation will continue to initiate termination or denial of an application for refunding in the event that a grantee does not meet one or more of the performance measures, outcomes, and other criteria established as described above. Any such termination or denial of refunding will follow the notification and due process currently followed in such cases, in accordance with Section 412 of the DVSA, as implemented by 45 CFR part 1206 Grants and Contracts—Suspension and Termination and Denial of Application for Refunding, except that after initiation of competition in FY 2013, the provisions governing denial of refunding will not apply to a grant that has been competed in accordance with 45 CFR 2553.71, and where the grantee has also completed its optional three-year renewal term.

*G. Technical Assistance [DVSA § 201(h) and (j); 45 CFR 2553.71(f)]:* The Corporation will develop procedures for providing technical assistance, including regular monitoring visits, to assist grantees in meeting the established performance measures, outcomes, and criteria. One component of such technical assistance, which was launched in October 2009, is an online resource guide available at <http://www.nationalservicerresources.org/rsvp-online-resource-guide>. The Corporation updates this online guide from time to time with examples of high-performing RSVP projects and other information.

*H. Grant Extension for Purpose of New Competition [DVSA § 201(i); 2553.71(e)]:* To minimize disruption to volunteers and services, if a grantee fails to meet one or more of the established performance measures, outcomes, and other criteria, the Corporation will continue to fund the current grantee for up to 12 months if the competition for a replacement sponsor has not resulted in a replacement sponsor. During those 12 months, the Corporation will conduct a new competition to serve the geographic area served by the current

grantee and reach out to other potential sponsors. The current grantee will be eligible for the new competition and, during the 12-month period, the Corporation may continue to provide training and technical assistance in meeting established performance measures.

All provisions of part 2553 not modified by the amendments described below will remain in effect, including the provision in § 2553(a) that a "Corporation grant may be awarded to fund up to 90 percent of the total project cost in the first year, 80 percent in the second year, and 70 percent in the third and succeeding years." Thus, the Corporation will continue to require that a current grantee applying for a new grant must contribute from non-Corporation funds at least 30 percent of the total project cost. A new applicant, on the other hand, will be required to contribute 10 percent in the first year of the grant, 20 percent in the second year, and 30 percent in the third and succeeding years.

### III. Comments and Response

Of the 21 comments received, the vast majority of the comments pertained to clarification of the implementation of the proposed regulation but generally supported the regulation. The comments and our responses are set forth below.

*Comment:* Seven comments stated that specifying the "blended peer review panels that will include members with specialized expertise in senior service" is insufficient and encouraged the Corporation to utilize peer reviewers with specialized knowledge applicable to RSVP grants.

*Response:* The Corporation agrees and will engage peer review panelists that possess the appropriate expertise and knowledge base to meet the requirements of the SAA, and to participate in a robust and transparent competitive review process.

*Comment:* Seven comments suggested that site inspections be preceded by prior notice, as well as explicitly state that the purpose of the site visits is constructive, and not intended to be an evaluation of the particular program.

*Response:* The Corporation will clarify that the site inspections are a part of the competitive review intended to assist the Corporation during competition in clarifying aspects of an application or validating the capacity of an organization to administer a Federal grant, as well as other elements of the application review process, and are not part of technical assistance nor intended as a continuous improvement tool.

*Comment:* Twelve comments expressed concern that the development

of performance measures would not be consistent with the Corporation's larger goals, nor would they reflect grantees' specific circumstances and local needs.

*Response:* The Corporation agrees that coordination between national standard measures and grantee initiated measures is essential. The Corporation's new strategic plan will help to inform how the overall performance measures will fit within a structure of national and local measures.

*Comment:* Nine comments suggested that if the Corporation consults meaningfully with grantees when providing the required pre-competition assessment, the process will go more smoothly and the results will be better. In addition, the process will be more efficient and more widely supported if the report for each project includes input not only from Corporation but from community representatives who actually work with, and benefit from, RSVP as well.

*Response:* The Corporation agrees with this comment, as the process for disseminating the pre-competition assessments to existing RSVP grantees includes one-on-one consultation between state program officers and grantee project directors, occurring upon the grantee's receipt of the assessment, and is designed to ensure the grantee receives appropriate technical assistance to maximize the effectiveness of the assessment. Additionally, the Community Stakeholder Survey was provided to all current grantees as a tool to measure how effectively an RSVP project builds meaningful, interactive community partnerships and identifies and addresses community needs from the perspective of the project's community stakeholders. The survey is designed to be completed by the group whom the grantee feels is the most appropriate.

*Comment:* Four comments stated support of the Corporation's intention to enroll at least the same number of volunteers as were supported during the previous grant cycle, but also inquired about the sponsor's corresponding responsibilities. Specifically, a commenter expressed concern about a sponsor's program responsibilities with regard to maintaining the number of volunteers, stating that the proposed language misinterprets Congressional intent in that the commenter believes the language in the statute is directed to the Corporation, not to the program sponsor.

*Response:* The Corporation believes that, as the grant-making entity, it has the responsibility and authority to require a program sponsor that is being replaced by a subsequent program

sponsor to maintain the current requirements concerning the maintenance of volunteers and geographic service areas. The Corporation also maintains that the statutory requirement is not mutually exclusive, in that both the Corporation and project sponsors who are being replaced by subsequent sponsors have separate, independent responsibilities, in regard to the implementation of the competitive process, to "make every effort to minimize the disruption to volunteers." Therefore, § 2553.23(i) is merely the Corporation's implementation of this Congressional mandate.

*Comment:* Six comments stated that grantees should be able to work with the Corporation on the substance of the technical assistance provided to grantees.

*Response:* The Corporation agrees with this comment and has convened, and will continue to convene, a working group of project directors to consult on many aspects of preparing for competition, including technical assistance.

*Comment:* Six comments disagreed with the level of non-Corporation matching funds, which requires current grantees to maintain their required matching funds at a minimum of 30 percent of the total project cost.

*Response:* The proposed policy of requiring non-Corporation matching funds to be at a minimum of 30 percent of the total project cost when the incumbent is awarded another grant reflects an internal alignment with Corporation policy. The underlying rationale for the policy is that the incumbent has already achieved a level of program operations that supports the grant. New applicants are provided a comparable opportunity to achieve the same level of program operations.

### IV. Effective Dates

The final rule takes effect July 11, 2011.

### V. Regulatory Procedures

#### *Executive Order 12866*

The Corporation has determined that this rule is not an "economically significant" rule within the meaning of E.O. 12866 because it is not likely to result in: (1) An annual effect on the economy of \$100 million or more, or an adverse and material effect on a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal government or communities; (2) the creation of a serious inconsistency or interference with an

action taken or planned by another agency; (3) a material alteration in the budgetary impacts of entitlement, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) the raising of novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in E.O. 12866. It is, however, a significant rule and has been reviewed by the Office of Management and Budget in accordance with E.O. 12866.

*Executive Order 12866 and Executive Order 13563*

Executive Orders 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has been designated a "significant regulatory action" although not economically significant, under section 3(f) of E.O. 12866. Accordingly, the rule has been reviewed by the Office of Management and Budget.

*Regulatory Flexibility Act*

As required by the Regulatory Flexibility Act of 1980, 5 U.S.C. 605 (b), the Corporation certifies that this rule will not have a significant economic impact on a substantial number of small entities. This regulatory action will not result in (1) an annual effect on the economy of \$100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets. Therefore, the Corporation has not performed the initial regulatory flexibility analysis that is required under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, for major rules that are expected to have such results.

*Unfunded Mandates*

For purposes of Title II of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1531-1538, as well as Executive Order 12875, this regulatory

action does not contain any federal mandate that may result in increased expenditures in either federal, state, local, or tribal governments in the aggregate, or impose an annual burden exceeding \$100 million on the private sector.

*Paperwork Reduction Act*

This rule contains no information collection requirements and is therefore not subject to the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

*Executive Order 13132, Federalism*

Executive Order 13132, *Federalism*, prohibits an agency from publishing any rule that has Federalism implications if the rule either imposes substantial direct compliance costs on state and local governments and is not required by statute, or the rule preempts state law, unless the agency meets the consultation and funding requirements of section 6 of the Executive Order. The rule does not have any Federalism implications, as described above.

**List of Subjects in Part 2553**

Aged, Grant programs—social programs, Volunteers.

For the reasons set forth in the preamble, the Corporation for National and Community Service amends 45 CFR part 2553 as follows:

**PART 2553—THE RETIRED AND SENIOR VOLUNTEER PROGRAM**

■ 1. The authority citation for part 2553 continues to read as follows:

*Authority:* 42 U.S.C. 4950 *et seq.*

- 2. Amend § 2553.12 by:
  - a. Redesignating paragraphs (l) through (r) as paragraphs (m) through (s) respectively; and
  - b. Adding a new paragraph (l) to read as follows:

**§ 2553.12 Definitions.**

\* \* \* \* \*

(l) *Performance measures.* Indicators intended to help determine the impact of an RSVP project on the community, including the volunteers. Performance measures currently include, but are not limited to, the following performance indicators:

- (1) *Output indicator.* The amount or units of service that RSVP volunteers have completed, or the number of people the project has served. An output indicator does not provide information on benefits or other changes in the lives of the volunteers or the people served.
- (2) *Outcome indicator.* Specifies a change that has occurred in the lives of the people served or the volunteers. It

is an observable and measurable indication of whether or not a project is making progress toward its outcome target.

\* \* \* \* \*

■ 3. Amend § 2553.23 by adding new paragraphs (i) and (j) to read as follows:

**§ 2553.23 What are a sponsor's program responsibilities?**

\* \* \* \* \*

(i) Minimize any disruption to RSVP volunteers when one sponsor is replaced by another as a result of relinquishment, denial of refunding, or recompetition of a grant.

(j) Make every effort to meet such performance measures as may be established for the RSVP project by mutual agreement.

\* \* \* \* \*

■ 4. Amend § 2553.31 by revising paragraph (c) to read as follows:

**§ 2553.31 What are the rules on suspension, termination and denial of refunding of grants?**

\* \* \* \* \*

(c) Beginning in FY 2013, the procedures for suspension and termination of RSVP grants, which are specified in 45 CFR part 1206, shall continue to apply, but the procedures in part 1206 applicable to denial of refunding of an RSVP grantee shall not apply to any grant awarded through the competitive process described in § 2553.71 of this part.

\* \* \* \* \*

■ 5. Revise § 2553.71 to read as follows:

**§ 2553.71 What is the process for application and award of a grant?**

As funds become available, the Corporation solicits applications for RSVP grants from eligible organizations through a competitive process.

(a) *What are the application requirements for an RSVP grant?* An applicant must:

- (1) Submit required information determined by the Corporation.
  - (2) Demonstrate compliance with any applicable requirements specified in the Notice of Funding Availability or Notice of Funding Opportunity.
- (b) *What process does the Corporation use to select new RSVP grantees?*
- (1) The Corporation reviews and determines the merits of an application by its responsiveness to published guidelines and to the overall purpose and objectives of the program. In conducting its review during the competitive process, the Corporation considers the input and opinions of those serving on a peer review panel, including members with expertise in

senior service and aging, and may conduct site inspections, as appropriate.

(2) The selection process includes:

(i) Determining whether an application complies with the application requirements, such as deadlines, eligibility, and programmatic requirements, including performance measurement requirements;

(ii) Applying published selection criteria, as stated in the applicable Notice of Funding Availability or Notice of Funding Opportunity, to assess the quality of the application;

(iii) Applying any applicable priorities or preferences, as stated in the applicable Notice of Funding Availability or Notice of Funding Opportunity;

(iv) Ensuring innovation and geographic, demographic, and programmatic diversity across the Corporation's RSVP grantee portfolio; and

(v) Identifying the applications that most completely respond to the published guidelines and offer the highest probability of successfully carrying out the overall purpose and objectives of the program.

(c) *How is a grant awarded?*

(1) Subject to the availability of funds, the award will be documented by a Notice of Grant Award (NGA).

(2) The Corporation and the sponsoring organization are parties to the NGA. The NGA will document the sponsor's commitment to fulfill specific programmatic objectives and financial obligations. It will document the extent of the Corporation's obligation to provide assistance to the sponsor.

(d) *What happens if the Corporation rejects an application?* The Corporation will return to the applicant an application that is not approved for funding, informing the applicant of the Corporation's decision.

(e) *For what period of time does the Corporation award a grant?* The Corporation awards an RSVP grant for a specified period that is 3 years in duration with an option for a grant renewal of 3 years, if the grantee's performance and compliance with grant terms and conditions are satisfactory. The Corporation will use the Denial of Refunding procedures set forth in 45 CFR part 1206 to deny funding to a grantee when the Corporation determines that the grant should not be renewed for an additional 3 years.

(f) *What assistance in preparation for competitive award of all RSVP grants will the Corporation provide to sponsors who have previously received a grant and whose grants are expiring in fiscal year 2011, 2012, or 2013?* (1) For each grant expiring in fiscal years 2011, 2012,

or 2013, the Corporation will evaluate the grant, to the maximum extent practicable, in fiscal years 2010, 2011, and 2012, respectively.

(2) The evaluation will give particular attention to the different needs of rural and urban projects, including those serving Native American communities, and will evaluate the extent to which the sponsor meets or exceeds performance measures, outcomes, and other criteria established by the Corporation.

(3) To the maximum extent practicable, the Corporation will ensure that each evaluation is conducted by a review team made up of trained individuals who are knowledgeable about RSVP, including current or former employees of the Corporation and representatives of communities served by RSVP volunteers, who will provide their input and opinions concerning each grant.

(4) The Corporation will use the evaluation findings as the basis for providing recommendations for program improvement, and for the provision of training and technical assistance.

(5) The evaluation will assess:

(i) The project's strengths and areas in need of improvement;

(ii) Whether the project has adequately addressed population and community-wide needs;

(iii) The efforts of the project to collaborate with other community-based organizations, units of government, and entities providing services to seniors, taking into account barriers to such collaboration that such programs may encounter;

(iv) The project's compliance with the program requirements for the appropriate use of Federal funds as embodied in a protocol for fiscal management;

(v) To what extent the project is in conformity with the eligibility, outreach, enrollment, and other requirements for RSVP projects; and

(vi) The extent to which the project is achieving other measures of performance developed by the Corporation, in consultation with the review team.

■ 6. Add a new Subpart J to read as follows:

#### **Subpart J—Performance Measures**

Sec.

2553.100 What is the purpose of this subpart?

2553.101 What is the purpose of performance measurement?

2553.102 What performance measurement information must be part of an application for funding under RSVP?

2553.103 Who develops the performance measures?

2553.104 What performance measures must be submitted to the Corporation and how are these submitted?

2553.105 How are performance measures approved and documented?

2553.106 How does a sponsor report performance measures to the Corporation?

2553.107 What must a sponsor do if it cannot meet its performance measures?

2553.108 When may a sponsor change a project's performance measures?

2553.109 What happens if a sponsor fails to meet the performance measures included in the Notice of Grant Award (NGA)?

### **Subpart J—Performance Measurement**

#### **§ 2553.100 What is the purpose of this subpart?**

This subpart sets forth the minimum performance measurement requirements for Corporation-funded Retired and Senior Volunteer Program (RSVP) projects.

#### **§ 2553.101 What is the purpose of performance measurement?**

The purpose of performance measurement is to strengthen the RSVP project and foster continuous improvement. Reporting on performance measures is used by the Corporation as part of assessing the impact of the project on the community and on the accomplishment of the objectives established in the Corporation's Strategic Plan. In addition, as part of the competitive process, performance measures are used to assess how an applicant for a grant approaches the design of volunteer activities and the measurement of their impact on community needs.

#### **§ 2553.102 What performance measurement information must be part of an application for funding under RSVP?**

An application to the Corporation for funding under RSVP must contain:

(a) Performance measures.

(b) Estimated performance data for the project years covered by the application.

(c) Actual performance data, where available, for the preceding completed project year.

#### **§ 2553.103 Who develops the performance measures?**

(a) An applicant is responsible for developing its own project-specific performance measures.

(b) In addition, the Corporation may establish performance measures that will apply to all Corporation-sponsored RSVP projects, which sponsors will be responsible for meeting.

#### **§ 2553.104 What performance measures must be submitted to the Corporation and how are these submitted?**

(a) An applicant for Corporation funds is required to submit at least one of each

of the following types of performance measures as part of their application. The Corporation will provide standard forms.

- (1) Output indicators.
- (2) Outcome indicators.

(b) An applicant must also submit any uniform performance measures the Corporation may establish for all applicants.

(c) The Corporation may specify additional requirements relating to performance measures on an annual basis in program guidance and related materials.

**§ 2553.105 How are performance measures approved and documented?**

(a) The Corporation reviews and approves performance measures for all applicants that apply for funding from the Corporation.

(b) An applicant must follow Corporation-provided guidance and formats provided when submitting performance measures.

(c) Final performance measures, as negotiated between the applicant and the Corporation, will be documented in the Notice of Grant Award (NGA).

**§ 2553.106 How does a sponsor report performance measures to the Corporation?**

The Corporation will set specific reporting requirements, including frequency and deadlines, concerning performance measures established in the grant award. A sponsor is required to report on the actual results that occurred when implementing the grant and to regularly measure the project's performance.

**§ 2553.107 What must a sponsor do if it cannot meet its performance measures?**

Whenever a sponsor finds it is not on track to meet its performance measures, it must develop a plan to get back on track or submit a request to the Corporation to amend its performance measures. The request must include all of the following:

- (a) Why the project is not on track to meet its performance requirements;
- (b) How the project has been tracking performance measures;
- (c) Evidence of corrective steps taken;
- (d) Any new proposed performance measures; and
- (e) A plan to ensure that the project will meet the new proposed measure(s).

**§ 2553.108 When may a sponsor change a project's performance measures?**

Performance measures may be changed only if the Corporation approves the sponsor's request to do so.

**§ 2553.109 What happens if a sponsor fails to meet the performance measures included in the Notice of Grant Award (NGA)?**

If a sponsor fails to meet a target performance measure established in the NGA, the Corporation will negotiate a period of no more than one year for meeting the performance measure. At that point, if the sponsor still fails to meet the performance measure, the Corporation may take one or more of the following actions:

- (a) Reduce the amount of the grant;
- (b) Suspend, terminate, or deny refunding of the grant, in accordance with the provisions of Section 2553.31 of this part;
- (c) Take this information into account in assessing any application from the organization for a new grant or augmentation of an existing grant under any program administered by the Corporation;
- (d) Amend the terms of any Corporation grant to the organization; or
- (e) Take other actions that the Corporation deems appropriate.

Dated: April 5, 2011.

**Wilsie Y. Minor,**  
*Acting General Counsel.*

[FR Doc. 2011-8556 Filed 4-11-11; 8:45 am]

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**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 73**

[MB Docket No. 10-264; RM-11615, DA 11-572]

**Television Broadcasting Services; Decatur, IL**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission grants a petition for rulemaking filed by WAND(TV) Partnership ("WAND(TV)"), the licensee of WAND(TV), Decatur, Illinois, requesting the substitution of channel 17 for channel 18 at Decatur. WAND(TV) states that this channel substitution will expand service to a greater number of viewers and lessen the interference to its normally protected service area.

**DATES:** This rule is effective May 12, 2011.

**FOR FURTHER INFORMATION CONTACT:** Adrienne Y. Denysyk, *adrienne.denysyk@fcc.gov*, Media Bureau, (202) 418-1600.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Report*

*and Order*, MB Docket No. 10-264, adopted March 29, 2011, and released March 30, 2011. The full text of this document is available for public inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY-A257, 445 12th Street, SW., Washington, DC 20554. This document will also be available via ECFS (<http://fjallfoss.fcc.gov/ecfs/>). This document may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone 1-800-478-3160 or via the company's Web site, <http://www.bcipweb.com>. To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, therefore, it does not contain any information collection burden "for small business concerns with fewer than 25 employees," pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, *see* 44 U.S.C. 3506(c)(4). Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional review Act, *see* 5 U.S.C. 801(a)(1)(A).

**List of Subjects in 47 CFR Part 73**

Television.

Federal Communications Commission.

**Barbara A. Kreisman,**  
*Chief, Video Division, Media Bureau.*

**Final Rule**

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 73 as follows:

**PART 73—RADIO BROADCAST SERVICES**

- 1. The authority citation for part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334, 336, and 339.

**§ 73.622 [Amended]**

- 2. Section 73.622(i), the Post-Transition Table of DTV Allotments